

Roles, Responsibilities and Challenges of Guthi Sansthan (Corporation) for the Conservation of Cultural Heritage in Nepal.

Salik Ram Subedi

Mail: srssubedi@gmail.com

Abstract

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Having diverse caste and ethnicity, language and culture, Nepal is rich in cultural heritage. The paper's main aim is to illustrate the roles and responsibilities of the Guthi Sansthan for the conservation of cultural heritage in Nepal and the challenge it faces. Guthi is an example of a cooperative system. Guthi Sansthan, a government body, is more responsible for preserving and managing Nepal's tangible and intangible cultural heritage. The finding reveals that Guthi Sansthan has a leading role in heritage conservation. However, the Guthi still survives and continues as a significant informal heritage conservation system underlining these indigenous systems' resilience. Many significant heritage places and monuments are now in crisis due to the government policies and encroachment of different organizations and institutions. Therefore, it is essential to recognize the significant value and contribution of Guthi Sansthan for the sustainable heritage conservation and management of cultural heritage by different agencies, including government, policymakers, and practitioners.

Keywords: *Rajguthi, guthi system, cultural heritage, social & political change, land Nationalization.*

1. Introduction

The *Guthi* was created to accomplish work not only by an individual but also by a group of individuals who shared a common goal. Therefore, the history of *Guthi* is as old as the history of civilization. It is believed that the *Guthi* organization has traditionally preserved the cultural heritage of the Kathmandu Valley for many centuries. The founders donated some property in the forms of cash or kind, especially land, for the sustainable operation of *Guthi* organizations. Therefore, land has remained a significant asset of *Guthi*. It has been operating with resources generated from the land revenue. Amatya (2011) argues that the *Guthi* has been playing the role of protector or saviour of the country's cultural heritage.

Daniel Wright (2013), a British resident in the Kathmandu Valley from 1866 to 1876, wrote

about Kathmandu Valley "the town seems to consist of almost nothing but temples and the religious festivals are somewhat numerous." This also indicates that the Kathmandu Valley was rich in cultural heritage during the 19th century. Moreover, the tangible and intangible cultural heritage is intertwined from the very existence. However, the conservation practice in an estate in Nepal still follows the old school of heritage conservation. The school only focuses on tangible cultural heritage like specific monuments, temples, and collections (Government of Nepal, 2007).

The Kathmandu Valley has a rich culture and religious history (Tandon, 2052 B.S.). The *Guthi* system was established partly to maintain sites with significant cultural and religious heritage and to continue intangible heritage practices such as festivals and funeral

rites. Tandon (2076 B.S.) has claimed that Nepal is the only nation that has the *Guthi* system. Newar, an indigenous people of the Kathmandu Valley, were/are solely preservers of *Guthi* organizations (Nepali, 2015). He further writes that there are many types of *Guthi* in the Newar community, and each *Guthi* has a significant role in maintaining the social and cultural life. However, the *Guthi* organizations have undergone many changes due to nationalizing the land program. This paper discusses the relationship between land tenure and Newari social systems. Moreover, this paper also investigates the impacts of the land nationalization program on the *Guthi* system and its consequences on the conservation and management of cultural heritage in Kathmandu Valley.

1.1 Meaning of *Guthi*

Generally, *Guthi* is understood as a group of persons united for a common objective. *Guthi* Cooperation Act (1964) defines *Guthi* as a trust endowed by any philanthropist through relinquishment of their title to movable or immovable property or any other income-yielding property or fund for the operation of any shrine (*matha*) or festival, worship, or feast of any God, Goddess or the construction, operation or maintenance of any temple, the shrine (*devastate*), rest house (*Dharamshala*), shelter (*pati*), inn (*pause*), well, tank, road, bridge, pasture, garden, forest, library, school, reading hall, dispensary, treatment facility, house, building or institution for any religious or philanthropic purpose". This definition clearly states that *Guthi* is a trust established by donors with religious, charitable, or philanthropic activities.

Guthi is not only an institutional system but also a sacred religious and cultural heritage. The pious people established it by donating their private property to the public interest for the welfare of human beings (*Guthi*

Sansthan, 2071 B.S.). Historical evidence shows that the *Guthi* system was established to carry out humanitarian, religious and social services through land endowments. Similarly, the *Guthi* system seems to be born mainly for the spiritual, cultural and social services by establishing *Guthis* for organizing and performing cultural rituals, festivals, chariots, worshipping deities, and promoting and protecting temples and monasteries. Raj *Guthi* Monuments are mainly dedicated to charity and religious upliftment based on the social cooperation attached. Therefore, *Guthi* systems are invaluable ornaments of Nepali society (*Guthi* Sansthan, 2075 B.S.).

In the past, lands were used to donate for religious and charitable purposes. Therefore, religious and charitable land endowments in most parts of the country came to be known as *Guthi* (Regmi, 1999). The *Guthi* Cooperation Act, 1964 also clearly states that *Guthi* is responsible for the conservation and management of all public cultural and religious activities, including festivals in Nepal (Bhatta, 2008; Maharjan, 2013; Sinha & Malla, 2004).

Guthi's system is based on social cooperation while protecting and promoting religious, cultural and traditional values (Tandon, 2077 B.S. & *Guthi* Sansthan, 2076 B.S.). The Raj*Guthi* (managed by State) heritage is the sacred fund donated by the donors as the cornerstone of the management and operation of the *Guthi* system by controlling the movable and immovable (Land) property associated with the Shelter (Pati), Inn (Pauwa), Road (Batoghato). Therefore, *Guthi* is a unique form of civilization, culture and diversity. It seems that the donors have established the *Guthi* system with the holy idea of keeping the land in the name of the heritage and running on the income of the Land-based on a lack of budget for the management and operation of the festivals related to the heritage (*Guthi* Sansthan, 2071 B.S.).

Guthi is a way of life for the people of the Kathmandu Valley. The caste and familial organization of Newars cannot be fully understood without understanding their *Guthi* institutions (Nepali, 2015). Hence, *Guthi* has socio-religious characteristics. In Newar society, individual or community rituals, feasts and social life are regulated and controlled by *Guthi* organizations (Nepali, 2015). He further writes that the *Guthi* institutions bind together different castes of Newar people. Indeed, Newar communities are united into three levels, i.e., caste, patrilineal grouping, and territory. Each *Guthi* provides numerous occasions for collective worship of a particular deity to which it is consecrated and for feasts in which its members have the right to ritual participation. Hence Nepali claims that the Newari culture and lifestyle are alive in the Kathmandu Valley until the day due to the *Guthi* institution.

There is a long history of religion, tradition and culture in Nepal. Many of these cultures and traditions were initially developed from the fifth century to the eighth century. The Lichhavi rulers were the initiators of cultural heritage such as art and architecture and intangible cultures such as social norms, ritual practices and customs. Later rules also supported development. Set the groundwork for tangible cultures. Amatya argues that our ancestors played a vital role in saving the original culture and civilization through the *Guthi* system from about 1500 years before the enactment of this Act.

The main objective of the *Guthi* is to do the welfare of the people by undertaking religious activities such as the installation of an idol of god and goddess or the construction of a temple. For example, Degu Puja (worship of ancestral deity) protects the *Guthi* culture. Sigu *Guthi* (*Guthi* for taking care of death rituals) renders service to society. Nasa *Guthi* promotes art and culture and preserves it (<https://nepalnamcha.com>, 2077 B.S.).

2. Literature review

This section deals with literature on the *Guthi* and *Guthi* system, roles, responsibilities and challenges of *Guthi* Sansthan for conserving cultural heritage in Nepal. It also discusses the historical development, existing policies and guidelines related to the conservation and management of cultural heritage.

2.1 Historical development of *Guthi* system and preservation trend

Cultural heritage has been developed in different historical periods. They are still alive due to their maintenance by the rulers, community members and institutions or organizations (Regmi 1978; Nepali 1965). The historic inscriptions tell us vividly about the monuments' maintenance practices and specific repair works (Banerjee, 1970).

Guthi is intimately connected with land ownership. Historically, the royals and locals would donate land, other forms of property, and money to the *Guthi* with philanthropic wills (Regmi 1978). Moreover, it was believed that donating the land, property, and money would bring spiritual deliverance for seven generations (Karki, 2002 & Toffin, 2005). Donating the land in the name of *Guthi* was a symbol of social status in society. Moreover, land was used to grant the *Guthi* to prevent the State from arbitrarily confiscating property. Confiscating *Guthi*'s Land was considered a great crime in the past (Regmi, 1978). *Guthi* endowments were often made to discourage heirs from alienating property legally. It would ensure economic security for the descendants because a small portion of income accruing from the land was utilized for religious and charitable purposes. At the same time, the remainder was appropriated by the donor's family (Regmi, 1978).

The government of Nepal established *Guthi* Sansthan in 1964 B.S. to conserve the *Guthi*

land or money or interest under the state mechanism. The Sansthan is dedicated to social and religious or philanthropic work such as managing the fairs, festivals, monasteries, temples, and stone fountains, cleaning the roads and gardens and overlooking the worshipers (Tandon, 2077 B.S.). The conservation and maintenance of monasteries, temples, *sattal*, *pati*, *pauwa*, stone spouts (*dhungedhara*), *Dharamsala*, religious schools etc., are the responsibility of the *Guthi* Sansthan, which are primarily done by the income from the *Guthi* land. Even today, it is responsible for conserving and restoring traditional monuments and fairs and festivals. Thus, the *Guthi* system is the soul of the cultural heritage that runs religious, cultural and historical activities in an orderly manner and lasts forever (*Guthi* Sansthan, 2075 B.S.). Out of the total Land of Nepal, around 4% of all cultivated land was held under *Guthi* land tenure at the end of the Rana period (Regmi, 1968).

There are two kinds of *Guthi*. They are *RajGuthi* (state-run *Guthi*) and *niji Guthi* (private *Guthi*). The *Guthi* established by the kings and members of the royal family is called *RajGuthi*. Those *Guthis* established by the people and the *Guthi* taken over by the government for various reasons are known as *RajGuthi* (*Guthi* Sansthan, 2076 BS P. 9). *Guthi* system was established on the income generation based on the land to the expenditure of the tangible and intangible cultural heritage (Tandon, 2077 B.S.). Based on the above facts for the *Guthi* system Government of Nepal made the *Guthi* Corporation Act, 2021 (1976), there are various types of *Guthi* (*RajGuthi*), and related *Guthi* land types are mentioned below:

- *RajGuthi*. *RajGuthi* is a state trust in which *Guthi* Corporation has rights and liability. It is managed and operated by the *Guthi* Corporation at the time of the

commencement of the *Guthi* Act (*Guthi* Corporation Act, 1976 A.D. P. 3).

- *Chhut Guthi*- The *Guthi* Corporation Act, 1976 defines *Chhut Guthi* as a *Guthi* that enjoys exemption. As a result, only the surplus of the *Guthi* after operating the worship, festival, etc., the *Guthi* from income as per the deed of donation or royalty is paid to the *RajGuthi*. The *Guthi* operators are entitled to the surplus by registering the *Guthi* in the records of *RajGuthi* before the commencement of the *Guthi* Corporation Act, 2033 BS (1976 A.D.). The land revenue or taxation of such *Guthi* land is payable to the Government of Nepal is exempted, and the trustees of the *Guthi* themselves are entitled to operate and register the *Guthi* (*Guthi* Corporation Act, 1976 A.D. P. 3).
- Personal *Guthi* denotes an individual's private *Guthi* other than a *RajGuthi* and *Chhut Guthi* (*Guthi* Corporation Act, 1976 A.D. P. 3).

Thus, there are two types of land endowments: *Raj-Guthi* and *Duniya-Guthi*. The later *Guthi* is also called *niji Guthi* (private *Guthi*). The endowments are donated and managed by individuals or families. *Raj Guthis* are endowments made by members of the royal family who were formerly under the control of the royal government. From the Date of 2021 B.S. and onwards, *Guthi* Sansthan is the centralized government body that operates all *Raj Guthi* (*Guthi* Corporation Act, 2021).

Besides, there are five types of the land endowment. They are *Guthi Raitan Numbari* land, *Guthi Numbari* land, *Guthi Tainathi* land, *Guthi* controlled Land and *Guthi Jimidari* (*Guthi* Corporation Act, 1976). The endowment of the Land is *Guthi* land registered in the name of the individual is called *Guthi Raitan Numbari* land. In this land, the landholders must pay the land

revenue to the Corporation. The later types of land belonged to the Corporation. Under this system, the landowner must bear the land revenue to the Government of Nepal.

Guthi Tainathi land denotes *Guthi*-owned Land. Under this land system, land is not registered in the name of any person. The *Guthi* Corporation has an exclusive right under this. Similarly, the *Guthi-controlled Land* is called *Guthi* Adhinastha land. Under this type of *Guthi* land, the registration holder has been paying in-kind to the Corporation. Under the *Guthi* Jimidari the land revenue is paid to the *Guthi*.

Similarly, the *Guthi* Corporation act 1976 declares that it is entirely responsible for the conservation and management of all properties that undergo this Act. It coordinates with the other government and non-government agencies if needed in the process.

2.2 Role of *Guthi* Sansthan in the existing situation

Most of the religious and social functions within the Newar society are carried out through the *Guthi* system. *Guthi* Sansthan has been established in Nepal for the smooth functioning of the state-run/sponsored *Guthis* or Raj*Guthis*. As per the record of *Guthi* Sansthan, it could not meet the increasing expenses based on demand due to the limited income of the concerned *Guthi*. As a result, most *Guthis* are on the brink of collapse. *Guthi* Sansthan has to devote attention towards generating income or increasing budget allocation to continue *Guthis* activities.

The *Guthi* Sansthan has been conducting various festivals in the Kathmandu Valley since its establishment. The major festivals (Jatra) conducted by the *Guthi* Sansthan are Bisket Jatra, Indra Jatra and Handigaun Jatra.



Picture 1: The Charriot of Bisket Jatra at Bhaktapur Durbar Square Bhaktapur

Photo Source: https://en.wikipedia.org/wiki/bisket_jatra).



Picture 2: *The Charriot of Indra Jatra's (Lingo Dhalne) at Basantapur Durbar Kathmandu*
(Photo Source: <https://thehimalayantimes.com/multimedia/erecting-lingo-for-indrajatra-nepal-culture>).



Picture 3: *The Charriot of Hadigaun Jatra's at Hadigaun Kathmandu*
(Photo Source: <https://www.nepal-travel-guide.com/hadigaun-jatra/>).

2.3 Current Status of RajGuthi's Property

There are about 2300 RajGuthis in operation, including Amanat Guthi, which is managed by the Corporation and Chhut Guthi, driven by the concerned Math (Guthi Sansthan, 2071 B.S.). There are 717 temples, 649 party pavilions and 159 ponds under the Guthi Sansthan. Their temples, party pavilions and ponds were operating and managed mainly from the income that comes from the land. Several types of Guthi lands belong to monasteries, temples, pati, pauwa and ponds scattered in 69 districts (Guthi Sansthan, 2071 B.S.). The Guthi land is categorized under different headings like Guthi Raitan Numbari land, Guthi Adhinastha (tenants) land, and Guthi Tainathi l¹. By 2071, there are 315,472 Guthi Raitan Numbari land Ropanis in the hills and 62256 Bigha Guthi Raitan Numbari land in the Terai (Guthi Sansthan, 2071 B.S.). There are 243637 Ropanis Guthi Aadhinastha (tenants) Land in the hills and 2196 Bigha Guthi Adhinastha (tenants) land in the Terai. Three are 2196 ropani Guthi Tainathi Land in the hills and 1878 Bigha Guthi Tainathi Land in the Terai.

3. Methodology

The Methodology of this study will use the qualitative method. The research topics will focus more on qualitative rather than quantitative methods. Following are the different techniques for getting data.

3.1 Qualitative Methodology

Qualitative research is based on the fundamental idea that reality is subjective. Every human being constructs an individual, personal view of how the world works based on their specific interactions with it (including the people who are part of it). As a result, much of what people, including researchers, regard as reality consists of a set of impressions,

inferences and opinions in each individual's mind (Cropley, 2019). Qualitative research addresses questions about understanding the meaning and experience dimensions of human lives and social worlds.

3.2 Research Paradigm

Research Paradigm provides a broad framework of perception of Guthi Corporation and its system, understanding and beliefs of the cultural traditions within cultural heritage. Various paradigms can be the basis for research, depending upon the objectivity and subjectivity of the study. Positivist and Post-Positivist paradigms are suitable for the research, which are objective, while for qualitative and subjective nature, Interpretivism and transformative paradigms are appropriate (Cropley, 2019).

3.3 Research Methods

The researcher was also used in the Library Research, Focus Group Discussion and interviews. By the above tools, the researcher got the roles, responsibilities and challenges of Guthi Sansthan for the preservation of cultural heritage.

4. Discussions

4.1 Problem and challenges of RajGuthi's Property

The most challenging feature of the Guthi system must preserve intangible and tangible cultural heritage such as processions and festivals based on the methods, science and originality prescribed by certain caste groups for an extended period. They are competitively conducting such Jatra festivals following the prevailing laws. The main issues created additional challenges in preserving the original culture and the changing generational transfer environment. Sufficient financial

resources are needed for the management, operation and continuity of the tradition, work per *Guthi* Corporation Act 2033. Since the Government of Nepal 2049 B.S., the lack of budget has hampered the management of administrative expenses, reconstruction of *RajGuthi* properties, restoration, control of festivals and land conservation.

The *Guthi* Corporation (Sansthan) Act, 2021 (1965) has made precise arrangements for *RajGuthi* land for permanent investment in commercial infrastructure to get the resource for the protection and promotion of cultural heritage. *Guthi* Sansthan has utilized the deployed land to develop the infrastructure, cultivate, lease the land, develop the infrastructure on a lease, and use it for income-generating activities. In the same Act, there is an explicit legal provision that no one can use the land under the organization without the organization's prior approval or compensation/acquisition.

4.2 Status of the *Guthi* (*RajGuthi*) Land Encroachment list as per *Guthi* Sansthan

As per the record of *Guthi* Sansthan, valuable *RajGuthi* lands (*Guthi* Sansthan) can be given to someone by the government only. The government has been allotted *Guthi* land to different organizations in different districts. For example, the government has 277 Bigas of Land in various sections of Tarai-Madhesh Province (170 *bigha*, 72 *bigha*, 27 *bighas*, and eight *bighas* of Land in Dhanusa district, Mahottari district, Bara district and Parasa district respectively) given to the Eye Hospital 170. In addition, more than 30 ropani of land have been deployed by Eye Hospital in Kathmandu Valley.

Similarly, the records of *Guthi* Sansthan, a few *Guthi* lands belonging to *RajGuthi's* devastate have also been misused by the concerned devastate chief (Lama or Mahanta or Pujari).

It is against the law. In some *rajGuthi* destroys places, the Ministry of Culture, Tourism and Civil Aviation has formed an area development committee/management committee, which has created problems in the field (*Guthi* Sansthan, 2077 B.S.). The government of Nepal has decided to acquire *Guthi* land and pay compensation for it. The current compensation price is calculated over more than 20 billion Nepali currency. The government has cut administrative costs and has yet to provide balance and funding, adding to the challenge of managing with limited resources. It was reported that about 65% of the deployed lands appear to have been encroached by government/non-government associations/institutions on political and administrative grounds (*Guthi* Sansthan, 2077 B.S.). Due to this reason, Sansthan was deprived of that compensation amount until today.

Guthi Sansthan has repeatedly written to provide the compensation amount to the concerned bodies of the Government of Nepal about the encroachment on the *RajGuthi* property compensation for the management of preservation of cultural heritage. It has not been received yet. Deployed land that escaped from encroachment is being utilized for various activities, including infrastructure development work, house and shop maintenance and pond contract. The only source of *rajGuthi* management is using the *RajGuthi* land to get an amount for managing cultural heritage. Therefore, the *RajGuthi* is facing a crisis in the present context due to the encroachment of its land. If it loses ground, it cannot manage and preserve the cultural heritage, both tangible and non-tangible. Then, the cultural identity and origin of Nepal will disappear forever. Given this situation, it would be good if the government had managed all the expenses related to *Guthi*. The second option is that *Guthi* Sansthan should get full support from the government and other line

agencies in using land to get the resource for its sustainability.

5. Implication (Suggestion) of the research

5.1 Constitution Provision and Proposed Organization Structured:

Article 290, Clause 1 of the Constitution of Nepal stipulates that the Federal Parliament shall and should make necessary laws without adversely affecting the fundamental value and norms of the *Guthi* system. To protect and recognize the nation's diversity, identity and civilization, it is essential to manage the *RajGuthi* effectively. The law should be developed by considering the issue through the supreme body and appointing Prime Minister Patron, Departmental Minister Chairperson, Secretary of the Different Ministries (Ministry of Finance, Home, Culture and Land) Chief Executive Officer in the competition. Then the management of *RajGuthi* (*Guthi* system) will be relatively more straightforward, continuing the original culture while preserving the open space. Anyone who trespasses has to be socially ostracized with punishment and a fine.

If the law were made to focus on the Game Changer Development Projects' operation to mirror the income-generating nature of the lands allotted for the *Guthi* system, the *Guthi* land would be utilized appropriately. Today's laws are the product of *Guthi* traditions, culture, collective experiences, participatory ideas, beliefs, etc. It is necessary to develop the *Guthi* system as a mechanism to produce moral education, virtue, cooperation and production of originality trainee labour (Kaligad). It seems appropriate to have a separate *Guthi* court or tribunal to address the legal aspects of *Guthi* land.

6. Conclusion

The tangible and intangible could not exist separately, but they are interdependent and

interrelated. In the context of the *Guthi* system, the natural and supernatural cultures are complementary to each other. The *Guthi* system has been one of the strongest social institutions operating in society or communities since the Lichchhavi period. The different dynasties emerged and went through different times in Nepal's history, but the *Guthi* system is still exiting by preserving the cultural heritage. Some of the essential *Guthi* systems have continued in the Newar communities of the Kathmandu Valley in different ways. Although the state legislation does not recognize them, they survive due to social resilience and cultural continuation.

In the present context, *Guthi* Sansthan seems more meaningful and effective in preserving and managing the cultural heritage and common property like land. For the management of *RajGuthi* the proper utilization of *Guthi* land is essential. It is only possible through empowered *Guthi* Sansthan. The strong *Guthi* Sansthan can give the continuity of our culture, traditions and tangible and intangible cultural heritages.

To adequately protect and utilize the land, it is necessary to organize an investment summit to collect the resource for the proper management of cultural heritage as well as run the infrastructure development program at *rajGuthi* land. There is no doubt that it is essential to work for the upliftment of *Guthi* civilization by running a Game Changer Development Project for sustaining heritage conservation. There is a need to implement through project bank on issues like site selection, formation of planning, priority identification, monitoring, evaluation and implementation.

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- Toffin, G. Periphery. Lalitpur: Social Science Baha, Himal Books, 2007. 443 pp. ISBN 978-99933-43-86-8. Price: Rs 790.00 Prof. Gérard Toffin is Director of Research at CNRS.