

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

1.1 Short Title and Commencement:

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

1.2.1 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 Majesty'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.

Chapter -2

Technical Committee

2.1.1. Constitution of the Technical Committee:

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

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|--|------------------|
| 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 advice 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.

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|----------|---|---------------------|
| 2.3.1.1. | The Director General,
Department. | Coordinator |
| 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 |
| 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:

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|----------|---|-------------|
| 3.1.1.1. | An Archaeology Officer, appointed by the Department | 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,
<u>**Engineer. Housing and Town Development Section</u> | Member |
| 3.1.1.5 | The Representative, concerned District Administration Office | Member |
| 3.1.1.6 | The Representative, concerned District Police Office | Member |
| 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 offices | Member |
| 3.1.1.9. | An Architect, appointed by the Department | |

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

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

- 3.1.2. The Department may change or alter the Member of the Cooperation 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- rule 3.2.3, shall be as prescribed by the Cooperation 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 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.

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

4.5.2. While performing or cause to be performed the. maintenance and renovation work of the ancient monuments by the tender system pursuant to the Rules Relating to Financial Administration, 2042 8.S. (1985 AD.) 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 perform 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 Prequalification 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:

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|----------|--|-------------|
| 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 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

4.7.1.5. 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 committee 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:

- 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 monumen1zone.
 - 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 Chairman

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

- 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)

Department of Archaeology

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I am/we are going to carry out the following construction work inmonuments conserved zone, located in ofDistrict, zone, within the following time period. Therefore, I/we have filed this application for obtaining the approval of the Department. I am / we are ready to bear any punishment, as per the prevailing laws, if construction work is made other than written in this application.

Description of the construction work, which is going to be carried out within the monuments conserved areas and tentative time period to complete the construction.

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Of the applicant,
Name and Surname:
Signature:
Date:
Permanent Address:
Temporary Address:

Schedule-2
(Relating to Sub n-rule 4.1.2)
His Majesty's Government
***Ministry of Youths, Sports and Culture**
Department of Archaeology

Date:

Subject: - Approval

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Dear Sir,

On your application submitted in this Department for prior approval to carry out the works written as follows within the area ofancient monument ofDistrict,zone, the decision has been made onto provide the permission to carry- out the following works, and therefore this approval is issued to that effect. Further, it is hereby requested to perform the works within the said period of time following the Act, Rules and terms and conditions thereof. It is also informed to be according to prevailing laws, if otherwise is done.

Followings
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Terms and Conditions, and time period of work Officer
Archaeology

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**Modified by the Second Amendment*

Schedule -3
(Relating to Sub- rule 4.3.1)
The Description of Archaeological objects form-1.

Zone

Of the archaeological object				Address of the archaeological object					Remarks
S.N	Name Measure	Construction time	Speculated time	Oldness	*Countryside	Ward	Village	Tole No.	
					Description				
					town				
					area				

.....

The Local Officer

Date:

**Modified by the Ancient Monument Conservation (First Amendment) rules, 2049.*

Schedule -4
(Relating to Sub- rule 4.3.1)
The Description of Archaeological objects form-1.

Of the archaeological object				Address of the archaeological object					Remarks
S.N	Name	Constructed		Oldness	*Countryside	Ward	Village	No.	
	Measure	time							
	Length, breadth, thickness etc.				Description				
					town				
					area				
					place				

The Local Officer

Date:

**Modified by the Ancient Monument Conservation (First Amendment) rules, 2049.*

Schedule -5

(Relating to Sub- rule 4.4.1)

Application

The Department of Archaeology

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I/We/this Association willing to carry- out the archaeological excavation within the following area, located in District Zone, the place located within monument, from totherefore, have/has submitted this application along with the photograph, map and other descriptions thereof for the prior approval.

Followings

East:

West:

North:

South:

Applicant:

The name of person of Firm:

Signature:

Date:

Temporary Address:

Schedule-6
(Relating to Sub- rule 4.4.2)

His Majesty's Government
Ministry of Youths, Sports and Culture
Department of Archaeology

Date:

Subject: - Approval to carry- out the Archaeological Excavation

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Dear Sir,

On examining your application, submitted in this Department for prior approval to carry-out the works, within the area of ancient monument of District Zone, a decision of His Majesty's Government has been made on to provide the permission to carry- out the following works, therefore, this approval is issued to that effect. Further, it is here by requested to perform the works following the Act, Rules and terms and conditions, or otherwise, it is also informed to be according to prevailing laws.

Followings

East:
West:
North:
South:

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Archaeology Officer

Terms and Conditions

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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.