

Ancient Monument Preservation Act 2013, amendment Rules.

Preamble :- Whereas it has been necessary to amend the Ancient Monument Preservation Act 2013,

This Act has been formulated by the Parliament on twenty third year of the reign of His Majesty King Birendra Bir Bikram Shah Deva.

1) Short Title and Commencement :-

- 1) This Act shall be called Ancient Monument Preservation Act (Fifth Amendment) 2050.
- 2) This shall come into force immediately.

2) Amendment on section 2 of Ancient Monument Preservation Act 2013.

On Ancient Monument Preservation Act 2013 (Here after known as original Act) following sub-section (6) is added instead of sub-section (6) of section 2.

"6" Local Agency means village Development Committee, Municipality or District Development Committee.

3) Amendment on Section 3 of original Act.

- 1) After sub-section 5 of section 3 of the original Act following sub-sections (5 ka) (5 kha) (5 ga) (5gha) shall be added.
 - (5 ka) Except the buildings under the private ownership all other ancient Monuments and sites related with monuments of the protected Monument Zone will remain under the ownership of with DOA.
 - (5 kha) On the basis of ownership all ancient monuments and sites related to monuments shall be divided into two categories as Public and Private monuments.
 - (5 ga) To restore and dismantle the privately owned monuments of archaeological importance, one should take permission from Department of Archaeology. Any one who does not follow it shall be punished with a fine of ten thousand to one hundred thousand rupees or with an imprisonment of six months or both.

(5 gha) The ancient monuments will be classified monuments of international, National and Local importance. Monuments of International and National importance shall be restored by DOA. Publicly owned local monuments will be restored by local agencies with the permission and technical guidance of the DOA.

2) The Word Nagar Panchayat of section 2 sub-section (7) shall be replaced by the Word Municipality.

(3) Instead of sub-section (9) and (10) following sub-section (9) and (10) is added.

Sub-section (9) according to sub-section (8) if any one constructs repairs, removes, alters, defaces or re-constructs against the order of the DOA such houses will be dismantled within 35 days notice by the Town Development Planning implementation committee in those districts where town planning is implemented. In other districts chief District Officer will order to demolish such houses. Any person, who is dissatisfied with such notice may lodge his protest to the Government within 35 days. On such protest the Government verdict will be final.

Sub-section (10) According to sub-section (9) if the complain is filed, and if the Government approves the order to demolish, the houses will be demolished immediately. If there is no complain, such houses shall be demolished after 35 days by the same agency who has ordered to demolish. The expenditure cost of demolishing the house will be taken from the house owner.

4) Amendment on Section 3 ka of original Act :-

Instead of section 3 ka on original Act following section 3 ka is added.

- 1) Section 3ka - Technical committee - There will be a specific technical Committee to advise DOA on building design and standard for the private houses to be constructed in the protected monument zone.
- 2) A committee shall be formulated to survey, classify, restore and to prepare the inventory of the monuments. The committee will consist the dignitaries and representatives.

* D.G. Department of Archaeology - Co-ordinator
* Chief Royal Nepal Academy - Member
(related Dept.)

Chief, Nepalese History, Culture Archaeology

Central teaching committee - T.U. -

Member

- * Mayor or Dupty Mayor of Local Municipality or Chairman or Vice-chairman of Village Development Committee - , ,
- * Representative - Guthi Sansthan - , ,
- * Chief, Monument Conservation and restoration section, DOA - , ,
- * Archaeological Officer, desinated by DOA - Member ~~Secret~~ Secretary.

5) Amendment on Section 4 of original:-

Following sub-section (3) is added after sub-section (2) of section 4. of the original Act.

"3" It shall be the responsibility of Guthi Sansthan to restore all the ancient monuments except the monuments of national and international importance which belongs to Guthi Sansthan. Guthi Sansthan should restore the ancient monuments with the approval and technical guidance of DOA. If Guthi Sansthan does not restore such monuments, DOA with technical supervision and direction can restore it through the local agencies without taking permission from Guthi.

6) Amendment on Section 5 of original Act :-

The local Officer of section (5) sub-section (1) of the original Act shall be replaced by ' Chief District Officer' and Pradhan Panch, Dupty Pradhan Panch and ward members is replaced by relative Municipality Mayor, Dupty Mayor, Ward Member, Chairman and vice-chairman or by ward member.

7) Amendment on section 6 of original Act :-

The world ' Local Officer is replaced by ' Chief District Officer' on section 6 of the original Act.

8) Amendment on section 7 of original Act :-

Section 7 of original Act is replaced by following section 7.

7 if the privately owned ancient Monuments are not preserved.

1) If the privately owned ancient monuments are damaged,

demolished or ruined by the owner. His Majesty Government can take such monuments in its jurisdiction with nominal compensation. If the owner wants to restore such monuments in its original style, he can do it with the permission of DOA. If the owner defaces or ruins such objects and if it deems necessary to preserve DOA can take such objects in its own control.

- 2) Even privately owned property of ancient monument and archaeological objects can not be divided among the owners making it ugly and defaced.
- 3) The ancient monuments and archaeological objects taken possession by DOA paying the price fixed by the people of the locality shall not be returned back.

But if the owner promises to restore the ancient monument or art objects in its original form it shall be returned to the owner.

9) Amendment on section 12 of original Act :-

Following section 12 is added instead of section 12 of original Act.

12 Punishment

- 1) Any one destroys, demolishes, removes, alters, defaces or steals any ancient monument, equivalent amount of money will be taken from him as mortgage after the evaluation of the monument. He can be punished with a fine of twenty five thousand to one hundred thousand rupees or with an imprisonment of five years to fifteen years or both.

But, if the ancient monument is received in good condition from the culprit the mortgage will not be taken.

- 2) If any one destroys, demolishes, removes, alters, defaces ruins or steals any archaeological objects, after the evaluation of the objects equivalent amount of money shall be taken from him as mortgage, and he shall be punished with a fine of twenty five thousand to one hundred thousand rupees or with an imprisonment of five years to fifteen years or both.

But, if such archaeological objects are recovered in good condition he shall not pay mortgage.

10) Amendment on section 13 of Main Act :-

Following sub-section 2ka is added after section 13(1) of sub-section (2).

'2ka' According to published information of sub-section (2), except the statue of the family deity if other archaeological objects are not registered in DOA, such archaeological objects shall be confiscated by DOA.

(2) sub-section (6) the word 'Local Officer' shall be replaced by 'Chief District Officer.'

11) Amendment on section 16 original Act :-

The word 'Local Officer' mentioned in section 16 sub-section (2) and (5) shall be replaced by the word 'Chief District Officer'.

12) Amendment on section 17ka of original Act :-

Following section 17ka is added instead of section 17ka of the original act.

17ka Preservation of Archaeological objects and ancient monument

- 1) Ancient monuments and artistic objects of hundred years old shall be regarded archaeologically important objects and DOA shall preserve such objects.

Any unique art objects and monuments which represent certain time period, though not hundred years old shall be preserved.

- 2) The responsibility to supervise ancient monuments outside Kathmandu Valley shall be done by the Town Controller where Town planning is implemented. In other districts 'Chief District Officer' will be responsible.
- 3) Except privately owned archaeological objects, other archaeological objects discovered from any place shall remain under the jurisdiction of DOA.
- 4) According to sub-section (3) such archaeological object which is under the domain of DOA shall be provided for a limited period to celebrate the traditional festivals and rituals and charriot procession on the recommendation of the Chief District Officer.

13) Amendment on section 20 of original Act :-

According to section 20 sub-section (ka) of the original Act the word ' Local Officer ' shall be replaced by ' Chief District Officer '.

14) Amendment on section 20ka of Main Act :-

According to section 20ka of original Act the ward (panchayat) shall be replaced by ' Municipalty ' or ' Village Development Committee ' and Local Officer shall be replaced by ' Chief District Officer '.

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