

The *Guthi* Corporation Act, 2033 (1976)

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2033.7.4 (20 October 1976)

Amendments,

1. The *Guthi* Corporation (First Amendment) Act, 2041.8.24
2041 (1984) (9 Dec. 1984)
2. The *Guthi* Corporation (Second Amendment) 2049.10.5
Act, 2049 (1993) (18 Jan. 1993)
3. Some Nepal Acts Amendment Act, 2063(2006) 2063.6.28(14 Oct.
2006)
4. Republic Strengthening and Some Nepal Laws 2066.10.7 (21 Jan.
Amendment Act, 2066 (2010)¹ 2010)

Act No. 41 of 2033 (1976)

.....²

An Act Made to Provide for Amending and Consolidating Laws Relating to *Guthi* Corporation

Whereas, a *Guthi* Corporation has been established to remove state trusts (*Rajguthi*) from the jurisdiction of the Government of Nepal and place them under a corporation, and operate the state trusts in a systematic manner, and

¹ This Act came into force on 15 Jestha 2065.

² Deleted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

it is expedient,³, to make more effective and timely provisions by amending and consolidating laws relating to *Guthi* with a view to maintaining cordial relation between the people of various classes and economic interest and morality of the people generally;

Now, therefore, be it enacted by His Majesty King Birendra Bir Bikram Shah Dev on the advice and with the consent of the *Rastriya Panchayat*.

Chapter-1

Preliminary

1. **Short title, extent, and commencement:** (1) This Act may be called as the "*Guthi* Corporation Act, 2033 (1976)".
 - (2) It shall apply throughout⁴ Nepal.
 - (3) It shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,-
 - (a) "Corporation" means the *Guthi* Corporation under Section 3.
 - (b) "Chairperson" means the chairperson of the *Guthi* Corporation.
 - (b1)⁵ "Board" means the Board of Directors formed under Section 4.
 - (b2)⁶ "Member" means the member of the Board.
 - (b3)⁷ "Administrator" means the administrator of the Corporation.
 - (c) "*Guthi*" means and includes a *Guthi* (trust) endowed by any philanthropist through relinquishment of his or her title to a movable or immovable property or any other income-yielding property or fund for the operation of any shrine (*matha*) or

³ Deleted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

⁴ Deleted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

⁵ Inserted by the First Amendment.

⁶ Inserted by the First Amendment.

⁷ Inserted by the First Amendment.

festival, worship or feast of any God, Goddess or for the construction, operation or maintenance of any temple, shrine (*devasthal*), rest house (*dharmashala*), shelter (*pati*), inn (*pauwa*), well, tank, road, bridge, pasture, garden, forest, library, school, reading hall, dispensary, treatment facility, house, building or institution for any religious or philanthropic purpose.

- (d) "*Rajguthi*" means a *Rajguthi* (state trust) which the *Guthi* Corporation has right and liability in and is being managed and operated by the *Guthi* Corporation at the time of the commencement of this Act.
- (e) "*Chhut Guthi*" means a *Guthi* which enjoys exemption so that only the surplus of the *Guthi* after operating the worship, festival etc. of the *Guthi* from income as per the deed of donation or royalty is paid to the *Rajguthi* or the *Guthi* operators themselves are entitled to the surplus, and by registering the *Guthi* in the records of *Rajguthi* prior to the commencement of the *Guthi* Corporation Act, 2021 (1973) or requiring such registration and that the land revenue or taxation of such *Guthi* land as payable to the Government of Nepal is exempted and that the trustees of the *Guthi* themselves are entitled to operate and register the *Guthi*.
- (f) "Personal *Guthi*" means an individual's private *Guthi* other than a *Rajguthi* and *Chhut Guthi*.
- (g) "*Guthiyar* (trustee)" means a person who is entitled to enjoy the surplus income (*shes kasar*) of the *Guthi* or operates the *Guthi* and is the endower of a *Chhut Guthi* or personal *Guthi* or the heir to the endower, and the *Mahant* and priest (*pujari*) deputed in the yearly basis to a position of such a *Guthi*.

- (h) "*Guthi Raitan Numbari* land (*Guthi* land registered in the name of individual)" means a land the registration holder of which is required to pay the land revenue (*malpot*) to the Corporation.
- (i) "*Guthi Numbari* land (registered *Guthi* land)" means a land the Corporation, in the capacity of the landowner, is required to pay the land revenue to the Government of Nepal.
- (j) "*Guthi Tainathi* land (*Guthi* owned land)" means a land which is not registered in the name of any person and in which the *Guthi* Corporation has exclusive right.
- (k) "*Guthi* controlled land (*Guthi Adhinastha* land)" means a land the registration holder of which has been paying in-kind to the Corporation.
- (l) "*Guthi Jimidari*" means the *Jimidari* in which the land revenue is paid to the *Guthi*, upon the *Guthi* having right in any *Jimidari* area.
- (m)⁸ "Prescribed" or "as prescribed" means prescribed or as prescribed in the Bye-laws framed under this Act or the order issued by the Government of Nepal by publishing a Notification in the Nepal Gazette, from time to time.

Chapter-2

Establishment and Operation

3. **Guthi Corporation to continue to exist:** (1) The *Guthi* Corporation established under the *Guthi* Corporation Act, 2021(1972) shall continue to exist as if it were established under this Act.
- (2) The Corporation shall be an autonomous and corporate body having perpetual succession. It shall have a separate seal of its

⁸ Amended by the First Amendment.

own for all of its functions. It may sue and be also sued in its own name.

(3) Subject to this Act and the Bye-laws framed hereunder, the Corporation may acquire, use, and transfer in any manner any movable and immovable property.

(4) The head office of the Corporation shall be situated at Kathmandu.

4.⁹

5.¹⁰

6. **Appointment of employee and adviser:** (1) The Corporation may, as required, appoint employees and advisers, and their appointment and terms and conditions of service shall be as prescribed.

(2) Notwithstanding anything contained in Sub-section (1), the Government of Nepal may, if it deems necessary,¹¹ alter the positions of the employees of the Corporation, from time to time.

7. **Formation of Academic (Bidwat) Committee:** (1)¹² The Corporation shall have one Academic Committee consisting of Five members, including one chairperson, nominated by the Government of Nepal from amongst the academician and saints (*sadhu santa*) who are renowned in religious, social and educational fields.

(2) An employee designated by the chairperson of the Corporation shall be the secretary of the Academic Committee.

(3) The chairperson of the Corporation shall take part in the meeting of the Academic Committee.

⁹ Repealed by the First Amendment.

¹⁰ Repealed by the First Amendment.

¹¹ Deleted by the Second Amendment.

¹² Amended by the Some Nepal Acts Amendment Act, 2063.

(4)¹³ The term of office of the members nominated pursuant to Sub-section (1) shall be Four years. After the termination of their tenure, they may be re-nominated.

Provided that, if the Government of Nepal considers appropriate, it may nominate another person in the place of any nominated member prior to the completion of his or her term of office.

(5) The members of the Academic Committee shall receive such remuneration or allowance as prescribed for having taken part in the meetings of the committee.

8. Advice and opinion of the academic committee may be taken:

If the Board considers necessary, it may take advice and opinion of the Academic Committee on the following matters:

- (a) Ancient rites and rituals (*ritisthiti*) on *Guthi*,
- (b) Religious procedures (*dharmik bidhi*), traditions (*parampara*) and other provisions relating to religion (*dharma*).

9.¹⁴ Formation of Board: (1) The Government of Nepal shall form a Board of Directors consisting of the following members for the operation of the functions of the Corporation:

- (a) A person designated by the -Chairperson Government of Nepal
- (b) Representative, Ministry of -Member Home Affairs (Gazetted First Class)
- (c) Representative, Ministry of Law, Justice and Parliamentary

¹³ Amended the Some Nepal Acts Amendment Act, 2063.

¹⁴ Amended the First Amendment.

- Affairs (Gazetted First Class) -Member
- (d) Representative, Ministry of Education and Culture (Gazetted First Class) -Member
- (e) Director General, Department of Land Revenue -Member
- (f) Three person who have gained experience in *Guthi* related affairs, nominated by the Government of Nepal from the religious, social fields of the country -Member
- (g) Administrator -Member secretary

(2) If the executive chairperson is nominated in the Corporation, an employee of the Corporation designated by the chairperson shall carry out the functions of the secretary of the Board.

(3) The term of office of the members nominated under Clause (g) of Sub-section (1) shall be Three years; and they may be re-nominated on the expiration of their term of office.

Provided that, if the Government of Nepal considers appropriate, it may nominate another person in the place of any nominated member prior to the completion of his or her term of office.

9A.¹⁵ Functions, duties and powers of the Board: (1) The Board shall exercise and perform all such powers and duties as conferred and entrusted to the Corporation.

(2) The Board shall implement appropriate suggestions recommended by the Academic Committee.

10.¹⁶

11. Disqualification for being member: Any of the following persons shall not be eligible to be appointed to the office of member of the Board or the academic committee:¹⁷

- (a)¹⁸
- (b) Who is a declared insolvent;
- (c) Who is of unsound mind or is insane;
- (d) Who is convicted by a court of a criminal offense involving moral turpitude;
- (e) Who is below 21 years of age; or
- (f) Who is involved in a contract (*thekka*) with the Corporation or has personal financial interest (conflict of interest) in any transaction with the Corporation.

12. Circumstance where the office of member falls vacant: Any person shall cease to continue to hold the office of member of the Board or the Academic Committee,¹⁹ in the following circumstance:

- (a) If the member suffers any disqualification set forth in Section 11,
- (b) If the member tenders resignation from the office of member,

¹⁵ Inserted by the First Amendment.

¹⁶ Repealed by the First Amendment.

¹⁷ Amended by the First Amendment.

¹⁸ Deleted by the First Amendment.

¹⁹ Amended by the First Amendment.

- (c) If, without for any reasonable reason, the member absents himself or herself from Three consecutive meetings of the Committee or the Academic Committee,²⁰ without permission of the Board or the academic committee, and the Government of Nepal removes him or her from the office of member,
- (d) If the Government of Nepal nominates another person in the place of the member pursuant to the proviso to Sub-section (4) of Section 7 and Sub-section (3) of Section 9.

12A.²¹ Appointment of administrator: The Government of Nepal shall appoint one administrator in the Corporation.

13.²² Fund of the Corporation: (1) The Corporation shall have a fund of its own. The following amounts shall be credited to that fund:

- (a) Grants received from the Government of Nepal,
- (b) Amounts received from any regular source,
- (c) Land revenue or other incomes received from the *Guthi* lands,
- (d) Amounts received while transferring *Guthi* controlled lands into registered lands (*Raitan Numbari* lands),
- (e) Any other amounts received by the Corporation.

(2) All cash balances shall be deposited in the Nepal Rastra Bank or any bank designated by the Committee, in the name of the Corporation.

(3) All expenses to be made by the Corporation shall be chargeable on the fund of the Corporation.

²⁰ Amended by the First Amendment.

²¹ Inserted by the First Amendment.

²² Inserted by the First Amendment.

(4) Notwithstanding anything contained in Sub-section (3), any amounts received pursuant to Clause (d) of Sub-section (3) and proceeds of the sale of any assets in the name of the Corporation shall be held as a revolving fund (*akshaya kosh*) of the Corporation, and such amounts shall not be used for any yearly expenditure, except depositing the same in a fixed account with any bank or making long-term investment such as building a house or shop. At least Twenty Five percent of the incomes made from the investment of the revolving fund shall be compulsorily deposited to that fund and the rest amount may be spent in the business of the Corporation.

14. Accounts and audit of the Corporation: (1) The accounts of the Corporation shall be maintained in accordance with the prevailing Nepal law.

(2) The accounts of the Corporation shall be audited by the Auditor General.

15. Financial year and annual report of the Corporation: (1) The financial year of the Corporation shall be the same as that of the Government of Nepal.

(2) The Corporation shall submit to the Government of Nepal an annual report of its financial condition and business within Six months from the date of expiration of every financial year.

Chapter-3

Functions and Duties of the Corporation

16. Management and operation of Rajguthi: (1) The Corporation shall, for the management and operation of its *Amanati*, *Rajguthi*, shrines (*matha*) and temples, appoint *Mahants*, priests (*pujari*), managers and other workers, employees, as required, and shall carry out such acts required to be carried out, including festivals and

worship in accordance with donation deed (*daanpatra likhat*), if any, and with customs (*parampara*), through its *amanat* (wage system), and the incomes of such *Amanati Guthi*, shrines and temples shall be credited to the *Guthi* fund and *Guthi* in-kind stock and the expenses shall be chargeable on the *Guthi* fund and *Guthi* in-kind stock.

(2) In the case of *Chhut Guthi* and personal *Guthi* converted into the *Rajguthi*, the Corporation may, in stead of carrying out the affairs of the *Guthi* under the *amanat* (wage system) pursuant to Sub-section (1), so hand over the management of and operation of such *Guthi* to the registered trustee, *Mahant*, priest who has operated it previously or nay other person, specifying a period not exceeding Five years, that it shall be managed and operated under its care, control and direction and that the acts required to be carried out including festivals and worship according to the donation deed, document of such *Guthi* and the customs are not stopped and religious activities are not given up (*dharmalop*), by making necessary addition or increase to the positions of existing workers and employees and ceiling of expenses or creasing new positions by deducting unnecessary positions.

Provided that, the incomes that remain upon deducting the expenses as per the ceiling so given shall be paid back to the Corporation.

17. Functions, duties and powers of the Corporation: The functions, duties and powers of the Corporation, in addition to those clearly mentioned in this Act, shall be as follows:

- (1) To have right and obligation of the Corporation in the *Rajguthi* and manage and operate the same,
- (2) To take *Chhut Guthi* and personal *Guthi* in the *Rajguthi* and manage and operate the same on the *amanat* (wage system) or

cause it to be operated in accordance with the provisions contained in this Act,

- (3) To carry out or cause to be carried out religious festivals, worships as set forth in the donation deed, document and custom, in such a manner as not to cause the extinction of religious performance (*dharmalop*),
- (4) Utilize the movable and immovable property of the *Rajguthi* or the income accruing therefrom for any existing and additional religious, educational, cultural, social, or philanthropic purpose,
- (5) To prevent leakage by mitigating unnecessary expenses from the income accrued from the *Rajguthi*, and prepare new positions of employees and ceiling of expenses, as required, for the operation of the *Rajguthi* in a more systematic manner,
- (6) To obtain any grant, donation, gift, movable and immovable property,
- (6a)²³ To manage offerings (cash and kind *bhetighati*) submitted to temples and shrines (*matha*),
- (6b)²⁴ To maintain inventory of, and protect, or cause to be protected, ancient ornaments and religious and cultural goods,
- (6c)²⁵ In making expenses for the purpose of any *Guthi*, to make expenses from the income of the same *Guthi*, as far as possible,
- (7) To carry out farming, horticulture and animal husbandry,
- (8) Enter into or finalize contracts (*karar*), agreements (*thekka*), on behalf of the Corporation, in order to carry out any act required to be carried out by the *Rajguthi*,

²³ Inserted by the First Amendment.

²⁴ Inserted by the First Amendment.

²⁵ Inserted by the First Amendment.

- (9) To build houses, shops and rent the same,
- (10) To institute legal action as required to be instituted on behalf of the Corporation, or to defend any legal action instituted against the Corporation, and act in accordance with the judgment of a court,
- (11) To operate the *Guthi* from the income (*aayastha*) of the *Rajguthi*, make expenses from the same and establish a reserve (*jageda*) fund from the surplus amount and make safe investments from that fund,
- (12) To cultivate the *Guthi Tainathi* land itself by the Corporation or allow it to be cultivated by to the tenants,
- (13) To perform such other incidental functions as required to be performed in managing and operating the *Rajguthi* in accordance with this Act and the prevailing laws.

18. Acts prohibited to be carried out by the Corporation: The Corporation shall not carry out the following acts:

- (1) To alienate the ownership of *Guthi* over the *Guthi* land, without approval of the Government of Nepal,
- (2) To register the *Guthi* barren land (*ailani*) as a registered land (*nambari*) in contravention of the policies of the Government of Nepal,
- (3) To carry out any such act and action, financial transaction or the management or operation relating act and action as may cause loss to the Corporation or the religious performance of the *Rajguthi*.

19. Devolution of rights and liabilities of *Chhut Guthi* on the Corporation: All *Chhut Guthis* shall be converted into the *Rajguthis*, and all rights of the *Chhut Guthis* over the movable and

immovable assets, and God's statues of such *Chhut Guthis* shall devolve on the Corporation and all rights and powers of the trustees and beneficiaries of such *Chhut Guthis* shall cease to exist.

19A.²⁶ Inventory of personal Guthis: (1) The trustee of a personal *Guthi* shall give an inventory of the *Guthi*, in the format as prescribed to the Corporation.

(2) Upon receipt of the inventory pursuant to Sub-section (1), the Corporation shall maintain, as prescribed, separate inventories of the personal *Guthis* endowed for personal or family or social interests.

20.²⁷ Power of the Corporation to take over rights and liabilities of personal Guthi: (1) If a request in writing is made by all or most of the trustees, including the donor, of any personal *Guthi* that the Corporation bear the rights and liabilities of such a personal *Guthi* and manage and operate it by the Corporation itself, the Corporation may take over the rights and liabilities of such a personal *Guthi* and manage and operate the same.

(2) If the trustees of a personal *Guthi* endowed for social interest, other than a personal *Guthi* endowed for personal or family interest appears to have not operated the *Guthi* in accordance with the provisions set forth in the *Shilapatra* (a deed made on the stone), religious deed (*dharapatra*) or donation deed (*daanpatra*) and to have misappropriated the properties of the *Guthi*, the Corporation may take custody of, and manage and operate, such a *Guthi*, despite that a request in writing is not made by the trustees.

(3) The Corporation may take custody or the land administration of all kinds of *Guthi* lands the rent of which is to be

²⁶ Amended by the Second Amendment.

²⁷ Amended by the Second Amendment.

paid to the *Pashupati Amalkot Kachahari* and which are related to *Pashupati Guheshowri* and manage and operate the same.

(4) After the Corporation has taken over the rights and liabilities pursuant to Sub-section (1) or (2), such a personal *Guthi* shall be converted in to the *Rajguthi*, and all rights of the personal *Guthi* or donors, trustees to the movable and immovable assets and God's statues of such a personal *Guthi* shall devolve on the Corporation, and all rights and powers of the donors, trustees and beneficiaries of such a personal *Guthi* shall cease to exist.

21. **To hand over inventory and assets of *Chhut Guthis* and personal *Guthis* converted into *Rajguthi***: The donors, trustees or operators of the *Chhut Guthis* or personal *Guthis* converted into the *Rajguthi* pursuant to Sections 19 and 20 shall hand over all documents including inventories of the movable and immovable assets and records and books of accounts of such *Guthis* to the Corporation, as prescribed, within six months of the date of publication of the notice published by the Corporation.

Chapter-4

Abolition of *Guthi Jimidari* (Landholding)

22. **Abolition of *Guthi Jimidari* (Landholding)**: The *Guthi Jimidari* (landholding) is hereby abolished. As the consequence of such abolition, all rights and powers of the *Jimidar*, *Patuwari*, associated with the *Jimidari* of the concerned area of *Guthi* shall be deemed to have *ipso facto* ceased to exist.

Provided that, in the case of the land under the *Jimidari*, it shall be registered as *Guthi Raitan Numbari* in the name of the *Jimidar* in respect whereof *Jimidari* has been abolished.

23. **Documents relating to Jimidari (landholding):** The person who has custody of the documents of *Guthi Jimidari* shall hand over such documents to the Corporation as and when so such an order is made by the Corporation.
24. **Interim provision relating to recovery and realization of land revenue:** The concerned *Jimidar, Patuwari* shall recover and realize as previously the land revenue and pay the same to the Corporation unless and until the Corporation makes arrangement on the recovery and realization of the land revenue of the *Guthi Jimidari* abolished and give a notice thereof.

Chapter-5

Rajguthi Land

- 25.²⁸ **Management of Guthi Tainathi (Guthi owned) land:** (1)²⁹ The Corporation itself may cultivate the *Guthi Tainathi* land or get it registered by way of Dutch auction (*lilam badabada*).

(2) In the case of barren land out of the *Guthi Tainathi* land, the Corporation may make any of the following arrangements, depending on the circumstance:

- (a) To cultivate the land by the Corporation itself,
- (b) To provide it to any particular farmer³⁰ for cultivation, by remitting only the crop rent for some years as prescribed,
- (c) To convert the land into³¹ the *Guthi Raitan Numbari* land and register it, with

²⁸ Amended by the First Amendment.

²⁹ Amended by the Second Amendment.

³⁰ Deleted by the Second Amendment.

³¹ Deleted by the Second Amendment.

specification of the terms and conditions as prescribed.

(3) Notwithstanding anything contained in Sub-sections (1) and (2), if any *Guthi Tainathi* land seems to be appropriate for a house, housing plot or industry, trade, the Corporation may, in view of the importance of use and place, convert such *Guthi* land and the *Guthi Tainathi* land, having been cultivated by itself or caused to be cultivated, irrespective of it being cultivated or barren one, into the *Guthi Raitan Numbari* land,³² by way of Dutch auction as prescribed,³³ and in the case of a *Guthi Tainathi* land in which a house was built with investment of his or her own capital prior to 26 Chaitra 2046 and one has resided there, such house and housing plot may be converted into the *Raitan Numbari* land and registered in one's name on the basis of the price specified by the evaluation committee, as provided elsewhere in this Act.

(4) Notwithstanding anything contained in Sub-sections (1), (2) and (3), no religious as well as public barren land where shrines are situated or which is related with temples, festivals, worships and feasts shall be registered in the name of any person. Even if such a land has been registered, the Corporation may void the registration of such a land.

26. **Management of *Guthi* controlled (*adhinastha*) land:** (1) Upon the commencement of this Act, all rights and powers of the registration holder in any *Guthi* controlled land in relation to which the tiller (*jotaha*) pays the crop rent to the registration holder and the registered tenant pays rent in kind in whole or partly in kind and partly in cash as per the rate of the *Guthi*, in the Kathmandu Valley and the hilly areas shall cease to exist and the Corporation shall have

³² Deleted by the Second Amendment.

³³ Inserted by the Second Amendment.

full ownership in such a land; and the actual tiller farmer shall obtain the tenancy right in such a land.

(2)³⁴ The registered tenant whose right ceases to exist pursuant to Sub-section (1) shall obtain, as prescribed, a compensation in a sum to be set by Ten fold of the land revenue leviable in his or her previous land in accordance with the prevailing law. The registration holder who so obtains compensation shall obtain the compensation by deducting therefrom the arrears, if any, payable by the registration holder to the *Guthi*.

(3)³⁵ The actual tiller farmer who becomes entitled to tenancy right upon the termination of the registration holder's right shall pay to the Corporation, as prescribed, the compensation to be provided to the registered tenant pursuant to Sub-section (2).

(3a)³⁶ If it appears that the registered tenant has defaulted on the crop rent required to be paid to the Corporation, the tiller farmer shall have to submit an evidence of payment of such rent paying during that period of arrear to the registered tenant to the Corporation.

(3b)³⁷ In the event of failure to submit the evidence of payment of rent pursuant to Sub-section (3a), the crop rent to the extent of which evidence of payment of rent could not be submitted shall have to be paid to the Corporation.

(4)³⁸ If the actual tiller farmer who becomes entitled to tenancy right upon the termination of the registration holder's right fails to pay the amount of compensation as referred to in Sub-section (3) or to pay the crop rent in arrears pursuant to Sub-section (3b) in the manner as prescribed, action may be taken as if the crop rent of that land were

³⁴ Amended by the First Amendment.

³⁵ Amended by the First Amendment.

³⁶ Inserted by the First Amendment.

³⁷ Inserted by the First Amendment.

³⁸ Amended by the First Amendment.

not paid and another tenant may be established in that land by collecting the prescribed fees.

(5)³⁹ If another tenant is established by taking action pursuant to Sub-section (4), such a tenant shall pay the remaining sum of the compensation payable to the registered tenant whose right has been terminated pursuant to Sub-section (3) and the crop rent as referred to Sub-section (3b) to the Corporation in the manner as prescribed.

(6)⁴⁰

(7) Notwithstanding anything contained in this Section, if any person has obtained the right pursuant to law and built a house and resided in any *Guthi* owned land, the land up to the ceiling of land that can be held for house and cartilage pursuant to the prevailing Nepal law shall be registered in tenancy in the name of that person.

Chapter-6

Provisions Relating to Tenants

27. **Tenancy right to be established:** The actual tiller farmer shall be entitled to the right of tenancy in a *Guthi* land in accordance with the prevailing law.

Provided that⁴¹:

- (a) A functionary (*Rakami*) who is entitled to till and possess the land in consideration for the performance of any specific function of the *Guthi* shall not be entitled to the tenancy right in such a land.
- (b) No tenancy right shall be established in a barren *Guthi* land which has a garden and not been cultivated since

³⁹ Amended by the First Amendment.

⁴⁰ Deleted by the First Amendment.

⁴¹ Amended by the Second Amendment.

ago or is situated in such town and market as may be prescribed.

28. Rent (*kut*) and tax (*tiro*) leviable on *Guthi* land: (1) In relation to the *Guthi* land on which rent has to be paid to the Corporation, there shall be levied the same rent as receivable by the governmental registered landowner from the tenant according to the place and type of the land.

⁴² Provided that, where the rent lesser than that leviable as per the type has been paid at the time of the commencement of this Act, the rent shall be collected accordingly.

(2) ⁴³ Where the tenant has paid other type of in-kind except paddy, rice, maize, millet and wheat at the time of the commencement of this Act, the tenant shall pay the in-kind as previously.

Provided that, no in-kind shall be collected pursuant to this Sub-section in such a manner that the price of the in-kind goods is in excess of the value of rent payable by the tenant pursuant to Sub-section (1) per *Ropani* or *Bigaha*.

(3) ⁴⁴ The Corporation shall have the power to determine the value/price of the in-kind goods to be paid by the tenant pursuant to Sub-section (2).

(4) ⁴⁵ The tenant may also pay the rent levied on the *Guthi* land in cash according to the local market rate.

(5) ⁴⁶ The Corporation may give a concession of up to Fifteen percent of the rent to one who pays the crop rent in time as specified in Sub-section (1) of Section 29 for the payment of the rent.

⁴² Inserted by the First Amendment.

⁴³ Amended by the First Amendment.

⁴⁴ Inserted by the First Amendment.

⁴⁵ Inserted by the First Amendment.

⁴⁶ Inserted by the First Amendment.

29. Provisions on payment of rents: (1) Tenants on *Guthi* lands who are under obligation to pay rents to the Corporation shall make such payment within the time-limit prescribed for the payment of rents by tenants on government *Raikar* lands. If a tenant does not pay rent within the time limit, the Corporation may terminate the tenancy right of such a tenant.

Provided that, the Corporation may extend the time-limit for the payment of rents by a maximum period of Two months if it so considers necessary.

(2) Any tenant who is not satisfied with the termination of his or her tenancy right pursuant to Sub-section (1) may submit a complaint to the Government of Nepal within Thirty-five days.

(3) The decision made by the Government of Nepal on a complaint submitted pursuant to Sub-section (2) shall be final.

(4) The Corporation may recover arrears of rent due from a tenant whose tenancy right has been terminated pursuant to Sub-section (1), as a governmental due.

(5) Action shall be taken according to the prevailing Nepal law in relation to the remission of rents payable to the Corporation.

30. Special provision relating to transaction in tenancy right: Notwithstanding anything contained in Lands Act, 1964 and other prevailing Nepal law, the tenancy right in a land cultivated on tenancy according to this Act may be sold and purchased.

30A.⁴⁷ Prohibition on sale of *Khang* land assignment: No person to whom the *Guthi* land has been assigned as *Khang* shall mortgage or otherwise relinquish the title thereto, and in cases where the title is so relinquished, the document of relinquishment of title shall be deemed *ipso facto* invalid.

⁴⁷ Inserted by the First Amendment.

31.⁴⁸ **In relation to land which became unclaimed (*ukas*):** The Corporation itself may cultivate or use in another purpose any land which has been left and made barren (*ukas*) after defaulting in the payment of rents or other dues payable to the Corporation.

32. **Payment of land revenue on *Guthi Raitan Numbari* land:** (1) The owner of a *Guthi Raitan Numbari* land shall pay the land revenue to the Corporation at the same rate as the owner of a government *Raikar* land pays the land revenue to the Government of Nepal according to the grade of the land.

(2) The rights and status of the owner of a *Guthi Raitan Numbari* land shall be the same as those of the owner of a government *Raikar* land according to the prevailing laws.

(3) For the purpose of this Section, the term "landowner" means a person in whose name the *Guthi* land has been registered subject to the payment of land revenue to the Corporation and who possesses rights in such land by virtue of such registration, as well as a person who has acquired rights to have the land registered in his or her name as a result of partition or inheritance, or of relinquishment of title by the owner according to the prevailing Nepal law.

33. **Provisions for the realization of land revenue:** (1) The Corporation shall make arrangements for the recovery/realization of land revenue.

(2) The time-limit for the recovery of land revenue shall be as prescribed in the prevailing Nepal law. Provisions contained in the prevailing Nepal law regarding the imposition of fines in cases where the land revenue is not paid within the prescribed time-limit, and on auction of lands for recovering arrears of the land revenue, and remission of land revenue shall be applicable also in respect of the

⁴⁸ Amended by the Second Amendment.

land revenue to be collected by the Corporation. The offices designated for the collection of land revenue on *Guthi* lands may exercise the powers relating to the recovery of the land revenue in accordance with the prevailing Nepal law.

34. Provisions relating to the recovery of rent (*bahal*) and land

rent (*bhu bahal*): (1) In cases where any *Guthi* lands have been allotted for the construction of houses and shops on payment of the land rent, or where houses and shops have been constructed by the *Guthi* itself and given in rent, or existing *Guthi* inns (*pati*) and roadside shelters (*pauwa*) have been so given, and rents have been collected accordingly, the Corporation may cause a new bond to be executed in respect of such rent or land rent after the commencement of this Section. While executing a new bond, the amount of rent or land rent shall be as specified by the Corporation.

(2) Any person who occupies it on the rent or land rent basis shall execute a new bond within the time-limit as specified by the Corporation. In cases where any such person fails to do so, the right of the person occupying it on the rent or land rent basis to possess and use the house or shop shall *ipso facto* lapse, and the Corporation may give such house or shop to any other person in rent, or occupy the same itself.

35. Registration of tenants on payments of fees: (1) In cases where

any *Guthi* land has been allotted on the land rent since before the commencement of this Act and the person holding the land on the rent basis wishes to get it to be registered on the tenancy, the Corporation may register it on the tenancy by collecting the prescribed fees.

(2) In cases any person has already constructed a building in a *Guthi* land without obtaining the approval of the Corporation, at the

time of the commencement of this Act, the Corporation may register such a land on tenancy by collecting the prescribed fees.

(3) If, after the commencement of this Act, any person requests the Corporation for permission to construct a building on a *Guthi* land registered in his or her name in the capacity of a tenant or in a barren (*ailani*) or uncultivated (*banjho*) *Guthi* land which has not been registered in the name of any person or in a *Guthi* garden or orchard, the Corporation may grant such permission by collecting the prescribed fees. In cases where any person constructs a building in such a land without obtaining the permission of the Corporation, the right of such a person in such a land and building constructed therein shall terminate and devolve on the Corporation.

⁴⁹ Provided that, in cases where a house has been built before the commencement of this proviso Clause, and the Corporation is of the opinion that the person who has built such a house has no *mala fide* intention, the Corporation may, with the approval of the Government of Nepal, register it as a tenancy holding, by collecting the prescribed additional fees.

(4) Notwithstanding anything contained in Sub-sections (1), (2) and (3), it shall not be required to obtain permission from the Corporation for the construction of buildings on *Guthi Raitana Numbari* lands.

36. ⁵⁰ **Registration as *Guthi Raitana Numbari* lands:** In cases where any registered tenant cultivating any *Guthi* land desires to have such land converted into a *Guthi Raitana Numbari* land and registered in his or her name, the Corporation shall register the *Guthi Raitana Numbari* land in his or her name if he or she pays the prescribed amount to the Corporation in the prescribed manner.

⁴⁹ Inserted by the First Amendment.

⁵⁰ Amended by the First Amendment.

Chapter 7

Miscellaneous

37. **Provisions relating to ceilings:** All provisions of the prevailing Nepal law relating to ceilings (*hadbandi*) shall be applicable in respect to the *Guthi* landowners of *Guthi Raitana Numbari* lands and tenants of *Guthi* lands, and for this purpose, ceilings shall be established by taking into account both *Guthi* lands and government *Raikar* lands.

38. **Special provisions relating to *Guthi Raitana Numbari* lands:**

In cases where any person has obtained any land which is *Guthi* owned under this Act in any manner and under any arrangement which is contrary to the interests of the *Rajguthi* and the Corporation, such rights and privileges obtained under any arrangement made subsequent to the enforcement of the *Guthi* Corporation Act, 2021 (1964) shall *ipso facto* lapse, and the rights and ownership of the Corporation and the *Rajguthi* shall *ipso facto* revive in such cases.

Provided that:

- (1) In cases where lands obtained by any persons under any arrangement have been used for house and cartilage, these shall be registered in their name in the capacity of landowners, subject to the ceilings imposed by other prevailing law, and in respect of the remaining areas, rents shall be paid to the Corporation in accordance with this Act.
- (2) This Section shall not be applicable to any *Guthi* lands which are registered by the *Guthi* Corporation as *Guthi Raitana Numbari* lands, in the name of any persons, by obtaining approval of the Government of Nepal, subject to the ceiling of Ten *Bigaha*.

39.⁵¹ **Registration of Guthi building or land as previously:** (1) If it is proved that any Guthi *Tainathi* land is registered as Guthi controlled land, Guthi controlled land as Guthi *Raitana Numbari* land or Guthi land or building as *Raikar*, the Administrator or administrative chief carrying out the functions of the Administrator may register such a Guthi land or building as Guthi *Tainathi* land, Guthi controlled land or Guthi *Raitana Numbari* land as existed previously. After such registration the earlier registration of that land or building shall be obliterated (*lagat katta*).

(2) Any person who is not satisfied with a decision made by the Administrator or the administrative chief carrying out the functions of the Administrator pursuant to Sub-section (1) may file an appeal before the Court of Appeal against the decision within Thirty Five days.

40. **Attachment of property:** In cases where the concerned office receives a request from the Corporation for the attachment of the immovable property which has been pledged as collateral with the Corporation, the office shall attach such property in such a manner that it cannot be sold, mortgaged on usufruct or at sight or otherwise to any person in any manner.

41. **Recovery of arrears:** (1) The Corporation may recover such land revenue, crop rent, rent, land rent, advance, contract revenue, fine, amount in question, fee, additional fee, charge etc.⁵² as to be recovered by the Corporation by auctioning the collateral or other property of the concerned person.

(2) The Corporation may, if it so deems appropriate, recover arrears pursuant to Sub-section (1) by installments and collect interest at a rate not exceeding Ten percent per year.

⁵¹ Amended by the Second Amendment.

⁵² Inserted by the First Amendment.

⁵³(3) Notwithstanding anything contained in Sub-sections (1) and (2) and Section 28, the Corporation may recover arrears for the prescribed period by installments in cash at the prescribed rates.

42. Reimbursement for land acquired by the Government of Nepal: If the Government of Nepal acquires any *Guthi* land, it may reimburse a land instead of the amount of compensation of that acquired land.

Provided that, in cases where a *Guthi Raitana Numbari* land is acquired, the Government of Nepal shall pay compensation to the Corporation in consideration for the land revenue leviable on that land.

42A.⁵⁴ Power of Government of Nepal to acquire Guthi land: If the Government of Nepal thinks that it is necessary to provide, or cause to be provided, any *Guthi* land owned by the Corporation for social welfare or community interest, it may, in view of practicality, acquire such a land at a concessional rate.

43. Tirja system may be abolished: Where *Mahants*, priests, *Guthiyars* and other functionaries of any *Guthis* have been getting in-kind emolument through land allotments or *Tirja* system entitling them to collect rents on lands assigned for that purpose, the Corporation may provide for the payment of remuneration to them instead of such in-kind emolument.

44. Provisions relating to ancient idols and ornaments: (1) The *Mahants*, priests, *Guthiyars* and other functionaries of *Rajguthis* shall prepare current inventories of the ancient idols of God and Goddess, ornaments and utensils in their custody in such a manner as to ensure their safety and have such records inspected by the Corporation.

⁵³ Inserted by the First Amendment.

⁵⁴ Inserted by the Second Amendment.

(2) When such *Mahants*, priests, trustees and other functionaries are changed, they shall hand over to their successors the items in their custody as listed in the inventory.

(3) In cases where a person who has taken custody of ornaments, utensils etc. of God, Goddess of *Rajguthis* which are not in current use desires to have them deposited safely with the Corporation, he or she may hand them over to the Corporation. In cases where the Corporation so desires, it may have such ornaments and utensils deposited with it.

45. To make arrangements of ornaments and other properties:

(1) The Corporation shall make necessary arrangements for the safety of ornaments, utensils and other properties offered to the God, Goddess of *Rajguthis*.

(2) If, in making inspection of the ornaments and other properties offered to the God, Goddess, there appears a shortfall except on reasonable grounds, the Corporation may have the custodian thereof make good of the shortfall. In cases where he or she does not do so, the amount of such shortfall shall be recovered from him or her as a government due.

46. In relation to fairs and markets (*hhat bazar*) in *Guthi* lands:

(1) Notwithstanding anything contained in the prevailing Nepal law, Fifty percent of the proceeds of duties or fees collected by the Village Development Committee or ⁵⁵Municipality from fairs and markers held in *Guthi* lands shall be handed over to the Corporation.

(2) Notwithstanding anything contained in Sub-section (1), the Corporation may, if it so desires, itself manage or use the *Guthi* lands in which such fairs or markets are held.

⁵⁵ Amended by the Second Amendment.

47. In relation to survey and measurement of Guthi lands: (1) In surveying and measuring *Guthi* lands, the concerned authority shall, before doing so, give a notice thereof to the Office of the Corporation.

(2) In cases where a notice is not given to the Corporation pursuant to Sub-section (1), departmental action shall be taken against such authority according to the prevailing law relating to the terms and conditions of his or her service.

48. Issue of provisional certificate: The office which issues certificates in respect of *Raikar* lands shall also issue tillers' provisional certificates and permanent land ownership certificates in *Guthi* lands.

49. Demarcation of plots: The registration office shall demarcate plots on *Guthi* lands when it is necessary to do so.

50. Registration as Guthi land to be made: In cases where any person had willfully registered *Guthi* lands as *Raikar* prior to the commencement of this Act, that person shall again register such lands as *Guthi* land within Six months after the date of the commencement of this Act.

51. Consolidation of Guthi Tainathi lands: If the Corporation considers it necessary to consolidate holdings in *Guthi Tainathi* lands, it may make such consolidation (*chaklabandi*) by exchanging lands.

52. Power to give directives to the Corporation: In cases where the Government of Nepal so considers necessary, it may give necessary directives to the Corporation. The Corporation shall comply with such directives, if any, so given.

- 53.⁵⁶ **Obligation to extend cooperation to the Corporation:** The local administration, police and Village Development Committee or Municipality⁵⁷ shall extend cooperation to the Corporation in carrying out acts such as performing traditional *Guthi* functions, protecting the movable and immovable assets of *Guthis*, and evicting any person who forcibly occupies any house or land belonging to the Corporation or any temple, inn or shelter without permission of the Corporation.
54. **Punishment to person who does not furnish statement or pay land revenue:** If any person fails to furnish such statements, documents or pay such land revenue as required to be furnished or paid to the Corporation pursuant to Section 21, 23 or 24, such a person shall be liable to a fine not exceeding Twenty Five Hundred Rupees.
55. **Punishment to person who registers Guthi land as Raikar:** If any person willfully registers a *Guthi* land as *Raikar* land after the commencement of this Act or does not register *Guthi* land pursuant to Section 50, such a person shall be liable to a fine equal to the value of the land which was registered as *Raikar*, at the currently prevailing rate. The land which has been so registered as *Raikar* shall again be registered as *Guthi*, and the land rent shall be imposed if any house or shop has already been constructed in such a land.
56. **Punishment to person who misappropriates ornaments etc.:** If any person misappropriates any ornaments and other properties offered to the God, Goddess of *Rajguthis*, the amount in question shall be recovered from such a person, and such a person shall also be liable to a fine that is equal to the amount in question.
57. **Punishment to person who derelicts religious duty:** If any person does not perform the function which he or she is required to

⁵⁶ Amended by the First Amendment.

⁵⁷ Amended by the Second Amendment.

perform according to the deed of gift or endowment, stone inscription (*sheelapatra*) etc. of the *Guthi* and is thus guilty of dereliction of religious duty (*dharmalop*), such a person shall be liable to a fine not exceeding Five Hundred Rupees, and such a person may be compelled to perform the functions according to the deed of gift or endowment, stone inscription etc. of the *Guthi*. The *Mahants*, priests, trustees and other functionaries who are guilty of such dereliction may be dismissed and other persons may be appointed to replace them.

58. Other punishments: In cases where any person contravenes any provision of this Act other than those contained in Sections 54, 55, 56 and 57, such person shall be liable to a fine not exceeding One Thousand Rupees.

59. Authority to impose punishment: (1) The Administrator⁵⁸ shall have the power to impose punishment under Sections 54, 55, 56, 57 and 58.

(2) An appeal may be made to the Government of Nepal against the order of punishment made by the Administrator⁵⁹ under Sub-section (1).

60. Having the same powers as court has: While taking action pursuant to Sections 54, 55, 56, 57 and 58, the Administrator⁶⁰ shall have the same powers as a court of law has in relation to recording statements, examining witnesses and evidence and procuring documents.

61. Action may be taken according to other Nepal law: Nothing contained in this Act shall preclude the institution of proceedings according to the prevailing law relating to prevention of corruption

⁵⁸ Amended by the First Amendment.

⁵⁹ Amended by the First Amendment.

⁶⁰ Amended by the First Amendment.

against any person who misappropriates the idols and ornaments of God, Goddess and other properties belonging to the Corporation.

62.⁶¹

62A.⁶²

63. **Special exemption:** (1) Notwithstanding anything contained in the prevailing Nepal law, no court fees shall be charged in cases where the Corporation is a plaintiff nor shall an attorney of the Corporation be kept on recognizance date (*taarikha*) unless the concerned office or court issues an order to that effect in cases where the Corporation is the plaintiff or defendant and circumstances necessitate the presence of its attorney.

⁶³ (2) No limitation shall be applicable to the Corporation in respect of any action to be taken by it to enforce its title to its assets, recover its investments, have its employees, *Mahants*, priests, functionaries (*Rakamis*), trustees, contractors etc. deposit commodities and cash due from them, and collect any rents, contract revenue, land revenue and land rent as well.

63A.⁶⁴ **Delegation of authority:** The Corporation may, as required, delegate its powers to the Chairperson, a sub-committee of members, the Administrator or any employee of the Corporation.

63B.⁶⁵ **Supervision of Guthis and shrines by District Administration Office:** Each District Administration Office shall supervise and inspect the affairs of *Guthis* located in the District and look after ancient idols, ornaments and other properties of shrines.

⁶¹ Repealed by the Second Amendment.

⁶² Repealed by the Second Amendment.

⁶³ Amended by the First Amendment.

⁶⁴ Inserted by the First Amendment.

⁶⁵ Inserted by the First Amendment.

63C.⁶⁶ District Guthi Operation Assistance Committee: (1) The Government of Nepal may, as required, form a District *Guthi* Operation Assistance Committee for the well management of the *Guthi* lands.

(2) The formation, functions, duties and powers and other procedures of the committee as referred to in Sub-section (1) shall be as prescribed.

64. Dissolution and consequences thereof: (1) If the Government of Nepal thinks that the Corporation has to be dissolved for any reason, it may dissolve the Corporation.

(2) In the event of dissolution of the Corporation under Sub-section (1), all rights and liabilities of the Corporation shall be deemed to have devolved on the Government of Nepal.

65. Power to frame Bye-laws: The Corporation may, with the approval of the Government of Nepal, frame Bye-laws in order to implement the objectives of this Act.

66. Repeal and saving: (1) The *Guthi* Corporation Act, 2029 (1972) is hereby repealed.

(2) Any action taken and act done under the *Guthi* Corporation Act, 2029 (1972) shall be deemed to have been taken and done under this Act.

⁶⁶ Inserted by the First Amendment.