

THE CONSTITUTION OF

NEPALI SAHITYA SAMAJ (NEPALI LITERATURE SOCIETY) NEW ZEALAND INCORPORATED (Estd. 2016, NZBN 2650333)

(Fourth Amendment to comply with the 2022 Act and approved by an AGM held on 7 September 2024)

PREAMBLE – NEPALI SAHITYA SAMAJ NEW ZEALAND INCORPORATED DECLARES ITSELF AS A NON-PROFIT ORGANISATION SOLELY RESPONSIBLE FOR THE PROMOTION OF NEPALI LITERATURE AND ESTABLISHING RELATIONSHIP WITH ORGANISATIONS WITH SIMILAR OBJECTIVES.

1. Glossary

Unless otherwise stated, the following terms in this document shall be interpreted as defined below:

Nepali Sahitya Samaj (NSS) means the Incorporated Society formed under this constitution.

Act means the Incorporated Societies Act 2022, including any amendments, and any regulations made under that Act.

Contact Person means a person representing NSS who the Registrar of Incorporated Societies can contact when needed.

Executive Committee (ExCom) means the executive committee as mentioned in Article 5.

Annual General Meeting (AGM) means annual general meeting of NSS.

Special General Meeting (SGM) means special general meeting of NSS.

General Members of NSS include the ordinary and life members as outlined in Articles 4.1.1 and 4.1.2.

Dispute and Arbitration Management (DAAM) means the dispute and arbitration management procedure of NSS outlined in Article 17.

Constitution Amendment Committee (CAC) means the committee formed by NSS ExCom to recommend necessary amendments to NSS constitution.

2. Name

The legal name of the Society shall be Nepali Sahitya Samaj New Zealand Incorporated. It can also be known as Nepali Literature Society as/when needed. In short, the name shall be referred as “Sahitya Samaj” or “Society”. In Devanagari script, the name of the Society shall be written as: नेपाली साहित्य समाज न्युजिल्यान्ड इन्कorporेटेड.

3. Objectives

The Sahitya Samaj has following objectives:

- 3.1 To preserve and promote Nepali language and literature in New Zealand. Nepali language in this context covers all languages spoken by the people of Nepal, and literature includes all types of literary creations including (but not exclusive to) poems, novels, drama, debates, songs, music, dances etc.
- 3.2 To provide a platform for people interested in Nepali literature to share their literary creations and ideas with likeminded people.
- 3.3 To raise interest of kids/youths of Nepali origin living in New Zealand in Nepali language and literature.

3.4 To organise different activities/programs to promote Nepali language and literature.

4. Membership and Cessation of Membership

4.1 There shall be three classes of members:

4.1.1 Ordinary members: any person aged 16 years or older interested in Nepali literature shall be eligible for ordinary membership. People interested to become ordinary member of Sahitya Samaj can do so by completing and signing the membership application form, as in appendix 1, paying the membership fee. The applicant needs to supply any information as requested by ExCom or attend an interview as may be reasonably required by the ExCom.

4.1.2 Life members: any ordinary member or a person eligible to become ordinary member can also become life member by following the process and paying the life membership fee.

4.1.3 Honorary life members: honorary life members shall be nominated as per Article 22.

4.2 An applicant for the membership will become a member on acceptance of that application by the ExCom. The ExCom may accept or decline an application for membership at its sole discretion. The ExCom must advise the applicants of its decision. The signed written consent (application form as appendix 1) of every member to become the NSS member shall be retained in the Society's membership records.

4.3 The membership fee for ordinary and life members shall be decided by the ExCom. Honorary life members shall not need to pay any membership fee. All members shall have equal rights to take part in all activities of the Society.

4.4 Names and contact details of each member shall be recorded by the ExCom. Payment of membership fees shall be considered as consent given to become a new member or renew the existing membership.

4.5 In case of breaches of Rules by a member, the ExCom shall forward the case to AGM with the DAAM Committee's recommendation, with an explanation from the Member, for final decision as per the process outlined in Article 17.

4.6 Membership will cease:

4.6.1 If a member passes away

4.6.2 If a member resigns from membership

4.6.3 If a member is expelled as outlined in clause Article 17.

4.7 Society shall always maintain the required minimum numbers of members.

5. Executive Committee

5.1 The Sahitya Samaj shall be governed by an Executive Committee (ExCom) comprising a President, up to two Vice-Presidents (one each from the North and South Islands), a General Secretary, up to two Secretaries (one each from the North and South Islands), a Treasurer and up to ten Executive Members.

5.2 The President, the two Vice-Presidents, the General Secretary, the two Secretaries and the Treasurer are regarded as the officers of the Sahitya Samaj.

5.3 The membership of Sahitya Samaj shall be mandatory to be eligible for nomination for any of the officers and ExCom members.

6. The Funds of the Sahitya Samaj and Management

6.1 The funds of the Sahitya Samaj shall comprise of:

- 6.1.1 Annual membership fees,
- 6.1.2 Grants and Donations,
- 6.1.3 Amount received from its fund-raising programmes,
- 6.1.4 The interest credited by the bank, and
- 6.1.5 Any amount borrowed, or loan received.

6.2 Management of the Funds

- 6.2.1 All donations, funds and materials received for the purposes of the Sahitya Samaj shall be managed by the Treasurer of the ExCom under the supervision of the President. The ExCom shall have the power to direct or approve the expenditure of the funds in the interest of the Sahitya Samaj.
- 6.2.2 The ExCom shall keep its funds in a bank account under the name of the Sahitya Samaj. Two officials, Treasurer and the President shall operate the account. In the absence of the President, Treasurer and Vice-president or General Secretary shall operate the account.

7. Bank Account

The bank account shall be managed by the ExCom in the name of the Sahitya Samaj. All payments or transfers of money from such account shall be approved by two authorised ExCom officers as specified in Article 6.2.2.

8. Accounting

The ExCom of the Sahitya Samaj shall comply with the accounting requirements of the law of New Zealand, with regard to:

- 8.1 Keeping of accounting records of the Sahitya Samaj,
- 8.2 Preparation of annual financial statements for the Sahitya Samaj,
- 8.3 Financial statements along with annual return shall be filed annually in September (no later than 6 months from the Society's balance date).

9. Balance date

The Sahitya Samaj's financial year shall commence on 1 April of each year and end on 31 March (the latter date shall be the Sahitya Samaj's balance date).

10. Duties of the Officers

All the ExCom members and Officers shall follow duties adhering to principles outlined below:

- Act in good faith and in the best interests of the society
- Exercise powers for proper purposes only
- Comply with the Act and the constitution
- Exercise reasonable care and diligence
- Not create a substantial risk of serious loss to creditors
- Not incur an obligation the officer doesn't reasonably believe the society can perform.

- Not get involved actively with Nepali political parties and/or their sister organisations in New Zealand.

In addition, the officers shall have following duties:

The President: The President shall function as the Sahitya Samaj's Chief Executive Officer and preside over meetings of the Sahitya Samaj, shall perform other duties as the Sahitya Samaj may assign to him/her.

Vice Presidents: The Vice president shall help the President to perform his/her duty. In the absence of the President, the duties shall be performed by one of the Vice-Presidents.

The General Secretary: The General Secretary shall keep the overall records of the Sahitya Samaj and correspond on behalf of the Sahitya Samaj with its members, and with other national and international organisations. He/she shall also perform other duties as may be assigned to him/her by the ExCom.

The Secretaries: shall assist the General Secretary to keep the records of the Sahitya Samaj when required and handle the correspondence on behalf of the Sahitya Samaj at regional level.

The Treasurer: The Treasurer shall receive and take the custody of the Funds of the Sahitya Samaj. He/she shall invest and disburse the funds subject to the duties and under the direction of the ExCom.

11. Tenure of ExCom

The tenure of the ExCom shall be two years. Its term shall end after a new ExCom is elected and a formal hand-over has taken place during the AGM. The AGM shall be held before the end of September (i.e. within six months after the Society's balance date).

12. Election of ExCom

An Election Committee comprising of three members shall be formed by the ExCom two months prior to AGM. The advisors (as defined in Article 14) shall be eligible to serve as a member of the election committee, but he/she shall abstain from any advisory group meetings and discussions until the election is over.

- 12.1 The Election committee shall hold election for the President, the two Vice-presidents and the General Secretary.
- 12.2 At a minimum, the election of the President is essential for a successful election process.
- 12.3 The remaining positions of officers and ExCom members shall be co-opted by the elected officer/s within three months of a successful election.
- 12.4 In the circumstances where a successful election could not be held before an AGM, the AGM shall form the new ExCom.
- 12.5 The presidential candidate shall meet one of the following criteria:
 - 12.5.1 Is a Life member of the Sahitya Samaj, or
 - 12.5.2 Has served at least one term as an Officer in an ExCom.
- 12.6 For all other ExCom roles (except the President), all Ordinary and Life members are eligible.
- 12.7 The Election Committee shall formulate Election Rules in line with Sahitya Samaj's constitution, ensuring the election process follows the following steps in sequence:
 - receive details (name and emails) of all members from ExCom
 - formation of the election rules/regulations
 - publication of voters list and petition

- finalise the voter's list after considering any petition received
- nomination for all positions
- receive duly filled consent form from candidates as mentioned in Section 47 of the Incorporated Societies Act 2022.
- if there is only one valid nomination for any post, declare the nominated person elected unopposed
- if there are more than one valid nomination for any post, conduct an election

13. Special Committees/Advisors

- 13.1 The ExCom may decide to establish Special Committees and prescribe the duties and powers of such committees as/when deemed desirable.
- 13.2 The ExCom may appoint any life member of the Sahitya Samaj to act as an advisor. The main job of Advisors shall be to provide advice and guidance to the ExCom in important matters related to the Sahitya Samaj. At any time, there shall be no more than 7 advisors. The ExCom may appoint a new Advisor or terminate the term of an existing Advisor at any time during its tenure.
- 13.3 The Advisors and committees established by an ExCom will naturally retire at the end of the term of the ExCom.

14. General Meetings

- 14.1 Annual General Meeting (AGM):
- 14.1.1 An AGM shall be held annually either in-person or online before the end of September (i.e. within 6 months of the Society's balance date). If held in-person, the meeting shall provide general members an option to join online.
- 14.1.2 The AGM shall approve: (i) the minutes of the previous AGM and any SGM held in the past year, (ii) a report on the Society's activities over the last year from the President or the General Secretary, and (iii) the Treasurer's financial report for the past year. In addition, the AGM shall conduct any other business which has properly been announced before the AGM as stipulated below.
- 14.1.3 The notice for the AGM shall be issued at least two weeks before the AGM. Any materials related to any decision requiring voting in the AGM shall be circulated at least two weeks prior to the AGM.
- 14.1.4 The President shall chair the AGM but in his/her absence the AGM shall be chaired by a Vice-President (the older of the two shall be the first choice).
- 14.1.5 If both vice-presidents are absent, a senior (by age) life-member of the Society shall chair the AGM.
- 14.1.6 The quorum for an AGM shall be a minimum of twenty (20) general members present either in-person or online.
- 14.1.7 If the quorum is not met in an AGM, the meeting shall be adjourned. The AGM shall be called again with at least one hour's notice, and no quorum will be required for the recalled AGM.
- 14.2 Special General Meeting (SGM):
- 14.2.1 The ExCom shall have power to call and convene a SGM whenever necessary.
- 14.2.2 The ExCom shall also convene a SGM if twenty-five percent of total General Members of the Sahitya Samaj request so in writing.

14.2.3 The SGM shall be held either in-person or online. If held in-person, the meeting shall provide general members an option to join online.

14.2.4 The SGM shall focus on discussing and resolving the issues announced as the reason/s for calling the SGM.

14.2.5 The protocols for the notice period, chairing privilege/responsibility and quorum requirements for a SGM shall be similar to those for an AGM as stipulated above in 14.1.3 to 14.1.7.

15. Executive Committee (ExCom) Meetings:

15.1 The ExCom shall meet at least once in three-months.

15.2 The ExCom meetings shall be held either in-person or virtually (on-line).

15.3 The President shall chair all ExCom meetings, but in his/her absence an ExCom meeting shall be chaired by a Vice-President (the older of the two shall be the first choice).

15.4 The quorum for an ExCom meeting shall be majority of the ExCom officers and members (more than 50% of the total number of people in the ExCom).

15.5 If the quorum is not met in an ExCom meeting, the meeting shall be adjourned. A follow-up ExCom meeting shall be called again with at least one day's notice, and no quorum will be required for the recalled ExCom meeting.

15.6 The ExCom officers/members who cannot attend any in-person ExCom meeting shall be provided with an option of attending online.

15.7 The EC shall keep minutes of all meetings including the AGM and SGM.

Minutes of the meeting: The EC shall keep minutes of all meetings (AGM/SGM/ExCom meeting)

16. Vote of No Confidence and formation of Ad Hoc committee

16.1 Any call for vote of no confidence against the ExCom shall be lodged in writing by at least twenty-five percent of the total General Members.

16.2 When a vote of no confidence is submitted in writing, the EC shall call an SGM within two months.

16.3 If the vote of no confidence is submitted within three months of an AGM, a separate SGM shall not be necessary. The vote of no confidence shall be added in the agenda of the next AGM.

16.4 The ExCom shall be dismissed upon approval of the no confidence motion by 2/3rd of the General Members present at the AGM/SGM. The AGM/SGM shall then form a five membered Ad Hoc Committee to run the daily administration of the Sahitya Samaj until the next ExCom is formed. The tenure of such an Ad Hoc Committee shall not exceed more than three months. However, the Ad Hoc Committee's tenure could be extended beyond three months if the remaining tenure of the outgoing ExCom is less than six months.

16.5 If the vote of no confidence motion is approved, the AGM/SGM shall form an Election committee to conduct the election of a new ExCom within the next three months.

16.6 If a vote of no confidence against an ExCom is unsuccessful, another vote of no confidence against the same ExCom shall not be permitted for a year.

17. Dispute and Arbitration Management (DAAM)

17.1 In case of any written complaint against a member due to violation of Sahitya Samaj's constitution or dispute between members, ExCom shall form a DAAM committee.

- 17.2 The DAAM Committee shall include 3-5 members who have no conflict with the individuals involved in the complaint/dispute for unbiased investigation.
- 17.3 The DAAM Committee shall investigate the complaint/dispute and make a recommendation to the ExCom.
- 17.4 The ExCom shall give the member/s under complaint/dispute reasonable opportunity of providing their defence or explanation. The ExCom shall not proceed towards expulsion of any member if there is no conclusive evidence on the charge of violation of its constitution and of misconduct.
- 17.5 If a member found to be guilty as per the recommendation of the DAAM committee, with unanimous agreement from all ExCom officers/members the ExCom may suspend the membership of the member/s until a final decision is reached at a subsequent AGM/SGM.
- 17.6 The ExCom shall call an AGM or a SGM and table a motion to expel the member/s as per the recommendation of the DAAM committee at the AGM/SGM. The AGM/SGM shall approve the expulsion of the guilty member/s if two third of the General Members present at the AGM/SGM vote in favour of expulsion. Decision to expel shall come into force from the date of approval by the AGM/SGM.

18. Alterations to the Constitution

- 18.1 A Constitution Amendment Committee (CAC) shall be formed by the ExCom to prepare any amendment, alteration, or rescission to the Constitution and submit within the time frame decided by the ExCom.
- 18.2 No addition to or alteration of the preamble, objectives, personal benefit clause or the winding up clause shall be made which affect not-for-profit status. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.
- 18.3 Upon receipt of the proposed amendments from the CAC, the General Secretary shall inform General Members about the proposed amendment at least two weeks before an AGM/SGM.
- 18.4 The ExCom shall present the proposed amendments at the AGM/SGM. During discussions at the AGM/SGM, further changes may be made to the amendments recommended by the CAC. The final set of amendments need to be approved by the majority of the General Members present at the AGM/SGM.

19. Personal Interest

- 19.1 No member of the Sahitya Samaj shall:
- 19.1.1 Receive any benefit in cash or any good of cash equivalent,
 - 19.1.2 Have a personal interest in the supply of goods or services to the Sahitya Samaj, or
 - 19.1.3 Acquire or hold any personal interest in the property of the Sahitya Samaj.
- 19.2 However, the Sahitya Samaj shall reimburse or pay for reasonable expenses incurred in carrying out the duties of the Sahitya Samaj or the events sponsored by the Sahitya Samaj.

20. Co-operation with other Nepalese organisations

The Sahitya Samaj shall co-ordinate with other Nepali organisations working actively in different parts of New Zealand and offshore, to achieve the objectives as stipulated in Article 3. The Sahitya Samaj shall also maintain harmonious relationship with other literary personalities as well as organisations in New Zealand.

21. Patrons and Honorary Life Members

The ExCom may recommend people of high standing or those with a long outstanding record of contribution to the development of Nepali Literature or any other person deemed deserving as Patrons and Honorary Life Members of the Sahitya Samaj. The decisions of such nomination shall be approved by the majority of the General Members present at an AGM/SGM.

22. Honour/award

The ExCom may honour/award a person living in New Zealand and/or an organisation registered in New Zealand, who have made an outstanding contribution to Nepali Literature. The date, time and venue for conferring the award shall be decided by the ExCom. The process of honour/award shall follow the rules and sub-rules of sahitya samaj as specified in Appendix 2.

23. Winding up or Dissolution

23.1 The Sahitya Samaj may wind up voluntarily if two third of its General Members adopt a resolution to wind up at its AGM/SGM. Such adopted resolution requires to be ratified by the votes of two thirds of the General Members present at a subsequent AGM/SGM called for that purpose and held not earlier than thirty days from the date on which the resolution to wind up was adopted.

23.2 The Registrar shall, subject to payment of any debts and liabilities of the Sahitya Samaj, hand over all the property of the Sahitya Samaj to any other non-profit organisation that shares similar objectives to NSS or the New Zealand Red Cross Society in the event of voluntary wind up or dissolution of the Sahitya Samaj.

24. Logo

The Sahitya Samaj shall have its own logo as approved by the AGM/SGM.



25. The office

Sahitya Samaj shall operate with or without a permanent office. In the absence of a permanent office, the assets and records of Sahitya Samaj shall be managed by the officers of the ExCom. The ExCom may establish any temporary/permanent office of the Sahitya Samaj as per the need.

26. Society's Contact Details

- 26.1 The Society shall have at least 1 but no more than 3 contact person(s) whom the Registrar can contact when needed.
- 26.2 The EC shall appoint the contact persons with at least 18 years of age, and ordinarily resident in New Zealand.
- 26.3 The ExCom shall provide each contact person's name, a physical address or an electronic address, and a telephone number to the Registrar of Incorporated Societies
- 26.4 The ExCom must advise the Registrar of Incorporated Societies of any change in the Contact Person/s or their contact details within 20 Working Days of that change occurring.

Appendix 1 (Applicable to Article 4.1)

Nepali Sahitya Samaj New Zealand

नेपाली साहित्य समाज न्युजिल्यान्ड

Membership Application form

- Any person aged 16 years or older interested in Nepali literature is eligible for ordinary and Life membership.
- NSS NZ respects Privacy Act of New Zealand 2020.

Please fill in the spaces below: "*" is mandatory. We look forward to welcoming you soon.

Personal details

Name*:

Address in New Zealand*:

Address in Nepal:

Mobile number*:

Email*:

I consent to be a member of the Nepali Sahitya Samaj New Zealand Inc.
and solemnly declare that I shall follow its constitution*.

Yes

No

Date*: Signature*:

For NEC use only

Membership type: Membership Number:

Payment status:

Approved by: Signature:

Date of issue:

Appendix 2 (Applicable to Article 22, Texts are in Devanagari script)

Nepali Sahitya Samaj New Zealand नेपाली साहित्य समाज न्युजिल्यान्ड

नेपाली साहित्य समाज न्युजिल्यान्ड पुरस्कार कार्यविधि

नेपाली साहित्य समाज न्युजिल्यान्डले नेपाली भाषा र साहित्यको उन्नयनमा बिबिधरूपमा योगदान पुऱ्याउनु हुने महानुभाव अथवा संघ-संस्थालाई विगतमा भन्दा अझ बढि हौसला र आत्म सम्मानका साथ अगाडी बढन प्रेरणा प्राप्त हुने बिश्वास सहित वार्षिक रुपमा प्रदान हुने दुइ सम्मानहरुका सम्बन्धमा सिफारिस गर्दा अपनाउनु पर्ने कार्यविधि निम्न अनुसार हुनेछ ।

नेसास नेपाली साहित्य सृजना सम्मान

सम्मानित हुने आधार:

- नेपाली भाषा र साहित्य सृजनामा योगदान पुऱ्याउदै आएको ।
- पुस्तक प्रकाशनकालागि प्रोत्साहन गर्न प्रकाशित कृतिलाई प्राथमिकता दिइनेछ साथै अप्रकाशित कृतिलाई पनि उत्तिकै महत्वका साथ समाबेस गरिने छ ।
- न्युजिल्यान्डमा बस्ने सबै सर्जकहरु यो सम्मानको लागि योग्य हुनेछन ।

नेसास नेपाली साहित्य सेवा सम्मान

सम्मानित हुने आधार:

- नेपाली भाषा र साहित्यको प्रवर्धनमा बिशिष्ट योगदान पुऱ्याउदै आएको व्यक्ति वा संघ-संस्था ।
- व्यक्तिको हकमा, न्युजिल्यान्डमा दुई बर्ष भन्दा बढी समय बसोबास गर्दै आएको ।
- संघ-संस्थाको हकमा, न्युजिल्यान्डमा दर्ता भई दुई बर्ष भन्दा बढी समय देखि क्रियासिल रहदै आएको ।

- सम्मान प्राप्त गर्ने व्यक्ति वा संघ-संस्था सिफारिस गर्न कार्यसमितिले बढीमा तीन सदस्यीय पुरस्कार सिफारिस समिति (पुसिस) गठन गर्नेछ ।
- पुसिस गठन भएको मितिले चार हप्ता भित्र मुल्याङ्कन प्रतिबेदन कार्यसमितिलाई बुझाउने छ ।
- पुसिसले तोकिएको समय भित्र सिफारिस बुझाउन नसक्ने ठोस आधार पेश गरेमा कार्यसमितिले दुई हप्ताको समय थप गर्न सक्ने छ ।
- थप गरेको समयमा पनि मुल्याङ्कन प्रतिबेदन बुझाउन नसकेको अवस्थामा पुसिस स्वतः भंग हुनेछ र कार्यसमितिले आफै छनौट सम्बन्धि निर्णय गर्ने छ ।
- एक पटक सम्मानित भएका व्यक्ति वा संघ-संस्थाको हकमा पाँच बर्ष पछि फेरि सोही सम्मानको लागि योग्य हुने छन ।
- सम्मान प्रदान गर्ने मिति, समय र स्थान कार्यसमितिले तय गर्ने छ ।
- यी तीन बाहेक थप सम्मान तथा पुरस्कारका सम्बन्धमा कार्यसमितिले आफै निर्णय गर्ने छ ।