

**The Constitution of Sahakarmi Samaj, 1998 (2054)  
(With Amendment -2000)**

# **The Constitution of Sahakarmi Samaj 1998 (2054)**

## **Preamble**

This Sahakarmi Samaj,

Remaining aloof out of any political, religious, and communal activities want to create the environment that help the marginalized communities who are out of the main stream of community development due to various reasons and get to realize the inherent strength within them for the creation of a continual environment of change by the participation of the community member,

Realizing that a sustainable change (development) of the community and ultimately a leap of the country towards the sustainable development can be achieved through the self-help community groups who consider their problems through an analytical method and use the local skills and resources optimally in the process to solve the problem,

Having the pure objectives of supporting the community advancement through community empowerment,

Has been established on the basis of the delegated power of the Article 12 (Ga) of the Constitution of the Kingdom of Nepal, 1990 and of the Organization Registration Act, 1978.

## **Chapter – 1**

### **1. Short Name and Commencement**

- 1.1 The name of this organization will be "Sahakarmi Samaj".
- 1.2 In English it will be called "Working Together for Change through Empowerment".
- 1.3 This constitution will come into effect from the day it is registered according to the existing rules and regulations of the Kingdom of Nepal.
- 1.4 The working areas of this organization will be the districts of the Mid-Western and the Far-Western regions of Nepal.

### **2. Definition:** If the subject under discussion and the circumstances indicates otherwise,

- 2.1 "Sahakarmi Samaj" means the name of this organization.
- 2.2 "Constitution" means the constitution of Sahakarmi Samaj.
- 2.3 "General Member" means the person who has the qualifications set by the constitution and has taken the membership and pays the fees according to the constitution.

- 2.4 "Institutional Members" mean the organization or groups who have taken the membership of Sahakarmi Samaj.
- 2.5 "Executive Committee" mean the members elected for the operation of Sahakarmi Samaj according to the constitution.
- 2.6 "General Assembly" means the assembly of the member of Sahakarmi Samaj according to the constitution.
- 2.7 "Founder Members" mean the following members who are involved to establish the organization, who have furnished the policy and rules, have made the constitution, and have finalized the organogram of this organization:-

- Narad Prasad Sharma,
- Keshav Kumar Pokhrel
- Amar Bahadur Air,
- Hank Peter Daijkem – Founder Advisor

- 2.8 "Donor Agency" means a national or foreign agency or the representative set by such agency who provides economic, physical, and technical support for the operation of Sahakarmi Samaj.
- 2.9 "Director or Senior Employee" means the person arranges by the Executive committee of Sahakarmi Samaj to carry out its programs.
- 2.10 "Organizational Property" means the cash or immovable property managed for the operation of the executive committee of Sahakarmi Samaj.
- 2.11 "Program Based Property" means the cash or immovable property that is managed for the operation of programs of Sahakarmi Samaj according to its objectives.
- 2.12 "Ex Officio Member" means the Founder Members and the Executive Director who represent the Executive Committee according to the constitution.
- 2.13 "Election Committee" means the committee nominated by the General Assembly for the election of the Executive Committee.
- 2.14 "Ad hoc Committee" means the seven member executive committee that is composed for the management and election of the first Executive Committee according to this constitution.
- 2.15 "Management Committee" means the committee formulated for the necessary management of the programs of Shakarmi Samaj according to the constitution.

**3. Stamp of the Organization:** The stamp of the organization will be as follows:-

- 3.1 Six women and men standing in a circler by catching hands of each other will be the stamp of the organization. Outside the border on the top part of the circle of the stamp will be "Working Together for" and on the bottom part of the circle will be "Change through Empowerment" and inside of the circle will be the words "Sahakarmi Samaj" in English and "सहकर्मी समाज" in Nepali and at the center part of the circle will be "established 2054".
- 3.2 The stamp of the organization in line with the Article 3 of the constitution will be considered as a legal person according to the prevailing law of the kingdom of Nepal.

**4. The office of the organization:** The central office of the organization will be located in Birendranagar of Surkhet district.

## Chapter 2

- 5. Objectives of the Organization:** According to the existing law and regulations and the policy and directives of His Majesty Government for the operation of programs with the coordination of the concerned authority, the objectives of Sahakarmi Samaj will be as follows:-
- 5.1 Provide support to the poor and marginalized community to realize their strength.
  - 5.2 Provide help for the protection and development of social, economic and cultural belief and for the mobilization of local skills and resources and for the protection and improvement of such resources.
  - 5.3 Provide support to the self-dependent, organized association or groups for the continuous positive change and provide support for the identification of external resources to increase their access on such resources.
  - 5.4 Provide support for the creation of social justice through the medium of social democratic decision-making process and through the development of self-help attitude in the organization or group.
  - 5.5 Provide support against all kinds of human problems through the medium of consciousness raising and through finding the way continuously by the participation of the local people.

## Chapter 3

**6. Qualifications for membership:** All the members of the organization should have the qualification as follows:

- 6.1 He or she has attained 21 years of age.
- 6.2 Is a Nepali citizen.
- 6.3 Is not charged of criminal cases.
- 6.4 Accepts the constitution of the organization.
- 6.5 Experienced and interested in community service.
- 6.6 Does not hold any political position
- 6.7 Is mentally fit.
- 6.8 Is not expelled from any organization due to the charge officially proved.

**7. Kind of Membership:** The members of the organization will be of 4 kinds:-

- 7.1
  - a) General Member
  - b) Founder Member
  - c) Institutional Member
  - d) Founder Advisor

**8. Membership fee and the acquisition of membership:** The membership attainment fee and the renewal fee for each kind of members will be according to Article 8.1.

- 8.1
  - A) For the General Member the membership acquirement fee will be Rs. 100 and the renewal fee will be Rs. 25.

- B) The membership fee for the Founder Member will be Rs. 2500. However, the Founder Membership should not get renewed.
- C) Organizational Membership: (a) for the Donor organization, membership fee will be Rs. 1000 and renewal fee Rs 100 (b) for the non-donor organizations, the membership fee will be Rs. 200 and the renewal fee will be Rs. 50.
- 8.2 The individuals or institutions who want to be a General Member or Institutional Member should fill in the form and apply for the membership.
- 8.3 The application for the membership should be submitted to the Executive Committee if it exists and if the Executive Committee does not exist it should be submitted to the Ad hoc Committee.
- 8.4 All the members except the Founder Member should renew the membership before July 15 (end of Ashad). Otherwise, the membership of the non-renewal person or institutions will be automatically cancelled after 6 months. (Amended).

## **9. Disqualification of membership:**

- 9.1 If a member has no qualification mentioned in Chapter 3 Article (6) of this constitution, the member will be considered disqualified.
- 9.2 **Cancellation of membership:** If a member presents resignation and it is accepted, if propagates party based political propaganda or try to influence such ideas in the organization or the working area of the organization, if works against the welfare of the organization, if try to do grouping in the organization, if creates racism, if commits sexual abuse, if misappropriates the property of the organization, if the membership is not renewed, the membership of the member will be cancelled according to Article 15.3 of the constitution.

## **Chapter 4**

### **The Formulation of General Assembly and Executive Committee**

## **10. The Constitution of General Assembly**

- 10.1 The assemblage of members who have got the membership according to the article 8 of this constitution will be the General Assembly. However, any non-Nepali citizen will not have the rights of decision-making voting.

## **11. General Assembly Session:**

- 11.1 The General Assembly Session will be held once each year. However, if there is a special condition, the General Assembly can be held at any time.  
*Clarification:* If majority of the Executive Members resigns from the post, if one third of the General Assembly members presents written application for the special session of General Assembly, if majority of the General Assembly members present that the Executive Committee is working against the principle of the constitution, or if there is any obstacle for the operation of the activities of the organization, such circumstances will be considered the special circumstance.

- 14. Functions, duties and powers of General Assembly:** The functions, duties and the powers of the General Assembly will be as follows:

- .1 Selection of the Executive Committee.
- .2 Approval of the annual programs.
- .3 Approval of the annual budget.
- .4 Amendment of the constitution.
- .5 Necessary directives to the Executive Committee.

### **13. The formation procedure of the Executive Committee:**

- 13.1 There will be at least 7 and up to 11 members including ex officio members in the Executive Committee.
- 13.2 The term of the Executive Committee will be 2 years.
- 13.3 In the Executive Committee, there will be 1 Chairperson, 1 Treasurer, 1 Secretary, 1 Joint Secretary, 3 Members elected and other -1 ex officio members.

### **14. Meeting of the Executive Committee:** The meeting of the Executive Committee will be as follows:

- 14.1 The meeting of the Executive Committee will be held generally once within 4 months
- 14.2 In the meeting at least 5 elected members and 2 ex officio members should be present. If a decision should be taken in a controversial issue, the majority of the elected members should be agreed.
- 14.3 If required, the Chairperson can call the meeting any time.
- 14.4 The quorum of the meeting of the Executive Committee will be 75%. If the mentioned quorum is not met and the meeting should be held again, the quorum for this time should be the presence of 50% members. After that the meeting can be held in the presence of any members.
- 14.5 If a member remains absent without any serious reasons continuously for 3 times, the position of the member will be cancelled automatically.
- 14.6 If the one fourth of the Executive Members call for the meeting with due reason, the Chairperson should call the meeting within 7 days.

### **15. Functions, duties and power of the Executive Committee:**

- 15.1 Formulation of policy of the organization on financial, administrative, legal and other matters.
- 15.2 Call for the meeting of the General Assembly and manage it.
- 15.3 Formulate programs, budgets, and plans, and execute it, monitor it, and supervise it, and submit the report to the General Assembly.
- 15.4 Prepare the job descriptions of the Director, and manage necessary conditions for the appointment, transfer, promotion and dismissal of the Director and Senior Employees. However, the relatives of the elected Executive Members of the Committee will not be appointed as Senior Employees.
- 15.5 Manage the fund and make the necessary arrangement for the preservation, promotion and the use of the fund.
- 15.6 Formulate sub-committees if it is necessary to get the work done fast.
- 15.7 Make necessary arrangement for the internal and external audit and pass the auditor's report in the General Assembly.
- 15.8 Make necessary arrangement for the supervision and the security of cash and the immovable property of the organization.
- 15.9 Approve the resignation of the Director.

- 15.10 Make necessary arrangement for the distribution of membership having discussion on the applications for membership.
- 15.11 Be responsible to the General Assembly.
- 15.12 Call the session of the General Assembly if there is an unusual condition.
- 15.13 If the membership of any member needs to be cancelled according to Article 9.2, execute it and give information to the concerned member.
- 15.14 Approve the resignation of the general member.
- 15.15 Establish relationship with other organizations and institutions and manage them.
- 15.16 Implement the decisions carried out by the General Assembly.
- 15.17 Make necessary arrangement for the election.
- 15.18 Formulate a three members election committee.

## **16. Function, duties, and the powers of the office bearers:**

### **16.1 Chairperson:**

- 16.1.1 Chairs the General Assembly meeting and the Executive Committee meeting.
- 16.1.2 Calls meetings and presents agendas.
- 16.1.3 Presents reports in the General Assembly and the Executive Committee.
- 16.1.4 (cancelled- Amended)
- 16.1.5 Approves the resignation of the other members of the Executive Committee.
- 16.1.6 Establishes relationship with various organizations and institutions and get others establish it.
- 16.1.7 Becomes responsible to the Executive Committee.
- 16.1.8 If a meeting is necessary to call due to a special circumstance, makes the necessary arrangement to have meeting within 15 days.

### **16.2 Secretary:**

- 16.2.1 Keeps the record of the meeting's decisions
- 16.2.2 Provides the decision to the members of the Executive Committee and to the Senior Employees.
- 16.2.3 Prepares a report for the General Assembly and makes necessary arrangement according to Article 16.2.2.
- 16.2.4 Makes correspondence and carries out the tasks of the Chairperson in his absence.
- 16.2.5 Becomes responsible to the Executive Committee.
- 16.2.6 Makes necessary arrangement of the Executive Committee meeting according to the directives of the Chairperson.
- 16.2.7 If the position of the Chairperson is vacant, the Secretary should call the meeting of the General Assembly and makes necessary arrangement of a new Executive Committee. (Amended).

### **16.3 Joint – Secretary:**

- 16.3.1 Gives opinion in the meeting
- 16.3.2 Presents regularly in the meetings
- 16.3.3 Takes the charge of the Secretary in the absence.

### **16.4 Treasurer:**

- 16.4.1 Keeps the record of the income and the expenditure of the organization.
- 16.4.2 In the Executive Committee meeting, presents the report of the program based and the organization based budget.

- 16.4.3 Takes the money back from payables.
- 16.4.4 Becomes responsible to the Executive Committee.

**16.5 Members:**

- 16.5.1 Present the opinion in the meeting.
- 16.5.2 Become responsible to the Executive Committee.

**16.6 Founder Members:**

- 16.6.1 Present in the Executive Committee meeting and put the opinion, but the Founder Members will not be able to present the vote in the meeting for the decision.
- 16.6.2 Interpret the Constitution.
- 16.6.3 If the activities are not according to the constitution or if it is interpreted wrongly, present one's own opinion as an agenda in the General Assembly.
- 16.6.4 Provide opinion and suggestion if the Executive Committee asks for it.
- 16.6.5 Remain active to implement all the decisions of the Executive Committee.
- 16.6.6 Work as a Management Committee of the organization.
- 16.6.7 If all the Founder Members do not remain or gone out of the organization due to any reason, the responsibility, function and the power vested in the Founder Members will be on the General Assembly. But if a Founder Member remains, the responsibility will not go to the General Assembly.

**16.7 Founder Advisors:**

- 16.7.1 Present in the Executive Committee meeting and the Management Committee meeting on the request of these committees.
- 16.7.2 Provide necessary advice in the time of formulation of policy, rules and regulation or an organogram of the organization.
- 16.7.3 Provide necessary advice to the concerned party for the formulation and execution of programs.
- 16.7.4 Provide necessary advice for the relationship building and coordination with various INGOs, NGOs, and Gos but if the Founder Member is a foreign national, the member will not have the voting rights.

## **Chapter 6**

### **Financial Management**

**17. Financial Sources:** The financial resources of the organization can be managed by the following sources.

- 17.1 Donation and reward
- 17.2 Membership fees
- 17.3 Renewal fees
- 17.4 Candidate fees
- 17.5 Cash and property given by the donor agencies
- 17.6 The prior approval of His Majesty Government should be taken while receiving support from the donor agencies.

**18. Description of cash and property:**



- 18.1 The organization will possess cash and property.
- 18.2 The cash and property of the organization will be of two kinds.
  - A) Organizational Property
  - B) Program Based Property
- 18.3 The cash and property record of the organization will be kept.
- 18.4 The cash or property of the organization can be transferred to other social organizations or institutions.

**19. Fund:** The organization will have a separate fund and the fund will be of two types as follows:

- 19.1
  - A) Organizational
  - B) Program Based
- 19.2 The bank account for the organizational fund will be opened and operated by the joint signatures of 3 persons: the Chairperson, Treasurer, and a Member selected by the Executive Committee.
- 19.3 For the program based fund there should be a separate account in the bank according to Article 19.2.
- 19.4 The authority of use of the organizational fund will be in the hand of the Executive Committee. However, the Chairperson can spend up to Rs. 10000 before the approval of the Executive Committee and later should get the approval from the Executive Committee.
- 19.5 For the use of the program based fund, the Executive Committee should make a rule and get it approved by the General Assembly. However, if there is no Executive Committee, this responsibility goes to the Ad Hoc Committee.
- 19.6 For the occasional expenses of the organization, a Petty Cash Fund up to Rs. 500 can be kept with the Treasurer.
- 19.7 For the program based budget, the Executive Committee on the request of the Executive Director should give permission of budget on a four month basis.
- 19.8 The organizational fund can be used for the operation of the organization and the program based fund can be used for the operation of programs.
- 19.9 The budget that is released for the operation of program should be used by the joint signature of Executive Director and of Senior Employees.

**20. Audit:**

- 20.1 The audit of the organizational fund should be carried out each year by an auditor registered in HMG/N as nominated by the Executive Committee.
- 20.2 In the case of the program based fund, there will be a half yearly internal audit system and an annual external audit system.
- 20.3 The annual audit report of the organization and the books should be submitted to the local authority and the Social Welfare Council.

## **Chapter - 7**

### **Miscellaneous**

**21. Provision of election**

- 21.1 The Executive Committee will nominate a three member election committee.
- 21.2 In the absence of the Executive Committee, the Ad hoc Committee nominates the election committee.
- 21.3 Each member should submit the application of candidacy having one proposed member and one supporter member filling in the set application form.
- 21.4 The election process will be completed in the presence of at least two third of the General Assembly members.
- 21.5 A member who wants to be a candidate for the Executive Committee should pay at least Rs. 100 non-refundable amount as election fee.
- 21.6 If there is no competitor and a candidate is to be elected unopposed, the candidate should get the support of at least 51% members of the General Assembly.
- 21.7 The election of the Executive Committee should be held each two year.
- 21.8 All the members of the General Assembly should have the rights to vote.
- 21.9 The election of the Executive Committee should be taken place within the 6 months of the registration of the organization.
- 21.10 The election should be through secret vote casting. The candidate who gets the highest votes will be declared as winner.
- 21.11 For the Chairperson, Treasurer, Secretary, and the Joint-Secretary of the Executive Committee, the election will be of democratic.

**22. The disqualification of the candidate:** In the following condition, the candidacy of the member for the Executive Committee will be considered disqualified:-

- 22.1 If the candidate is a paid staff of Sahakarmi Samaj (for the Chairperson, Secretary, Treasurer, and the Joint-Secretary positions only). (Amended).
- 22.2 If the candidate is not a member of the organization.
- 22.3 If the candidate is ousted due to not fulfilling his duty.
- 22.4 If the candidate was accused of financial misuse and proved guilty.
- 22.5 The candidate who shows his activities against the welfare of the organization.
- 22.6 If the candidate is not reached the age of 21.

**23. Motion of non-confidence:**

- 23.1 If elected members of the Executive Committee make decision against the constitution or interpret the constitution wrongly, or work against the welfare of the organization, the one fourth of the General Assembly members can present and register a proposal of non-confidence against the members in the Executive Committee.
- 23.2 If the majority of the Executive Members realizes that a member of the Executive Committee is not capable of bearing the functions, duty, and the rights given to him or her, or he or she is working against the constitution of the organization, the other members of the Executive Committee can register a bid of non-confidence against the member. But if the registered bid of non-confidence is rejected, a second bid cannot be registered within the 6 months of that decision.
- 23.3 The bid of non-confidence should be passed by two third majority votes of the General Assembly members.

- 23.4 The member who is facing non-confidence motion will have the opportunity to clarify himself or herself before the decision is taken place.
- 23.5 If two or less than two Executive Committee members' positions (excluding the Chairperson) are vacant due to any reason, the annual regular General Assembly can appoint up to two general assembly members for the Executive Committee. However, in one period, not more than three members will be appointed. If three are more than three positions of the Executive Members vacant, the positions should be filled up by the election procedure according to the constitution. (Amended).
- 23.6 Any vacant post should be fulfilled within three months.

#### **24. Amendment of the constitution**

- 24.1 The authority whether to amend the constitution or not will lie on two third majority members of the General Assembly.
- 24.2 An agenda, with claims why the constitution should be amended, should be presented by the Executive Committee before the General Assembly. But without the approval of the founder members, no amendment proposal will be presented.
- 24.3 If a general member wants to carry out an amendment proposal, the proposal can be registered in the Executive Committee. But without the written consent of the 50% General Assembly members, no amendment proposal will be registered.

#### **25. Formulation of rules:**

- 25.1 The right to make any rules and to execute it will be in the hand of the Executive Committee having consent of majority of the founder members.

**26. Dissolution of the organization:** If the organization cannot run according to the constitution and if it is dissolved, all the property of the organization will be of His Majesty Government.

#### **27. Miscellaneous:**

- 27.1 In the condition of not formulation of the Executive Committee at the first time when the organization is just registered, the Ad hoc Committee having the consultation with the Management Committee will take all the responsibility of the Executive Committee. But, if the election of the Executive Committee is held, the Ad hoc Committee will be automatically inactive.
- 27.2 In the Article 4 of the constitution, there is the provision of central office, however, if it is required the working area of this organization can be extended to all over Nepal.
- 27.3 Whatever is written in this constitution if it contradicts with the prevailing rules and regulation, the portion of the contradicted Articles will be considered automatically void.

**The name, surname, and the address of the Executive Committee members of the organization:**

S.N	Position	Name and surname	Father's or husband's name	Age	Address	Educational Qualification	Profession	Signature
1	Chairperson	Jhabendra Prakash Bhattarai	Shobhakar Bhattarai	30	Jagatra Devi 9, Syangja	Graduate	Service	S.D.
2	Secretary	Ratna Bahadur Gaha	Hasta Bahadur Gaha	27	Kharigaira 4, Dhailekh	Graduate	Service	S.D.
3	Joint-Secretary	Haribol Bajagain	Padmalal Bajagain	24	Chapagaun 6, Lalitpur	Certificate Level	Service	S.D.
4	Treasurer	Ghan Kumaji Sharma	Basanta Kumar Sharma	28	Urhari 7, Dang	Certificate Level	Service	S.D.
5	Member	Gyanu Kumari K.C.	Mani Ram Khadka	28	Latikoili – 1, Surkhet	S.L.C.	Service	S.D.
6	Member	Sharba Raj Thapa	Khakda Bahadur Thapa	30	Kharigaira 2, Dhailekh	Graduate	Service	S.D.
7	Member	Indra Bahadur Khadka	Jit Bahadur Khadka	38	Thada 4, Argakhagi	S.L.C	Service	S.D.

Affiliation No. 6337

**Social Welfare Council**  
**Kathmandu, Nepal**  
**2049**

**Certificate of Affiliation**

Sahakarmi Samaj, Surkhet has been awarded this certificate of affiliation according to the clause 13 of Social Welfare Act, 1992 on 22 Marg 2054 (December 7, 1998).

Date: 2054.8.22

S.D

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Member Secretary

His Majesty Government  
Ministry of Home  
District Administration Office  
Surkhet

Registration Date: 2054/3/12  
Registration Number: 109/053/054

F.Y. 2053/2054

**Organization Registration Certificate**

Dear Chairperson / Secretary  
Sahakarmi Samaj  
Birendranagar Municipality Ward No. 10  
Surkhet

Sahakarmi Samaj has been registered on 12 Ashad 2054 (28 June 1998) according to the Organization Registration Act, 2034 Clause 4 and this certificate has been granted.

Signature: S.D  
Full Name: Mohan Prasad Dhakal  
Position: **Chief District Officer**

Note:

1. The Certificate will be valid up to one Fiscal Year.  
The renewal of the certificate should be done having paid the set fee within the three months period after the validity is finished. If that period is gone without renewal, the registration can be renewed within another 3 months by paying an additional Rs. 100 fee. If that period is also gone, the renewal can be done paying additional Rs. 250 within that fiscal year. If that period is also finished without renewal, the renewal fee will be additional Rs. 500 for a fiscal year and Rs. 1000 for two fiscal years.