

Ancient Monuments Preservation Rules 2046 (1989)

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Amendments

1. Ancient Monuments Preservation (First Amendment) Rules, 2049 (1993) 2050.2.32 (10 May 1993)
2. Ancient Monuments Preservation (Second Amendment) Rules, 2053 (1996) 2053.6.7 (23 Sept. 1996)
3. Ancient Monuments Preservation (First Amendment) Rules, 2056 (1999) 2056.5.21 (6 Aug. 1999)
- ¹4. Ancient Monuments Preservation (First Amendment) Rules, 2058 (2002) 2058.12.5 (18 March 2002)

In exercise of the power conferred by Section 21 of the Ancient Monuments Preservation Act, 2013 (1956), Government of Nepal has framed the following Rules.

Chapter-1

Preliminary

1.1 Short Title and Commencement:

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

¹ Fourth Amendment was approved by the Cabinet on 2058/12/5 but the notice thereof is not published in Nepal Gazette.

1.1.2 These Rules shall come into force immediately.

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 Government of Nepal, 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.

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

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

Chapter -2

Technical Committee

2.1 Formation of the Technical Committee:

2.1.1 The following Technical Committee has been formed ⁴to advise the Department on the design and standard of the house to constructed in the land under private ownership within the Protected Monument Zone:

² Inserted by Third Amendment.

³ Inserted by Third Amendment.

⁴ Amended by Third Amendment.

- 2.1.1.1 Technical Officer, designated by the Department - Chairperson
- 2.1.1.2 Representative, Department of Building - Member
- 2.1.1.3 Representative, Department of Housing and Town Development - Member
- 2.1.1.4 Representative, Kathmandu Valley Town Development Programme Execution Committee - Member
- 2.1.1.5 An Architect, designated by the Department - Member
- 2.1.1.6 An Officer, designated 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 Government of Nepal 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 Powers of the Technical Committee:

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

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

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

52.3 Ancient Monuments Survey and Classification Committee:

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

2.3.1.1 Director General, Department - Co-ordinator

2.3.1.2 Head of Department, Central Teaching Department of Nepali, History and Culture, Tribhuvan University - Member

2.3.1.3 Head of Department, Department of Architecture Institute of Engineering, Tribhuvan University - Member

2.3.1.4 Administrator, *Guthi Sansthan* - Member

2.3.1.5 Two persons designated by Government of Nepal from amongst the experts related with the field of Survey and Classification of ancient monument - Member

⁵ Inserted by Third Amendment.

2.3.1.6 Representative, Monastery
Management and Development
Board - Member

2.3.1.7 An officer, designated by the
Department - Member secretary

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 Government of Nepal as an observer in the meeting of the Classification Committee.

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 upon surveying the ancient monuments from time to time, in order to advice the Department in relation to the Classification of the ancient monuments from the ownership and importance perspectives.

2.4.1.2 Having prepared the criteria of the classification of ancient monuments from the ownership and importance perspective on the basis of survey report prepared in

⁶ Inserted by Third Amendment.

accordance with Sub-rule 2.4.1.1 to advise the Department to classify the ancient monuments on the basis of said criteria.

2.4.1.3 To form Sub-committees as required to prepare the report upon conducting survey of the ancient monuments as referred to in Sub-rule 2.4.1.1.

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

2.4.2 The composition, tenure of office, functions, duties and powers and other matters of the Sub-committees to be formed pursuant to Sub-rule 2.4.1.3 shall be as specified by the Classification Committee.

Chapter -3

Ancient Monuments Conservation Co-operation Committee

3.1 Ancient Monuments Conservation Co-operation Committee:

3.1.1 The Department may form 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 Archaeology Officer, designated by the Department -Coordinator

3.1.1.2 ⁷Chairperson or Chief of concerned Village Development Committee or Municipality in the case of a district which is outside of the Kathmandu Valley and Officer of the Topography

⁷ Amended by First Amendment.

- Section (*Naska Phat*) of the concerned Municipality in the case of Kathmandu Valley. -Member
- 3.1.1.3 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 Representative, Kathmandu Valley Town Development Programme Execution Committee (in Kathmandu Valley) and in other District, ⁸Engineer, Housing and Town Development Section -Member
- 3.1.1.5 Representative, concerned District Administration Office - Member
- 3.1.1.6 Representative, concerned District Police Office -Member
- 3.1.1.7 Representative, Ministry of Tourism and Civil Aviation (for Kathmandu Valley) - Member
- 3.1.1.8 Chief of the Palace Maintenance Office under the Department, if there is such office - Member
- 3.1.1.9 Architect, appointed by the Department -Member
- 3.1.2 Department may change or alter the Member of the Co operation Committee as per necessity.

⁸ Amended by First Amendment.

3.1.3 Co-operation Committee may invite to any national or international expert or advisor or any officer of Government of Nepal at its meeting as an observer.

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

3.1.5 Co-operation Committee may determine other procedures of its meeting by itself.

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

3.2.1 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 sanitation and maintenance shall be the duties of the Co- operation Committee.

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

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

3.3.3 The functions, duties and powers of the Sub-committee, to be framed pursuant to Sub-rule 3.2.3, shall be as specified by the Co-operation Committee.

Chapter -4

Miscellaneous

4.1 Approval of the Department has to be obtained:

4.1.1 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,⁹, to celebrate festival and fare, to conduct musical dance programme or to park vehicles or to place poster or photograph pursuant to Sub-section (5) of Section 3 of the Act, shall have to submit an application to the Department, for its approval in a format as prescribed in Schedule-1.

4.1.2 If an application pursuant to Sub-rule 4.1.1 is filed, the Chief Archaeological officer shall, upon conducting necessary investigation on the matter, owing to the construction work pursuant to Sub-rule 4.1.1 does not hamper to the monuments conserved zone, provide approval for such work in a format as prescribed in Schedule-2.

4.2 Standards Relating to Construction: The Department upon taking the advice of Technical Committee, paying an attention to the importance of such zones prescribing the design and necessary standards, shall post notice in the notice board of concerned zone as a public notice relating to the construction of house or building in a private land within the protected monuments zone, maintenance work changing in the previous design or modification or reconstruction of such house or building.

4.3 Description of the Archaeological Object:

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

4.3.2 If the Chief District Officer receives any information of finding of any archaeological object in his/her working District he/she

⁹ Deleted by Fourth Amendment.

shall have to fill the description of such object in the form as prescribed in Schedule-4 within Thirty Five days from the date of finding of such object, and, if possible, the photograph of such object shall also be sent to the Chief Archaeology Officer.

- 4.3.3 The Chief Archaeology Officer shall manage to conserve the archaeological object, if the description pursuant Sub-rule 4.3.1 or Sub-rule 4.3.2 is received.

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 the approval of the Government of Nepal.

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 seems to be genuine, submit to Government of Nepal, Ministry of Culture, Tourism and Civil Aviation with recommendation for excavating and an approval shall be provide in a format as prescribed in Schedule-6, if it is so decided.

¹⁰4.5 Maintenance and Renovation of Ancient Monuments:

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

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 Financial Administration Rules, 2042 (1985) the

¹⁰ Inserted by First Amendment.

Department may perform or cause to perform such works by quotation or in wages basis (*Amanat*) 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.

4.5.3 While performing or cause to be performed the maintenance and renovation work by quotation or wages basis (*Amanat*) pursuant to Sub-rule 4.5.2, the Department, by publishing 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 persons or a firms, who have submitted such applications.

¹¹**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 4.5, Government of Nepal shall form a Maintenance and Renovation Procedure Committee, as follows:

- | | | |
|---------|--|---------------|
| 4.6.1.1 | Director General, Department of Archaeology | - Coordinator |
| 4.6.1.2 | Representative, Architect (Gazetted Second Class), Department of Buildings | -Member |
| 4.6.1.3 | Divisional Engineer, Department of Archaeology | -Member |

¹¹ Inserted by First Amendment.

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

4.6.1.5 Representative (Officer Level)
Ministry of Culture, Tourism
and Civil Aviation - Member

6.6.1.6 Section 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.

¹²**4.7 Special Wages and Price Assessment Committee:**

4.7.1 Government of Nepal shall form a Special Wages and Price
Assessment Committee comprising of the following office
bearers:-

4.7.1.1 Chief Investigation Officer - Chairperson

4.7.1.2 Senior Divisional Engineer,
Department of Buildings - Member

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

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

4.7.1.4 Senior Divisional Engineer,
Department of Archaeology - Member-Secretary

¹² Inserted by Second Amendment.

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

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

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

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

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

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

¹⁴ **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.

¹³ Inserted by Second Amendment.

¹⁴ Amended by Third Amendment.

¹⁵**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 Government of Nepal.

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 ¹⁶

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

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 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 be

¹⁵ Inserted by Third Amendment.

¹⁶ Deleted by Fourth Amendment.

audited by the office of Auditor General or the auditor as designated by the said Office.

¹⁷**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 Secretary, Ministry of Culture,
Tourism and Civil Aviation - Chairperson

4.11.1.2 Director General, Department - Member

4.11.1.3 Representative, Ministry of Finance - Member

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

4.11.1.5 A person nominated by Government
of Nepal from amongst the persons
involved in non- governmental
organizations working in the field of
conservation of ancient monuments - Member

4.11.2 The tenure of the office of the person nominated in accordance with Sub- rule 4.11.1.5 shall be for One year. He/she 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.

¹⁷ Inserted by Third Amendment.

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

4.12 ¹⁸

4.13 ¹⁹

NEPAL LAW COMMISSION

¹⁸ Deleted by Fourth Amendment.

¹⁹ Deleted by Fourth Amendment.

Schedule-1

(Relating to Sub-rule 4.1.1)

Application Form

Department of Archaeology

.....

I am/We are going to carry out the following construction work inmonuments conserved zone, located in.....of.....District,Zone, within the following time period. Therefore, I/ We have field 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: -

.....

Of the applicant,

Name and Surname :-

Signature:-

Date :-

Permanent Address :-

Temporary Address :-

Schedule -2

(Relating to Sub- rule 4.1.2)

Government of Nepal

²⁰Ministry of Culture, Tourism and Civil Aviation

Department of Archaeology

Date :-

Subject :- Approval

.....
.....
.....

Dear Sir/Madam/Ms.,

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 letter 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

Terms and Conditions, and time period of work

.....
Archaeology Officer

²⁰ Amended by Second Amendment.

Schedule -3

(Relating to Sub-rule 4.3.1)

Description of Archaeological object form-1.

Zone.....

District

| S.N. | Of the Archeological Object | | | | Of the Archeological Object place | | | | Remarks |
|------|-----------------------------|-----------|--------------------------------------|---|-----------------------------------|-------------|------------------|------------------------|---------|
| | Name | Made from | Antiquity (Approximate period) | Measurement (Length, Height, Width etc.) | VDC /Municipality | Ward No. | Village /Tole | Details of place | |
| | | | | | | | | | |

.....
Chief District Officer

Date:.....

Schedule -4

(Relating to Sub-rule4.3.1)

Description of Archaeological object form-2

Zone

District

| S.N. | Of the Archeological Object | | | | Of the found Archeological Object | | | | | Remarks |
|------|-----------------------------|-----------|-----------------------------------|---|-----------------------------------|-------------|---------|------|------------------------|---------|
| | Name | made from | Antiquity (Approximate period) | Measurement (Length, Height, Width etc.) | VDC /Municipality | Ward No. | Village | Tole | Details of place | |
| | | | | | | | | | | |

.....

Chief District Officer

Date:.....

Schedule -5

(Relating to Sub- rule 4.4.1)

Application

The Department of Archaeology

.....

I/We/ this Organization willing to carry-out the archaeological excavation within the following area, located inDistrict.....Zone, the place located withinmonument, from.....to.....therefore, have/has submitted this application along with the photograph, map (design) and other descriptions thereof for the prior approval.

Followings

Applicant

East :-

Name of person or Organization:-

West :-

Signature :-

North :-

Date :-

South :-

Temporary Address :-

Schedule -6

(Relating to Sub- rule 4.4.2)

Government of Nepal

²¹Ministry of Culture, Tourism and Civil Aviation

Department of Archaeology

Date :-

Subject :- Approval to carry- out the Archaeological Excavation

.....
.....
.....

Dear Sir/Madam/Ms.,

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

.....
Archaeology Officer

Followings

East :-

West :-

North :-

South :-

Terms and Conditions:

Schedule -7

²²

²¹ Amended by Second Amendment.

²² Deleted by Fourth Amendment.