

Report of the NRNA-Canada Bylaw Committee

Bylaw Committee:

The first meeting of the NRNA-Canada National Coordination Council held on October 14, 2021, decided to adopt a direct election system of the NRNA-Canada NCC. On September 25, 2021, the NCC formed a Bylaw Committee to incorporate this decision into the draft bylaws. The committee members were:

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| 1. Jyoti Vaidya | – | Coordinator |
| 2. Keshab Dahal | – | Member |
| 3. Ananta Acharya | – | Member |

Subsequently, the following members were added to the committee:

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| 1. Suresh Chandra Shrestha | – | Member Secretary |
| 2. Kalpana Dhakal | – | Member |
| 3. Hemi Shrestha | – | Member |
| 4. Sunita K.C. | – | Member |

Committee Framework and Interactions:

The first meeting of the bylaw committee adopted the framework (saved in the NRNA-Canada SharePoint) of the committee and decided to organize interaction programs with the members. The following questions were put forth to the members:

1. What could be the positive and negative impacts of the direct election system? Regarding negative impacts, how can we address them in the bylaws?
2. Are you in favor of direct election with executive positions: President, Vice Presidents, General Secretary, Secretary, Treasurer, and Committee Coordinators - or in favor of the Presidential system?
3. What are your opinions regarding the demarcation of electoral regions?
4. What are the committees that should be enlisted in the bylaw – Women, Children, Youth, Sports, Trade, Knowledge and Skills Development, Culture and Heritage, International Relations?
5. Are you in favor of the provision of Ombudspersons?
6. How can we incorporate Nepali-speaking people from Bhutan, Assam, Myanmar, etc in our organization? Likewise, how can we incorporate students and Nepali immigrants who have just arrived in Canada and do not qualify for membership due to restrictions in the ICC bylaw?
7. How can we ensure equity, diversity, and inclusiveness in the NRNA NCC?

We sent emails to all the general members (4,300 plus) to participate in the interaction program. Additionally, individual emails were sent to the past presidents of the NRNA-Canada. We've received responses from 75 members and 3 past Presidents. The general members who responded to our

invitation were divided into four groups for interaction. A separate interaction was conducted with the past presidents. The interaction programs were conducted from November to December 2021 and a recorded version is shared in the SharePoint of the NRNA-Canada.

Due to the ICC election, we decided to collect written suggestions from the Nepali community organizations in Canada. Contact information for 40 plus organizations and their executives was collected from various sources and contacted for suggestions. However, only two responses were received from the Chitwan Society and the Nepalese Canadian Cricket Club. THANK YOU, Chitwan Society and Nepalese Canadian Cricket Club!!! The following questionnaires were used:

- ▶ How can we ensure that NRNA-Canada and Nepali community organizations collaborate in our bylaws?
- ▶ If we have a provision for organizational membership, will your organization join?
- ▶ How can we ensure that there is an organizational representation in the decision-making process of the NRNA-Canada activities?
- ▶ How can we ensure equity, diversity, and inclusiveness in the NRNA NCC?
- ▶ Under which statute, is your organization registered?

The written suggestions that we received are saved in the email of the bylaw committee.

In total, the committee completed 1 interaction with the past presidents and 4 interactions with the general members.

The poor turnout in the interactions, especially from those who already led the association was felt by the committee as very concerning. We received very genuine suggestions from those who participated in the interactions, and we are thankful to them.

Committee Meetings:

A total of 10 committee meetings were held which were chaired by one of the committee members on a rotational basis.

Participations in interactions organized by the NRNA-Canada:

Keshab Dahal presented a progress report during the new year program on January 1st, 2022. Also, Ananta Acharya presented a progress report during the interactions with the community organizations organized by the association on January 30, 2022.

Bylaw writing:

The committee started the bylaw writing process in January 2022. Committee members actively participated in the writing process and discussions. Committee requested Dr. Arjun K.C. (Edmonton) and Uttam Kumar Makaju (Toronto) to review the draft. After many discussions, edits, and reviews, the final draft was handed over on April 16, 2022, in, London, Ontario to the President of NRNA-Canada Dipak Gautam by the Bylaw committee coordinator Jyoti Vaidya.

Fundamental Changes:

The fundamental principle of the bylaw is to elect NCC through the direct election system. The bylaw committee has discussed the modality of the election process and decided to elect the majority of portfolios through a direct voting system.

Under the Canada Not-for-Profit Corporations Act, Part 9 Article 126 (2), a director of a corporation is not required to be a member of the corporation. In pursuit of the spirit of the Act, the provision has been made in the draft bylaw that all positions, unless the by-laws otherwise provide, shall be eligible to all registered members for candidacy.

The membership has been categorized into two parts – Voting members and non-voting members. While voting members can be general and life members, the provisions of non-voting members are to accommodate all Nepalese who are not eligible to become voting members due to the provisions in the Non-Resident Nepali Act acclaimed by the Parliament of Nepal. Students and anyone under two years of residency abroad cannot become an NRN according to the law of Nepal. Therefore, the bylaw has a provision for Student members and Under Two Years members.

The bylaw has another fundamental change by adding the Heritage membership so all people of Nepali heritage but from non-Nepali nationality. The bylaw has provisions for organizational members and honorary members. All non-voting members are exempt from the membership fee.

The membership application process and payment process are also elaborated in the bylaw to curb or minimize fraudulent practices experienced in the past.

The structure of the organization has been defined in the bylaw and roles, responsibilities and duties are clearly defined for all levels.

The procedural part of members' meetings, special members' meetings and elections are defined clearly in the bylaw.

Provision of the office of ombudspersons in the bylaw is another fundamental addition to the bylaw.

Equity, Diversity and Inclusiveness (EDI) is another focus of the bylaw.

The bylaw consists of six articles, twenty-eight clauses and three annexes.

Meeting Minutes:

All meeting minutes are archived in the SharePoint of the NRNA-Canada.

Acknowledgments:

The bylaw committee is thankful to the NRNA-Canada NCC for their trust in the committee. We have received continued support from President Dipak Gautam and General Secretary Anup Subedi. Anup Subedi was instrumental to set up all IT-related works. We would also like to thank Anil Thapa, past-President of NRNA-Canada for his continued support, especially for connecting us with the female members of the committee. We would like to thank all the participants in the interaction programs. Also, our gratitude to those who have sent their written suggestions individually and represent the Chitwan Society and Nepalese Cricket Club. A special thanks to Dr. Arjun K.C. and Uttam Kumar Makaju for their valuable suggestions on the draft bylaws.

Addendum:

The NRNA-ICC bylaw has a binding clause regarding eligibility for the candidacy of President of NCC: a member must complete at least one term as NCC or ICC to become a candidate for President. This clause contradicts the spirit of the Canada Not-for-Profit Corporations Act, Part 9 Article 126 (2) and the direct election system. On May 1, 2022, the NRNA-Canada Executive Committee arranged a joint meeting among NRNA-ICC executives, NRNA-Canada NCC executives and the NRNA-Canada Bylaw Committee. The meeting was attended by the following:

NRNA-ICC	NRNA-Canada	NRNA-Canada Bylaw Committee
Kul Acharya	Samrat Thapa	Jyoti Vaidya
Badri K.C.	Dipak Gautam	Keshab Dahal
Hem Raj Sharma	Anup Subedi	Ananta Acharya
Gauri Joshi		
Chiranjibi Ghimire		

The Bylaw committee emphasized that NRNA-Canada should aspire to allow all members to the presidency. The committee warned that if any member of the organization challenges the clause in court, we may lose. The committee debated how this can be justified when there are many past executive members who did not renew their membership.

Some executives of the ICC were in favor of the argument made by the Bylaw Committee and stated that they should address and adopt this in the MoU. Some asked us to follow the ICC Bylaw without any rationale. The meeting participants were informed by one of the ICC executives that the court in Germany had recently dismissed the NRNA-Germany NCC election as it barred one of the members from being a candidate for President. The court ordered that it did not comply with German law.

The joint meeting ended without any conclusion.

June 21, 2022