

NEPAL RECORDER
Year 17, No. 10

Kathmandu: March 2, 1993

(Not meant for public sale. Reproduction in any form without permission strictly prohibited).

Ministry of Law, Justice and Parliamentary Affairs
Nepal Rajapatra, Vol. 42, No. 55 (E) Magh 5, 2049 (January 18, 1993).

Guthi Corporation (Second Amendment) Act, 1993

Preamble: Whereas it is desirable to amend the 1976 Guthi Corporation Act, now therefore, the Parliament has enacted this law in the 21st year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. Short Title and Commencement

(1) This law may be called the Guthi Corporation (Second Amendment) Act, 1993.

(2) It shall come into force at once.

2. Amendment in Section 6 of the 1976 Guthi Corporation Act

The words "or reorganize them", occurring in Sub-Section (2) of Section 6 of the 1976 Guthi Corporation Act (hereinafter called the principal act), have been deleted.

3. Amendment in Section 9 of the Principal Act

Sub-Section (1) of Section 9 of the principal act has been replaced by the following Sub-Section (1):

(1) For the purpose of discharging the functions of the Corporation, HMG shall form a Board of Directors consisting of the following members:

- (a) A person designated by HMG - Chairman
- (b) A representative of the Ministry of Home (Gazetted Class I) - Member
- (c) A representative of the Ministry of Law, Justice and Parliamentary Affairs (Gazetted Class I) - "
- (d) A representative of the Ministry of Education and Culture (Gazetted Class I) - "

- (e) Director-General,
Land Tax Department - Member
- (f) Three persons experienced
in Guthi affairs nominated by
HMG from the religious and social
fields - "
- (g) Administrator - Member-
Secretary

4. Amendment in Section 19A of the Principal Act

Section 19A of the principal act has been replaced by the following Section 19A:

19A. Records of Private Guthis

- (1) The guthiyar of a private guthi must submit records of the guthi to the Corporation in the prescribed form.
- (2) After receiving records according to Sub-Section (1) the Corporation must maintain separate records in the prescribed manner of private guthis established on a personal or family basis and those meant for social welfare.

5. Amendment in Section 20 of the Principal Act

Section 20 of the principal act has been replaced by the following Section 20:

20. Corporation May Take Over Rights and Liabilities of Private Guthis

- (1) In case all or the majority of the guthiyars of any private guthi, including the person who had made the endowment, request the Corporation in writing to take over its management and operation in such a manner as to undertake its rights and liabilities, the Corporation may do so.
- (2) In case it appears that the guthiyar of a private guthi meant for social welfare, other than personal or family guthis, has failed to operate guthi in the manner prescribed in the stone inscription, religious or gift deeds, etc. and has misappropriated the property of the guthi, the Corporation may take over the responsibility of such guthi and manage and operate it even in the absence of a written request by the guthiyar.

- (3) The Guthi Corporation may take over and manage and operate all guthi lands on which rents are payable to the Pashupati Amalkot Kachhhari, or guthi lands of all categories connected with the Pashupati and Guhyeswari temples.
- (4) After the Corporation has taken over the rights and liabilities of any private guthi according to Sub-section (1) or Sub-Section (2), such private guthi shall be converted into a Rajguthi, and all rights of the private guthi, or the person who had made the endowment or the Guthiyar, over the movable and immovable assets, idols, etc. of such private guthi shall devolve on the Corporation, and all rights and privileges of the person who had made the endowment or the Guthiyar, functionaries, etc. shall terminate.

6. Amendment in Section 25 of the Principal Act--

In Section 25 of the Principal Act:

- (1) Sub-Section (1) has been replaced by the following Sub-Section (1).
 - (1) The Corporation may itself cultivate guthi-owned lands, or register them in the name of the highest bidder through auction.
 - (2) The word "tenancy", occurring in Clause (b) of Sub-Section (2), has been deleted.
 - (3) The words "or on payment of prices or fees" occurring in Clause (c) of Sub-Section (2), have been deleted.
 - (4) The words "or on payment of such prices or fees", occurring in Sub-Section (3), have been deleted. The following clause has been added at the end of this Sub-Section: "In case any person has built a house with his own capital and has been residing therein on guthi-controlled land since before Chaitra 26, 2046 (April 9, 1990), such house and land shall be converted into raitan nambari in his name on the basis of the price prescribed by the Evaluation Committee provided for elsewhere in this act, and registered accordingly.