

National Guidance Act, 2018 (1961)

Date of Authentication and Publication

2018.9. 13 (27 Dec. 1961)

Amendments:

1. Some Nepal Acts Amendment, Repeal and Continuance Through Rearrangements Act, 2019 (1963) 2019.12.30 (12 April 1963)
2. National Guidance (Amendment) Act, 2021(1964) 2021.8.1(6 Dec. 1964)
3. National Guidance (Second Amendment) Act, 2024 (1967) 2024.4.4(19 July 1967)
4. Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010)¹ 2066.10.7(21 Jan. 2010)

Act Number 31 of the Year 2018 (1961)

An Act Made to Provide for Powers to Make National Guidance

Preamble: Whereas, it is expedient to provide for powers to make national guidance in order to enable class and professional organizations to use their strength in their class and professional interests and development as well as in the building and development of the nation, so as to maintain cordial relations between the people of various classes, professions or sectors and maintain the

¹ This Act came into force on 15 *Jestha* 2065(28 June 2008), "*Prasati*" and the word "Kingdom" has been deleted.

decency, convenience, economic interest, courtesy and morality of the general public².

Now, therefore, be it enacted by His Majesty King Mahendra Bir Bikram Shah Dev has enacted this Act, pursuant to Section 93 of the Constitution of Nepal³.

1. Short title, extent and commencement: (1) This Act may be called as the "National Guidance Act, 2018 (1961)".

(2) This Act shall extend throughout Nepal.

(3) It shall come into force immediately.

2. Definitions: Unless the subject or the context otherwise requires, in this Act,-

(a) "Class and professional organization" means the children organization,⁴ youth organization, women organization, farmers organization, laborus organization and similar other class and professional organization established and operated for the interest and development of any specific class or profession and with the main goal of the building and development of the nation.

(b) "Statute" means a statute famed to establish, operate any class and professional organization and carry out other related functions, with specification of the main goal, and also includes amendments made to such a statute.

3. Prior approval of the Government of Nepal to be obtained: (1) No one shall establish any class and professional organization without obtaining prior approval of the Government of Nepal pursuant to this Act.

² Amended by Some Nepal Acts Amendment, Repeal and Continuance Through Rearrangements Act, 2019 (1963).

³ Amended by Some Nepal Acts Amendment, Repeal and Continuance Through Rearrangements Act, 2019 (1963).

⁴ Deleted by the Second Amendment.

(2) Any person or persons desiring to establish a class and professional organization shall make an application, accompanied by a copy of the statute establishing the organization, providing for the operation and other relevant activities of the organization, with specification of the main goal, to the Government of Nepal.

(3) After an application is made by any one pursuant to Sub-section (2), the Government of Nepal shall inquire into whether it is intended to be established for the interest and development of any specific class or profession and the building and development activities of the nation, as per the application and the statute submitted along with the application, and give approval to establish, operate the class and professional organization according to the statute by also amending the statute if it appears necessary to make any amendment to the statute for the purpose of the accomplishment of the objective and to carry out other related activities. If the Government of Nepal considers that such an organization is not intended to be established for the interest and development of any specific class or profession and with the main goal of building and making development of the nation or such an organization may be prejudicial to the national interest, the Government of Nepal may also reject such an application without showing any reason.

(4) The statute approved with or without amendment by the Government of Nepal pursuant to this Section shall not be amended or repealed and another statute enforced without approval of the Government of Nepal.

(5) The Government of Nepal may take preliminary action to establish, operate children organization,⁵ youths organization, women organization, farmers organization, labors organization and ex-army

⁵ Deleted by the Second Amendment.

organizations and other activities pertaining thereto. These organizations shall also act in consonance with the statute approved by the Government of Nepal.

(6) Where the Government of Nepal intends to establish any specific class and professional organization on its own or the Government of Nepal has already recognized that any specific class and professional organization is a nation wide class and professional organization, the Government of Nepal shall not give approval to establish more than one such organization of the same class or profession.

⁶(7) Notwithstanding anything contained in this Act and the statutes of class and professional organizations, the Government of Nepal may, if it so considers necessary, amend the statute of the class and professional organization in consultation with the executive committee of the concerned organization.

⁷(8) Notwithstanding anything contained in the aforesaid Sub-sections, if the students of a university or college or any educational institute of the standard specified by the Government of Nepal intend to open any association or organization for the physical, intellectual and cultural development, they may open such an association or organization with the approval of the Vice-chancellor or *Pracharya* or head teacher. In giving approval to open such an association or organization, the approval giving authority shall give such an approval in accordance with the rules framed under this Act. If any student of such an educational institute opens or attempts to open any association or organization without obtaining approval of the Vice-chancellor or *Pracharya* or head teacher or does any act in contravention of the said objective or rules, the Vice-chancellor or

⁶ Inserted by the National Guidance (Amendment) Act, 2021.

⁷ Inserted by the Second Amendment.

Pracharya or head teacher of the concerned institute may expel such a student for a maximum period of Two years. A student who is so expelled from any educational institute shall not be admitted to any teaching institute in Nepal for study and training during the period of expulsion.

4.⁸

5. **Power of the Government of Nepal to give national direction:** The Government of Nepal may from time to time give such directions to various class and professional organizations and other organizations of Nepal in relation to their activities and functions, bearing in mind the national interest, and it shall be the duty of the concerned organization to abide by such directions.

5A.⁹ **Delegation of powers:** The Government of Nepal may, by a notification in the Nepal Gazette, delegate any or all of its powers and duties under this Act as to be exercised and performed by any authority specified in the notification, and any order or direction given by that authority shall be deemed as if it were given by the Government of Nepal.

6. **Penalty:** (1) If any person or persons opens/open any class and professional organization without approval of the Government of Nepal, each of such person shall be liable to a fine not exceeding Five Hundred Rupees or imprisonment for a term not exceeding Six months or both punishment, by an order of the Government of Nepal, and the organization so established shall also be illegal.

(2) If any class and professional organization or other organization or its committee or member does not abide by any direction given by the Government of Nepal under this Act or the Rules framed under this Act or does any act in contravention of the statute approved by the Government of

⁸ Deleted by the Second Amendment.

⁹ Inserted by the Second Amendment.

Nepal, such an organization, committee or member may be liable to a fine not exceeding Five Hundred Rupees class and professional organization by order of the Government of Nepal or may be suspended until the period specified in that order or may be dissolved.

7. **Validity of previous acts:** All acts done by the Government of Nepal in relation to class and professional organizations and such organization established and operated with the approval of the Government of Nepal prior to the commencement of this Act shall be deemed to have been done and established and operated under this Act, and acts done by such organization and not contrary to this Act shall also be deemed to have been done under this Act.
8. **Question not to be raised in court:** Any order, direction given by the Government of Nepal under this Act or the Rules framed under this Act shall be final and no question may be raised in any court in relation to such an order, direction.
9. **Power to frame Rules:** The Government of Nepal may from time to time frame Rules without being prejudicial to this Act, for the implementation of the objectives of this Act. These Rules shall come into force only after being published in the Nepal Gazette.
10. **Saving:**¹⁰

¹⁰ Deleted by Some Nepal Acts Amendment, Repeal and Continuance Through Rearrangements Act, 2019 (1963).