



**BIHAR - JHARKHAND ASSOCIATION OF NORTH AMERICA
(BJANA)**

**BY-LAWS
(AS AMENDED AS OF JANUARY 09, 2011)**



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BJANA Objectives

Migration is in the nature of man/woman and though he/she is appreciative of the fact that he/she has to adopt the way of life in the new land, he/she need not abandon the people, the culture, and the tradition of the land he/she once lived in.

It is in such pursuit that the people from Bihar and Jharkhand, India, living in North America formed BANA in 1970s and agreed to remain united by virtue of a common and glorious past despite the recent political divide and renamed BANA in 2004 to BIHAR-JHARKHAND ASSOCIATION OF NORTH AMERICA (BJANA), with a view to:

- Provide a common forum for the people from the State of Bihar and Jharkhand to exchange views affecting their social life.
- Promote social and cultural activities of Bihar and Jharkhand in North America.
- Promote the general welfare of people of Bihar and Jharkhand origin and ancestry both in India and US through charitable activities. Such activities may include providing scholarships, helping disadvantaged financially and with basic human needs etc.
- Assist people seeking vital medical and educational help.
- Assist visitors, immigrants, and dignitaries from the State of Bihar and Jharkhand in accomplishing their noble missions in North America.

Section 3. The association may have regional offices at such other places as the activities of the association may require.

Section 4. The broad objectives of the association shall be as enunciated in the preamble to the By-Laws.



Article II

Membership:

Section 1. A life/annual/honorary member of BANA shall become a life/annual/honorary member of BJANA respectively.

Section 2. Any individual eighteen years or older, who subscribes to the objectives of the BJANA may become a member upon the approval of the Executive Committee and subject to the rules and regulations prescribed by the By-Laws of the BJANA.

Section 3. Whenever the word “member” is hereafter mentioned, it shall mean a “member in good standing” on the current membership roster. The Executive Committee shall verify all signatures on the petition, ballots, and etcetera, for purposes of validation.

Section 4. The immediate family of BJANA members shall be entitled to participate in all activities of BJANA and shall be entitled to all privileges of BJANA members except voting rights. Immediate family may consist of a husband, wife, and minor children.

Section 5. An honorary membership may be awarded to a distinguished person upon approval of the Executive Committee. He/she shall be entitled to all membership privileges as provided in Article II, and shall be exempt from membership fees dues as required by Article II.

Section 6. A member shall cease to be a member in good standing if the membership fee is due over three months.

Section 7. There will be a fee for membership except in the case of an honorary membership. The normal fee should be established by the Executive Committee. Once established, the annual fee can be changed only by a two-third majority vote of the Executive Committee. The Schedule of fees has been set forth in Article X of the By-Laws.

Section 8. A member in good standing shall be the one who has participated in a BJANA event and / or contributed at least \$50 in the current year or immediately preceding year.



Section 9. The executive committee shall publish a list of “member in good standing” in the month of August every even year. Such list once published shall be final and binding on all parties. A member can restore his / her “good standing” by contributing \$50.

Article III

Chapters of BJANA:

Section 1. In pursuant to Section 3, Article I, chapters of the BJANA may be opened in different locations of North America.

Section 2. A chapter in North America will be organized by one area representative who will be nominated by the Executive Committee. The area representative shall be a regular member of the BJANA and shall be entitled to membership privileges as provided in Article II.

Section 3. The area representative shall be responsible for promoting membership in his/her area and conduct programs and activities of the BJANA as per the directives of the Executive Committee.

Section 4. BJANA shall support US East Coast Chapter of Bihar Foundation.

Article IV

Executive Committee:

Section 1. The business and the property of the BJANA shall be managed and controlled by an Executive Committee which shall serve for a term of two calendar years. The Executive Committee shall hold office until the annual meeting of all members or until the election and induction of their respective successors, except as hereinafter provided for the purpose of filling up vacancies. The Executive Committee shall be elected by secret ballots of the members voting in the annual meeting of BJANA members.



Section 2. The Executive Committee shall consist of thirteen members. Each member in office shall serve until the term of the Executive Committee expires, or until his/her resignation or removal, as herein provided.

Section 3. The Executive Committee shall be elected for a term of two years in order to formulate, plan, and administer such activities as to fulfill the aims and objectives of the BJANA and shall consist of the following office bearers:

- a) President
- b) Vice President
- c) General Secretary
- d) Joint Secretary
- e) Treasurer
- f) Eight Members.

No member shall hold more than one post at any time.

Section 4. The President shall preside over all meetings of the Executive Committee of the BJANA. He/she shall hold and exercise general charge and supervision of the affairs of the BJANA and shall additionally perform such other duties as may be assigned to him by the Executive Committee in keeping with the policy of the BJANA regarding organizational and administrative matters. An outgoing President will be a special invitee to all the proceedings of the Executive Committee without any voting right subject to his/her being a member of the BJANA.

Section 5. Vice President shall be responsible for promoting membership of the BJANA. In addition, he/she shall assist the President in carrying out his/her responsibilities and, in the event of the President's absence or disability, shall hold and exercise the powers of the President.

Section 6. The General Secretary shall have charge of such books, documents, and papers as the Executive Committee may determine. He/she shall attend to and keep the minutes of the meetings of the members of the BJANA. He/she shall keep a record, containing the names, alphabetically arranged, of all members of the BJANA, showing their places of residence, and such books shall be open for inspection as prescribed in the By-Laws. He/she may sign, with President in the name and on behalf of the BJANA, and contracts or agreements authorized by the Executive Committee. He/she shall, in general, perform all duties relating to the office of the General Secretary, subject to



the control of the Executive Committee, and shall do and perform such other duties as may be assigned to him/her by the Executive Committee.

Section 7. Joint Secretary shall assist the General Secretary in carrying out his/ her responsibilities.

Section 8. The Treasurer shall have the custody of all funds, and property of the BJANA, subject to such regulations as may be imposed by the Executive Committee. When necessary or proper, he/she may endorse on behalf of the BJANA all collections of checks, notes, and other obligations and shall deposit the same to the credit of the BJANA at such bank or banks or depository as the Executive Committee may designate. He/she shall make such payment as may be necessary or proper on behalf of the BJANA. He/she shall enter regularly on the books of the BJANA to be kept by him/her for the purpose, full and accurate account of all money and obligations received and paid or incurred by him/her for the account of the BJANA and shall exhibit such books at all reasonable times to any member on application at the office of the BJANA. He/she shall, in general, perform all the duties incumbent on the office of the Treasurer, subject to the control of the Executive Committee.

Section 9. The members of the Executive Committee shall participate in the planning of activities of the BJANA in conjunction with other office bearers of the Executive Committee. They will become members and/or coordinators of special subcommittees as and when designated by the President and on the advice of the Executive Committee. A BJANA member/ non member may be asked to serve on such committees if beneficial to the cause of such committee.

Section 10. All member of the Executive Committee shall be honorary and shall receive no salary for their services, except as reimbursement for expenses incurred on behalf of the BJANA.

Section 11. Any member of the Executive Committee may resign at any time by given written notice of such resignation to the President of the BJANA and shall take effect upon the approval by the President and on the advice of the Executive Committee.

Section 12. Any member of the Executive Committee may be removed from the Executive Committee by the affirmative vote of either two thirds of



Executive Committee or members present at a special meeting of the members of the BJANA called for the purpose. The removal from the Executive committee shall be for the malfeasance, for conduct detrimental to the interest of the BJANA, for lack of sympathy with its aims and objectives, or for refusal to render reasonable assistance in carrying out its purposes. Any executive member proposed to be removed shall be given two weeks notice and shall be entitled to appear before and be heard the Executive Committee at such meeting.

Section 13. The President or any other office bearer of the Executive Committee may resign at any time. Such resignation shall be made in writing and shall take effect upon approval of the executive committee.

Section 14. A vacancy on the Executive Committee occurring during the term of the Executive Committee may be filled for the unexpired portion of the term as follows:

- a) President: The Vice President shall become President for the remainder of the term.
- b) Vice President, General Secretary, Joint Secretary, and Treasurer: Executive Committee members shall fill in such vacancies for the remainder of the term.
- c) Executive Committee Members: The vacancy shall be filled from the general membership of the BJANA for the remainder of the term by nomination for the Executive Committee.

Section 15. At any meeting for the Executive Committee, the presence of seven members shall constitute a quorum in the transaction of any business. When a quorum is present to conduct a meeting, it will not be broken by subsequent withdrawal of any member.

Section 16. The members of the Executive Committee may not enter into transaction, or otherwise act for and on behalf of the BJANA prior to the approval of the Executive Committee.

Section 17. All corporate powers, except such as are otherwise provided for in these By-Laws and in the laws of the State of New York, shall be and are hereby vested in and shall be exercised by the Executive Committee. The Executive Committee may be general resolution delegate to its subcommittee,



or to individual members of the Executive Committee such powers as it sees fit.

Section 18. The Executive Committee, pursuant to Section 519 (c) (10) of the non-profitable Corporation Law, shall present at the annual meeting of members and file with the minutes there of a report verified by the President and the Treasurer or by a sub-committee of the Executive Committee, showing:

- a) The whole amount of real and personal property owned by the BJANA, where located, and where and how invested;
- b) The names and places of residence of the persons admitted to membership in the Executive Committee during the year, and
- c) A complete financial statement showing a balance sheet, and receipt and expenditure incurred during the year, compiled by a CPA.

Section 19. The fiscal year of the BJANA shall be from January 1 to December 31 of the year.

Article V

Advisory Board:

Section 1. BJANA will have an Advisory Board which will consist of twelve distinguished persons whose contribution to the functioning of the BJANA is considered valuable. Such Board shall be formed by the recommendation of Executive Committee. The number of members can be increased or decreased at the discretion of the Executive Committee.

Section 2. A member of the Advisory Board may or may not elect to subscribe to the membership fee and become a BJANA member. If he/she does not elect to become a member, he/she will enjoy the privilege of an honorary membership.

Section 3. An Advisory Board will be formed for a tenure of two years and may be extended for consecutive tenures by the Executive Committee.



Section 4. The Executive Committee shall elect a Chairman from among the past presidents. The Chairman shall preside over General membership meetings of BJANA, and coordinate fund raising campaign and Bihar Foundation US East Coast Chapter activities.

Article VI

Meetings:

Section 1. A general meeting of the members of the BJANA shall be held biannually for the election for the members of the Executive Committee and of the transaction of other business.

Section 2. The agenda of the Biannual Meeting shall constitute of the following items:

- a) Calling the meeting of order
- b) Proof of notice of meeting or waiver thereof
- c) Reading of the minutes of the last biannual meeting
- d) Reports of Executive Committee; as per section 18 of Article IV.
- e) Election of Executive Committee office bearers
- f) Transaction of any other business

Section 3. A meeting of the Executive Committee shall be held every other month at designated places and times. Teleconference may be used as a substitute for in-person meeting as and when decided by the Executive Committee.

Section 4. The agenda at the regular meeting of the members of the Executive Committee shall constitute of the following items:

- a) calling the meeting to order
- b) Proof of notice of meeting or waiver thereof
- c) Reading the minutes of the last monthly meeting
- d) Reports of individual members in charge of various activities
- e) Transaction of any other business.

Section 5. Special meetings of the Executive Committee for any purpose or purposes may be called by the President acting on his/her own or at the request made in writing by three members of the Executive Committee. The



notice for such meetings shall state the purpose or purposes thereof and indicate at whose request the meeting is being called.

Section 6. All Executive Committee members are expected to treat any communication via email as official. It's member's responsibility to provide current valid email address for record.

Article VII

Election:

Section 1. In order to hold the general election, the Executive Committee shall meet in the month of July of the election year and nominate a three member Election Committee consisting of members of the Executive Committee not seeking election and the members of the BJANA. The Election Committee shall conduct the general election on the basis of the constitutional provisions related to the election. The Election Committee may request the assistance of members of the executive Committee in issuing the notice of election ballot papers, counting of votes, etc.

Section 2. The election shall be held at a place designated by the Election Committee. The Election Committee shall schedule the election date.

Section 3. The Election Committee shall mail a notice announcing the date, time, and place for election and shall be mailed at least six weeks before the election day.

Section 4. Any nomination to be valid must be written in English, signed and dated by the candidate, and seconded by two current members of BJANA and must be received by the Election Committee at least four weeks before the election day. No member may run for two offices simultaneously. Only members as defined in Article II shall be eligible for voting. No member may second more than one nomination for the same post. (A member may nominate or second up to eight candidates for the post of Executive Committee members.)



Section 5. The Election Committee shall keep a chronological record of each nomination received. It shall verify and acknowledge each nomination. Any nomination can be withdrawn by the candidate by notification in writing to the Election Committee at least three weeks before the election day. The final list of candidates will be announced two weeks prior to the election date.

Section 6. A BJANA member eligible for voting may vote by mail. His/her choice of candidates shall be written in English and addressed to the Election Committee, signed and dated to be valid. The mail should be received by 12 noon on the date of election to be accounted.

Section 7. The Election Committee shall verify the qualification of all voting members. All voting members and candidates for election must be “members in good standing” in accordance with Article II.

Section 8. On the Election Day, each member present at the designated place will be issued a ballot paper. Voting will be by secret ballot. The polls will be open from 2 PM until 5 PM on the Election Day unless otherwise indicated. After the polls are closed, the ballots will be counted and tabulated. The Election Committee shall certify and announce the results as soon as thereafter as may be practicable.

Section 9. The Election Committee shall follow Sections 1 through 8 of Article VII as guidelines in conducting the elections of the BJANA. The Election Committee may make suitable changes in the schedule, time, place, and date of the election if deemed necessary, to conduct the election properly.

Section 10. The election result certified by the Election Committee shall be final and binding to all parties. The elected officers shall take office on January 1st following the election.

Section 11. After the successful completion of the election, the Election Committee shall cease to exist.

Section 12. In case of non filing of nominations, the retiring Executive Committee shall elect the successor Committee.



Article VIII

Amendment to the By-Laws:

Section 1. A proposed amendment to the By-Laws shall be submitted to the General Secretary in a written petition signed by not less than Three Executive Committee members of the BJANA. The Executive Committee shall study the proposed amendment, and after its approval present it for voting at an extraordinary meeting of the general body of the BJANA. For amendments to pass, each must be approved by at least two-thirds of the Executive Committee of the BJANA present and voting at the Executive Committee meeting, and by a majority of the members present and voting at the general body meetings.

Article IX

Bank Account:

Section 1. The Treasurer will be in charge of the bank passbooks, check books, etc., and shall maintain proper vouchers and/or cancelled checks for all expenses.

Section 2. For special purposes, the Executive Committee may empower the Treasurer to open more than one bank or Money Market accounts. These accounts shall cover such purposes only.

Section 3. The bank accounts shall be operated under the name of BIHAR - JHARKHAND ASSOCIATION OF NORTH AMERICA, and funds may be placed in interest bearing accounts or checking accounts or in both.

Section 4. The bank account shall be operated by any of:

- a) The Treasurer/General Secretary/President for BJANA transactions not exceeding \$1000 (one thousand dollars).
- b) By the joint signatures of any two of the Treasurer, President or the General Secretary for amounts in excess of \$1000 (one thousand dollars).



Article X

Membership Fee Schedule:

Section 1. Any adult person, who is qualified under Section 1 or Article II, shall pay the membership dues as follows:

- a) \$25 for the membership for one year. The spouse of a member may become a full member by paying an additional \$15 for one year concurrent membership.
- b) \$200 for life membership. The spouse of a life member may become a full life member by paying an additional \$50.
- c) The life membership may be paid in two annual installments of \$100 each.

Article XI

Contracts:

Section 1. Except as otherwise provided herein, the Executive Committee may authorize any member or agent to enter into any contract or execute and deliver any instrument in the name of and on behalf of the BJANA and such authority may be general or confined to a specific instance; and unless so authorized by the Executive Committee, no member or agent shall have any power or authority to bind BJANA by any contract or engagement or to pledge its credit, or render it liable for any purpose, for any amount.

Earnings and Investment:

Section 1. No member(s) of the Executive Committee or person connected with BJANA, or any other private individual shall receive at any time any of the net earnings or profits from the operation of BJANA provided, however, that this shall not prevent the payment to any such person of compensation for expenses incurred on behalf of BJANA in effecting any of its purposes as shall be fixed by the Executive Committee.



Exempt Activities:

Section 1. Notwithstanding any other provision herein, no member, member of the Executive Committee or the representative of BJANA shall take any action or carry on any activity by or on behalf of BJANA not permitted to be taken or carried on by an organization exempt under section 501(c) (3) of the Internal Revenue Code and its regulations as they now exist, or as they may herein after be amended, or by an organization contribution to which are deductible as they now exist or as they may hereafter be amended.

Article XII

Dissolution of the Organization:

Section 1. In the event of the dissolution of the organization, the assets and the liabilities of the organization shall be transferred to a willing organization of a comparable nature. The decision about the dissolution, as well as the transfer of assets and liabilities shall be approved by the Executive Committee. This proposal will be sent to the general body. An affirmative vote at the general body meeting will be required to approve the dissolution of the organization.

Section 2. In the event of the dissolution of the organization, the assets, and liabilities of the BJANA will be transferred to an organization of a comparable nature. The recipient organizations must be one which satisfies the requirement of the section 501 (c) (3) of the Internal Revenue Code, or Corresponding section of any future Federal tax Code or the assets shall be distributed to the Federal or State or local government for a public purpose.

- END -