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## *By-Laws of*

### **Magar Association USA, Inc.**

Formerly **LANGHALI ASSOCIATION USA, INC.**

*(With 3<sup>rd</sup> Amendment by 9<sup>th</sup> AGM on July 28, 2024)*

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

### **PREAMBLE**

On March 28, 2004, the Nepali-American Magars held a General Meeting in New York City, and they decided to establish a non-profit voluntary social organization called Magar Association USA, Inc. (formerly LANGHALI ASSOCIATION USA, INC.). The list of Founder Members is in 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 webpage URL of the Association is: **<https://MagarUSA.org>** and the 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 follows:

**69-08 Woodside Avenue, 2nd Floor, Woodside, NY 11377**

## **Section 2: Other Offices**

The Central Executive Committee may designate offices or Chapter Committees in other places or States to expand its business.

### **ARTICLE-III**

#### **MISSION/OBJECTIVES/POWER/INFLUENCE ON LEGISLATION**

##### **MISSION:**

Creating a Sense of Unity and Shared Responsibilities among the Magar Community in the United States of America (USA).

##### **OBJECTIVES:**

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

- a. Maintain coordination and cooperation among the Magars living in the United States of America.
- b. Preserve and promote the linguistic and cultural heritage of the 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 the Magar Community and others during natural disasters and humanitarian emergencies.
- d. Work with its partner 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.
- e. Establish a “Magar USA Scholarship Revolving Fund” and provide scholarships to brilliant Magar students across the United States annually for their outstanding work to promote MagarUSA and its mission/objectives.
- f. Establish cordial and broader relationships 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 a Fund, Trust, or Department to help the Magars and their families.
- 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 the welfare of the chapter members or the community.

### **INFLUENCE ON 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 concerning) 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 the Magars) through their respective Chapters 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 advice or suggestions at any level, including receiving any direct benefit and help from the Association. Age eligibility for memberships is 18 years and above.

### **Section 2: 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.
- b. **Student Membership** is granted to full-time students for a 50% discount on the general membership fee. A one-time student membership subscription will be current until his/her student status remains valid.
- c. **Life Membership** is available to all Magar individuals. The membership is available through the Central Executive Committee and respective Chapter Committees. A non-Magar daughter-in-law (Buhari, married to a Magar) who obtains a life membership based on the marriage will lose the life membership if she gets divorced from her Magar husband.

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

All Chapter Committees formed under the parent organization must send the specified amount of collected membership fees to the Central Executive Committee as follows: 25% of General Membership fees and 50% of Life Membership fees. Of the Life Membership fees sent by a chapter, the Central Committee keeps 5% in its

account and forwards the remaining 45% to either the Emergency Fund or other trusts/funds as created by the Central Committee.

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

All membership applicants, including Life Membership, must complete the prescribed “Membership Application Form” and submit it to the respective Chapter. Still, the Life Membership Application Form can be submitted directly to the Central Executive Committee. The Central Executive Committee should issue all Membership Forms and collect the dues if no Chapter exists. A Template for the Membership Application Form is in 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 8.
- 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 from their respective treasurers of the Association or its Chapter Committees.
- e. Get facilities as a member or family member- the member according to the By-laws, 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 submitting a written resignation letter to his/her Chapter Committee. The Central Executive Committee must approve the letter for the resignation to be final. 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 an 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 the Annual General Meeting (AGM).

- a. General Member: \$50.00 (Fifty US Dollars) for a two-year election cycle term. Any verifiable full-time student will get 50% (\$25) off the General Membership fee.
- b. Life Member: \$500.00 (Five hundred US Dollars)

#### **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 Chapter Committees.

#### **Section 4: Refunds**

No dues will be refunded.

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

The fiscal year for the Association shall be from August 1st through July 31st. Those who have paid their membership dues for 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 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 pertinent information online.

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

General Memberships, including Life Memberships, are open to all at any time of the year. However, during the Election year, any new membership subscriptions or renewal of current memberships must be taken before any elections of the Chapter Committee 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) before the elections of the Chapter's Committee or the Central Executive Committee.
- b. Life Members shall have the right to vote in all Annual General Meetings (AGMs) and National Conventions or Special National Conventions.
- c. General Members shall have the right 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 the President or General Secretary, and Treasurer. The signature of the Treasurer is mandatory.
- b. Past Treasurer shall hand over financial statements to a newly elected Treasurer within a month of his/her termination.
- c. The Central Executive Committee can establish a Fund, Trust, or Department for a specific purpose with clearly defined objectives. Such Fund, Trust, or Department shall have its own separate Bank Account and Directive 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. If the membership is provided by the Central Committee, 100% of General Membership fees and 55% of Life Membership fees. The remaining 45% of Life Membership will go to the Emergency Fund or other trusts/funds created by the Central Committee.
  - v. If the membership is provided by a Chapter Committee, 25% of the General Membership fees and 50% of Life Membership fees must be sent to the Central Committee. Of the Life Membership fee contribution to the Central Committee, 45% will go toward the Emergency Fund or other funds/trusts, and the Central Committee keeps 5% in its account.
- e. Fund shall be used according to Central Executive Committee resolutions, rules, directives, or regulations passed by the Central Executive Committee.
- f. The Central Executive Committee shall provide financial support to the Chapter Committee if needed.
- g. The 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 their own Bank Account and operate with the authorized signatures of 2 members, including the President or Secretary, and Treasurer. The signature of the Treasurer is mandatory.
- b. Past Treasurer shall hand over financial statements to a 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. Of the memberships distributed by a chapter, 75% of General Membership fees and 50% of Life Membership fees are retained by the Chapter Committee. This means that 25% of the General Membership fees and the other 50% of the Life Membership fees will be paid to the Central Committee. Of the Life Membership fees paid to the Central Committee (50%), 45% will go to the Emergency Fund or other trusts/funds, and 5% will be deposited into the Central Committee account.
- d. The Fund shall be used according to the decisions of the Chapter Executive Committee resolutions.
- e. Chapter Committee shall provide financial support to the Central Executive Committee if needed.
- f. The 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 Funds, Trusts, or Departments formed by the Central Executive Committee as per the approved rules, regulations, or directives.

## **Section 4: Auditing**

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

## **Section 5: Authorized Signatures**

No checks of the Central Executive Committee or Chapter Committee can be written or money 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 the Treasurer of the respective committees. The signature of the Treasurer is mandatory for both levels of committees. The priority order of the two authorized signatures will be as follows:

- a. President and Treasurer.
- b. General Secretary or Secretary, and Treasurer.
- c. To operate the bank account of the Fund, Trust, or Department, the Central Executive Committee shall have the right to decide the 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 the 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 work.

### **Section 2: Termination**

The affiliate membership is non-binding. The affiliate membership will be terminated at any time if one of the organizations wishes not to be associated with the other.

## **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 - 2

8. Treasurer - 1
9. Joint Treasurer - 1
10. Members – 7

## **Section 2: Election of the Central Executive Committee**

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

## **Section 3: Prohibition on Holding Other Offices**

The MagarUSA Executive Central Committee members shall not hold a position in any other competing associations or organizations. If known to have this has 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 staff and assign their duties, responsibilities, and rights.
- f. Prepare financial and institutional reports for meetings.
- g. Work per the By-laws of the Association.
- h. Fulfill the mission and the objectives of the Association.
- i. Work and collaborate with other organizations.
- j. Organize the main events of the Association.
- k. Appoint another member to a vacant post if necessary.
- l. Prepare amendments to the By-laws of the Association for the general meeting.
- m. Help, direct, observe, and supervise the Chapter Committees.
- n. Elect a new Central Executive Committee.
- o. Form different sub-committees (e.g., Advisory Committee, Expert Committee, Emergency Revolving Fund Committee, Scholarship Committee) to fulfill the mission and objectives of the Association as needed.

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

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

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

- a. Provide overall leadership for the committee of the Association.
- b. Call and 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.

**The 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.

**The Vice-President (Regional)** is responsible for leading and coordinating with regional Magars and Chapter Committees.

**The Vice-President (Language)** is responsible for coordinating with three Magar dialects- Dhut, Kham (Pang), and Kaike-speaking Magars to preserve the Magar language.

**The Vice-President (Women)** is responsible for coordinating with other Magar women to empower the Magar women and girls.

**The 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 the 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 these By-laws and provide them to all members of the Association upon request.

**The 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.

The two secretaries may perform different duties and bear responsibilities if needed and as assigned by the Central Executive Committee.

**The Treasurer is responsible to:**

- a. Collect dues from the Chapter Committees and Life Members.
- b. Keep a record of all members.
- c. Receive and give the receipts for money 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. Coordinate and give suggestions to the fundraising 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 Chapters.

**The Joint Treasurer is responsible to:**

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

**The 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. The term of office shall be for two years.
- b. A member may hold office for more than two consecutive terms.
- c. A current office bearer can contest for the same position multiple times.
- d. When a National Convention cannot be held due to circumstances that are beyond the control of the MAUSA, such as natural calamities and pandemics, the Central Executive Committee shall continue to serve the term until the National Convention can be held. As described below in **ARTICLE X Section 4**, if a two-thirds majority of the membership petitions request 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 By-laws 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 the Termination Policy after scrutinizing the claim and defense.
- c. Committee members can voluntarily give up their offices by calling a committee meeting and when the committee approves.

### **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 subjected 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, 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 By-laws 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 to as many Magars as possible living in different states of the USA.

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

The Central Executive Committee of the Association may permit the formation of more than one Chapter in each state. Depending on the population size of the Magars and easy interaction among them in the given region, more than one state may be combined to form a single Chapter Committee. A Chapter Committee will have at least 9 and not more than 15 members. The Chapter Committees shall be governed by their respective chapters. Each chapter's executive committee shall be made up of the following members:

1. President - 1
2. Vice-President – 1 or 2
3. Secretary - 1
4. Joint Secretary – 1 or 2
5. Treasurer - 1
6. Joint Treasurer – 1
7. Members – 1 to 9

If needed, a Chapter Committee can include an additional Vice-President and/or additional Joint Secretary (maximum of two for each of the two positions). A chapter

can also reorganize the positions given the committee size limit of a minimum of 9 and a maximum of 15, depending on a chapter's needs.

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

The 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 at 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 staff and assign their duties, responsibilities, and rights.
- f. Prepare financial and institutional reports for meetings.
- g. Work following the By-laws 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 a new committee by appointing an election officer (EC).

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

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

- a. Call and 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.

### **The 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.

### **The 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 the 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.

**The 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.

**The Treasurer is responsible to:**

- a. Collect membership fees from all members of the Chapter Committee.
- b. Keep a record of all members.
- c. Receive and give the receipts for money due and payable to the Chapter Committee from any source.
- d. Deposit all money 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, vouchers, etc. of the Chapter Committee for review, upon requests from officers, directors, and auditors.
- h. Coordinate and provide suggestions to the fundraising 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.

**The Joint Treasurer is responsible to:**

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

**The 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. The term of office shall be for two years.
- b. A member can hold office for more than two consecutive terms.
- c. A current office bearer can contest for the same position multiple times.

**Section 5: Termination policy**

- a. A committee member can be terminated from his/her office by 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 By-laws 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 the Termination Policy after scrutinizing the claim and defense.
- c. Committee members can voluntarily give up on their offices by calling a committee meeting and after the committee approval.

### **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 subjected 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 member of a Chapter Committee, Department, or Sub-committee for their services to the Chapter. Further, no loans shall be made available by the Chapters to any members or Directors or members of the committee or board, nor may any such member secure a loan under the name of the Chapter without the prior approval of a two-thirds 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 the Secretary of the Chapter Committee shall act as a secretary of all meetings of the 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. Some guests and observers from outside and within the Association may be invited to participate in the convention.
- f. It shall elect a new Central Executive Committee.
- g. It shall summarize past events and progress and put forward future objectives and directives.
- h. Each Chapter Committee shall contribute a minimum of \$1500.00 for the National Convention.
- i. A National Convention shall be organized after July, preferably in August.

## **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 By-laws.
- f. Each Chapter Committee shall contribute a minimum of \$1500.00 for the AGM and the National Convention.
- g. An AGM shall be organized after July, preferably in August.
- h. An AGM can be held remotely in exceptional cases.

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

- a. Each Chapter Committee shall call the Annual General Meeting (AGM) each year and be presided over by the President of the Chapter Committee. The meeting shall present the financial report of the Chapter and discuss 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 before the Central Committee's AGM.
- d. An AGM shall be organized after July, preferably in August.

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

- a. Special National Convention may be called with a special agenda by the Central Executive Committee or 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 a 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 By-laws 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 before the date of the meeting.
- b. Notice of the Annual General Meeting (AGM) of the Chapter Committee shall be delivered at least 60 days before the date of the meeting.
- c. Notice of the Special Convention shall be delivered at least 15 days before 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: Minutes**

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

## **Section 8: Quorum**

A quorum must be attended by at least three-fourths 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 cannot 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 an election, all Committees shall establish an Election Commission (EC) before the election, comprising at least 3 members from members of the Association. The EC shall appoint an Election Commissioner among them. The EC shall perform its duty per the By-laws 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 about the elections.
- c. Members of the EC shall not cast votes or 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

- 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 the President, and \$150.00 from Members as nomination fees for candidacy to the Central Executive Committee.
  - h. A Chapter Committee and its EC can set their fee rates for the nomination of candidates for the Chapter Committee.
  - i. The Election Commissioner shall issue a certificate to an elected member with his/her signature on it.

## **Section 2: Delegates**

Each Chapter Committee must select delegates before the National Convention from among their roster of registered General Members for participating in the National Convention (Mahadhiveshan) to elect the Central Executive Committee Members.

The following are the Delegation selection criteria:

- a. Per 10 General Members, the Chapter Committee shall select one delegate (10:1 ratio) to represent them.
- b. If a Chapter Committee is not formed in any State/Area, the Central Executive Committee shall select a delegate according to the 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 the National Convention.

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

### **Central Executive Committee:**

Each candidate should meet the following criteria:

- a. All candidates must be delegates to the National Convention.
- b. Candidate, for the President, must have served as an official of the Central Executive Committee for at least a year or must have served one term in Chapter Committees in the 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 the President, the General Secretary, and the 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 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 at any level at any time.

**Chapter Committee:**

All General and Life Members of the Chapter Committee can contest any of the posts of the 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 of 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 the Magar community whose primary responsibility shall be to advise the respective committee to further the cause of the Association. The Advisory Board shall have 13 individuals, including the immediate (outgoing) Past President, who will be an Advisor by default. The Chapter Committee shall have the right to appoint an Advisory Board as a chapter committee board resolution. If an appointed adviser to either the Central Committee or a Chapter Committee is not a life member already should obtain a life membership within three months of the appointment.

**Section 2. Establishment of Departments**

The Central Executive Committee and Chapter Committees shall have the power to form and select Departments, Subcommittees, or task forces to define, limit, or expand the function of any such Department consistent with these By-laws. The President of a parent committee shall appoint and remove the Department or subcommittee chairperson or coordinator and members, and specify the terms of such appointments. Each department or subcommittee shall formulate its own internal rules, regulations, and policies subject to the approval of the board. Any regulations or policies that affect the right of membership shall be subject to confirmation by the Central Executive Committee before they become effective.

**Section 3. Establishment of a Board of Trustees or Directors**

To honor those who have made significant and longstanding contributions to MAUSA, the Central Executive Committee can form a Board of Trustees or Directors. The committee's roles and members' qualifications shall be specified in separate directives to be prepared by an *ad hoc* committee appointed by the CEC. The *ad hoc*

committee will do further research on this topic and will consider criteria such as duration of membership or life membership, contribution as an executive committee member, and substantial financial contribution to be eligible for membership to the board.

### **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**

The outer 18-pointers represent Athara Magarat or the eighteen regions of the Magars. The inner 12-pointers represent Bahra Magarat or the twelve regions of the Magars, and the one inner triangle represents the Kaike (Dolpa) region with the MAUSA flag overlayed. The map and flag of Nepal show where the Nepali-American Magars are originally from, and the US flag represents their current residence. "MAGAR ASSOCIATION USA INC." reveals the name of the association. "ESTD. 2004" shows the year of the association's establishment. 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, the Secretary, and the Treasurer or Board.

### **ARTICLE- XVII**

#### **AMENDMENT**

Amendments of these By-laws 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 these By-laws 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-thirds majority of the members to deliberate on the “dissolution” of the Chapter Committee. After the deliberation, the committee shall announce the dissolution of the Chapter Committee if a two-thirds majority of the members present in the meeting approve 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 the “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 approve the motion.

## **ARTICLE- XIX**

### **FLAG**

The Magar Association USA Inc. shall have its own official flag consisting of a Khurpeto with a Hansiya (sickle) inserted into the Khurpeto, and a rope tied with the Khurpeto. The Flag shall have 18 outer bars or pointers and six inner bars or pointers and be as depicted in Annex D.

## **ANNEXURES:**

- A – Founder Members
- B – Membership 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.*
  - *Third Amendment proposed and adopted by the 9<sup>th</sup> Annual General Meeting (AGM) held in New York, NY, USA on July 28, 2024*



**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 Paija 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: \_\_\_\_\_

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

Do you have spouse ? ☐ Yes ☐ No

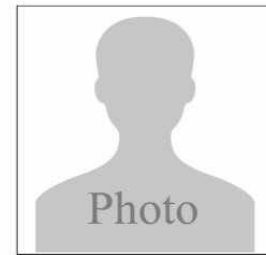
If yes,

Spouse Full Name \_\_\_\_\_ Sex ☐ Male ☐ Female

Number of Children \_\_\_\_\_

1. \_\_\_\_\_ 2. \_\_\_\_\_

2. \_\_\_\_\_ 4. \_\_\_\_\_

***Membership Information***Membership Type: ☐ Student (\$25) ☐ General (\$50) ☐ Life (\$500)

Total No. Members \_\_\_\_\_

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  
 Purna B. Paija Magar  
 Membership Drive Coordinator

(Creating a Sence of Shared Responsibilities towards the Magar Community)

The Secretariat , 69-08 Woodside Ave, 2nd Fl, Woodside NY 11377 | Tel. (917) 596-4810 | Email: info@magarusa.org, magars2004@gmail.com

**MagarUSA Logo**



MagarUSA Flag

