

AN ACT MADE TO PRESERVE THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL, HISTORICAL OR ARTISTIC OBJECTS

PREAMBLE

Whereas it is expedient to maintain peace and order by preserving the ancient monument and by controlling the trade in archaeological objects as well as the excavation of the place of ancient monuments and by acquiring and preserving ancient monument and archaeological, historical or artistic objects.

Now, therefore, His Majesty the King has made and promulgated this Act on the advice of the Cabinet of Ministers.

1. Short Title, Extension and Commencement

- (1) This Act may be called the "Ancient Monument Preservation Act, 2013 (1956 A.D.)
- (2) It shall come into force immediately throughout the kingdom of Nepal.

****2. Definition**

Unless the subject or the context otherwise requires, in this Act :

(a) "Ancient Monument " means temple, monument, house, abbey, cupola, monastery, stupa, bihar etc which have their importance above one year, from the point of view of history, arts, science, architectonics or art of masonry, and this word shall also mean the site of the monument as well as the human settlement or place, and remnant of ancient human settlement, relics of ancient monument, cave etc having specific value from the national or international point

* Amended by Some Nepal Laws (Amendment and Re- legalizationm) Act, 2020. (1963)

** Amended by Ancient Monuments Preservation (Third Amendment) Act, 2043. (1983)

*** Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

of view irrespective of the fact that such settlements or places are adjoining with each other or are separate in the same area.

(b) " Archaeological Object" means the object made and used by human being in prehistorical period or handwritten genealogy, handwritten manuscript, golden inscription, copper inscription, petrography, wooden inscription, bhojapatra (document written on the bark of brick tree), tadapatra (document written on the leaf or bark of palmyra tree) , paper, coin, house where historical event has occurred or where historically special personality has resided and things such as stone, wood, soil, ivory, bone, glass, cloth, paper or metal used by such person or some important portion of the house in which attractively scribed things are used, scribed or inscribed idol, temple of god or goddess, buddhistic cenotaph, statue, tanks, things used in royal palace, replica of animal, birds and any movable or immovable objects, which depict the history of any country, and objects as prescribed by His Majesty's Government by a notification in the Nepal Gazette from time to time.

(c) "Curio" means modern handicrafts not exceeding hundred years of age.

(d) "Preserved Monument Area" means the place or area where ancient monument is situated and which has been declared as preserved area under Section 3.

(e) "Chief Archaeology Officer" means the Director General of the Department of Archaeology

(f) "Preservation" means the work such as sweeping, covering, repairing, cleaning etc. done to keep the monument in its original form.

*(g) "Local Bodies" means the Village Development Committee, Municipality or District Development Committee.

*Amended by Ancient Monument Preservation (Fifth Amendment), Act, 2052.

(h) " Prescribed" or "As Prescribed" means Prescribed or as Prescribed in the rules made under this Act.

***3. An Area May be Declared as Preserved Monument Area**

(1) His Majesty's Government, if wishes to declare any place or area where any monument is located to be as preserved monument area, shall display a notice at the place where the monument is located and also at the adjoining public place specifying the boundaries of the preserved monument area.

(2) Any person, who is dissatisfied with the notice displayed pursuant to Sub- Section (1), may lodge his protest to His Majesty's Government within 35 days of the displaying of such notice.

(3) His Majesty's Government may give its final verdict on the protest lodged pursuant to Sub-Section (2).

(4) After the final decision taken pursuant to Sub- Section (3) on the protest lodged against the notice displayed pursuant to Sub- Section (1) or if no protest is lodged at the expiry of the period prescribed for lodging the protest, His Majesty's Government may, by publishing a notification in the Nepal Gazette delimitating the boundary of the place or area where the ancient monument is located, declare such place or area as preserved monument area.

(5) Anyone wishing to install or connect a telephone line or electricity, to dig ground for drinking water or sewerage, to construct or repair road, to shoot- out a film, to organize a fair or festival, to perform dancing or singing ceremony, to park vehicles or to paste a poster and painting within the preserved Monument Area shall have to take permission, as prescribed, from the Department of Archaeology. Provided that permission shall not be needed to be taken from the

* Amended by Ancient Monument Preservation (Third Amendment), Act, 2043.

Department of Archaeology to conduct and perform traditional dancing and singing or to organize a fair or festival.

(6) Anyone who, on his own land within the Preserved Monument Area, is willing to construct a new house or building or to repair, alter or reconstruct a house or building so as to make changes on its original shape, shall have to construct, repair, alter or reconstruct it as is matching the style of the area and as is in consonance with the standard prescribed by the Department of Archaeology.

(7) If a Person has submitted to the ?Municipality the drawing of a house or a building to be constructed, repaired, altered, or reconstructed within the Preserved Monument Area, the ?Municipality shall, before giving its consent on the drawing under the prevailing law, have to take approval of the Department of Archaeology on such drawing. After reviewing the drawing received from the? Municipality, the Department of Archaeology may give its approval, reject it or give its approval with amendment.

(8) While Constructing, repairing, altering or reconstructing the house or building in the Preserved Monument Area, if the construction, repair, alteration or reconstruction is not done in accordance with the approved drawing, the Department of archaeology may issue an order to stop such work.

(9) * The Town Development Plan Execution Committee may, by giving an Ultimatum of thirty-five days, issue an order to demolish the house or building if it is constructed, repaired, altered or reconstructed in defiance of the order issued by the Department of Archaeology pursuant to Sub-Section (8). Any Person, who is dissatisfied with such order, may lodge a protest to His Majesty's Government within thirty- five days of the issuance of such order. The verdict of His Majesty's Government regarding such protest shall be final.

* Amended by Ancient Monument Preservation (Fifth Amendment), Act, 2052.

* (10) In cases where no complaint has been lodged against the order issued under sub-section (9) to demolish a house or a building, the concerned person shall have to demolish the house or building within seven days from the date of expiry of the time-limit, and in case where a complaint has been lodged and His Majesty's Government has decided to demolish such house or building, the concerned person shall have to demolish the house or building within twenty one days from the date of the decision. If the house or building is not demolished within the said time- limit, the authority or official issuing such order shall demolish the house or building and all expenditures incurred while demolishing shall be recovered from the concerned person.

****3A. Classification of Ancient Monuments :**

(1) From the viewpoint of ownership, the ancient monuments shall be classified in two categories as public ancient monuments and private ancient monuments.

(2) From the view point of importance, the ancient monuments shall be classified in three categories as of international importance, of national importance and of local importance".

****3B. Ownership, Conservation, Maintenance and Renovation of Public Ancient Monuments:**

Ownership of the public ancient monuments shall be vested in the Department of Archaeology..The Department of Archaeology shall conserve, maintain and renovate such public ancient monuments.

* Amended by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

** Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

***3C. Conservation, Maintenance and Renovation of the Ancient Monuments under Private Ownership:**

(1)The Conservation, maintenance and renovation of the ancient monuments under private ownership which are inside the Protected Monuments area shall be carried out by the concerned person.

Provided that if it is deemed necessary to conserve, maintain and renovate the private ancient monuments which are of importance from the national and international view point, by the Department of Archaeology, the Department of Archaeology may, conserve, maintain and renovate such ancient monuments.

(2) In order to change the fundamental features of the ancient monuments, their maintenance and renovation or to demolish such ancient monuments as referred to in sub-section (1), the concerned person shall obtain an approval from the Department of Archaeology.

(3) The conservation, maintenance and renovation of the ancient monuments under private ownership which are outside the protected monuments area shall be carried out by the local body or the concerned person at the direction of the Department of Archaeology. Provided that the conservation, maintenance and renovation of the private ancient monuments under the Guthi Sansthan (a. public corporation responsible for maintenance and renovation of ancient monuments and religious sites and for continuing traditional and cultural practices) shall be carried out by the Guthi Sansthan under supervision, technical service and direction of the Department of Archaeology. In cases where the conservation, maintenance and renovation of such private ancient monuments is not carried out by the Guthi Sansthan,

* Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052.
the Department of Archaeology may carry out conservation, maintenance and renovation on its own or it may cause to carry out the conservation, maintenance and renovation of such Private ancient monuments by a local body or any person even in absence of the approval of the Guthi Sansthan.

(4) Whoever does any act without the approval or in contravention of the directive referred to in sub- sections (2) and (3) , he shall be liable to a punishment of fine ranging from ten thousand rupees to one lakh rupees or a term of imprisonment not exceeding six months or the both.

*** 3 D. Conservation of Ancient Monuments and Archaeological Sites:**

The Department of Archaeology shall conserve the ancient monuments and archaeological sites which are important from national and international point of view.

***3 E. Operation of Religious Temples, Monasteries etc:**

(1) The person operating a religious temple, monastery etc. shall use up to fifty percent of the amount of the donation offered to such temple or monastery for the conservation of the temple or monastery and for bringing reformation in its surrounding environment.

(2) The income and expenditure of the donation offered to religious temples and monasteries and other provisions for its operation shall be as prescribed.

***3 F. House and Land Tax May be Exempted:**

His Majesty's Government may, having published a notification in the Nepal Gazette, exempt the house and land tax to be levied on the private ancient monuments according to the laws.

***3 G. Committee May be Formed:**

(1) Various committees may be formed in order to survey and classify the ancient monuments; to

give advises to the Department of Archaeology as to the style or standard of the house or building to be constructed in the private land within the* Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052. protected monuments area; and to make necessary provisions with regard to the due conservation of the ancient monuments which have been regarded important from historical and artistic point of view.

(2) The formation, functions, duties and powers of the committees referred to in sub- section(1) shall be as prescribed.

***4. The Ancient Monuments under Private Property may be purchased or be kept in one's own Protection:**

** (1) His Majesty's Government may, if it deems necessary from the point of view of protection of the monument and the environment of the monument area, purchase any ancient monument owned by a person as his private property or any land and house situated at the ancient monument area and owned by private person or institution, on paying a price as evaluated.
(2) If the owner of any preserved ancient monument gives It without taking any price, the Chief Archaeology Officer, giving notice to His Majesty's Government should register it as? Public Ancient Monument.

5. Power of the Chief Archaeology Officer to cause the Owners of Ancient Monument to enter into a deed of Responsibility on prior approval of His Majesty's Government.

(1) For the purpose of permanent preservation of the Preserved ancient monument located at the capital or outside districts of the country, the Chief Archaeology Officer or a person assigned by him, by taking prior approval of His Majesty's Government shall cause the owners of ancient monument to enter into a deed of responsibility. If the owner of the, ancient monument does not enter into such deed, the Local office chief should be asked to preserve the ancient monument and to cause the owner of such

* Amended by Ancient Monument Preservation (Fifth Amendment) Act, 2052

** Amended by Ancient Monument Preservation (Third Amendment) Act, 2043

monument and the concerned * Mayor, Deputy- Mayor or ward Member of the concerned Municipality or the Chair person, vice- Chairperson or Member of the Village Development Committee as well to enter into the deed of responsibility pursuant to Sub- Section .(2) and to submit the same, and the Local Office Chief shall do accordingly.

(2) Following matters and other matters, as deemed proper, shall be included in the deed of responsibility under sub- section (1) :-

(a) Supervision of the monument.

(b) Responsibility of the monument and duties of its watchman.

(c) Restrictions to the owner of the monument as to demolishing, removing, altering, defacing, transferring the ownership to others except to His Majesty's Government or erecting any other monument nearby the monument.

(d) Facilities of access to the people or His Majesty's Government or the person assigned by the owner of the monument for the protection or inspection of the monument.

(e) If the land, where the monument is located at, is to be sold, it is to be given to His Majesty's Government on a price as determined by consensus.

(f) Official to be appointed by His Majesty's Government for hearing the case arising from the deed of responsibility.

6. Local Office- Chief is to give statement of the archaeological objects located within his Jurisdictional area

Local Office- Chiefs of the capital and outside the capital of the country shall, by investigating the archaeological objects located within their jurisdictional area, forward the details of such objects, to the chief archaeology officer for the preservation of such objects.

* Amended by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

** Amended by Ancient Monument Preservation (Third Amendment) Act, 2052.

*** Amended by Ancient Monument Preservation (Fifth Amendment) Act. 2052.

*** 7. The Ancient Monuments or Archaeological Objects of Private Ownership may be taken:**

(1) If any person causes loss or damage to the ancient monuments or archaeological objects under the private ownership or attempts to deface them, the Department of archaeology may, by making the payment of the price fixed by a meeting of local gentlemen (Panchakirte mol), take such monuments or objects. The concerned person may conserve them having executed a deed at the Department of archaeology, to the effect that he would conserve such ancient monuments or archaeological objects as usual as prescribed by the Department.

(2) If the concerned person does not conserve such ancient monuments or archaeological objects even after execution of the deed pursuant to sub- section (1) the Department of archaeology may take such ancient monuments or archaeological objects in its control without paying any price.

**** 8. Excavation not allowed for the preservation of the ancient monument.**

(1) For the Preservation of the ancient monument, If His Majesty's Government deems necessary to control the work of trenching a tunnel or blasting of land by explosives around the place of the ancient monument, may, by a notification published in the Nepal Gazette, restrict to trench a tunnel or blasting of land by explosives.

(2) A person who violates sub- section (1) , shall be punished with a fine up to ten thousand rupees or with an imprisonment up to one and half year.

* Substituted by Ancient Monument Preservation (Fifth Amendment) Act, 2052

** Amended by the Ancient Monument / Preservation (Third Amendment) Act, 2043.

9. Protection of Shrines and Temples

His Majesty's Government may make necessary arrangements to the prevention from misuse or any kind of ill- treatment of places of archaeological importance or pilgrimage or temples which are under the supervision of His Majesty's Government under this Act.

10. Power to enter into ancient places or places of historical artistic or religious importance.

Any person willing to enter into an ancient place or a place of historical, artistic or religious importance which is under the supervision of His Majesty's Government or * under the private ownership may do so without disturbing the religious feeling of the concerned person or the traditional practice.

11. To be fined for improper restriction

Any one, who imposes improper restrictions on others from entering into the places mentioned in Section (10), shall be punished with a fine up to # five hundred rupees.

**** 12. Punishment**

Any one, who does the following works regarding any ancient monument or any archaeological object *** which is under the custody of His Majesty's Government pursuant to this Act or in regard to which the deed of responsibility pursuant to Section 5 has been entered into shall be punished as follows :-

(a) One who destroys, demolishes, removes, alters, defaces or steals ¥ having realized an amount equal to the claimed amount of such Ancient monument shall be punished with a fine of twenty- five thousand rupees to one hundred thousand rupees or with an imprisonment of five years to fifteen years or both.

* Amended by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

** Amended by Ancient Monument Preservation (Third Amendment) Act, 2043.

*** Inserted by Ancient Monument Preservation (Fourth Amendment) Act, 2044.

¥ Inserted by Ancient Monument (Fifth Amendment) Act, 2052

(b) One who uses the ancient monument in an unauthorized way or harms it by any other means * having realized an amount equal to the claimed amount of such ancient monument shall be punished with a fine up to twenty- five thousand rupees or with an imprisonment up to five years or both.

** (c) One who destroys, demolishes, defaces, steals or removes or alters unauthorizedly or causes harm to the archaeological object by any other means, *having realized on amount equal to the claimed amount of such archaeological objects shall be punished with a fine a five- thousand rupees to one hundred thousand rupees or with an imprisonment up to five years or both.

***** 13. Restriction on transfer, transaction, export or collection of ancient monument and archaeological object or curio**

(1) An historical, archaeological or artistic object as prescribed by His Majesty's Government by a notification published in the Nepal Gazette shall not be exported from the kingdom of Nepal or transferred from one place to another even within the kingdom of Nepal. If it

is to be transferred to any place, prior approval of His Majesty's Government shall be taken. Provided that it shall not be deemed as putting any obstruction to export or transfer from one place to another within the kingdom of Nepal or to store at some place any curio approved and marked by His Majesty's Government pursuant to Sun- Section (3).

(2) If a person or an institution has, in its personal, traditional or ancestral

* Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

** Inserted by Ancient Monument Preservation (Fourth Amendment) Act, 2044.

*** Amended by Ancient Monument Preservation (Second Amendment) Act, 2027.

collections, any archaeological object of more than one hundred years, the owner of such collections shall have to register such object in a prescribed office within a prescribed time as prescribed by His Majesty's Government in a notification published in the Nepal Gazette.

* Provided that it is not necessary under this sub- section to register the ideal of family Gods (Kul Devata).

** (2A) In cases any person or organization does not register the archaeological objects at the concerned office within the time- limit referred to in sub- section (2), the office may give a time - limit of thirty five days to such person or organization having stipulated there in that if the fine to be paid pursuant to sub-section (2) has been paid, such archaeological objects may be registered.

** (2B) If any person or organization brings the archaeological objects he or it is having for registration at the concerned office within the time- limit given under sub-section (2A), the office shall register those objects having imposed a fine ranging from five hundred rupees to five thousand rupees. If any one does not get the archaeological objects registered in the time- limit so given, the Department of Archaeology may, on the recommendation of the concerned office, take the archaeological objects without paying the price.

(3) Any person or an institution, willing to produce or transact in curio or is producing or transacting in curio shall hold license by registering the owner's name within the prescribed time in the office as prescribed by His Majesty's Government by a notification published in the Nepal Gazette and each curio so produced shall have been marked as approved by His Majesty's Government along with the name of the seller.

* Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

** Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052

(4) The buyer of the curio also shall buy only the curio marked as approved pursuant to Sub-Section (3).

(5) Any person or an employee of an institution, who violates or attempts to violate the provisions of Sub - Sections (1) , (2), (3) and (4) shall be punished with a fine up to twenty –five thousand rupees or up to five years imprisonment or both and the object relating to the crime shall be confiscated.

(6) If it is deemed necessary to check as to whether the provisions of this Act are followed or not, the Local Office- Chief or the official as prescribed by His Majesty's Government by a notification published in the Nepal Gazette may enter with warrant and search the shop or museum where the ancient monument or archaeological objects and ancient handicrafts are transacted or the shop or factory where the curio is transacted produced, or the go down, house or vehicle where such objects are stored, and may arrest and keep in custody person who is alleged to have committed the crime. The official, who hears the case, shall have the right to issue warrant under this Sub–Section.

(7) If some one gives information to the concerned official about the crime committed or attempt

made to commit the crime under this section and in consequence if the accused is arrested and found guilty, the person who furnished the information, shall be entitled to get ten percent of the fine imposed on the accused.

14) If it is likely to be damaged or mismanaged His Majesty's Government may buy by compelling to be sold

If the object mentioned in the notification issued pursuant to section 13 (1) is likely to be damaged or mismanaged, His Majesty's Government may issue an order to buy such object by compelling to sell it on a price as is generally assessed.

15) Power of the Chief Archaeology Officer to inspect and cause the preservation

The Chief Archaeology Officer shall have the power to inspect as to whether or not the statue of God or Goddess that is being worshiped is kept properly and if found that it has not been kept properly he may cause it to be adequately preserved.

***16) Approval to be taken for Archaeological Excavation**

(1) Any person or institution, willing to do an archaeological excavation at a place where ancient monument is located, shall have to take prior approval of His Majesty's Government as prescribed.

(2) If any person or institution, finds an object or monument of archaeological importance while conducting an excavation on prior approval pursuant to Sub- Section (1), the concerned person or institution shall notify the Department of Archaeology or Local Office- Chief about it within forty- eight hours and the Local Office- Chief shall, in turn, inform the Department of Archaeology about the same immediately.

(3) The archaeological property found on the excavation conducted pursuant to Sub- Section (2) shall belong to His majesty's Government.

(4) A person, who excavated without taking approval pursuant to Sub- Section (1) , shall be punished with a fine up to twenty- five thousand rupees or an imprisonment up to five years or both.

(5) A person, who excavates without notifying the Department of Archaeology or Local Office- Chief pursuant to

* Amended by Ancient Monument Preservation (Third Amendment) Act, 2043.

Sub-Section (2), shall be punished with a fine up to fifteen thousand rupees or up to three years imprisonment or both.

***16A. Special Provision Relating to Arts, Sculptures and Monuments**

Notwithstanding anything contained elsewhere in this Act, the Department of Archaeology may conserve or cause to conserve the most rare types of arts or sculptures or monuments showing the importance of any specific time.

17. Power of His Majesty's Government to issue notice declaring an area as preserved area.

(1) In the interest of research on archaeological objects if it is deemed proper to control or impose restriction on the act of researching and excavating such objects, His Majesty's

Government may fix the boundaries of an area and declare it as a preserved area by issuing a notice to that effect.

(2) After the issuance of notice declaring an area as preserved area under Sub- Section (1), His Majesty's Government shall make necessary arrangement with the landowner for excavation and dully compensate the landowner for the house, if any, and the land. Thereafter, the Chief Archaeology Officer or a Person assigned by him shall do or cause to do the excavation and all objects found, while excavating on such places, shall belong to His Majesty's Government.

(3) One who causes obstruction in carrying out the work pursuant to Sub- Section (2) at the preserved area, shall be liable to His Majesty's Government for compensation and shall also be obliged to pay up to rupees 500/- as penalty.

** Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

*** 17 A. Preservation of Archaeological Objects**

(1) Except the one under private ownership, all archaeological objects found any where shall be under the custody of the Department of Archaeology.

(2) The Department of Archaeology may, on taking surety at the recommendation of the Local Office–Chief, handover the archaeological object under its custody to perform some traditional fair, festival or ceremony for a fixed period of time .

***17 B) Requirement of filling customs Declaration form by foreign nationals willing to import archaeological object within the Kingdom of Nepal.**

(1) If a foreign national wishes to bring into Nepal an archaeologically important object from the point of view of history, arts, science etc. he shall do so by filling up the customs declaration form in accordance with the prevailing law.

(2) The person who has brought archaeological object by filling up the customs declaration form pursuant to Sub- Section (1) may take that with him while going out of the kingdom of Nepal .

(3) The archaeological object brought without filling up the customs declaration form pursuant to Sub- Section (1) can not be taken out of the kingdom of Nepal.

* Inserted by Ancient Monument Preservation (Third Amendment) Act, 2043.

***17C. Delegation of Power**

The Chief Archaeology Officer may delegate all or some of the powers vested on him under this Act, to any authority.

****17D. Ancient Monuments Conservation Fund : (1) There shall be a fund as prescribed in order to conserve the ancient monuments which are important fro the historic and artistic point of view.**

(2) The amount to be collected in the fund referred to in Sub- Section (1) and the provision for its operation shall be as prescribed.

18. Saving of the government employee assigned to work under this Act.

No suit can be filed at any court for indemnification or for any other things against a government employee for the act that he performs with a bonafide intention under the power vested on him by this Act.

*****19.**

***20) Prevailing Nepal Law is to be applicable**

Matters mentioned in this Act shall be governed by his Act, whereas the matters other than those mentioned in this Act shall be governed by the prevailing Nepal law, Provided that following shall be applicable for matters mentioned below:

* Inserted by Ancient Monument Preservation (Third Amendment) Act, 2043.

**Inserted by Ancient Monument Preservation (Fifth Amendment) Act, 2052.

***Reapaled Judicial Administration (Third Amendment) Act, 2043.

Amended by Ancient Monument Preservation (Amendment) Act, 2020

a) Any office or the court acting in accordance with the prevailing Nepal Law shall, in the case of ancient monument or archaeological object send it to the Local Office- Chief for forwarding it to the Department of archaeology of His Majesty's Government or to a place as determined by that Department irrespective of any body's ownership over such objects and no action including either the handing over of it to its owner or auctioning it shall be taken.

b) As regards the price of the object mentioned in clause (a) the Local Office Chief shall realize it or ensure to realize in accordance with the prevailing Nepal Law by making a public assessment of its price.

***20 A. To reinstate or put it to its usual place:**

If the ancient monument or the archaeological object received at the Department of Archaeology pursuant to paragraph (a) of the proviso to Section 20, is requested by the concerned owner or the trustees to be given back to them for reinstalling or for keeping it to its usual place, with a recommendation from the Local Office Chief and the concerned * Village Development Committee or Municipality the Department of Archaeology may, if deemed proper, give back the said object to the concerned owner or the trustee by causing them to enter into a deed as necessary.

* Inserted by Ancient Monument Preservation (Third Amendment) Act, 2043.

* Amended by the Ancient Monument Preservation (Fifth Amendment) Act, 2052.

21) Power to Frame Rules

His Majesty's Government may frame Rule for implementing the objectives of this Act.

Ancient Monuments Preservation Rules 2046 (1989)

His Majesty's Government in exercise of the power conferred by Section 21 of the Ancient Monuments Preservation Act, 2013 (1956) has framed the following rules.

Chapter -1 Preliminary

1. Short Title and Commencement:

1.1.1 These Rules may be called " Ancient Monuments Preservation Rules, 2046 (1989).

1.1.2 These Rules shall come into force at once

1.2 Definitions :

1.2.1 Unless the subject or context otherwise requires, in these Rules-

1.2.1.1 "Act" means the Ancient Monuments Preservation Act, 2013 (1956).

1.2.1.2 "Department" means His Majesry's Government, Department of Archaeology.

1.2.1.3 "Technical Committee" means the Technical, Committee as constituted by Rule 2.1.

1.2.1.4 "Co- operation Committee" means the Ancient Monuments Co- operation Committee as constituted by Rule 3.1.

*1.2.1.5 "Classification Committee" means the Ancient Monuments Survey and Classification Committee constituted under Rule 2.3.

*1.2.1.6 " Fund" means the Ancient Monuments Conservation Fund established under Rule 4.10.

* Inserted by the Ancient Monument conservation (Third Amendment) Rules, 2056.

Chapter -2 Technical Committee

2.1.1. Constitution of the Technical Committee:

2.1.1 The following Technical Committee has been constituted ? to advice the Department on the style and standard of the house to constructed in the land under private ownership within the Protected Monument Zone:

2.1.1.1 The Technical Officer, prescribed by the Department --- Chairperson

2.1.1.2 The Representative, Department of Building --- Member

2.1.1.3 The Representative, Department of Housing and Town Development --- Member

2.1.1.4 The Representative, Kathmandu Valley Town Development Programme Execution Committee --- Member

2.1.1.5 An Architect, appointed by the Department --- Member

2.1.1.6 An Officer, appointed by the Department --- Member Secretary

2.1.2 The Technical Committee may invite to any national or international expert or advisor or any officer of His Majesty's Government as an observer at its meeting.

2.1.3 The meeting of the Technical Committee shall be held as required.

2.1.4 The Technical Committee may determine other procedures relating to its meeting by itself.

2.2 Functions, Duties and Rights of the Technical Committee:

2.2.1 Upon deciding the style and standards of houses buildings or other constructions constructed in privately owned and occupied land, within the Protected Monument Zone, it shall be the duty of the Technical Committee to give advise to the Department of Archaeology.

* Substituted by the Ancient Monument conservation (Third Amendment) Rules, 2056.

2.2.2 If the Technical Committee deems necessary, it may constitute the Sub committees to carry out any specific function, from the functions stipulated in Sub- rules 2.2.1, and in such sub committee there shall be Members as appointed by the Technical Committee.

2.2.3 The Sub-committee, to be constituted by Sub- rule 2.2.2, shall carry out its functions applying the right as prescribed by the Technical Committee.

* 2.3. Ancient Monuments Survey and Classification Committee :

2.3.1 In order to survey and classify the ancient monuments, the following Classification Committee has been constituted.

2.3.1.1 The Director General, Department ---- Co-ordinator

2.3.1.2 The Department Chief, Central Teaching
Department of Nepalese history, and Culture,
Tribhuvan University ---- Member

2.3.1.3 The Department Chief, Department of Architecture
Institute of Engineering, Tribhuvan University ---- Member

2.3.1.4 The Administrator, Guthi Sansthan ---- Member

2.3.1.5 Two persons designated by His Majesty's
Government from among the experts related
with the field of Survey and Classification of
ancient monument- Member ---- Member

2.3.1.6 The representative, Monastery Management
and Development Board ---- Member

2.3.1.7 An officer, appointed by the Department ---- Member secretary

* Inserted by the Ancient Monument Conservation (Third Amendment) Rules, 2056.

2.3.2 The Classification committee may invite the chairperson of concerned Village Development Committee or the Chief of the Municipality or the representative of the concerned Village Development Committee or Municipality, the national or foreign expert concerned with the field of survey and classification of the ancient monuments or any officer of His Majesty's Government as an observer in the meeting of the Classification Committee.
2056.

2.3.3 The meeting of the Classification Committee shall be held as required.

2.3.4 The Classification Committee may determine other procedures relating to its meeting by itself.

2.4 Functions, Duties and powers of the Classification Committee :

2.4.1. Functions, duties and powers of the Classification Committee shall be as follows:

2.4.1.1 To prepare the survey report having surveyed the ancient monuments from time to time, in order to advise the Department in relation to the Classification of the ancient monuments from the ownership and importance point of view.

2.4.1.2 Having prepared the criterion of the classification of ancient monuments from the ownership and importance point of view on the basis of survey report prepared in accordance with sub- rule 2.4.1.1 to advise the Department to classify the ancient monuments on the basis of said criterion.

2.4.1.3 In order to prepare the report having surveyed the ancient monuments as referred to in sub- rule 2.4.1.1 to sub- committees as per necessity.

2.4.1.4 To carry out such other necessary functions as prescribed by His Majesty's Government in relation to the survey and classification of the ancient monuments.

2.4.2 The composition, term of the office, functions, duties and powers and other matters of the sub- committees to be formed in accordance with sub- rule 2.4.1.3 shall be as prescribed by the Classification Committee".

Chapter -3

The Ancient Monuments Conservation Co- operation Committee

3.1 The Ancient Monuments Conservation Co- operation Committee

3.1.1 The Department may constitute the Ancient Monuments Conservation Co- operation committee in every conserved monuments zone, to co- operate on conservation of ancient monuments, as follows :

3.1.1.1 An Archaeology Officer, appointed by the Department ----- Co-coordinator

3.1.1.2 * The Chairman or Chief of concerned Village Development Committee or Municipality ----- Member

3.1.1.3 The Representative, Guthi Sansthan, and if, There is no local office of Guthi Sansthan, the representative of the Land Revenue Office ----- Member

3.1.1.4 The Representative, Kathmandu Valley Town Development Programme Execution Committee (in Kathmandu Valley) and in other District, *Engineer, Housing and Town Development Section

3.1.1.5 The Representative, concerned District Administration Office ----- Member

3.1.1.6 The Representative, concerned District Police Office ----- Member

* Amended by the Ancient Monument Preservation (First Amendment) Rules, 2049
* Amended by the Ancient Monument Conservation (First Amendment) Rules, 2049.

3.1.1.7 The Representative, Ministry of Tourism
and Civil Aviation (for Kathmandu Valley) ----- Member

3.1.1.8 The Chief of the Palace maintenance office under
the Department, if there are such office ----- Member

3.1.1.9 An Architect, appointed by the Department ----- Member

3.1.2 The Department may change or alter the Member of the Co operation Committee
as per necessity.

3.1.3 The Co- operation Committee may invite to any national or international expert or advisor or
any officer of His Majesty's Government at its meeting, as an observer.

3.1.4 The meeting of the Co- operation Committee shall be held as required.

3.1.5 The Co- operation Committee may determine the other procedures relating to its meeting by
itself.

3.2 Functions, Duties and Right of the Co- operation Committee:

3.1.6 To conserve the ancient monuments of the Protected Monuments Zone, to
preserve the environment of the Protected Monuments Zone, and to co- operate in the functions
of clearing and maintenance shall be the duties of the Co- operation Committee.

3.1.7 To advise the Department of Archaeology about maintenance of originality and
ancientness of the monuments zone shall be the duty of the committee.

3.1.8 The Co- operation Committee may constitute various Sub committees from its
Member to carry out its functions.

3.1.9 The functions, duties and rights of the Sub- committee, to be constituted by Sub-
ruled 3.2.3, shall be as prescribed by the Co- operation Committee.

Chapter -4 Miscellaneous

4.1 Approval of the Department has to be obtained :

4.1.1 Pursuant to Sub- section (5) of Section 3 of the Act, any person or Association
willing to install telephone and electricity, to dig the land for drinking water and sewerage, to
construct and repair the road, to shoot a film, cinema, to celebrate festival and fare, to dance or to
park vehicles or to place the poster and photograph, shall have to submit an application to the
Department, for its approval in format as prescribed in Schedule- 1.

4.1.2 If the application pursuant to Sub- rule 4.1.1 is filled, the Chief Archaeological
officer shall, having done the necessary investigation on the matter, owing to the construction

work pursuant to Sub- rule 4.1.1 is not hampered to the monuments conserved zone, provide the approval of such work as per the format of Schedule-2.

4.2 Standards Relating to Construction : The Department upon taking the advice of Technical Committee, paying an attention of the value of such zones prescribing the style and necessary standards, shall post the notice in the notice board of concerned zone as an public notice relating to the construction of house or building in private owned or occupied land within the protected monuments zone, maintenance as being change in the previous style, alter or reconstruction of house or building.

4.3 Description of the Archaeological Object :

4.3.1 The Local Officer, within the last day of Ashad month of each year, shall have to send the description of the archaeological object remained in his working District upon filling the form provided in Schedule-3, and if possible, the photographs also of those object, to the Chief Archaeology Officer.

4.3.2 If the Local Officer found any information of finding of any archaeological object in his working District he shall have to fill the description of such object in the form as prescribed in Schedule -4 within 35 days from the date of finding of such object, and, if possible, the photograph of such project also shall have to send to the Chief Archaeology Officer.

4.3.3 The Chief Archaeology Officer shall have to conserve the archaeological object, if the description pursuant Sub-rule 4.3.1 or Sub-rule 4.3.2 been recovered.

4.4 Approval of Archaeological Excavation:

4.4.1 Any person or association willing to excavate on the area of ancient monuments zone shall have to submit an application in a format as provided in Schedule-5, to the Department for approval of His Majesty's Government.

4.4.2 If the application pursuant to Sub-rule 4.4.1 is filed, the Department shall, upon making necessary investigation and if the reasons to provide the approval seem to be genuine, submit send to His Majesty's Government, *Ministry of Youths, Sports and Culture, with recommendation for excavating and the approval shall have to province in format as prescribed in Schedule-6, if it is so decided.

*4.5 Maintenance and Renovation of Ancient Monuments:

4.5.1 While performing the maintenance and renovation of the ancient monuments, it has to be performed or causes to be performed in research oriented way and preserving the originality, delicacy of the monuments and art and culture of the monuments.

4.5.2 While performing or cause to be performed the maintenance and renovation work of the ancient monuments by the tender system pursuant

* Inserted by the Ancient Monuments Conservation (First Amendment) Rules, 2049

to the Rules Relating to Financial Administration, 2042 B.S.(1985 A.D.) the Department may perform or cause to perform such works by quotation or in wages basis from the person or Firm,

who has the experience of ancient monuments, if it cannot be performed according to the intention of Sub-rule 4.5.1, or if there are possibilities of ruin down or may ruin - down the monuments,

While performing or cause to be performed the maintenance and renovation work by quotation or force account pursuant to sub- rule 4.5.2, the Department, upon publish in the public notice in Gorkhapatra, may invite application from the person or Firm, who has the knowledge of ancient monuments, and the Maintenance and Renovation Procedures Assessment Committee pursuant to sub- rule 4.6.1, shall decide the Pre- qualification of a person or a firm, who has submitted such application.

* 4.6. Maintenance and Renovation Procedures Assessment Committee :

4.6.1 To Carry out the function of maintenance and renovation of ancient monuments pursuant to Rules 5, His Majesty's Government shall constitute the following Maintenance and Renovation procedure:

4.6.1.1 The Director General, Department of Archaeology ---- Coordinator

4.6.1.2 The Representative, Architect (Gazetted 2nd class),
Department of Building ---- Member

4.6.1.3 The Divisional Engineer, Department of Archaeology ---- Member

4.6.1.4 The Representative,
(Officer Level) Office of the Account
Comptroller - General ---- Member

* Inserted Ted by the Ancient Monument Conservation (First Amendment) Rules, 2049

* Inserted by the Ancient Monuments Conservation (First Amendment) Rules, 2049

4.6.1.5 The Chief, Archaeological and
Maintenance Section, Department of Archaeology ---- Member

4.6.2 The Maintenance and Renovation Procedures Assessment Committee may determine the procedures relating to its meeting by itself.

*4.7. Special Wages and Price Assessment Committee:

4.7.1 His Majesty's Government shall constitute a Special Wages and Price Assessment Committee comprising the following office bearers:--

4.7.1.1 The Chief Investigation Officer ---- Chairman

4.7.1.2 The Senior Divisional Engineer, Department of Building ---- Member

4.7.1.3 The Representative, (Officer Level) Office of the Account Comptroller General ----
Member

4.7.1.4 The Representative (Officer Level), District Administration Office, Kathmandu ---- Member

4.7.1.4 The senior divisional Engineer, Department of Archaeology ----- Member-Secretary

4.7.2 The procedures relating to the meeting of the Committee as constituted by Rule
4.7.1 shall be as decided by the committed itself.

* 4.8 The Functions, Duties and Rights of the Special Wages and price Assessment
Committee :

4.8.1 The functions, duties and rights of the Special Wages and price Assessment Committee relating to maintenance, renovation and reconstruction of ancient monuments, other than the standards prescribed by His Majesty's Government, Department of Building, shall be as follows :-

*Inserted by the Ancient Monument Conservation (First Amendment) Rules, 2049

4.8.1.1 To decide the amount of special wages to be provided to labor and carpenter, while performing the maintenance, renovation, reconstruction of ancient monuments .

4.8.1.2 To decide the price of the traditional construction materials required for maintenance, renovation and reconstruction of ancient monuments.

4.8.1.3 To decide the number of Labor and Carpenter required for maintenance, renovation and reconstruction of ancient monuments.

4.9 Meeting Allowance : The members of various Committees or sub- committees constituted pursuant to these Rules shall be entitled to receive the meeting allowances as prescribed by the Department for their participation in meeting.

Provided that, Department shall, before prescribing the meeting allowance, have to obtain the consent of the Ministry of Culture, Tourism and Civil Aviation.

4.10 Ancient Monuments Conservation Fund :

4.10.1 In order to conserve the ancient monuments from the historical and artistic point of view there shall be an Ancient Monuments Conservation Fund.

4.10.2 The following amounts shall be deposited in the fund :-

4.10.2.1 Amount received from His Majesty's Government.

4.10.2.2 Amount received as donation or grant from any person or organization.

4.10.2.3 Amount received from international organization, foreign government or a person.

4.10.2.4 Amount received as a fee while shooting motion picture, telefilm, documentary film etc. within the conserved monument zone.

4.10.2.5 Amount raised from entrance fee or other fees for entrance into the monument zone.

4.10.2.6 Amount received from selling of books or booklets, magazines and posters etc. to be published by the Department.

4.10.3 Amounts deposited in the fund shall be expended for renovation and conservation of the private and public monuments considered as valuable from the historical, artistic, architectural, religious and cultural point of view.

Provided that, if any amount is received for any particular monument such an amount shall be expended for the renovation and conservation of such particular monument.

4.10.4 The account of the income and expenditure of the fund shall be maintained in accordance with prevailing laws and shall to be audited by the office of Auditor General or the auditor as designated by the said Office.

4.11 Fund Operation Committee :

4.11.1. In order to operate the fund for the purpose of sub-rule 4.10.3 of Rule 4.10 there shall be a Fund Operation Committee comprising as follows :-

4.11.1.1 The Secretary, Ministry of Youth, Sports and Culture ---- Chairperson

4.11.1.2 The Director general, Department ---- Member

4.11.1.3 The Representative, Central Teaching Department of Culture and Archaeology, Tribhuvan University ----- Member

4.11.1.4 A person nominated by His Majesty's Government from among the persons involved in

non- governmental organizations working in the field of conservation of ancient monuments -----
Member

* Inserted by the Ancient Monuments Conservation (Second Amendment) Rules, 2053.

4.11.2. The term of the office of the person nominated in accordance with sub- rule 4.11.1.5 shall be for one year. He may be re-nominated for another one term.

4.11.3. The amount of the fund shall be deposited in any commercial bank by opening an account as prescribed by the Fund Operation Committee. Such account shall be operated by Joint signature of, the Director General of the Department and an officer of the Department as prescribed by the Fund Operation Committee.

4.11.4. The Department may nominate any officer to carry out the work of the secretary of the Fund Operation Committee.

4.12 Provision Concerning to Film Shooting Within the Conserved Monuments Zone :

4.12.1 The national or foreign person willing to shoot out a motion picture, telefilm, documentary etc.

4.12.2 While obtaining the approval of the Department under rule 4.12.1 an application shall have to submit to the Department along with the fee as prescribed in schedule-7.

4.12.3 While submitting an application to the Department in accordance with sub- rule 4.12.2, a copy of the story or script of the motion picture, telefilm, documentary etc shall also have to submit.

4.12.4 In case the conserved monuments zone to be used for shooting is under private ownership, permission of the operator of such mounded zone shall also have to obtain.

4.12.5 Not with standing anything contained elsewhere in these Rules, while shooting in order to support the business under the programme and policy of His Majesty's Government or for the public welfare organization with non- profit making objective, His Majesty's Government may exempt the fee as prescribed in schedule- 7.

4.13 To Invite Representative While Censoring the Film :
While censoring a motion picture, telefilm, documentary under prevailing law if the motion picture, telefilm, documentary has been shot within the conserved monuments zone, invitation shall be given to officer representative of the Department, and if the shot scene are found contrary to the approval, such scene may be removed.

Schedule-1 (Relating to Sub-rule 4.1.1)
Schedule-2 (Relating to Sub-rule 4.1.2)
Schedule-3 (Relating to Sub- rule 4.3.1)
Schedule-4 (Relating to Sub- rule 4.3.1)
Schedule-5 (Relating to Sub- rule 4.4.1)
Schedule-6 (Relating to Sub- rule 4.4.2)

Schedule -7 (Relating to sub- rule 4.12.2)

The Fee to be Paid While Shooting a Film

1. Two thousand rupees for each feature film to be produced by a Nepalese Citizen or any Organization.

2. Five hundred Rupees for each telefilm, documentary or motion picture to be used for advertisement to be produced by a Nepalese Citizen or any Organization.

3. Three hundred US dollars or equivalent Nepalese Rupees for each feature film to be produced by a foreign national or Organization.

4. One hundred US dollars or equivalent Nepalese Rupees for telefilm, documentary or motion picture to be used for advertisement to be produced by a foreign national or organization.

*Inserted by the Ancient Monuments Conservation (Third Amendment) Rules, 2056.