

# Ancient Monument Preservation Act, 2013 (1956)

## Date of Publication in Nepal Gazette

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<u>Amendments</u>	<u>Date of Authentication and Publication</u>
1. Some Nepal Laws (Amendment and Re-management) Act, 2020 (1964)	2020.11.16 (28 Feb. 1964)
2. Ancient Monuments Preservation (First Amendment) Act, 2020 (1964)	2020.11.16 (28 Feb. 1964)
3. Ancient Monuments Preservation (Second Amendment) Act, 2027 (1970)	2027.6.18 (4 Oct. 1970)
4. Judicial Administration Reforms (Fourth Amendment) Act, 2043 (1986)	2043.7.24 (10 Nov. 1986)
5. Ancient Monuments Preservation (Third Amendment) Act, 2043 (1986)	2043.8.15 (30 Nov. 1986)
6. Ancient Monuments Preservation (Fourth Amendment) Act, 2044 (1987)	2044.6.9 (25 Sept. 1987)
7. Ancient Monuments Preservation (Fifth Amendment) Act, 2052 (1996)	2052.10.25 ( 8 March 1996)
8. Republic Strengthening and Some Nepal Laws Amending Act, 2066 (2010) <sup>1</sup>	2066.10.7(21 Jan. 2010)

## Act Number 12 of the year 2013

**Preamble:** Whereas, it is expedient <sup>2</sup>to maintain peace and order by preserving the ancient monument and by controlling the trade in

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

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, be it enacted and promulgated by His Majesty the King 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 Nepal.

**<sup>3</sup>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 <sup>4</sup>above One Hundred year, from the point of view of history, arts, science, architectonics or art of masonry, and this word shall also means the site of the monument as well as the human settlement or place, and remnant of ancient human settlement, relies of ancient monument, cave etc having specific value from the national or international point 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 pre-historical period or handwritten genealogy, handwritten manuscript, golden inscription,

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<sup>2</sup> Amended by Some Nepal Laws (Amendment and Re-management) Act, 2020.

<sup>3</sup> Amended by Third Amendment.

<sup>4</sup> Inserted by Fifth Amendment.

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, Buddhist cenotaph statue, tanks, things used in <sup>5</sup>....., replica of animal, birds and any movable or immovable objects, which depict the history of any country, and objects as prescribed by Government of Nepal 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.
- <sup>6</sup>g. "Local Bodies" means the Village Development Committee,

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<sup>5</sup> Deleted by Republic Strengthening and Some Nepal Laws Amending Act, 2066.

<sup>6</sup> Amended by Fifth Amendment.

Municipality or District Development Committee.

h. "Prescribed" or "As Prescribed" means Prescribed or as prescribed in the Rules made under this Act.

**<sup>7</sup>3. An Area May be Declared as Preserved Monument Area:** (1)

Government of Nepal, 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/her protest to Government of Nepal within Thirty Five days of the displaying of such notice.

(3) Government of Nepal 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, Government of Nepal may, by publishing Notification in the Nepal Gazette delimitating the bound of the place or area<sup>8</sup> where the ancient monument 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

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<sup>7</sup> Amended by Third Amendment.

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

(6) Anyone who, on his/her 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 <sup>8</sup>Municipality the drawing of a house or a building to be constructed, repaired, altered, or reconstructed within the Preserved Monument Area, the <sup>9</sup>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 <sup>10</sup>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

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<sup>8</sup> Amended by Fifth Amendment.

<sup>9</sup> Amended by Fifth Amendment.

accordance with the approved drawing, the Department of archaeology may issue an order to stop such work.

(9) <sup>11</sup>The Town Development Plan Execution Committee where the town development planning is approved and the Chief District Officer where the town development planning is not approved may, by giving an Ultimatum of Thirty Five days, issue an order to demolish/dismantle 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 claim to Government of Nepal within Thirty Five days of the issuance of such order. The verdict of Government of Nepal regarding such claim shall be final.

<sup>12</sup>(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 Government of Nepal 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.

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<sup>10</sup> Amended by Fifth Amendment.

<sup>11</sup> Amended by Fifth Amendment.

<sup>12</sup> Amended by Fifth Amendment.

<sup>13</sup>**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.

<sup>14</sup>**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.

<sup>15</sup>**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

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<sup>13</sup> Amended by Fifth Amendment.

<sup>14</sup> Inserted by Fifth Amendment.

<sup>15</sup> Inserted by Fifth Amendment.

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*, 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 Hundred Thousand Rupees or a term of imprisonment not exceeding Six months or the both.



<sup>16</sup>**3D. 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.

<sup>17</sup>**3E. Operation of Religious Temples, Monasteries etc:**

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.

<sup>18</sup>**3F. House and Land Tax may be exempted:**

Government of Nepal 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.

<sup>19</sup>**3G. 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 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.

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<sup>16</sup> Inserted by Fifth Amendment.

<sup>17</sup> Inserted by Fifth Amendment.

<sup>18</sup> Inserted by Fifth Amendment.

<sup>19</sup> Inserted by Fifth Amendment.

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

4. <sup>20</sup>**The Ancient Monuments under Private Property may be Purchased or be kept in one's own Protection:** <sup>21</sup>(1)

Government of Nepal 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/her 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 Government of Nepal should register it as a <sup>22</sup>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 Government of Nepal:**

(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/her, by taking prior approval of Government of Nepal 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 monument and the

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<sup>20</sup> Amended by Fifth Amendment.

<sup>21</sup> Amended by Third Amendment.

<sup>22</sup> Amended by Fifth Amendment.

concerned <sup>23</sup>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 Government of Nepal or erecting any other monument nearby the monument.
- (d) Facilities of access to the people or Government of Nepal 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 Government of Nepal on a price as determined by consensus.
- (f) Official to be appointed by Government of Nepal for hearing the case arising from the deed of responsibility.

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<sup>23</sup> Amended by Fifth Amendment.

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.

<sup>24</sup>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), Department of archaeology may take such ancient monuments or archaeological objects in its control without paying any price.

<sup>25</sup>8. **Excavation not allowed for the preservation of the Ancient Monument:**

(1) For the Preservation of the ancient monument, If Government of Nepal deems necessary to control the work of

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<sup>24</sup> Amended by Fifth Amendment.

<sup>25</sup> Amended by Third Amendment.

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.

9. **Protection of Shrines and Temples:** Government of Nepal 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 Government of Nepal 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 Government of Nepal or <sup>26</sup>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:** Anyone, who imposes improper restrictions on others from entering into the places mentioned in Section (10), shall be punished with a fine up to <sup>27</sup>Five Hundred Rupees.
- <sup>28</sup>12. **Punishment:** Anyone, who does the following works regarding any ancient monument <sup>29</sup>or any archaeological object which is under the

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<sup>26</sup> Amended by Fifth Amendment.

<sup>27</sup> Amended by Third Amendment.

<sup>28</sup> Inserted by Fourth Amendment.

<sup>29</sup> Inserted by Fourth Amendment.

custody of Government of Nepal 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 <sup>30</sup>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.
- (b) One who uses the ancient monument in an unauthorized way or harms it by any other means <sup>31</sup>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.
- <sup>32</sup>(c) One who destroys, demolishes, defaces, steals or removes or alters unauthorizedly or causes harm to the archaeological object by any other means, <sup>33</sup>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.

<sup>34</sup>**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

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<sup>30</sup> Inserted by Fifth Amendment.

<sup>31</sup> Inserted by Fifth Amendment.

<sup>32</sup> Inserted by Fourth Amendment.

<sup>33</sup> Inserted by Fifth Amendment.

<sup>34</sup> Amended by Second Amendment.

Government of Nepal by a Notification published in the Nepal Gazette shall not be exported from Nepal or transferred from one place to another even within Nepal. If it is to be transferred to any place, prior approval of Government of Nepal shall be taken.

Provided that, it shall not be deemed as putting any obstruction to export or transfer from one place to another within Nepal or to store at some place any curio approved and marked by Government of Nepal pursuant to Sub-section (3).

(2) If a person or an institution has, in its personal, traditional or ancestral 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 Government of Nepal in a Notification published in the Nepal Gazette.

<sup>35</sup>Provided that, it is not necessary under this Sub-section to register the ideal of family Gods (*Kul Devata*).

<sup>36</sup>(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.

<sup>37</sup>(2B) If any person or organization brings the archaeological objects he/she or it is having for registration at the concerned office within the time- limit given under Sub-section (2A), the office shall

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<sup>35</sup> Inserted by Fifth Amendment.

<sup>36</sup> Inserted by Fifth Amendment.

register those objects having imposed a fine ranging from Five Hundred Rupees to Five Thousand Rupees. If anyone 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 Government of Nepal by a Notification published in the Nepal Gazette and each curio so produced shall have been marked as approved by Government of Nepal along with the name of the seller.

(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 the acts pursuant to this Act are followed or not, the Local Office- Chief or the official as prescribed by Government of Nepal 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

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<sup>37</sup> Inserted by Fifth Amendment.



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 someone 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 Government of Nepal 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, Government of Nepal 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 Government of Nepal 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 Government of Nepal.

(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 Sub-section (2), shall be punished with a fine up to Fifteen Thousand Rupees or up to Three years imprisonment or both.

<sup>38</sup> **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 Government of Nepal 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,

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<sup>38</sup> Inserted by Fifth Amendment.

Government of Nepal 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), Government of Nepal 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 Government of Nepal.

(3) One who causes obstruction in carrying out the work pursuant to Sub-section (2) at the preserved area, shall be liable to Government of Nepal for compensation and shall also be obliged to pay up to Five Hundred Rupees as penalty.

<sup>39</sup>**17A. Preservation of Archaeological Object:** (1) Except the one under private ownership, all archaeological objects found anywhere 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.

<sup>40</sup>**17B. Requirement of filling customs Declaration form by foreign nationals willing to import archaeological objects within Nepal:** (1) If a foreign national wishes to bring into Nepal an archaeologically important object from the point of view of history,

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<sup>39</sup> Inserted by Third Amendment.

<sup>40</sup> Inserted by Third Amendment.

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/her while going out of Nepal.

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

<sup>41</sup>**17C. Delegation of Power:** The Chief Archaeology Officer may delegate all or some of the powers vested on him/her under this Act, to any authority.

<sup>42</sup>**17D. Ancient Monument Conservation Fund:** (1) There shall be a fund as prescribed in order to conserve the ancient monuments which are important from 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 *bona fide* intention under the power vested on him by this Act.

**19.** <sup>43</sup> ... ..

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<sup>41</sup> Inserted by Third Amendment.

<sup>42</sup> Inserted by Fifth Amendment.

<sup>43</sup> Deleted by Judicial Administration Reforms (Fourth Amendment) Act, 2043.

<sup>44</sup>**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:

(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 Government of Nepal 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.

<sup>45</sup>**20A. 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

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<sup>44</sup> Amended by Ancient Monument Preservation ( Amendment) Act, 2020.

<sup>45</sup> Inserted by Third Amendment.

to them for reinstalling or for keeping it to its usual place, with a recommendation from the Local Office Chief and the concerned <sup>46</sup>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.

21. **Power to Frame Rules**: Government of Nepal may frame Rules for implementing the objectives of this Act.

NEPAL LAW COMMISSION

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<sup>46</sup> Amended by Fifth Amendment.