

**The Statute**  
**of**  
**Educational Consultancy Association of Nepal, 2053 (1996)**  
**established under the Association Registration Act, 2034 (1977)**  
**{With the First Amendment, 2063(2006)}**

**Preamble**

Whereas, it is the need of the present context to collectively settle the problems arisen and to provide professional cooperation, good faith and suggestion by uniting educational consultancies come into operation throughout the Kingdom of Nepal upon registration for professional rights and interest, by maintaining relationship of brotherhood among them in a dignified and disciplined manner and by practicing good moral conduct; and

Whereas, it is expedient to register this Educational Consultancy Association of Nepal with the concerned authority pursuant to the Association Registration Act, 2034 (1977) for attainment of the aforesaid objectives;

Now, therefore, this Statute has hereby been formulated and enforced to that effect.

**Chapter-1**

**1. Short title and commencement:**

- (a) This Statute may be called as the Statute of the Educational Consultancy Association of Nepal, 2053 (1997).
- (b) The name of this Association shall be the Educational Consultancy Association of Nepal.

- (c) This Association shall be called as ECAN in short.
- 2. This Statute shall come into force at once upon getting approved from the concerned authority.
- 3. The Association shall have a separate seal.
- 4. **Office of the Association:**
  - (a) The Head Office of this Association shall be situated in Kathmandu.
  - (b) The Branch and sub-branch offices may be opened as per necessity in various parts of the Kingdom after obtaining approval of the Local Authority.

## **Chapter-2**

- 5. Unless the subject or the context otherwise requires, in this Statute:
  - (a) "Act" means the Association Registration Act and the amendment subsequently made thereto.
  - (b) "Association" means the Educational Consultancy Association of Nepal (ECAN).
  - (c) "Statute" means the Statute, 2053 (1997) of this Association.
  - (d) "Rules" means the rule and bye-laws as referred to in the Sections and sub-sections of this Statute and it also includes the rules and bye-laws adopted by this Association.
  - (e) "Committee" means the Executive Committee of this Association and it also includes other Committees or sub-committees to be formed pursuant to this Statute.
  - (f) "Office-bearer" means the office-bearers of the Executive Committee of this Association.

- (g) "Executive Committee" means the Committee constituted pursuant to Section 13 of Chapter-5 of this Statute.
- (h) "General Assembly" means the Annual or Extra-ordinary General Assembly of this Association.
- (i) "Member" means the person or organization who has obtained membership pursuant to Chapter-4 of this Statute.
- (j) "Fiscal year" means the period which begins on the first day of Shrawan (Mid July) and ends on the last day of Ashad (Mid July) of the next year.
- (k) "Seal" means the seal along with the sign as specified by this Association.
- (l) "Meeting" means the meeting of the Executive Committee.

### **5.1 Objectives:**

This Association shall operate the office by maintaining coordination with the concerned authorities and shall have the following objectives subjects to the prevailing law and the policy and guidance of the Government of Nepal.

- (a) To protect and promote the professional rights and interests of all members of the Association upon being faithful to its duty and obligation.
- (b) To develop relation between the members of the Association in an organized, planned, dignified and disciplined manner by maintaining the relation of brotherhood among them and by practicing good moral conduct, to take initiation to collectively

settle the problems as arisen and to endeavor to cover all educational consultancy services in this objectives.

- (c) To be effortful to render cooperation in making the members of the Association effective, productive, timely and economic.
- (d) To represent, or cause to be represented, on behalf of this Association, in meeting, symposium, seminar and exhibition relating to this Association to be held in native and foreign countries.

#### **Chapter -4**

#### **6. Membership acquisition and qualification:**

All operating companies and firms carrying out the act of educational consultancy upon registering with the concerned authority pursuant to the prevailing law and the policy of the Government of Nepal shall be ordinary members of this Association subject to this Statute.

#### **7. Type of membership:**

##### **(a) Ordinary member:**

All members who have obtained membership pursuant to Section 6 shall be the ordinary members of this Association.

##### **(b) Honorary member:**

A person or organization qualified for the Association shall be granted honorary membership without charging membership fee if so adopted by the General Assembly on the recommendation of the Executive Committee of this

Association. The honorary member shall have no right to vote in any meeting of this Association.

**8. Membership fee and method of granting membership:**

Unless the arrangement otherwise made by the Executive Committee of this Association, all ordinary members may obtain ordinary membership by paying admission fee of Rs. 2,000/- and annual fee of Rs. 3,000/-.

- (a) The ordinary member must pay annual renewal fee of Rs. 3,000/-.
- (b) The organization who have completed the requirements as specified by the Executive Committee may obtain membership of this Association

**9. Disqualification for membership and termination of membership:**

- (a) If resignation and application submitted by any member to renounce the membership of this Association is accepted or if he/she is retired for any reason, or if the registration of the company and firm obtaining such membership is cancelled, such member shall *ipso facto* lapse the ordinary membership of this Association.
- (b) ...(Repealed by the First Amendment)
- (c) If he/she falls under the condition prejudicial to the prevailing law and is punished for the activities against the Statute of this Association.
- (d) If he/she fails to pay the fee payable pursuant to the Statute of this Association,

- (e) If it is informed that the member company and firm is declared bankrupt.
- (f) If an organization is opened or operated by a person who is convicted of criminal cases involving moral turpitude including corruption, cheating, stealing, forgery and who has misappropriated public properties or if such person has interest and concern over the organization, such organization shall be deemed disqualified for membership.

Provided, however, that the members as referred to in the aforesaid clauses other than clause (a) shall be given an opportunity to defend them and if the Executive Committee deems the ground reasonable, it may grant membership again.

## **Chapter-5**

### **Provision on General Assembly, Executive Committee and Meeting**

#### **10. Constitution of General Assembly:**

A General Assembly shall consist of all members as referred to in Section 6 of the Statute of this Association. The General Assembly shall be the supreme organ of the Association.

#### **11. Session of General Assembly:** The General Assembly shall be held once in every fiscal year. Provided, however, that, if one-third (1/3) members made a submission in writing to the Executive Committee, the Executive Committee shall call the Extra-ordinary General Assembly within twenty-one (21) days of receipt of such submission.

- (a) The quorum of the General Assembly shall be fifty-one (51) per cent. He/she must be a qualified representative pursuant to law

and the Statute to take part in the General Assembly and to be a candidate for the Executive Committee and the concerned member organization must have decided for such representative and candidate and sent them.

**12. Functions, duties and powers of the General Assembly:**

- (a) To prepare annual report.
- (b) To formulate future policy and programmes of the Association.
- (c) To prepare annual budget.
- (d) To carry out other acts as per necessity.
- (e) To adopt no-confidence motion against the office-bearers.
- (f) To constitute the Executive Committee.
- (g) To appoint an auditor.

**13. Constitution of the Executive Committee:**

- (a) An Executive Committee shall be constituted consisting of thirteen (13) members elected by the General Assembly of the Association.
- (b) The Executive Committee shall perform the functions and duties to be performed for the attainment of the objectives of the Association. The Executive Committee shall consist of the following office-bearers and members. The term of office of the Executive Committee shall be two years from the date of election.

Chairperson-----1  
Vice-chairperson-----1  
Secretary General-----1

Secretary-----1

Treasurer-----1

Members-----8

- (c) If the post of an office-bearer of the Executive Committee falls vacant in the mean time, the vacant post shall be fulfilled as specified by the Executive Committee until the holding of next election.

**14. Meeting of Executive Committee:**

- (a) The meeting of the Executive Committee shall be held not exceeding two months. Provided, however, that the Chairperson may, if he/she considers it necessary, convene the meeting at any time by giving prior notice.
- (b) The presence of at least majority office-bearers shall be required for the meeting of the Executive Committee.
- (c) The Chairperson shall preside over the meeting and in his/her absence, the Vice-chairperson shall preside over. Provided, however, that in the event of absence of Vice-chairperson also, a person selected from amongst the office-bearers shall preside over and operate the meeting.
- (d) ...(Repealed by the First Amendment)

**15. Functions, duties and powers of the Executive Committee:**

- (a) To implement polices and programmes as decided by the meeting of the General Assembly.
- (b) To remain active to safeguard the rights and interests of the Association by maintaining coordination with the authorities of

the Government of Nepal and other organizations or non-governmental organizations and boards.

- (c) To formulate, or cause to be formulated, rules and bye-laws to remove difficulties as may be arisen under this Statute and enforce them.
- (d) The Executive Committee may take action against any member who absents him/herself from three consecutive meetings without prior notification. The Executive Committee may ask such member subjected to such action for justification, may suspend him/her or may also terminate his/her membership. Provided, however, that such member shall be given a reasonable time and an opportunity to defend him/her while taking such action.
- (e) To form sub-committees and specify their functions and duties.
- (f) To select and remove advisor and expert and to issue guidelines on their functions and duties.
- (g) To perform functions and duties as referred to in the Statute.
- (h) The Executive Committee may take action against any member who carried out the activities against the prevailing law, the Statute and Codes of conduct and professional dignity. Such action includes suspension and termination of membership upon asking for justification. Provided, however, that such member shall be given a reasonable time and an opportunity to defend him/her while taking such action.

- (i) To organize, or cause to be organized, meeting symposium seminar and exhibition, etc., as are required to enhance the dignity of this Association.
- (j) To have the codes of conduct adopted from the General Assembly as per necessity in order to enforce them thereby making timely.
- (k) To appoint employees as required and to determine the condition of action and service and the facilities.
- (l) To monitor the member organizations as to whether the Statute, Codes of Conduct, professional ethics and dignity are followed or not and to instruct and to take action as per necessity.

#### **Chapter -6**

#### **16. Function, duties and powers of the Office-bearers:**

##### **(a) Functions, duties and powers of Chairperson:**

- (1) To preside over the meetings of the General Assembly and the Executive Committee.
- (2) To supervise all the offices of the Association and to take the responsibilities thereof.
- (3) To exercise a casting-vote in the case of a tie in the meeting.
- (4) To take individual decision on the acts suddenly arisen subject to subsequently getting ratified such decision from the meeting of the Executive Committee.
- (5) To issue necessary directions to the members of the Executive Committee as per this Statute.

**(b) Functions, duties and powers of Vice-Chairperson:**

- (1) To perform all the functions of the Chairperson in his/her absence.
- (2) To assist the Chairperson in discharging his/her daily business.
- (3) To act as the Acting Chairperson of the Executive Committee if the post of the Chairperson falls vacant.

**(c) Functions, duties and powers of the Secretary General:**

- (1) To bear the responsibilities of making correspondences and other office business of the Association.
- (2) To call the meetings of the General Assembly and the Executive Committee as advised by the Chairperson and to give information thereof to the members.
- (3) To prepare report and programmes of the Association and present the same to the Executive Committee and the General Assembly.
- (4) To maintain, or cause to be maintained, the records of decisions adopted by the General Assembly and the Executive Committee.

**(c1) Functions, duties and powers of the Secretary:**

- (a) To perform all the functions of the Secretary General in his/her absence.
- (b) To call the meetings of the General Assembly and the Executive Committee as advised by the Chairperson and

the Secretary General and to give information thereof to the members.

- (c) To safely retain the records.
- (d) To fulfill other responsibilities as assigned by the Chairperson and the Secretary General.

**(d) Functions, duties and powers of the Treasurer:**

- (1) To bear all the responsibilities of the account of incomes and expenditures of the Association.
- (2) To present the statement of incomes and expenditures of the Association to the Executive Committee and the General Assembly.
- (3) To prepare annual budget of the Association and present it to the Executive Committee for approval and get it adopted from the General Assembly.
- (4) To have audited the account of the Association.

**(e) Functions, duties and powers of the members:**

To be present in the meetings organized by the Association, to render opinion on the agenda discussed in the meeting, and to perform the acts assigned to them in a disciplined manner by paying interest in the functions, duties and decisions of the Association.

**Chapter-7**  
**Financial Management**

**17. Financial sources:**

Admission fee, annual fee, grant, present, etc., shall be the financial sources of the Association. Provided, however, that approval of the Government of Nepal shall be taken prior to receiving foreign aid.

**18. Description of movable and immovable properties:**

The amount received from the financial sources as referred to in Section 17 of the Statute and other properties received as per the rules shall be the movable and immovable properties of the Association.

**19. Fund:**

(a) The Association shall have a fund and the total income including the membership fee, annual fee, grant, present, etc., to be received by the Association shall be credited to the fund and the expenditures of the association shall be borne by this fund.

(b) The fund of the Association shall be operated by opening an account in a commercial bank. While operating account of the Association in the Bank, the account shall be operated by the counter signatures of the two persons consisting of one from amongst the Chairperson and Vice-chairperson of Group 'A' and another one from amongst the Secretary General and Treasurer of Group 'B'.

**20. Audit:**

(a) The account of the Association shall be audited by a registered auditor as designated by the General Assembly.

- (b) The audit report shall be submitted to the General Assembly, Local Authority or any other concerned authorities in every year.

**21. Provision relating to election:**

- (a) The selection of the office-bearers and members of the Executive Committee shall be made by the process of election.
- (b) The ordinary member of the Association shall be deemed qualified to be a candidate and to vote in the election.
- (c) The first election shall be held as per the Statute within six months of registration of the Association and the information thereof shall be given to the Local Authority.
- (d) There shall be an Election Committee not exceeding three persons for the election of the Executive Committee. The Election Committee shall be formed by the decision of the Executive Committee.
- (e) The Election Committee shall itself regulate the election procedure subject to the limitation of law.
- (f) If any dispute arises regarding election, such dispute shall be settled by the decision of the Election Committee and such decision shall be final.
- (g) The Election Committee shall *ipso facto* be dissolved after completion of the election.

**22. No-confidence motion:**

If any office-bearers of the Executive Committee causes loss and damage to the Association by carrying out the act prejudicial to the

Statute and objectives of this Association or if it is proved that he/she is attempting to do so, one-thirds of the total ordinary members must register a no-confidence motion in writing with the Executive Committee and such motion must be adopted by two-thirds majority of the General Assembly. Provided, however, that such office-bearer against whom the motion is brought shall not be denied from an opportunity to defend him/her.

**23. Amendment to the Statute:**

- (a) If a need arises to make amendment to the Statute of the Association, the proposal thereof shall be presented to the General Assembly or Extra-ordinary General Assembly. Such proposal shall be decided by the two-thirds majority of the quorum of the General Assembly or extra-ordinary General Assembly and the Statute shall, therefore, be amended upon obtaining approval from the concern authority thereon.
- (b) The Executive Committee shall have the powers to interpret the provisions as mentioned herein. If any member is not satisfied with the interpretation so made, he/she may make an appeal to the General Assembly.

**24. Powers to frame bye-laws:**

The Executive Committee may, if it considers appropriate and necessary, frame bye-laws subject to this Statute. The said bye-laws must be adopted by the General Assembly.

**25. Dissolution of the Association:**

If this Association fails to be operated pursuant to this Statute or the Association is dissolved for any other reason, all movable and

immovable properties of the Association shall devolve on the Government of Nepal.

**26. Ineffectiveness:**

If any provision of this Statute is inconsistent with the prevailing law, such provision shall be ineffective to the extent of such inconsistency.

**27. Authentication:**

The Executive Committee of the Association shall authenticate all the documents to be prepared on behalf of this Association.

**28. Saving:**

No member of the Association shall be held liable for any act or activities carried out in good faith for the wellbeing of the Association nor shall a member or an office-bearer be held liable to the act carried out by the other member.

**29. Jurisdiction of the Association:**

The Association shall, as an individual, have the powers to acquire, possess, use, sell, and donate the movable and immovable properties.

**30. Liability of the Association:**

This Association shall have no legal liability to any act carried out by any member inconsistent with this Statute and bye-laws to be framed under this Statute.

**31. Defense:**

This Association may file a petition for order in the concerned law-court in favor of claim and defense for any act performed or to be performed by the member or office-bearer of this Association for the welfare of this Association pursuant to this Statute.