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*By-Laws of*

**Magar Association USA, Inc.**

Formerly **LANGHALI ASSOCIATION USA, INC.**

*(With 2<sup>nd</sup> Amendment by 8<sup>th</sup> AGM on August 6, 2022)*

**PREAMBLE**

Magars are one of the largest indigenous ethnic populations of Nepal. They have their own unique language, ethnicity, and cultural heritage. The Magars have been playing an important role in the growth and development of the modern Nepal and they have a glorious history and are also known worldwide as the famous 'Gurkhas' for their loyalty and valor.

On March 28, 2004, the Nepalese-American Magars held a General Meeting in New York City and decided to establish a non-profit voluntary social organization called Magar Association USA, Inc. (formerly LANGHALI ASSOCIATION USA, INC.). List of Founder Members is Annex A.

**ARTICLE- I**

**NAME OF ORGANIZATION**

The name of the organization shall be "Magar Association USA, Inc". In abbreviation, it shall be known as "MagarUSA". It was formerly known as "Langhali Association USA, Inc".

DBA:

MagarUSA will have its official website to spread its activities and objectives. The URL of the Association is: <http://www.MagarUSA.org> and E-mail address is: [info@magarusa.org](mailto:info@magarusa.org). It may also publish its newsletter/e-Journal "YANBHU".

**ARTICLE- II**

**ADDRESSES/OFFICES:**

**Section 1: Principal Office**

The principal mailing address/office of the organization will be as following:  
41-30- 60th Street, Suite # 2F Woodside, NY 11377

**Section 2: Other Offices**

Central Executive Committee may designate offices or Chapter Committees in other places or States as needed by expansion of its business.

**ARTICLE-III**  
MISSION/OBJECTIVES/POWER/INFLUENCE TO LEGISLATION

**MISSION:**

Creating a Sense of Unity and Shared Responsibilities among the Magar Community in the USA!

**OBJECTIVES:**

The Association shall be a non-profit organization, and primary objectives are to:

- a. Maintain coordination and cooperation among the Magars living in the United States of America.
- b. Preserve and promote linguistic and cultural heritage of Magars by organizing workshops, seminars, sports, events and cultural programs in different parts of the USA including musicians, artists and experts in their respective fields.
- c. Make charitable contributions to assist Magar Community and others during natural disasters and humanitarian emergencies.
- d. Work with its counterpart organizations in Nepal and other countries, such as “Magar Sangh” alias “Nepal Magar Sangh” to co-finance deserving projects including education for women, girls and boys from poor Magar families and healthcare facilities for remote Magar villages etc.
- e. Establish a “Magar USA Scholarship Revolving Fund” and to provide scholarships to brilliant Magar students across the United States annually for their outstanding works to promote MagarUSA and its mission/objectives.
- f. Establish cordial and broader relationship with other Nepali organizations in the USA.
- g. Maintain a website for sharing information with the broader American society in general and its members in particular.
- h. Establish Fund, Trust or Department to help Magars and their family.
- i. Network with local governments and non-profit organizations for the welfare of local community members and the members of the Association.
- j. Organize youth programs to promote culture and other opportunities for education and employment.

**POWER:**

This Association shall have the power and the authority to do all necessary lawful acts and activities, appropriate or desirable to carry out and in furtherance of its purposes described herein which are consistent with the New York State Non-profit Corporation Act. Local chapters shall be able to independently network with local governments and non-profit organizations for welfare of the chapter members or community.

## **INFLUENCE TO LEGISLATION:**

None of the activities of this Association shall be devoted to attempting to influence legislation by propaganda or otherwise, and the Association shall not participate in, or intervene in (including publication or distribution of statements with respect to) any political campaign on behalf of, or in opposition to, any candidate for public office.

## **ARTICLE- IV MEMBERSHIPS**

### **Section 1: Membership and Eligibility**

**Membership** is available to all individuals and families (limited to Magars) through their respective Chapter of the state they reside in, who are willing to support and follow the purpose of the Association as described herein 'MISSION/OBJECTIVES/ POWER/ INFLUENCE TO LEGISLATION of ARTICLE- III' and whose membership dues are paid. An active membership is required to provide an advice or suggestion at any level and to receive any direct benefit and help from the Association. Age eligibility for memberships is 18 years and above.

### **Section 2: There are two Categories of Memberships:**

- a. **General Membership** is granted to Magar(s) who pay membership dues for two years. The general memberships are distributed by their respective Chapter Committees. They are not automatically renewed every two years unless the dues are paid. Full-Time students will be granted General Membership and will receive 50% discount on the membership fee.
- b. **Life Membership** is available to all Magar individuals. The membership is available through the Central Executive Committee and respective Chapter Committees.

### **Section 3: Distribution of Membership Fee**

All Chapter Committees formed under the parent organization must provide 25% of General Membership fees and 5% of Life Membership fees they have collected to the Central Executive Committee.

### **Section 4: Application for Membership**

All membership applicants including Life Membership must complete the prescribed "Membership Application Form" and submit to the respective Chapter, but Life Membership Application Form can be submitted directly to the Central Executive Committee. Central Executive Committee should issue all Membership Forms and collect the dues if there is no Chapter exists. A Template for Membership Application Form is at Annex B.

## **Section 5: The Rights of Members**

A member in good standing shall be able to:

- a. Vote in all meetings of the Association and its chapters; for details of voting rules and regulations follow Article V, Section 11.
- b. Be nominated, elected, and appointed as President or Officers of the Central Executive Committee or the Chapter Committees.
- c. Initiate or second a petition.
- d. Request a summary of financial reports of the Association and/or its Chapter Committees from their respective treasurers.
- e. Get facilities as a member or family member the member according to the Bylaws, policies and directives.

## **Section 6: The Responsibilities of Members**

A member is responsible to:

- a. Pay any membership dues.
- b. Participate in all activities of the Association and its Chapter Committees.
- c. Attend all meetings and conventions of the Association and its Chapter Committees.
- d. Obey and respect the decisions made in all meetings by the Central Executive Committee and the Chapter Committees of the Association.

## **Section 7: Resignation**

Any member may resign voluntarily by filing a written resignation with his/her Chapter Committee and it must be approved by the Central Executive Committee; however, the resignation does not relieve any member from liability for dues or assessments accrued and unpaid as of the date of resignation.

## **Section 8: Expulsion**

Any member may be expelled for adequate reason by a two-thirds vote of the Central Executive Committee. Failure to pay dues or meet the criteria for membership is presumed to be adequate reason for expulsion and does not require advance notice to the member and deliberation by the Board.

# **ARTICLE- V**

## **MEMBERSHIP FEES and BENEFITS**

### **Section 1: Membership Fees**

Fees for each category of membership shall be established by Annual General Meeting (AGM).

- a. General Member: \$50.00 (Fifty US Dollar) for two-year election cycle term.  
Any verifiable full-time students will get 50% off the General Membership fee.
- b. Life Member: \$500.00 (Five hundred US Dollar)

### **Section 2: Fee Due**

The membership fee is due at the time of a membership application.

### **Section 3: Delinquency**

Dues for members shall be due and payable within 30 days of filing. If a member is in arrears for more than 90 days, as to the payment of their dues, that member's rights in the Association and his/her Chapter shall cease without further notice. Delinquent members, who subsequently pay their dues, may be reinstated at the discretion of their Chapters Committees.

### **Section 4: Refunds**

No dues will be refunded.

### **Section 5: Fiscal Year**

The fiscal year of the Association shall be from August 1st through July 31st. Those who have paid their membership dues of the given year will become voting members. The term of the General Membership will be for two years.

### **Section 6: Benefits of General Memberships**

- a. Right to vote and run for elections of their Chapter Committees and/or the Central Executive Committee of the Association.
- b. Opportunities to network with other members.
- c. Receive advance notice of all the cultural events and activities.
- d. Receive online pertinent information.

### **Section 7: Membership Enrollment Period**

General Memberships including Life Memberships are open to all to take any time of the year. However, during the Election year, any new membership subscriptions or renewal of current memberships must be taken prior to any elections of Chapter Committees and/or the Central Executive Committee.

### **Section 8: Voting Rights and Eligibility**

- a. To be eligible to vote, a member must have a valid membership (new or renewed) prior to the elections of Chapter's committee and/or the Central Executive Committee.
- b. Life Members shall have rights to vote in all Annual General Meetings (AGMs) and National Conventions or Special National Conventions.
- c. General Members shall have rights to vote only in the meetings of their respective Chapter Committees.

**ARTICLE- VI**  
**FINANCIAL MANAGEMENT**

**Section 1: Central Executive Committee**

- a. Bank Accounts of the Central Executive Committee shall be run with authorized signatures of 2 members including President or General Secretary and Treasurer. Signature of Treasurer is mandatory.
- b. Past Treasurer shall hand over financial statements to newly elected Treasurer within a month of his/her termination.
- c. The Central Executive Committee can establish any Fund, Trust or Department for a specific purpose with clearly defined objectives. Such Fund, Trust and Department shall have their own separate Bank Account and Directives as needed.
- d. Income:
  - i. Donations and sales of publications.
  - ii. Fees collected from events.
  - iii. Donations and grants from other organizations, institutions and individuals.
  - iv. General Membership fees and 55% of Life Membership fees if the membership is distributed by the Central Committee.
  - v. 25% of General Membership Fee and 5% of Life Membership fees collected by Chapter Committee if the membership is distributed by a Chapter Committee.
  - vi. 10% of the total funds and proceeds collected by the Chapter Committees from fund raising events and other activities after all expenditures.
- e. Fund shall be used according to Central Executive Committee resolutions, rules or directives or regulations passed by Central Executive Committee.
- f. Central Executive Committee shall provide financial support to the Chapter Committee if needed.
- g. Central Executive Committee shall present its financial report to the Annual General Meeting and National Convention.

**Section 2: Chapter Executive Committee**

- a. Respective Chapter Committees shall have own Bank Account and operate with authorized signatures of 2 members including President or Secretary and Treasurer. Signature of Treasurer is mandatory.
- b. Past Treasurer shall hand over financial statements to newly elected Treasurer within one month after the election of the respective Chapter Committee.
- c. Income:
  - i. Donations and sales of publications.



- ii. Fees collected from events.
- iii. Donations and grants from other organizations, institutions and individuals.
- iv. 75% of General Membership and 50% Life Membership fees collected by the Chapter Committee.
- d. Fund shall be used according to decisions of the Chapter Executive Committee resolutions.
- e. Chapter Committee shall provide financial support to the Central Executive Committee if needed.
- f. Chapter Committee shall present its financial report to the Annual General Meeting and National Convention.

### **Section 3: Fund, Trust or Department formed by the Central Executive Committee**

Both the Central Committee and Chapter Committees shall provide 45% of Life Membership Fees to one or more designated Fund, Trust or Department as formed by the Central Executive Committee per the approved rules, regulations or directives.

### **Section 4: Auditing**

- a. The book of financial accounts of the MagarUSA shall be reviewed and audited annually by a certified Auditor and the report must be presented during Annual General Meeting and the National Convention.
- b. Financial accounts of the Chapters shall be reviewed and audited by a certified Auditor annually and the report must be submitted to the Central Executive Committee and other respective Agencies as required.
- c. Financial accounts of a Fund, Trust and Department shall be reviewed and audited by an Audit Committee appointed or formed by the Central Executive Committee and such financial report of Fund, Trust and Department shall be submitted to the Central Executive Committee.

### **Section 5: Authorized Signatures**

No checks of Central Executive Committee or Chapter Committee can be written or money be withdrawn from the account without the authorized signatures of two members among the three registered with the bank. The three authorized officers shall be the President or General Secretary (Central Committee)/Secretary (Chapter Committee) and Treasurer of respective committees. Signature of Treasurer is mandatory for both levels of committees. The priority order of two authorized signatures will be as follows:

- a. President and Treasurer.
- b. General Secretary or Secretary and Treasurer.

- c. To operate bank account of Fund, Trust or Department, Central Executive committee shall have right to decide priority order of two authorized signatures according to respective rules, regulations and directives.

## **ARTICLE- VII**

### **AFFILIATE MEMBERSHIP**

#### **Section 1: Affiliate Membership**

The Affiliate Membership will be granted to Magar Community related organizations. The affiliate membership is established on the mutual understanding between the organizations to work collaboratively and support each other's community welfare works.

#### **Section 2: Termination**

The Affiliate membership is non-binding. The Affiliate membership will be terminated anytime if one of the organizations wishes not to be associated with other one.

## **ARTICLE- VIII**

### **EXECUTIVE COMMITTEE**

#### **Section 1: Central Executive Committee**

This Association shall be governed by the Central Executive Committee, which shall be made up of the following members:

1. President - 1
2. Senior Vice-President - 1
3. Regional Vice-President (Eastern, Central and Western Region) - 3
4. Vice-President (Language) - 1
5. Vice-President (Woman) - 1
6. General Secretary - 1
7. Secretary - 1
8. Treasurer - 1
9. Joint Treasurer - 1
10. Members – 8

#### **Section 2:**

National Convention (Mahadhiveshan) shall elect or nominate 19 members of Central Executive Committee as listed above, whereas all Chapter Committee presidents shall be ex-officio members of the Central Executive Committee.

#### **Section 3:**

The MagarUSA Executive Central Committee members shall not hold a position in any other competing associations or organizations. If known to have this occurred, the officer shall resign from one.

#### **Section 4: Duties and Responsibilities of the Central Committee**

The Central Executive Committee is responsible to:

- a. Prepare goals and action plans for the term with details on the programs, implementation, and monitoring/follow-up
- b. Execute directions, future strategies and plans of the Association put forward by the general meeting.
- c. Implement decisions made in special and annual meetings and by the Central Executive Committee.
- d. Call general, annual, and special meetings.
- e. Hire staffs and assign their duties, responsibilities and rights.
- f. Prepare financial and institutional reports for meetings.
- g. Work in accordance with the Bylaws of the Association.
- h. Fulfill the mission and the objectives of the Association.
- i. Work and collaborate with other organizations.
- j. Organize main events of the Association.
- k. Appoint another member to a vacant post if necessary.
- l. Prepare amendments of the Bylaws of the Association for the general meeting.
- m. Help, direct, observe and supervise the Chapter Committees.
- n. Elect new Central Executive Committee.
- o. Develop different sub-committees (e.g., Advisor Committee, Expert Committee, EMR Revolving Fund Committee, Scholarship Committee) to fulfil the mission and the objectives of the Association as needed.

#### **Section 5: Duties and Responsibilities of the Officers**

The officers of the Central Executive Committee shall have rights to vote in all meetings of the committee and the National Convention.

##### **President is responsible to:**

- a. Provide an overall leadership for the committee of the Association.
- b. Call, preside at all general and special meetings of the Association.
- c. Establish special committees and task forces and appoint members to them.
- d. Collaborate with the General Secretary and the Treasurer to prepare reports and records of the Association.
- e. Act as the official representative of the Association.

##### **Senior Vice-President is responsible to:**

- a. Assist the President in overseeing the operations of the Association.
- b. Assume the duties of the President in the event of his/her absence, resignation or inability to serve.

**Vice-President (Regional)** is responsible to lead and co-ordinate with regional Magars and Chapter Committees.

**Vice-President (Language)** is responsible to co-ordinate with three Magar dialects- Dhut, Kham (Pang) and Kaike) speaker Magars to preserve the Magar language

**Vice-President (Women)** is responsible to co-ordinate with other Magar women to empower Magar women and girls.

**General Secretary is responsible to:**

- a. Prepare agendas for all general and special meetings of the Association.
- b. Record and present the minutes of all general and special meetings.
- c. Prepare an annual report of Association's activities for presentation at the annual general meeting.
- d. Compile a directory of all the members.
- e. Conduct and prepare correspondence and perform clerical duties for the Association under the direction of the President.
- f. Keep copies of this Bylaws and provide them to all members of this Association upon request.

**Secretary is responsible to:**

- a. Assist the General Secretary whenever called upon.
- b. Assume the duties and responsibilities of the General Secretary in the event of his/her absence, resignation or inability to serve.
- c. Direct Chapters to update member data and membership.

**Treasurer is responsible to:**

- a. Collect dues from the Chapter Committees and Life Members.
- b. Keep record of all members.
- c. Receive and give the receipts for moneys due and payable to the Association from any source.
- d. deposit all money in the Association's name in banks.
- e. Write checks and disburse funds to discharge the Association's obligations. However, funds may not be withdrawn from the Association's accounts without the approval of the Board.
- f. Prepare an annual report of the Association's financial transactions; be prepared to offer financial records, bank books, vouchers etc. of the Association for review, upon requests from officers, directors and auditors.
- g. Co-ordinate and give suggestions to fund raising committee.
- h. Review the costs of any events and projects proposed by the event planning committee, department or subcommittee designated by the Executive Committee.
- i. Maintain checks and balances of the expenses, receipts, bills, and financial reports submitted by the departments, subcommittees, and the Chapters.

**Joint Treasurer is responsible to:**

- a. Assist the Treasurer whenever called upon.
- b. Keep financial record up to date.
- c. Assume the duties of the Treasurer in the event of his/her absence, resignation or inability to serve.

**Executive Members are responsible to:**

- a. Be prepared to hold any vacant post decided by the Executive Committee.
- b. Help other officers if necessary.

**Section 6: Term of office**

- a. Term of office shall be for a period of two years.
- b. A member cannot hold office for more than 'TWO' consecutive terms.
- c. A current office bearer can contest only one more time.
- d. If a National Convention cannot be held due to circumstances that are beyond the control of the MAUSA Inc membership such as natural calamities and pandemics, the Executive Committee shall continue to serve the term until a National Convention can be held. As described below in **ARTICLE XI Section 4**, if two thirds majority of the membership petitions requesting a Convention, that should be called as soon as possible.

**Section 7: Termination Policy**

- a. A committee member can be terminated from his/her office when there is a two thirds majority within the committee supporting his/her termination.
- b. If a committee member does not function according to his/her duties stated in the Bylaws and three written complaints are filed with the Central Executive Committee against his/her incompetence to hold office, it calls for the committee to meet and observe Termination Policy after scrutinizing the claim and defense.
- c. Committee members can voluntarily give up on their offices by calling a committee meeting and when the committee gives its consent.

**Section 8: Code of Conduct**

All officers shall attend all Central Executive Committee meetings. Any officer who fails to attend three consecutive meetings without prior notification shall be subject to expulsion from his/her office at the discretion of other members of the Central Executive Committee.

**Section 9: Compensation and Loan**

No compensation shall be paid to any members of the Central Executive committee, departments or Sub-committees for their services to the Association. And, no loans shall be made by the Corporation to any members, or Directors or members of the Central Executive Committee/Board nor may any such member secure a loan under

the name of the Association without the prior approval of a two thirds majority vote in the Central Executive Committee and Board of Directors and a two thirds majority vote of the members of the Annual General Meeting (AGM).

## **ARTICLE- IX**

### **CHAPTERS and their COMMITTEES**

All Chapter Committees are subsidiaries of the Magar Association USA, Inc. All activities of the Chapters shall be governed and guided by the Bylaws of the parent organization. Chapter Committees are formed as necessary to promote, support and decentralize the aims, visions and activities of the parent organization as well as to reach out as many Magars as possible living in different states of the US.

#### **Section 1: Chapter Committee**

The Central Executive Committee of the Association may give permissions to more than one groups of Magars to form a Chapter in each state. Depending on the population size of the Magars and easy interaction among them in the given region, more than one states may be combined to form a single Chapter Committee. The Chapter Committees shall be governed by their respective committees; each committee shall be made up of the following members:

1. President - 1
2. Vice-President - 1
3. Secretary - 1
4. Joint Secretary - 1
5. Treasurer - 1
6. Joint Treasurer - 1
7. Members -7

#### **Section 2: Duties and Responsibilities of the Chapter Committee**

First General Meeting of the Chapter Committee shall try to form the committee by consensus if possible; otherwise, it will be formed by an election process. The Chapter Committee is responsible to:

- a. Hold all needed meetings of their Chapter and the Association.
- b. Execute directions, future strategies and plans put forward by the general meeting of the Association.
- c. Execute decisions made in Special and Annual General Meetings of the Chapter Committee, and by the Central Executive committee.
- d. Call general, annual, and special general meetings.
- e. Hire staffs and assign their duties, responsibilities and rights.
- f. Prepare financial and institutional reports for meetings.
- g. Work in accordance with the Bylaws of the Association.
- h. Fulfill the mission and the objectives of the Association.

- i. Organize all events of the Chapter Committee.
- j. Appoint another member to a vacant post if necessary.
- k. Form departments/sub-committees as necessary.
- l. Elect new committee by appointing an election officer or EC.
- m. Provide 10% of the total funds and proceeds collected from fund raising and other activities to the Central Executive Committee of MagarUSA after all expenditures.

### **Section 3: Duties and Responsibilities of the Officers**

#### **President is responsible to:**

- a. Call, preside at all general and special meetings of the Chapter Committee.
- b. Establish special committees and task forces, and appoint members to them.
- c. Collaborate with the Secretary and the Treasurer to prepare reports and records of the Chapter Committee.
- d. Act as the official representative of the Chapter Committee in all events of the Association.

#### **Vice-President is responsible to:**

- a. Assist the President in overseeing the operations of the Chapter Committee.
- b. Assume the duties of the President in the event of his/her absence, resignation or inability to serve.

#### **Secretary is responsible to:**

- a. Prepare agendas for all general and special meetings of the Chapter Committee as well as the Association.
- b. Record and present the minutes of all general and special meetings of the Chapter Committee.
- c. Prepare an annual report of association's activities for presentation at the annual general meeting (AGM) of the Association.
- d. Prepare a directory of all members of the Chapter Committee.
- e. Conduct and prepare correspondence.
- f. Perform clerical duties under the direction of the President.

#### **Joint Secretary is responsible to:**

- a. Assist the Secretary whenever called upon.
- b. Assume the duties and responsibilities of the Secretary in the event of his/her absence, resignation or inability to serve.

#### **Treasurer is responsible to:**

- a. Collect membership fees from all members of the Chapter Committee.
- b. Keep record of all members.
- c. Receive and give the receipts for moneys due and payable to the Chapter Committee from any source.
- d. Deposit all moneys in the Chapter Committee's name in banks.



- e. Write checks and disburse funds to discharge the Chapter Committee's obligations. However, funds may not be withdrawn from the Chapter Committee's accounts without the approval of the committee.
- f. Prepare an annual report of the Chapter Committee's financial transactions.
- g. Be prepared to offer financial records, bank books, voucher's, etc. of the Chapter Committee for review, upon requests from officers, directors and auditors.
- h. Coordinate and provide suggestions to fund raising committee.
- i. Review the costs of any events and projects proposed by the event planning.
- j. Maintain checks and balances of the expenses, receipts, bills, and financial reports submitted by departments and subcommittees.

**Joint Treasurer is responsible to:**

- a. Assist the Treasurer whenever called upon.
- b. Keep financial record up to date.
- c. Assume the duties of the Treasurer in the event of his/her absence, resignation or inability to serve.

**Members are responsible to:**

- a. Be prepared to hold any vacant post decided by the committee.
- b. Help other officers as necessary.

**Section 4: Term of office**

- a. Term of office shall be for a period of two years.
- b. A member cannot hold office for more than two consecutive terms.
- c. A current office bearer can contest only one more time.

**Section 5: Termination policy**

- a. A committee member can be terminated from his/her office when there is a two thirds majority within the committee supporting his/her termination.
- b. If a committee member does not function according to his/her duties stated in the Bylaws and three written complaints are filed with the committee against his/her incompetence to hold office, it calls for the committee to meet and observe Termination Policy after scrutinizing the claim and defense.
- c. Committee members can voluntarily give up on their offices by calling a committee meeting and when the committee gives its consent.

**Section 6: Code of Conduct**

All officers shall attend all committee meetings. Any officer who fails to attend three consecutive meetings without prior notification shall be subject to expulsion from his/her office at the discretion of other members of the committee.

**Section 7: Compensation and Loan**



No compensation shall be paid to any members of the Chapter Committee/ Departments /Sub-committees for their services to the Chapters. And, no loans shall be made by the Chapters to any members or Directors or members of the committee/board nor may any such member secure a loan under the name of the Chapter without the prior approval of a 2/3 majority vote of the Chapter Committee.

## **ARTICLE- X** **MEETINGS**

All meetings shall be presided over by the President or, in his/her absence, by the Senior Vice-President of the Central Executive Committee and Vice-President of the Chapter Committee. The General Secretary of the Central Committee shall act as a secretary of all meetings of the board and Secretary of the Chapter Committee shall act as a secretary of all meetings of Chapter Committee provided that, in his or her absence, the presiding officer shall appoint another person to act as a Secretary of the meeting.

### **Section 1: National Convention (Mahadhiveshan)**

- a. It shall be organized every two years by the Central Executive Committee of the Association.
- b. It shall be presided over by the President of the Central Executive Committee of the Association.
- c. It shall be the supreme institution of the Association.
- d. The President of the Chapter Committee shall present a progress report of its Chapter Committee.
- e. Invited guests and observers from outside and within the Association may take part in the convention.
- f. It shall elect a new Central Executive Committee.
- g. It shall summarize past events and progresses and put forward future objectives and directives.
- h. Each Chapter Committee shall contribute minimum \$100.00 for the National Convention.

### **Section 2. Annual General Meeting (AGM)**

- a. Annual General Meeting (AGM) shall be called every fiscal year but shall not be called in the year of the National convention.
- b. The meeting shall be presided over by the President of the Central Executive committee.
- c. All Chapter Committees and the Executive Committee must present financial and progress reports at the AGM.
- d. The Meeting shall give necessary suggestions and directions to the Central Executive Committee.
- e. The Meeting shall process and approve any amendments to the Bylaws.
- f. Each Chapter Committee shall contribute minimum \$100.00 for the AGM and the National Convention.

### **Section 3. Annual General Meeting (AGM) of Chapter Committee**

- a. Each Chapter Committee shall call Annual General Meeting (AGM) each year and be presided over by the President of the Chapter Committee. The meeting shall present financial report of the Chapter and discuss about the past activities and the future plans.
- b. Each Chapter Committee shall call a General Convention every 2 years and elect a new committee. The general members of the Chapter Committee are eligible to vote and nominate or elect themselves for any post in the committee.
- c. All Chapter Committees must complete their AGM prior to the Central Committee's AGM.

### **Section 4: Special National Convention**

- a. Special National Convention may be called with special agenda by the Central Executive Committee or if upon written request of a two-thirds majority of General and Life members. The business to be transacted at such special meeting shall be stated in a special notice or agenda and no other business may be conducted at that time.
- b. If the Central Executive Committee could not call a National Convention (Mahadhiveshan) in regular time frame due to an extraordinary circumstance such as a pandemic and natural calamity, a Special National Convention might be conducted as a regular National Convention. The Special Convention could form a new Executive Committee or do other business as a regular National Convention (Mahadhiveshan) such as approving and amending the Bylaws of the Association, including directives, rules and regulations related to a Fund, Trust or Department.

### **Section 5: Voting**

Any materials deliberated during any meetings shall be passed by a simple majority of the participants.

### **Section 6: Notices**

- a. Notice of the National Convention (Mahadhiveshan) shall be delivered at least 60 days prior to the date of the meeting.
- b. Notice of the Annual General Meeting (AGM) of the Chapter Committee shall be delivered at least 60 days prior to the date of the meeting.
- c. Notice of the Special Convention shall be delivered at least 15 days prior to the date of the meeting.
- d. All notices shall be delivered to the last reported address of each member by mail, email, telephone, or fax.

### **Section 7: Minute**

Minute books remain with the Central Executive Committee, Emergency Fund Committee, Chapter Committees. The Secretary of the respective committee shall keep records of all documents and the minute of all decisions made.

### **Section 8: Quorum**

A quorum must be attended by at least three-fourth members of the committee before business can be transacted or motions be made or passed. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the committee, unless the Article of the Association, this constitution, or provisions of law require a greater percentage or different voting rules for approval of a matter by the Board. If the quorum could not be met in two consecutive meetings, the following meeting should assume the number of present members as the quorum.

## **ARTICLE- XI ELECTION**

### **Section 1: Election Procedures**

For the purpose of election, all Committees shall establish an Election Commission (EC) before the election comprising of at least 3 members from members of the Association. The EC shall appoint an Election Commissioner among them. The EC shall perform its duty in accordance with the Bylaws of the Association.

- a. EC shall maintain maximum inclusiveness of representatives from women for candidates in all posts.
- b. The Commission shall announce rules and regulations pertaining to the elections.
- c. Members of EC shall not cast votes and file nominations.
- d. Honorary and Affiliated members shall not take part in any elections.
- e. Elections of all posts and levels are encouraged to seek consensus among the nominees if possible; otherwise, an election shall be held. A candidate will be declared elected if he/she secures at least one more vote than the nearest opposing candidate. In case of a tie between two candidates for the same post, a second round of voting will be held between the top two candidates. If the tie still remains unbroken between the candidates, a random drawing will be made to elect a candidate.
- f. EC shall be considered automatically dissolved after the elections.
- g. EC must collect \$500.00 from the President, \$350.00 from Officers other than President and \$150.00 from Members as nomination fees for candidacy to the Central Executive Committee.
- h. EC must collect \$100.00 from the President, \$75.00 from Officers other than President and \$50.00 from Members as nomination fees for candidacy to the Chapter Executive Committee.

- i. The Election Commissioner shall issue a certificate to an elected member with his/her signature on it.

## **Section 2: Delegates**

To be able to exercise the voting right at the National Convention (Mahadhiveshan) to elect the Central Executive Committee Members, all Chapter Committees must elect delegates prior to the National Convention from among their roster of their registered General Members. The following are the Delegation selection criteria:

- a. Per 10 General Members, Chapter Committee shall choose/elect/nominate 1 delegate. (Example: if a Chapter has up to 10 or up to 19 General Members, it can choose/elect/nominate 1 delegate.)
- b. If Chapter Committee is not formed in any State/Area, Central Executive Committee shall choose/elect/nominate delegate according to delegation criteria mentioned above.
- c. All Life Members are delegates by default to the National Convention.
- d. All Central Executive Committee Members are delegates by default to National Convention.

## **Section 3. Eligibility of Candidates**

### **Central Executive Committee:**

Each candidate should meet the following criteria:

- a. All candidates must be delegates to National Convention.
- b. Candidate for President – must have served as an official of the Central Executive Committee at least a year or must have served one term in Chapter Committees in a position of office bearer and a Life Member with at least 2 years of residency.
- c. Past members of the Central Executive Committee.
- d. Past and present members of the Chapter Committees.
- e. Delegates of Chapter Committees to the National Convention.
- f. Candidates for President, General Secretary and Treasurer must have valid legal residency status in the United States to be able to run the Association's day-to-day business without legal obstacles while performing the tasks such as banking, taxes and other legal tasks.
- g. Other members of the Central Executive Committee
- h. Life Members. All members of the Central Committee must receive a Life Membership within three months of election or nomination, if not already a Life Member
- i. No one shall be allowed to hold more than one post in any levels at any time.

### **Chapter Committee:**

All General and Life Members of the Chapter Committee can contest any of the post of Chapter Committee. All members of the Chapter Committee must

receive a Life Membership within three months of election or nomination, if not already a Life Member.

#### **Section 4: Resignation**

Officers and members can file their resignation to the President of the respective Central Executive Committee and Chapter Committee. All resignation letters shall be forwarded to the Central Executive Committee. The Central Executive Committee shall notify its decision to the officer who resigned within 30 days from the date of the filing.

### **ARTICLE-XII**

#### **ADVISORY BOARD/DEPARTMENTS/SUBCOMMITTEES**

#### **Section 1. Advisory Board**

The Central Executive Committee shall have an Advisory Board consisting of distinguished individuals from Magar community whose primary responsibility shall be to advise respective committee to further the cause of the association. The Advisory Board shall have 13 individuals including immediate (outgoing) Past President who will be an Advisor by default. Chapter Committee shall have the right to appoint Advisory Board as chapter committee board resolution.

#### **Section 2. Establishment of Departments**

The Central Executive Committee and Chapter Committees shall have the power to create and select Departments/Subcommittees and/or task forces; to define, limit or enlarge the function of any such Department / Committee consistent with this Bylaws. The President of the parent committee shall appoint and remove Department/subcommittee chairpersons/coordinators and members and fix the terms of such appointments. Each department/subcommittee shall formulate its own internal rules, regulations and policies subject to the approval of the board. Any regulations or policies that affect the rights of membership shall be subject to confirmation by the Central Executive Committee before becoming effective.

### **ARTICLE- XIII**

#### **HONORARY BOARD MEMBERS**

All former Central Executive Board Members shall be considered Honorary Executive Board Members whereas all former Chapter Committee Board Members shall be considered Honorary Chapter Board Members. This designation shall be made when their term expires.

### **ARTICLE- XIV**

#### **LOGO**

Outer 18 points represent Athara Magarat or the eighteen regions of Magars whereas inner 12 points for Bahra Magarat or the twelve regions of Magars and 1 inner rectangular Kaike (Dolpa) region. Buddha in inner circle symbolizes peace and non-violence. Map and flag of Nepal show where the Nepali-American Magars are originally from, and the US flag represents their current residence. Magar USA 2004 reveals name and time of the establishment of the organization. The Logo shall be as depicted in Annex C.

#### **ARTICLE- XV SEAL**

The seal shall have inscribed thereon the name of the Association, the place and year of incorporation, which will be affixed to all documents issued by or under its authority.

#### **ARTICLE- XVI INDEMNIFICATION**

Anyone conducting authorized business on behalf of the Association shall be reimbursed for expenses if these (expenses) are approved by the President, Secretary and Treasurer or Board.

#### **ARTICLE- XVII AMENDMENT**

Amendments of this Bylaws may be proposed by the Central Executive Committee or by written petition of at least one third of the general members. Proposals for amendments shall be received by the President and forwarded with recommendations from the Central Executive Committee to the members at least 30 days before the Annual General Meeting (AGM) at which they are to be voted upon. To be adopted, proposed amendments must receive the approval of a two thirds majority of the members present and eligible to vote at the AGM. The implementation date for any amendments to this Bylaws shall be the first day of its adoption.

#### **ARTICLE- XVIII DISSOLUTION**

##### **Section 1: Chapters**

The committee shall call a special meeting upon consultation with the Central Executive Committee of the Association and request from a two third majority of the members to deliberate on “dissolution” of the Chapter Committee. After the deliberation the committee shall announce the dissolution of the Chapter Committee if a two third majority of the members present in the meeting approves the motion.

The last committee must hand over all records, papers, correspondences, and documents related to the Chapter to the Central Executive Committee of the MagarUSA. The dissolution of the Chapter Committee will not relieve the officers from ongoing and future inquiries and investigations of fraudulent activities of the last committee.

## **Section 2: Association**

The Central Executive Committee shall call a special meeting upon request from a two thirds majority of the general members to deliberate on “dissolution” of the Association. After the deliberation, the Central Executive Committee shall announce the dissolution of the Association if a two thirds majority of the members present in the meeting approves the motion.

## **ARTICLE- XIX FLAG**

Magar Association Inc. shall have own official flag consisting of Khurpeto with a Hansiya inside the Khurpeto, and a rope tied with the Khurpeto. The Flag shall be as depicted in Annex D.

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### **ANNEXURES:**

- A – Founder Members
- B – Application Form
- C – MagarUSA Logo
- D – MagarUSA Flag

- 
- *Adopted by the Special General Meeting held in Mays Landing, NJ, USA on March 25, 2018.*
  - *First Amendment by the 8th National Convention held in Sewell, NJ, USA on July 31, 2021.*
  - *Second Amendment proposed and adopted by the 8<sup>th</sup> Annual General Meeting (AGM) held in Dallas, TX, USA on August 06, 2022.*

**Founder Members**

1. Prof. B.K. Rana Magar
2. Mr. Dal Bahadur Budhathoki Magar
3. Mr. Nagendra Rana Magar
4. Mr. Moti Prasad Thapa Magar
5. Mrs. Sarina Thapa Magar
6. Mrs. Sanjita Thapa Magar
7. Mr. Mahendra Thapa Magar
8. Mr. Hem Thapa Magar
9. Mr. Madhu Ram Thapa Magar
10. Mr. Akhan Bahadur Kaucha Magar
11. Mr. Narayan Kaucha Magar
12. Mr. Nar Bahadur Budha Magar
13. Mr. Rudra Pajja Magar
14. Mr. Devendra Thapa Magar
15. Mr. Shyam Budha Magar
16. Mr. Raju Rana Magar
17. Mr. Bimal Kumar Thapa Magar
18. Mrs. Barmaya Budha Magar



**Membership Application Form**

MAGAR ASSOCIATION USA INC.  
मगर संघ अमेरिका  
Estd. 2004

**Membership Application Form**

Reg. No. 040830001182  
Tax ID No. 84-1655629

**Personal Information**

Issue Date \_\_\_\_\_

Full Name: \_\_\_\_\_

DOB \_\_\_\_\_

Sex:  Male  Female

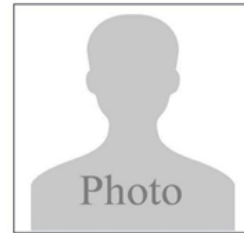
Nepal Address \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip \_\_\_\_\_ Email: \_\_\_\_\_

Cell: \_\_\_\_\_

Education \_\_\_\_\_

**Membership Information**Membership Type:  General (\$50)  Life (\$500)Membership Fee \$  Membership Expire : \_\_\_\_\_**Membership Agreement**

I hereby declare that I, \_\_\_\_\_ is now a General/Life member of Magar Association USA  
holds the right to reject my membership if found violating organizational rules.  
I agree with the all rules and by-laws of this organization. I agree to pay above mentioned membership fee.

The above information is submitted above for the sole purpose of opening a membership. I hereby certify that all the information provided is true.

\_\_\_\_\_  
Member's Signature\_\_\_\_\_  
Approved By

(Creating a Sence of Shared Responsibilities towards the Magar Community)  
The Secretariat , 40-08 76 Street Elmhurst NY 11373 | Tel. (347) 510-9833 | Email: info@magarusa.org

MagarUSA Logo



**MagarUSA Flag**

