

Sports Development Act, 2048 (1992)

Date of Authentication and Publication

2049.1.17(29 March 1992)

Amendments:

1. Act Amending Some Nepal Acts Relating to Sports and Culture, 2053(1996) 2053.9.3(18 Dec. 1996)
2. Act Amending Some Nepal Laws, 2063(2006) 2063.6.28(14 Oct. 2006)
3. Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006) 2063.9.14(29 Dec. 2006)
- 4¹. Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010) 2066.10.7(21 Jan. 2010)

Act Number 4 of the year 2049 (1992)

.....²

Preamble: Whereas, it is expedient to organize all kinds of sports by operating trainings relating to sports in order to prepare competent and disciplined citizens by having physical and mental development of students and general public through sports and to develop sports by making necessary provisions, inter alia, of appropriate participation of Nepal in sports competitions to be held at the international level;

Now, therefore, Parliament has made this Act in the twenty first year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. **Short title and commencement:** (1) This Act may be called as “Sports Development Act, 2048 (1992)”.

¹ This Act came into force on 15 *Jestha* 2065(28 May 2008).

² Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

(2) It shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:

- (a) "Council" means the National Sports Development Council established pursuant to Section 3.
- (b) "Chairperson" means the chairperson of the Council.
- (c) "Member" means the member of the Council, and this term includes the Chairperson, Vice-chairperson, Member Secretary and Treasurer.
- (d) "Member Secretary" means the member secretary of the Council.
- (e) "Sports Development Committee" means the sports development committee formed pursuant to Section 12.
- (f)³ "Sports related institution" means an institution registered pursuant to Section 13.
- (g) "As prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. **Establishment of Council:** (1) There shall be established one Council by the name of National Sports Council for the development of sports.

(2) The Council to be established pursuant to Sub-section (1) shall consist of the following members:

- (a)⁴ Honorable Minister or
Minister of State for
Education and Sports -Chairperson
- (a1)⁵ Secretary, Ministry of
Education and Sports -Member

³ Amended by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

⁴ Amended by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

⁵ Amended by Act Amending Some Nepal Laws, 2063(2006).

- (b)⁶ A maximum of Eleven persons including Four sportspersons, along with at least Three women, who have earned talent in the fields of national and international sports -Member
- (c)⁷ Five persons consisting of one recommended by each Development Region Regional Sports Development Committee -Member
- (d) Three persons nominated by the Chairperson from amongst the persons recommended by the sports related institutions at the national level -Member
- (e)⁸ Two persons nominated by the Council out of those recommended by the concerned university from amongst the rectors of the recognized universities of Nepal or chiefs of sports and student welfare sections -Member
- (f) Representative, Ministry of Education and Sports -Member

(2a)⁹

(3) The chairperson may appoint the vice-chairperson, member secretary and treasurer of the Council from amongst the members.

⁶ Amended by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

⁷ Amended by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

⁸ Amended by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

⁹ Deleted by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

(4) The Council may, if it considers necessary, invite a native or foreign expert or adviser to take part, as an observer, in a meeting of the Council.

(5) The headquarters of the Council shall be situated in Kathmandu.

4.¹⁰ Patron of Council: (1) The Prime Minister shall be the patron of the Council.

(2) The chairperson shall submit the annual report of the Council to the Prime Minister.

4A.¹¹ To abide by directions: It shall be the duty of the Council to abide by the directions given by the patron.

5. Council to be autonomous body: (1) The Council shall be an autonomous body corporate with perpetual succession.

(2) The Council shall have a separate seal of its own for all of its activities.

(3) The Council may, like an individual, acquire, use, sell and dispose of or otherwise deal with any movable and immovable property.

(4) The Council may, like an individual, sue by its name and be also sued by the same name.

6. Term: (1) The term of the nominated members shall be four years, and they may be re-nominated after the expiry of term.

(2) If the office of any member falls vacant prior to the expiration of term, the office shall be filled in accordance with the procedures as referred to in Section 3 for the remainder of term.

¹⁰ Amended by Act Amending Some Nepal Laws, 2063(2006).

¹¹ Inserted by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

(3)¹²If a member resigns from office, the member shall be deemed to relieve of his or her office.

(4) If the Government of Nepal is of the opinion that any member has failed to perform duties, it may, on the recommendation of the Council, remove such a member from office at any time. In taking such action, the concerned member shall not be deprived of an opportunity to defend himself or herself.

7. **Disqualification of member:** The following person shall not be eligible to be nominated to the office of member or to continue to hold the office:

- (a) A person who is not a citizen of Nepal,
- (b) A person who is a stipendiary employee serving in the Council,
- (c) A who has become insolvent upon being unable to repay loans to creditors,
- (d) A person who has been convicted by a court of a criminal offense involving moral turpitude and sentenced for the same,
- (e) A person who is of unsound mind, or
- (f)¹³ A person who has not completed the age of Thirty Five years, in the case of other member except the ex officio member.

8. **Circumstance where membership expires:** The membership shall be deemed to have expired in the following circumstance:

- (a) If the member is disqualified to continue to hold the membership pursuant to Section 7,
- (b)¹⁴ If the member tenders resignation,
- (c) If the member dies,

¹² Amended by Act Amending Some Nepal Laws, 2063(2006).

¹³ Inserted by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

¹⁴ Amended by Act Amending Some Nepal Laws, 2063(2006).

- (d) If the member remains absent from the meeting of the Council for three consecutive times without giving a notice along with reason to the Council.

9. **Meeting and decision of Council:** (1) The member secretary shall, as directed by the chairperson, call the meeting of the Council, specifying the date, time and venue of the meeting.

(2) The meeting of the Council shall be presided over by the chairperson, and by the vice-chairperson in the absence of the chairperson, and by the member selected by the members from among themselves in the absence of even the vice-chairperson.

(3) The presence of fifty percent members of the total number of members of the Council shall be deemed to constitute a quorum for the meeting.

(4) The Council shall generally meet at least twice a year.

(5) If one thirds of the total number of members makes a request in writing, showing a reasonable reason, to the chairperson for call the meeting, the chairperson shall call the meeting as soon as possible.

(6) The majority decision shall be the decision of the meeting, and in the event of a tie, the chairperson may exercise the casting vote.

(7) The member secretary shall maintain the minutes book of the meeting.

(8) The rules of procedures of the meeting of the Council, other than those set forth in this Section, shall be as determined by the Council itself.

10. **Functions, duties and powers of Council:** The functions, duties and powers of the Council shall be as follows:

- (a) To organize sports competitions at the district, regional, national and international levels from time to time in order to enhance the level of sports,
- (b) To send sportspersons, members and employees of the Council to take part in sports related competitions or meetings,
- (c) To give advice to the Government of Nepal on matters relating to sports,
- (d) To provide financial or other assistance to the sports related institutions or make recommendation to the Government of Nepal for such assistance,
- (e) To conduct trainings, competitions relating to sports in educational institutions, and to make publicity, or cause to be made publicity, as to the utility of sports,
- (f) To encourage the writers or producers of such books, pamphlets, slides, motion pictures or video films as to enhance the standards relating to sports by providing them with financial or other assistance.
- (g) To build stadiums and sports fields throughout¹⁵
Nepal, as per necessity, for the successive development of sports, and protect and look after them,
- (h)¹⁶ To form sports development committees at the regional, district, town and village levels for the development of sports,
- (i) To give necessary directions to the sports related institutions from time to time,

¹⁵ Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066(2010).

¹⁶ Amended by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

- (j) To arrange for provision of trainings by native and foreign trainers, as per necessity, for the enhancement of standards of sportspersons, and select appropriate sportspersons and send them to pursue trainings abroad, as well, as per necessity,

Provided that the Council shall obtain prior approval of the Government of Nepal to invite foreign trainers.

- (k) To make recommendation to the Government of Nepal to provide scholarship and financial assistance to the sportspersons,
- (l) To make necessary provisions for the protection of health of the sportspersons,
- (m) To arrange for the organization of trainings and competitions for the development of sports by the disabled who have met disabilities physically and mentally due to various causes and make, or cause to be made, publicity about the importance of such sports, as per necessity,
- (n) To arrange, or cause to be arranged, other necessary provisions for the development of sports.

11. Power to form committee or sub-committee: (1) The Council may form a committee or sub-committee, as required, for the performance of any such function as required to be performed by it pursuant to this Act or the rules framed under this Act.

(2) The functions, duties, powers and procedures of the committee or sub-committee formed pursuant to Sub-section (1) shall be as specified by the Council.

12.¹⁷ Sports Development Committee: (1) A Regional Sports Development Committee and District Sports Development Committee

¹⁷ Amended by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(2006).

may be formed in each development region and district, respectively, and sports development committees may also be formed at the town and village level, as specified by the Council, for the development and expansion of sports.

(2) The functions, duties and powers of the sports development committees formed pursuant to Sub-section (1) shall be as prescribed.

13. Registration of sports related institutions: (1) An institution which has been registered pursuant to the laws in force for the operation of activities relating to sports shall also be registered with the Council pursuant to Section 14.

(2) A sports related institution which has not been registered with the Council pursuant to Sub-section (1) shall not be allowed to operate activities relating to sports within Nepal.

14. Application to be made for registration of name: (1) A sports related institution which is desirous of getting its name registered with the Council shall make an application, setting out the following matters, to the Council for the registration of its name:

- (a) Name and address of the institution,
- (b) Type of sports to be operated,
- (c) Names, addresses and occupations of the members of the executive committee.

(2) In making an application pursuant to Sub-section (1), the sports related institution shall also attach a photocopy of its statute with the application.

15. Power to register name of sports related institution: (1) If an application is made by a sports related institution for the registration of its pursuant to Section 14, the Council may, upon making necessary

inquiries into the application, register the name of such sports related institution with its records, within Thirty Five days after the date of receipt of such an application.

(2) The Council shall give a notice of registration of name, where the name is registered with the records pursuant to Sub-section (1), or a notice of refusal to register the name, where the name cannot be so registered, to such sports related institution.

16. Notice of alteration to be given: (1) If a sports related institution whose name has been registered with the records of the Council pursuant to this Act makes any alteration in the contents mentioned in the application made for the registration of name pursuant to Section 14 or in the statute attached with the application, it shall give a notice, along with the reason for making such alteration, to the Council within fifteen days.

(2) If, upon receipt of the notice of alteration made pursuant to Sub-section (1), the Council considers the reason for making such an alteration to be reasonable, it shall mention the contents of such an alteration with the records and update the records.

17. Records of accounts to be maintained by sports related institutions: (1) The sports related institutions shall maintain the records of accounts of their incomes and expenses in such format as may be specified by the Council.

(2) The Council may, at any time, cause to be examined the records maintained by any sports related institutions pursuant to Sub-section (1).

(3) If in examining, or causing to be examined, the records of any sports related institutions pursuant to Sub-section (2), the Council finds that the accounts of incomes and expenses are irregular or amounts have

been misappropriated, it shall cause such irregular amounts to be regularized and initiate necessary action to recover, or cause to be recovered, the amount misappropriated from the concerned person.

18. Power to give direction and delist name from records: (1) The Council may, from time to time, give necessary direction to any sports related institution in relation to the development of sports, and it shall be the duty of the concerned sports related institution to abide by such a direction.

(2) The Council may delist from the records the name of such a sports related institution which does not abide by the direction given by the Council pursuant to Sub-section (1) or which does not maintain records of its incomes and expenses in the format specified by the Council pursuant to Section 17 or which misappropriates amounts.

(3) If the Council delists the name of any sports related institution from its records pursuant to Sub-section (2), it shall give a notice thereof to the concerned sports related institution.

19. Approval of Council to be obtained: In order to send any member of sportsperson to take part in any assembly or conference on international sports or international sports competition or invite any sports person or official of another country to any sports competition or assembly or conference on international sports, the sports related institutions shall obtain approval of the Council.

20. Fund of the Council: (1) The Council shall have a fund of its own, and the following amounts shall be credited to the fund:

- (a) Amount received from the Government of Nepal,
- (b) Fees received in consideration for having imparting sports related trainings,

- (c) Amounts earned from having exhibited/performed sports,
- (d) Amount provided as donation or grant by any person or institution,
- (e) Amount received from any foreign government, international institution or agency,
- (f) Amount received from any other source.

(3) In order to obtain amounts under clause (e) of Sub-section (1), the Council shall obtain prior approval of the Government of Nepal.

(4) The amounts credited to the fund of the Council shall be deposited in any account opened with the Nepal *Rastra* Bank or any other bank.

(5) The account of the Council shall be operated as prescribed.

20A.¹⁸ Approval of the Government of Nepal to be taken to make

agreement: In making agreement with a foreign government or international institution or foreign institution or person in the course of performance of its functions, the Council shall obtain approval of the Government of Nepal.

21. Accounts and audit: (1) The accounts of incomes and expenses of the Council shall be maintained as prescribed.

(2) The accounts of the Council shall be audited by the Office of Auditor General.

(3) The Government of Nepal may, if it so wishes, examine, or cause to be examined, at any time, the documents relating to the accounts and cash of the Council.

¹⁸ Amended by Act Amending Some Nepal Acts Relating to Sports and Culture, 2053(1996).

22. Allowances of members: (1) The members shall be entitled to such meeting allowances for having taken part in the meeting of the Council as prescribed.

(2) If any member is to make a travel in the course of any business of the Council, the member shall be entitled to such travelling and daily allowances as prescribed.

23. Remuneration and allowances of member secretary: (1) The member secretary shall be entitled to the monthly remuneration as prescribed for having served whole time in the Council.

(2) The traveling and daily allowance to which the member secretary is entitled while making travel shall be as prescribed.

24. Employees of Council: (1) The Council may appoint employees as prescribed in such a manner as to bear expenses from its fund.

(2) The remuneration, facilities and other conditions of service of the employees of the Council appointed pursuant to Sub-section (1) shall be as prescribed.

24A.¹⁹ Union of employees: The technical, administrative employees of prescribed class and classless employees of the Council may form professional union or organization as prescribed.

25. Delegation of powers: The Council may, as required, delegate any or all of the powers conferred to it pursuant to this Act or the rules framed under this Act to the chairperson, vice-chairperson, member secretary, treasurer, member or any employee of the Council, or committee or sub-committee.

¹⁹ Inserted by Act Amending Some Nepal Acts Relating to Sports and Culture, 2063(....).

26. **Power of Government of Nepal to give direction:** (1) The Government of Nepal may give necessary direction to the Council for the development of sports.

(2) It shall be the duty of the Council to abide by the direction given by the Government of Nepal pursuant to Sub-section (1).

27. **Punishment:** (1) If any employee of the Council causes any loss to the Council knowingly or recklessly or with *mala fide* intention, the amount in question shall be recovered from him or her, and he or she shall be liable to the punishment of imprisonment for a term not exceeding Three months or of a fine not exceeding Three Thousand Rupees or both punishments.

(2) If any employee of the Council obstructs the auditor assigned in the audit of the Council in the performance of his or her function or does not provide necessary documents or information as demanded by the auditor, such employee shall be liable to the punishment of a fine not exceeding Two Thousand Rupees.

(3) If any employee of the Council commits any act in contravention of this Act or the Rules framed under this Act, other than that set forth in Sub-sections (1) and (2), such employee shall be liable to the punishment of a fine not exceeding One Thousand Rupees.

28. **Power to frame Rules:** The Council may, with the approval of the Government of Nepal, frame necessary Rules to implement the objectives of this Act.

29. **Contact with the Government of Nepal:** In making contact with the Government of Nepal, the Council shall make so through the Ministry of Education and Sports.

30. Repeal and saving: (1) The National Sports Council Act, 2021 is, hereby, repealed and all movable and immovable properties of the sports council established pursuant to that Act shall be transferred to the Council.

(2) All contracts and agreements concluded with the national sports council established pursuant to the National Sports Council Act, 2021 shall be deemed to have been concluded with the Council, and all acts and actions done and taken by the said national sports council shall be deemed to have been done and taken by the Council.

(3) The names of the sports related institutions registered with the records of the national sports council pursuant to the National Sports Council Act, 2021 shall be deemed to have been registered pursuant to this Act.

(4) The sports development committees formed on different dates pursuant to the National Sports Council Act, 2021 shall continue to exist until other sports development committees are formed pursuant to this Act.