

**REPORT ON THE ICOMOS REACTIVE MONITORING MISSION
TO THE GOLDEN TEMPLE OF DAMBULLA (SRI LANKA)
11TH TO 15TH OF MARCH 2015**

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ACKNOWLEDGEMENTS

First of all, acknowledgement and thanks are extended to the State Party for having received the reactive monitoring mission and for the arrangements made, with special thanks to Mr. Wijesinghe for his constant presence throughout and useful insight as the person responsible for the conservation and protection of the two World Heritage properties of Dambulla and Sigiriya.

EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

The Golden Temple of Dambulla was inscribed on the World Heritage List in 1989 on the basis of criteria (i) and (vi), reflecting the importance of the property's statues and paintings as creative works and the intangible heritage linked to the caves. Today many people from all over Sri Lanka continue to visit this property as a sacred place of pilgrimage.

In accordance with Decision 38 COM 7B.22, adopted at the 38th Session of the World Heritage Committee, an ICOMOS reactive monitoring mission was carried out to the property to assess the current state of conservation of the property and of its management by the State Party and Temple authorities, and to provide recommendations for the development of an integrated conservation and management strategy that could ensure the protection of the property's Outstanding Universal Value.

Since 2014, there has in general been progress with some aspects of the conservation and management of the Golden Temple of Dambulla. The Department of Archaeology has full responsibility for the conservation and management of World Heritage and other cultural properties in Sri Lanka. The Department created a special committee for Dambulla with experts in different fields, and has conducted research on the problematic issues in order to find solutions as well as appointed a person who has responsibility for the Temple of Dambulla specifically and who monitors the property daily. Recently, the government organization changed in January 2015 and the Department of Archaeology now belongs to the State Ministry of Cultural Affairs.

A 24-hour recording CCTV system was installed at the Golden Temple in 2013 by a Korean company with the financial support of Andong city (Gyeongsangbuk-do province, Republic of Korea) and provides a basic monitoring tool, allowing the Temple authorities to survey what is happening at the World Heritage property.

In January 2015, in order to prevent monkeys from entering the cave area, the Temple authorities installed an electric fence with the permission of the Department of Archaeology, under the State Ministry of Cultural Affairs and the Prime Minister.

The Department is aware of the problematic issues such as the threats posed by fungi, potter wasps' nests, water leaks, cracks, the discoloration of statues and paintings, and damage inflicted by visitors. Through a research contract, they have started to analyse the problems and identify solutions, though some more time is needed to complete this research and accomplish satisfactory solutions.

To resolve the above-mentioned issues, the mission considers that approaches to conservation need to be clearly set out in a Conservation Strategy which should form part of the revised Management Plan. The overall management structure and the relationship between the State and Temple Authorities also remains unclear so clarification is needed and it is recommended that a detailed governance structure with clear lines of responsibility is agreed as the basis for a revision of the Management Plan.

As a result of this reactive monitoring mission, the following recommendations have been identified and the State Party is requested to:

- 1) To continue with the research and identification of solutions for the problematic issues affecting the property, with the help of local and international experts in the relevant fields. Currently, the State Party needs to designate a stone and wall painting conservator. ICOMOS, ICCROM and the World Heritage Centre could assist the State Party in identifying appropriate international experts.
- 2) To revise and update the Management Plan based on a clearly defined governance and communication structure that sets out the interface between the State and Temple authorities, and which includes short-, mid- and long-term strategies for both Conservation and Visitor Management, as well as budget planning (except for the long-term aspect).
- 3) To improve the management of the site, a site management committee should be created which includes representatives of the government, the Temple authorities and the local community, as well as experts. This committee should meet at least bimonthly, to discuss and decide on all matters related to the conservation and management of the World Heritage property of the Golden Temple of Dambulla. In the case of an emergency, the committee could meet spontaneously. The State Party should inform the World Heritage Centre on the establishment of this committee once in place.
- 4) To establish a tourism management strategy within the coming year, especially including the maximum number of persons allowed to enter the caves at once. The five caves are all different in size, and the control of visitor numbers allowed in each is crucial to managing the area.
- 5) To introduce and enforce, as soon as possible, a policy prohibiting visitors from using flash photography inside the cave, as this is one of the main causes of the change in colour of the paintings.
- 6) To set up security checks in order to prevent visitors from entering the property with any potentially harmful items.

1. BACKGROUND TO THE MISSION

At its 38th Session (Doha, 15-25 June 2014), the World Heritage Committee examined the state of conservation of the Golden Temple of Dambulla (Sri Lanka) and decided to request the State Party to invite an ICOMOS reactive monitoring mission to the property to carry out the following:

1. a thorough analysis on the current situation on how the property is being managed by the Temple authorities and the role of the State Party including any remedial measures if necessary;
2. a thorough analysis of the state of conservation of the attributes namely, overall interior, paintings, sculptures and the spiritual atmosphere with proposals to ensure their protection ;
3. make a series of recommendations addressing the issues related to conservation and management of the property, in particular on its structure, that should involve not only the Temple authorities but also the relevant authorities of the State Party as well as current status of the maintenance and monitoring procedures in place;

The World Heritage Committee also requested with Decision 27 COM 7B.106 that reports of missions to review the state of conservation of the World Heritage property include, as appropriate:

- a) an indication of threats or significant improvement in the conservation of the property since the last report to the World Heritage Committee;
- b) any follow-up to previous decisions of the World Heritage Committee on the state of conservation of the property;
- c) information on any threat or damage to or loss of outstanding universal value, integrity and/or authenticity for which the property was inscribed on the World Heritage List.

In fact, the Golden Temple of Dambulla was initially nominated in 1989 under the name ‘the Golden Rock Temple of Dambulla’ and criteria (i) and (vi). Following a World Heritage Committee decision, ICOMOS re-examined the criteria and conservation, and the property was finally inscribed under the name ‘the Golden Temple of Dambulla’. In Sri Lanka however, the property is still referred to as ‘the Golden Rock Temple of Dambulla’, the original nominated name.

The justification for this property’s inscription on the World Heritage List is that Dambulla is an extraordinary and unique cave-temple complex, the second largest in South and Southeastern Asia, which has been in continuous use for over 22 centuries, following the arrival of Buddhism on the island. Moreover, this sacred pilgrimage site of five cave monasteries is the largest and best-preserved cave-temple complex in Sri Lanka but also in the entire region. The extent of the painted surfaces in the five caves exceeds 21,000ft² and 157 Buddha statues of diverse types and sizes are found within.

The World Heritage property of the Golden Temple of Dambulla consists of five caves – Deva Raja

Vehara, Maha Raja Vehara, AluthMahaVehara, PaspilimaVehara, and AluthVehara (Figure 1-4). Each cave is quite different from the others in size and in the characteristics of its paintings and statues. The authenticity of the Golden Temple is well maintained.

However, since the inscription of ‘the Golden Temple of Dambulla’, the World Heritage Committee has remained concerned about the conservation and management of the property. The Committee has thus continued to communicate with the State Party on this matter and the property has been examined three times by the Committee: in 1997, 1999 and 2014. Reactive monitoring missions were also carried out to this property to assess issues in relation to conservation problems, research on the current situation, risk preparedness, tourism industry, etc.



Figure 1 Cave of Golden Temple of Dambulla



Figure 2 Cave of Golden Temple of Dambulla



Figure 3 View of Golden Temple



Figure 4 View of Golden Temple

2. NATIONAL POLICY FOR THE PRESERVATION AND MANAGEMENT OF THE WORLD HERITAGE PROPERTY

In Sri Lanka, a new government was established on 18th January 2015 with a new organization. The government structure was also changed, which had implications on the conservation and management of World Heritage properties.

The main department responsible for the conservation and management of the World Heritage property of the Golden Temple of Dambulla is the Department of Archaeology. The Department is controlled by the State Ministry of Cultural Affairs, however this Ministry does not appear as one of the 18 new Ministries, as it belongs to the Ministry of Policy Planning Economic Affairs, Child Youth and Cultural Affairs.¹

As a result, the responsible government body is principally the Department of Archaeology, which belongs to the State Ministry of Culture and Arts, under the Ministry of Policy Planning Economic Affairs, Child Youth and Cultural Affairs.

Within the Department of Archaeology, there are Regional Offices, of which the Golden Temple of Dambulla belongs to the Kandy Regional Office. Under the Regional Offices, there are Zonal Offices which take care of World Heritage properties and other cultural heritage properties. The Zonal Office near Dambulla manages the heritage surrounding the Golden Temple.

Mr. Thilak Kumara Wijesinghe is the responsible officer for the conservation and management of the World Heritage properties of the Golden Temple of Dambulla and the Ancient city of Sigiriya. His main offices are located in the Kandy Regional Office and the Department of Archaeology in Colombo. He visits Dambulla and Sigiriya, about 20 minutes apart by car, at least 2-3 times per week. Mr. Wijesinghe was appointed as an Archaeological research officer for the Department of Archaeology last November.

Concerning the management, the conservators from the Department of Archaeology are responsible for the interior of the caves and the priests of the Golden temple also have a certain responsibility but require permission from the Department of Archaeology for any interventions planned.

The conservation and management of World Heritage and other cultural heritage properties is

¹The mission received the following explanation from Mr. Prasanna B. Ratnayake, Additional director General, Department of Archaeology: "Its under another big ministry is on policy planning and many other subjects. I will find the official name and culture is handled by a non-cabinet minister. He calls a State Minister. He doesn't sit in the cabinet of Ministers. He has to go through the main ministry to such things. "Ministry of Policy Planning Economic Affairs, Child Youth and Cultural Affairs" Under the above mentioned ministry, the State Ministry of Culture and the Arts comes. Both the Department of Archaeology and CCF are under the preview of State minister of Culture and the arts. But for the official duties the main Minister has to be signed. Actually, the State minister is almost like a deputy Minister in other terms."

controlled by ‘an ordinance to provide for the better preservation of the Antiquities of Sri Lanka and of sites and buildings of the historical or Archaeological importance in Sri Lanka’. This ‘Antiquities Ordinance’, (the shortened name for the ordinance) was first enacted on 15th July 1940 and later revised in 1955, 1998 and 2005 (see Appendix 1).

The Antiquities Ordinance consists of 8 different parts – I. Property in Antiquities, II. Discovery of Antiquities, III. Ancient Monuments, IV. Archaeological Reserves, V. Export of Antiquities, VA. Advisory Committee, VI. Powers and Duties of Director-General of Archaeology, VII. Miscellaneous and VIII. Interpretation. The Discovery of Antiquities includes Excavations, Discovery of Antiquities Otherwise than under a License to Excavation, and Offences Relating to Discovery of Antiquities.

The mission considers this ordinance is well written, and everything related to heritage matters could be managed within this ordinance. In part VIII, the terminology used is explained for better understanding.

The Antiquities Ordinance was mentioned several times to the mission, with many of Mr. Wijesinghe’s explanations based on this Ordinance.

3. IDENTIFICATION AND ASSESSMENT OF ISSUES/THREATS

In its January 2015 report on the state of conservation, the State Party had indicated several threats:

- Poor working relationship and coordination between the Temple Authorities and the principal heritage management authorities;
- Continued deterioration of the paintings due to lack of system for monitoring of the elements and features;
- Misunderstanding and lack of confidence in the Temple Authorities on the approach to mural painting conservation by the principal heritage management authorities;
- The rapidly decreasing traditional skill and talent of the direct descendants of the Master Painters suggests that if this trend continues, the traditional knowledge of preparing paint using natural materials will also be lost in the near future;
- The lack of focus in conservation and presenting the attributes of the property;

One of the main purposes of the mission was to understand these identified threats, particularly in the context of where responsibilities for addressing them lie.

Unclear Management Structure

Unfortunately the precise objectives of the mission in relation to management did not appear to be fully understood by the organisers. Although the mission expert was conducted around the property and was able to visit the five main sites, discussion on the key issues of management and conservation in relationship to the interface between the Ministry and the Temple Authorities was not facilitated. Those organising the mission appeared to be unclear as to what to do with the mission expert. As a result some of these crucial issue remained unaddressed.

Although the mission had one meeting with representatives from the Temple, there was no dialogue on the respective roles of the Temple and the State Authorities which might have elucidated or clarified what were seen as poor working relationships and coordination between the Temple Authorities and the principal heritage management authorities.

The visits made during the mission appeared to underscore the lack of clear structure in the management of the property and the lack of clear lines of responsibility – both of which needed to be addressed as a matter of urgency. Although one person within the Department of Archaeology is now fully responsible for the property and he has the necessary experience, it is still not entirely clear how he relates to the Temple authorities in matters wider than conservation.

Lack of up to date Management Plan

The last World Heritage Management Plan for the Golden Temple of Dambulla was established in December 2010. Since then, the State Party has not updated the plan with short-, mid-, and long-term strategies, and it also seems that the 2010 Management Plan has not been fully implemented.

The Management Plan should clearly set out the governance structure of the property, with the roles of all the key stakeholders identified.

A revised plan focusing on short-, mid-, and long-term strategies according to the new government system is required. The Management Plan should clearly set out the management structure for the property, with defined responsibilities, and it also should address its state of conservation and set out a visitor access strategy that determines the number of visitors permitted in each cave and which enforced a no flash photography policy.

Monitoring of the property

CCTV has recently been installed at significant spots in four different places – the caves of the World Heritage property, the Golden Temple, the Transmission area (40km away from the temple) and Buddhist Media, with 9 to 16 scenes recorded at each place. The CCTV station is located in the office

of the highest priest of the Temple (Figure 5-8). These CCTV facilities were installed in January 2013 by 4DREAMS, a Korean company, supported by Andong city (Korea) and WINS Technet company.

According to the CCTV station, three cameras are not working properly at the World Heritage property and one is not in good condition. The Temple authorities have contacted the company in Korea and 4DREAMS will intervene soon. The mission checked this matter with an officer of Andong City Government and received confirmation that the company will visit soon.



Figure 5 Certificate of Donation



Figure 6 Rev. Office of Inamalawe Sumangala Maha Nayake There showing CCTV Screens

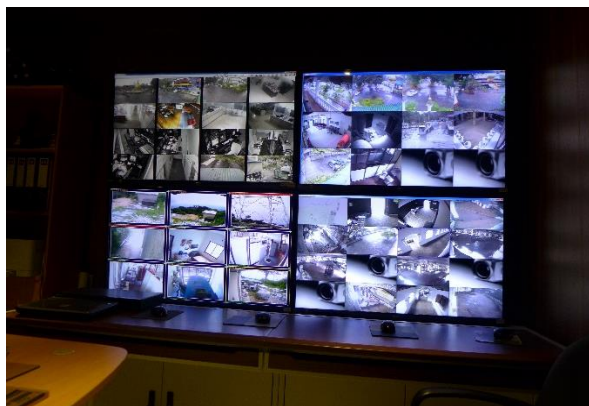


Figure 7 CCTV Screens at four different places : Buddhist Media (LT), Caves of World Heritage sites (RT), Transmission area (LB) , Golden Temple (RB),

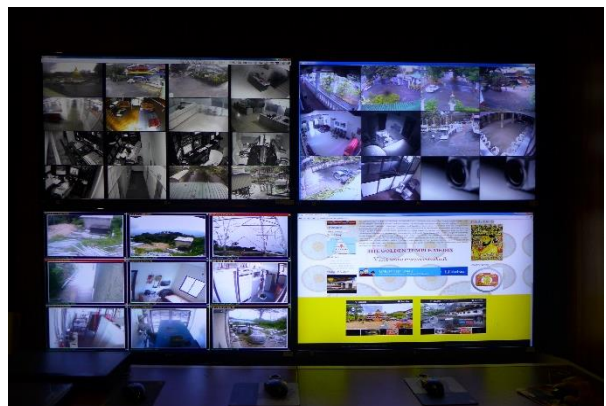


Figure 8 Screen changed to the homepage of the Golden Temple of Dambulla website

This technology facilitates the protection of the Golden Temple of Dambulla, however the problem is that it takes a long time to fix any problems related to the cameras, because they do not have a technician on site and instead require the intervention of technicians from Korea. The mission considers this problem should be discussed with Andong City officials and the company.

A website was also created for the Golden Temple (<http://goldentemple.lk>) which indicates that the

Golden Rock Temple is part of the World Heritage property and that the Golden Temple is outside of the World Heritage property, although the same priest takes care of both.

Physical Protection of the Property

Besides CCTV, an electric fence was also installed in January 2015 to protect against monkeys (Figure 9-12). From the temple, the mission walked to the World Heritage property and came across many monkeys, notably near the five caves. In the past, these monkeys entering the cave lead to the destruction of the mural paintings and statues, thus the Golden Temple authorities received permission from the Department of Archaeology to install the fence. The mission considers this an important decision in order to protect the caves from monkeys and other animals, as well as for better management in general.



Figure 9 Electric Fence to Protect Against Monkeys Entering



Figure 10 Electric Fence



Figure 11 Electric fence near outdoor place of prayer (with incense burning) protects against fire and other possible damage



Figure 12 Electric fence @T.Wijesinghe

Conservation of Statues and Wall Paintings in the Caves.

There are similar problems affecting all five caves as well as different problems concerning each individually, and the State Party is now investigating how to take care of these problems. One of the solutions was the establishment of a special management committee by the State Party, and some experts are carrying out research on the specific problems to find solutions. The committee consists of 8 specialists, but the mission considers that a stone and mural painting conservator(s) should be added.² The authorities explained that they could not yet find the appropriate experts in Sri Lanka and are therefore still looking for someone.

Besides the committee, the State Party also requested research be carried out on the protection of the paintings of the Rock Temple. Dr. Asela K. Kulatunga thus proposed technical solutions based on his research following discussions with other experts in 2014.

According to his report, the problems due to fungi, potter wasps' nests, water leaks and damage by visitors, etc. had already been noticed when the research started. There were also a number of statues which displayed several cracks and some damp areas on the mural paintings, mainly due to water leaks and termite attacks.

Dr. Kulatunga identified seven issues threatening the conservation of the caves:

- a. There is no proper mechanism to measure and record the atmospheric parameters of the caves such as relative humidity, temperature, dust levels, number of visitors, etc.
- b. Fungi has invaded a considerable area of the paintings in the main cave and a more limited area in the second cave.
- c. Potter wasps have nested in three caves and pose a serious threat to the paintings.
- d. There are a number of water leaks, other than the ancient one at Maharaja Lena, as well as damp areas on the paintings.
- e. The statues display a number of cracks and issues due to porosity.
- f. An area of the main cave has been attacked by termites.
- g. There is a lot of dust deposition on the statues as well as discoloration.

²List of the Special Committee members: Dr. D. L. Jayaravitne (Micro biologist, University of Kelanryn), Dr. Asela K. Kulatunga (University of Engineering), Dr. Manori Gamathilalu (Entomology Department of Museum), Dr. Seneratn Dissanayake (Archaeologist, Director General of Department of Archaeology), Mr. V. Vadage (Director, Life Science Atomic Energy Authority), Mr. Viraj Edirisinghe (Head of Life Science), Prof. Nimal de Silva (University of Maratawa), and Prof. Jagath Weerasinghe (Post graduate Institute of Archaeology)

Following research on these issues, Dr. Kulatunga proposed solutions with explanations as follows:

Table 1. Summary of the Proposed Solutions

	Classified Problem	Proposed Solutions	Present Status
i	Monitoring cave interior and atmospheric parameters and how to control them	Remote sensing / monitoring	Proven technology needs to be customized
ii	Repelling Potter wasps away from the caves	Electronic Potter Wasp repellent	Proven technology for many insects
iii	There is no way to recognize discoloration and variations of paintings	Digitizing the paintings	Similar type of literature available
iv	The early recognition of water leaks, cracks, porosity issues and termite attack	Thermal image capability	Proven technology

i) Real time / remotely operated condition monitoring

There are proven technologies available which integrate sensor networks in order to monitor different parameters such as atmospheric temperature, relative humidity and dust level etc.

This type of sensor network can be incorporated with data logging to record readings on regular intervals without the need for any human intervention once they have been installed. Furthermore, this data can be transmitted via GSM network to a laboratory or research cell located elsewhere, even far from the site. These devices can be easily installed without disturbing the paintings or affecting the archaeological value.

ii) Potter Wasp repelling mechanism

An electronic device will be designed, developed and fabricated to generate ultrasound which will repel the wasps from entering the caves. These devices can be installed at the entrance to the caves, though further experiments are necessary in order to identify the most appropriate ultrasound frequency. These devices will not have any impact on the caves and paintings as they are fixed next to the entrances of the caves.

iii) Thermal imaging based detection

Thermal imaging based detection techniques have been used extensively in many disciplines especially where Non Destructive Testing is necessary. These techniques can be used to detect leaks such as electricity, steam, water etc. as well as to detect any live creature. Therefore, they could easily be used to detect termite attack, water leaks and porosity issues within the statues. The main advantage of this technique is that it allows early detection of issues, before they would be recognized by the human eye, and that one camera can be used for all applications if the appropriate one is selected.

iv) Digitization of paintings

It is highly important to have proper inventory records of the rock paintings, notably in order to recognize newly emerging damages due to water leaks, fungi formation, etc. However, Dr. Kulatunga was informed that at the moment there is no proper mechanism to record the images in digital form, and most importantly to compare them over appropriate time intervals to identify changes. If this could be done, problems could be detected as soon as possible and there would be records available which would allow for the recognition of differences or damages occurring over time. The digital records would be valuable as the paintings discolor with time and these images could be used to visualize the Dambulla cave in digital form. Furthermore, image processing techniques would have to be used along with this technique.

In his report, Dr. Kulatunga also suggested funding requirements for the proposed solutions. In total, he suggested 1,966,000Rs. Regarding estimated timing for the action plan, he suggested 12 weeks for remote sensing, 24 weeks for electronic potter wasp repellent and 3 weeks for thermal image based detection.

The State Party proposed two options to provide technical assistance to protect the Dambulla Rock Temple paintings (Option I and II are shown in Table 2 below).

Table 2. Technical Assistance to Protect the Dambulla Rock Temple Painting

[Option I]

	Solution	Responsibility of Department of Archaeology (DOA)	Responsibility of Engineering Design Centre (EDC)
1	Remote Sensing	<ul style="list-style-type: none"> * Coordinate between Temple Authority and EDC * Purchasing of equipment of per EDC specification * Make arrangement to provide security for the installed equipment 	<ul style="list-style-type: none"> * Provide technical advisory service to come up with Technical specifications * Installation and commissioning of equipment * Inspection and maintenance of equipment * Provide technical training
2	Electronic Potter Wasp Repellent	<ul style="list-style-type: none"> * Grant Permission to carry out as a pilot project * Coordinate between Temple authority and EDC * Make arrangement to provide security for the installed equipment 	<ul style="list-style-type: none"> Carry out this as a pilot project to investigate the success within one year * Design and development of the equipment * Installation * Conduct experiments * Carry out maintenance and inspections as necessary
3	Thermal image based detection	<ul style="list-style-type: none"> * Coordinate between Temple Authority and EDC * Purchasing of Thermal Camera 	<ul style="list-style-type: none"> * Provide technical advisory service to come up with technical specifications * Provide technical training

[Option II]

	Solution	Responsibility of Department of Archaeology (DOA)	Responsibility of Engineering Design Centre (EDC)
1	Remote Sensing	<ul style="list-style-type: none"> * Coordinate between Temple Authority and EDC * Make arrangement to provide security for the installed equipment 	<ul style="list-style-type: none"> * Provide technical advisory service to come up with Technical specifications * Purchasing of equipment based on our specifications * Installation and commissioning of equipment * Inspection and maintenance of equipment * Provide technical training if necessary
2	Electronic Potter Wasp Repellent	<ul style="list-style-type: none"> * Grant permission to carry out as a pilot project * Coordinate between temple authority and EDC * Make arrangement to provide security for the installed equipment 	<ul style="list-style-type: none"> Carry out this as a pilot project to investigate the success within one year * Design and development of the equipment * Installation * Conduct experiments * Carry out maintenance and inspections as necessary
3	Thermal image based detection	<ul style="list-style-type: none"> * Coordinate between Temple Authority and EDC 	<ul style="list-style-type: none"> * Provide technical advisory service to come up with technical specifications * Purchasing of Thermal Camera * Provide technical training

To accomplish this assistance, the terms and conditions are as follows:

- [The Temple authorities] Should have written permission from the Department of Archaeology (DOA) to install the equipment related to technical solution I and II in the temple premises
- Warranty for the equipment is based on the equipment supplier's warranty.
- Service / maintenance of equipment will be done by Engineering Design Centre (EDC) free of charge for 12 months after commissioning.
- Any service / maintenance 12 months after commissioning will be charged separately.
- Handling visitors during the installation has to be the responsibility of the DOA.
- Providing necessary security for the systems installed is the responsibility of the DOA.
- Any prior approvals from chief incumbent of the Temple should be validated by the DOA before initiating the project.
- EDC will propose a payment schedule based on selected option of the project.

Besides this, an investigation into water leaks in the Dambulla caves was carried out, with an observation and study proposal made by Isotope Hydrology Section – Atomic Energy Authority in November 2014. The aim was to find the source(s) of the water leaks damaging the historic paintings

in the Dambulla caves using isotope techniques in hydrology. The site visit for the observation was carried out in September 2014, during the dry season.

Seven observations were noted: all the water leaks in the caves were dried out, though the locations of the water leakages were observed – The historic water leakage in the Maharaja Lena; the new water leakages at AluthMahaViharaya near the entrance and inside the cave, above one of the Buddha statues; Fractures in the rock were observed at both of the above locations; There were five ponds or karst cavities on the top of the rock; There were large fractures along the cave ceilings; the trees, bushes and grass lands were growing above the rock; A long concrete barrier had been built along the top of the caves to prevent rain water draining.

Following the observations on these sites, tentative judgments were made as follows.

- a. There are three possible reasons for the drying out of the water in the ponds: Evaporation; Evapotranspiration through trees, bushes and grass in and around the ponds; Drainage of water into the rock through the fractures.
- b. The three ponds in which water was present were not the sources of leaks in the caves.
- c. Two ponds which were completely dried out at the time of observation could possibly be the leak sources.
- d. The reason for the complete dryness of the pond would be evapotranspiration from plants or water drainage through fractures.
- e. As the fractures in the rock have developed over time, this is the reason for the appearance of water leaks in AluthMahaViharaya only in the recent past.
- f. The above-mentioned fractures may be connected to the two ponds suspected as the source of water leaks.
- g. The concrete barrier built at the right top of the caves may cause the accumulation of extra water in the scrub at the right top of the curves section in ceilings. .
- h. The increase of humidity in the caves due to water leakage would be the most probable cause of an environment favourable for micro-organisms and insects.

In conclusion, there are many issues threatening the conservation of the paintings and statues in the caves of the Golden Temple of Dambulla. The major issues are fungi, potter wasps' nests, water leaks, damage inflicted by visitors, cracks, discoloration, etc (Figure 13-22). These issues affecting conservation were noted in 2014, following which research began to try to find solutions. It appears that the year 2014 was the turning point for Sri Lanka in terms of the conservation and management of the World Heritage property of the Golden Temple of Dambulla.

4. Visitor Management

There is currently no Tourism Management Plan for the World Heritage property, and one is urgently needed, due to the large number of tourists and pilgrims visiting the site. As previously indicated, the caves are diverse in size, in particular the first cave which is relatively very small in size. It is therefore necessary to limit the number of visitors at once that can enter the caves.

To conserve and manage the caves and their statues and paintings, the number of visitors allowed enter at once should be restricted for each cave. To do this, it would be necessary to establish a tourism master plan. The Temple authorities argued however that as it is a sacred place and many people come to pray, they cannot impose any restrictions on entrance numbers. To maintain the condition of the cave, it would absolutely be necessary to limit the number of visitors.

Another restriction that should be applied right away is the prohibition of flash photography inside the cave. The current lack of restriction of visitor numbers and on flash photography may represent the biggest threats to maintaining conditions, especially of the paintings.



Figure 13 Damage to Statue



Figure 14 Potter Wasp & Other Damage



Figure 15 Potter Wasp

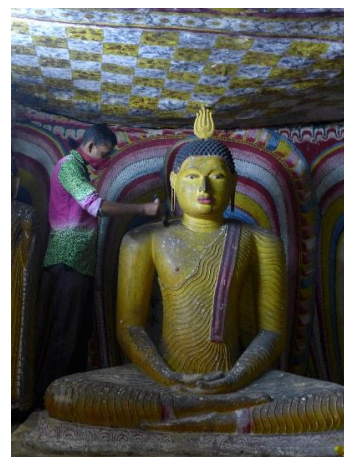


Figure 16 Cleaning Dust



Figure 17 Water Leaking from the Ceiling



Figure 18 Water Leakage Extended to the Wall



Figure 19 Enlarged Cracks in the Ceiling

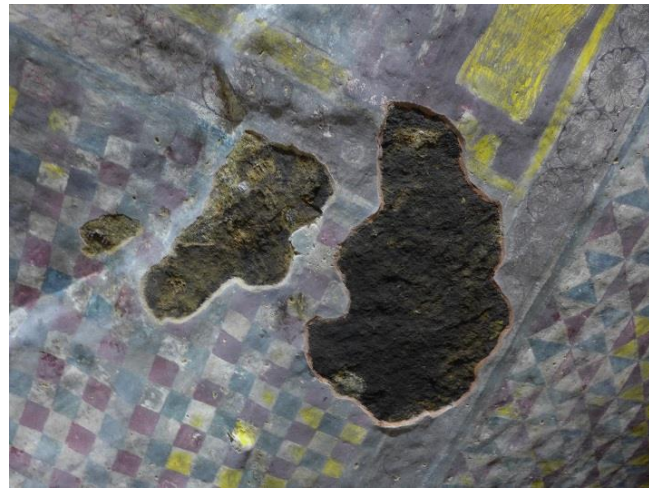


Figure 20 Protected Cracks



Figure 21 Discoloration



Figure 22 Discoloration

4. ASSESSMENT OF THE STATE OF CONSERVATION OF THE PROPERTY

New research projects and the installation of systems such as CCTV were carried out in 2014. This has led to an improvement in the conservation and management of the property. Every day monitoring is now also taking place and through 24-hour CCTV recording, the Temple authorities can continuously watch the site. The operation of the website is an important part of the promotion and advertisement of the property. Though this may bring more visitors, the large numbers of which as we have seen is already problematic, it could also be used as a means of monitoring.

Dealing with problems such as the threat of fungi, potter wasps' nests, water leaks, damage inflicted by visitor, cracks and discoloration has started systematically with the research carried out by experts. Some of the problems should be taken care of urgently, and some will require monitoring and time to be solved. There is a positive future for the conservation of the property in many ways.

However, the Temple authorities still need to revise and update the Management Plan for the property, including conservation and visitor management strategies. Since 2010, there has been no updated Management Plan, and even the 2010 plan was not implemented properly.

Unfortunately the management structure in terms of the way overall responsibilities are shared between the State and the Temple authorities remained unclear to the mission. This crucial issue still needs to be addressed so that there is a clear understanding of where responsibility lies and of the lines of communication. Such a structure needs to be delineated as a matter of urgency and should form the main basis for revising and updating the Management Plan.

In conclusion, the State Party has made a considerable effort since 2014 towards improving the conservation and management of the property, using scientific and systematic means both inside and outside the caves. Further work is still urgently needed to clarify the management structure and to set out clearly lines of responsibility and communication through an updated Management Plan, which also needs to address the urgent issue of visitor management.

5. CONCLUSIONS AND RECOMMENDATIONS

After the four days visiting the Golden Temple of Dambulla, the mission concludes that conservation work has been improved and it seems that it will continue further in the future with the new government system.

In terms of conservation of the mural paintings, the mission noted some poor conditions inside the cave and received detailed explanations, backed up with documents, from Mr. Wijesinghe. Unfortunately as this was the first time the mission representative visited the site, they were not able

to compare the current situation of the paintings and statues with an earlier stage. What this also highlights is the needs for detailed inventories to be undertaken, including detailed assessments of conservation, as a baseline for the future.

The mission considers that it will take some time to resolve the problems due to fungi, potter wasps nesting, water leaks, cracks, discoloration, and damage inflicted by visitors' damage. For example, the potter wasps should be monitored over a period to find an appropriate solution. Precedents exist on how to deal with this problem as they also nest in many other areas (the mission expert has also found them on stone painting in other temples), however the mission is considerate of the fact that it may take time to find the best solution for the removal of the nests.

Water drips and leaking should also be monitored over a period. In Cave #2, the area of leakage has expanded and continues to enlarge. It was checked last year, but should be continuously monitored in the future. These approaches to conservation need to be clearly set out in a Conservation Strategy which should form part of the revised Management Plan.

Although one person is now fully responsible for the property within the Department of Archaeology and he has the necessary experience, what remains unclear is the overall management structure and the relationship between the State and Temple Authorities. Given concerns expressed in the past over precisely where responsibilities lie, clarification is needed and it is recommended that a detailed governance structure with clear lines of responsibility is agreed as the basis for a revision of the Management Plan.

To conclude, the mission has identified the following recommendations to resolve the issues affecting the property, and requests the State Party:

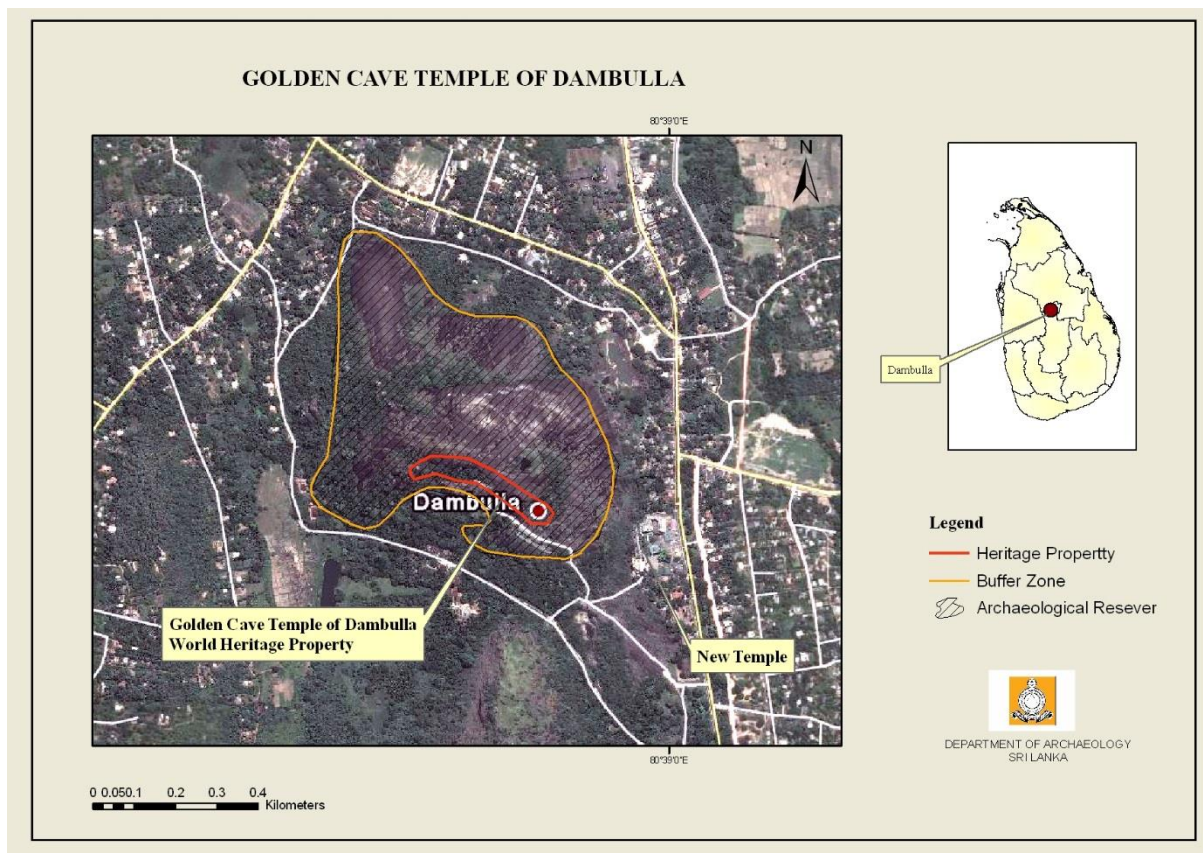
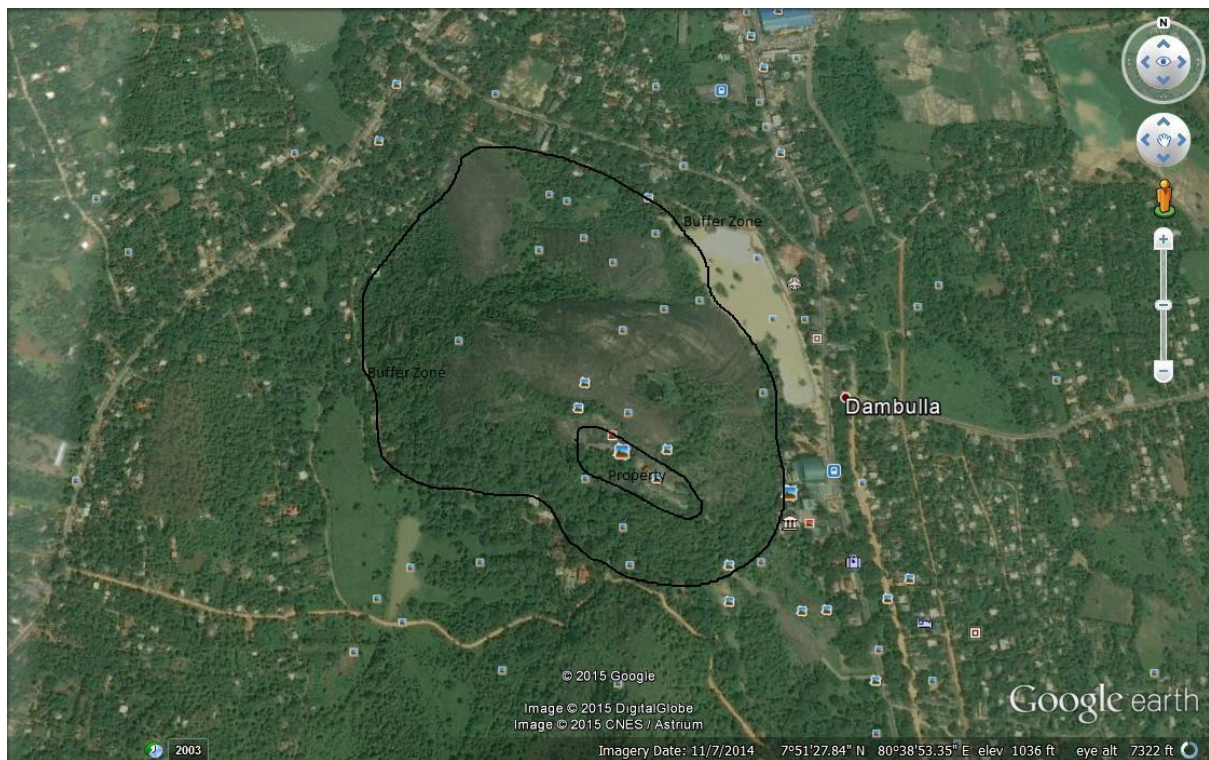
- (1) To continue with the research and identification of solutions for the problematic issues affecting the property, with the help of local and international experts in the relevant fields. Currently, the State Party needs to designate a stone and wall painting conservator. ICOMOS, ICCROM and the World Heritage Centre could assist the State Party in identifying appropriate international experts.
- (2) To revise and update the Management Plan based on a clearly defined governance and communication structure that sets out the interface between the State and Temple authorities, and which includes short-, mid- and long-term strategies for both Conservation and Visitor Management, as well as budget planning (except for the long-term aspect).
- (3) To improve the management of the site, a site management committee should be created which includes representatives of the government, the Temple authorities and the local community, as well as experts. This committee should meet at least bimonthly, to discuss and decide on all matters related to the conservation and management of the World Heritage property of the Golden Temple of Dambulla. In the case of an emergency, the committee could meet

spontaneously. The State Party should inform the World Heritage Centre on the establishment of this committee once in place.

- (4) To establish a tourism management strategy within the coming year, especially including the maximum number of persons allowed to enter the caves at once. The five caves are all different in size, and the control of visitor numbers allowed in each is crucial to managing the area.
- (5) To introduce and enforce, as soon as possible, a policy prohibiting visitors from using flash photography inside the cave, as this is one of the main causes of the change in colour of the paintings.
- (6) To set up security checks in order to prevent visitors from entering the property with any potentially harmful items.

6. ANNEXES

(1) Map of the property



(2) Terms of Reference

Terms of Reference for an ICOMOS Reactive Monitoring Mission to the Golden Temple of Dambulla (Sri Lanka) (C 561)

12-15 March 2015

The objective of the reactive monitoring mission is to assess the state of conservation of the Property, following the Decision 38 COM 7B. 22 (Annex I) of the World Heritage Committee, adopted at its 38th session (Doha, 2014), in particular in relation to deteriorating aspects that may be impacting adversely on the Outstanding Universal Value (OUV) of the property.

The ICOMOS reactive monitoring mission should address the following key issues in close consultation with the Sri Lankan authorities and other stakeholders of the World Heritage property, as follows:

I. To undertake a comprehensive assessment and draw conclusions on the state of conservation of the property as a whole, including key issues identified as having the potential to impact adversely on the attributes of OUV, in particular:

1. Management of the Property

- The efficacy and adequacy of the management system for the property, in particular the current institutional arrangements and the functioning of key management bodies, including working relationships and coordination efficiency between the Temple Authorities and the principal heritage management authorities such as the CCF and the Department of Archaeology;
- The adequacy of the extent of the buffer zone and whether statutory controls are effective to protect the buffer zone and the wider setting of the property;
- The effectiveness of the current visitor management arrangements, including infrastructure in and around the property, and visitor facilities;
- The impact of tourism on the sanctity of sacred spaces and spiritual activities;

2. Conservation of the attributes of OUV:

- The current state of mural paintings and polychrome sculptures as well as damage assessment;
- The method and modalities used for monitoring the state of mural paintings,
- How far the traditional techniques and natural materials for painting conservation are still thriving;
- Conservation and maintenance plan for the mural paintings and polychrome sculptures.
- How the spiritual atmosphere of the property may be respected and enhanced.

II. To hold consultations with the Sri Lankan authorities and the Temple authorities in examining the issues and concerns expressed by the World Heritage Committee.

III. Based on the results of the above-mentioned assessments and discussions with the State Party representatives and stakeholders, the mission will develop recommendations to the Government of Sri Lanka and the World Heritage Committee for the development of an integrated conservation and management strategy that could ensure an overall landscape approach to protecting the property's Outstanding Universal Value (OUV) and which is based on a governance structure that brings together religious and secular authorities. It should be noted that recommendations will be provided within the mission report (see Format in Annex II), and not during the mission.

The reactive monitoring will prepare a concise report on the findings and recommendations within 6 weeks following the site visit, in line with the World Heritage Centre reactive monitoring mission report Format, attached in the Annex II.

(3) Mission schedule

Date	Time	Contents	Place	Person's Name
0311		Departure		
0312	03:30	Arrival	Colombo	
	4:40-10:30	Transfer from the airport to Hotel		Mr. Wijesinghe
	10:30-11:30	Hotel check in & rest		
	11:30-12:00	Meeting about the schedule		Mr. Wijesinghe
	12:00-13:30	lunch		
	13:30-14:00	Transfer from hotel to the temple	Dambulla	
	14:00-15:30	Meeting with the Highest Priest	The Golden	Highest Priest
	15:30-16:00	Walking to the Caves	Temple of	
	16:00-17:30	Site Visit	Dambulla	
	17:30-18:00	Visit Zonal Office	Dambulla	
	18:30	Return to hotel		
0313	07:20-08:50	Transfer from hotel to Polonnaruwa		
	08:50-10:20	Site visit of 'Ancient City of Polonnaruwa'	Polonnaruwa	Zonal Officer
	10:20-11:20	Visit Museum in Polonnaruwa		
	11:20-12:40	Transfer from Polonnaruwa to hotel		
	12:40-13:30	lunch		
	13:30-16:30	Meeting with the State Party	Hotel	
	16:40-17:10	Transfer from hotel to Sigiriya		
	17:10-18:10	Site visit 'Ancient City of Sigiriya'	Sigiriya	Zonal Officer
	18:10-18:40	Transfer from Sigiriya to hotel		
0314	07:40-08:10	Transfer from hotel to Museum		
	08:10-09:15	Visit Painting Conservation Center	Painting Museum	
	09:15-11:40	Transfer from Dambulla to hotel	Kandy	
	12:00-12:30	Transfer from hotel to Regional Office	Kandy	
	12:30-13:40	Site visit in 'Sacred City of Kandy'		
	14:00-15:00	lunch		

	15:00-15:30	Discussion on Conservation Problem		Mr. Wijesinghe
	15:30-17:00	Visit Buddhist Temples	Near Kandy	
	17:00-19:30	Return to hotel		
0315	08:00-11:30	Transfer Kandy to Colombo		
	11:30-12:00	Visit temples▪	Colombo	
	12:10-14:10	Lunch at Dr. Silva's Home	Colombo	Dr. Ronald Silva
	14:10-14:30	Transfer to airport		
		Departure from Sri Lanka		
0316		Arrival		
▪ Temples I visited are painted like other temples. These temples have the same problem with potter wasps. The issue of potter wasps issue is a major problem in Sri Lanka. That is why the State Party need more time to do research and monitoring till they find the solution.				

(4) Composition of Mission Team

ICOMOS expert: Professor Hae Un Rii (Republic of Korea)

(5) List of Persons Met during the Mission

	Name	Affiliation	Dates
1	Mr. Ti K. Wijesinghe	Archaeological research officer, Dept. of Archaeology	March 12-15
2	Rev. Inamalawe Sumangala Maha Nayake There	Chief Incumbent, the Golden Temple of Dambulla	March 12
3	Mr. Neila Peema	Zonal Officer, Dept. of Archaeology	March 12
4	Ms. Thanuja Amarathunga	Zonal Officer, Archaeological Office, Polonnaruwa	March 13
5	Mr. Samanta Wijesinghe	Information officer, Museum of Polonnaruwa	March 13
6	Mr. W.A.D.S. Gunasinghe	Additional Secretary, Ministry of Cultural Affairs	March 13
7	Mr. Prasanna B. Ratnayake	Additional Director General, Dept. of Archaeology	March 13
8	Mr. Wijitha Nanda Kumar	Senior Assistant Secretary, Ministry of Cultural Affairs	March 13
9	Mr. L.M.Goonatilake Banda	Regional Assistant Director(Central), Dept. of Archaeology	March 13
10	Mr. Lalith	Senior Painting Conservator	March 13 / 14
11	Mr. Shantha	Senior Assistant Secretary	March 13 / 14
12	Dr. Ronald Silva	Former President of ICOMOS	March 15

(6) Bibliography

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Appendix - Antiquities Ordinance

ANTIQUITIES

AN ORDINANCE TO PROVIDE FOR THE BETTER PRESERVATION OF THE ANTIQUITIES OF SRI LANKA, AND OF SITES AND BUILDINGS OF THE HISTORICAL OR ARCHAEOLOGICAL IMPORTANCE IN SRI LANKA.

Ordinance Nos,
9 of 1940

Act Nos,
2 of 1955
22 of 1955
24 of 1998
12 of 2005

[15th July , 1940]

Short title.

1. This Ordinance may be cited as the Antiquities Ordinance.

PART I

PROPERTY IN ANTIQUITIES

Property in
antiquities.

2.

(1) No antiquity shall, by reason only of its being discovered in or upon any land in the ownership of any person, be or be deemed to be the property of such person : Provided that such person shall be deemed to be interested in such antiquity in accordance with the provisions of this Ordinance.

(2) Every ancient monument which on the date on which this Ordinance comes into operation is not owned by any person or the control of which is not vested in any person as trustee, incumbent or manager, shall be deemed to be the absolute property of the State.

[3,24 of 1998] (3) All undiscovered antiquities (other than ancient monuments), whether lying on or hidden beneath the surface of the ground or in any river or lake or within the territorial sea of Sri Lanka, shall be deemed to be the absolute property of the State, subject to the provisions of this Ordinance.

Payment by the
State of market
value of certain
antiquities.
[17, 24 of 1998]

3. On the discovery of any antiquity (other than an ancient monument), the Director-General of Archaeology, on behalf of the State, shall be enrolled to the custody and possession of such antiquity, unless in any case the Director-General of Archaeology does not consider it necessary that such antiquity shall be retained by the State ; and, where any such antiquity is retained by the Director-General of Archaeology on behalf of the State there shall be paid by the State -

(a) one-half of the market value of the antiquity to the finder thereof and one-half of such value to the owner of the land in which the antiquity was found, or

(b) where the same person is both the finder of the antiquity and the owner of such land, the whole of the market value of the antiquity to such person, or

(c) where the antiquity is found on State land by any person (other than the Director-General of Archaeology or any person acting under his authority in the discharge of any duty or function under this Ordinance), one-half of the market value of the antiquity to the finder thereof :

Provided that on the retention by the State of any antiquity no such payment as aforesaid shall be made to the finder thereof where the finder has failed to report the discovery of that antiquity in accordance with the provisions of section 10 or section 14, as the case may be.

Agreement as to
apportionment of
antiquities, without
payment by the
State .

4.

(1) Notwithstanding the provisions of section 3, it shall be lawful for the Director-General of Archaeology with the approval of the Minister, to enter into an agreement in writing with any person who would under the provisions of section 3 be entitled to the market value of any antiquity or any part of such value, whereby such person shall receive from the State in lieu of such value or part thereof, a share of such antiquity, to be apportioned in such manner as may be provided in the agreement.

(2) Every agreement under subsection (1) shall be free from stamp duty and shall have force and effect notwithstanding anything in section 3 : Provided always that where the finder of any antiquity does not report the discovery thereof in accordance with the provisions of section 10 or section 14, as the case may be, he shall not be entitled to receive any share of such antiquity under any such agreement.

Dispute as to market value or apportionment of antiquities.

5. Where there is any dispute between the Director-General of Archaeology and any person as to the market value of any antiquity or as to the apportionment of any antiquity in terms of an agreement under section 4, such dispute shall be determined in the manner provided in section 45, and such determination shall be final and conclusive.

PART II

DISCOVERY OF ANTIQUITIES EXCAVATIONS

No excavation except upon licence from Director-General of Archaeology.

6. Subject as hereinafter provided, no person shall excavate for the purpose of discovering antiquities, whether on land belonging to himself or otherwise, except under the authority of a licence issued by the Director-General of Archaeology:

Provided that nothing in this section shall apply to any excavation carried out by or on behalf of the Director-General of Archaeology.

Application for licence to excavate.

7. Every application for a licence to excavate shall:-

- (a) be made to the Director-General of Archaeology in the prescribed form, and
- (b) contain a full and accurate description of the land on which it is proposed to carry out the excavation, the nature and extent of the proposed excavation, and such other particulars as may be prescribed.

Grant or refusal of licence to excavate.

8. The Director-General of Archaeology may in his discretion grant or refuse any application for a licence to excavate:

Provided that no such licence shall be granted unless the Director-General of Archaeology is satisfied, after such inquiry as he may deem it necessary to make-

- (a) that the owner of the land where the proposed excavation is to be made has consented to the excavation, and
- (b) that the proposed excavation will not cause any damage or inconvenience to persons residing in the vicinity of such land, or to any place used for religious purposes, or to any cemetery, school, water source, irrigation work or public road, or that if any such damage is likely to be caused adequate provision has been made by the applicant for the payment of compensation therefor, and
- (c) that the applicant is able to furnish security for the due observance by him of the provisions of this Ordinance or any regulation, and of any conditions subject to which the licence may be issued.

Terms of licence.

9. Every licence to excavate shall be issued in the prescribed form, subject to the payment of the prescribed fee and shall remain in force, subject to the provisions of section 11, during the period specified in the licence. Any such licence may contain, in addition to the prescribed conditions, such stipulations as the Director-General of Archaeology may deem necessary regarding-

- (a) the supervision of the proposed excavation by any person approved by the Director-General of Archaeology for the purpose ;
- (b) the payment of remuneration to any such person not being a public officer, or the payment of the prescribed fee in respect of any service rendered by such person being a public officer; and
- (c) the security to be furnished by the licensee for the due observance of the provisions of this Ordinance and of the terms and conditions subject to which the licence is issued.

Duty of licensee in respect of discoveries.

10. Every person to whom a licence to excavate is granted shall keep a record in the prescribed form of all antiquities discovered in the course of the excavation and shall, within the prescribed period from the date on which any antiquity is discovered, report the discovery thereof to the Director-General of Archaeology and furnish to him the prescribed particulars in respect of the antiquity.

Withdrawal of licence without compensation.

11. Any licence to excavate may, at any time before the expiry of the period specified in the licence, be withdrawn by the Director-General of Archaeology and the licensee shall not be entitled to claim compensation for any loss or damage suffered or alleged to have been suffered by him by reason of such withdrawal.

Appeal against refusal or withdrawal of licence to excavate.

12.

- (1) Any person aggrieved by the refusal of the Director-General of Archaeology to issue a licence to excavate or the withdrawal by the Director-General of Archaeology of any such licence may appeal against such refusal or withdrawal to the Minister.

- (2) The decision of the Minister on any appeal preferred under subsection (1) shall be final and conclusive.

Immunity of State from claims for loss or damage.

13. The State shall incur no liability by reason of any loss sustained by any person or any damage caused to any person in the course of any excavation carried on under the authority of a licence granted under this Ordinance.

DISCOVERY OF ANTIQUITIES OTHERWISE THAN UNDER A LICENCE TO EXCAVATE

Discovery of antiquities otherwise than under licence to excavate.

14.

(1) Every person who discovers any antiquity otherwise than under the authority of a licence to excavate-

(a) shall forthwith report the discovery to the nearest peace officer and, if it is practicable so to do, deliver the antiquity to such officer and obtain a receipt therefor from such officer, and

(b) shall, within seven days of the discovery, report the discovery, together with the prescribed particulars relating thereto, to the Government Agent of the district in which, the discovery was made.

(2) It shall be the duty of the Government Agent to whom the discovery of any antiquity is reported under paragraph (b) of subsection (1), to communicate forthwith to the Director General of Archaeology the fact of such discovery together with the particulars furnished to him. (See section 4 of the Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992.)

OFFENCES RELATING TO DISCOVERY OF ANTIQUITIES

Offences relating to discovery of antiquities.

15.

(1) Every person who-

(a) excavates in contravention of the provisions of section 6; or

(b) commits a breach of any condition of any licence issued under section 6 ; or

(c) fails to report the discovery of any antiquity in accordance with the provisions of section 10, or commits a breach of any other provision of that section ; or

(d) fails to report the discovery of any antiquity in accordance with the provisions of section 14 or commits a breach of any other provision of that section ; or

(e) knowing or having reason to believe that any antiquity has been excavated in contravention of the provisions of section 6, purchases or removes, or otherwise acquires or purports to acquire, any such antiquity, whether for himself or on account of or as agent for any other person,

[5, 12 of 2005] shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not less than fifty thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not exceeding one year:

Provided that no person shall be liable to be convicted of an offence under paragraph (c) or paragraph (d) where the antiquity is, in the opinion of the court, insignificant or of trivial value ;

Provided, further, that any person convicted of an offence under paragraph (c) or paragraph (d) in respect of any antiquity (other than an ancient monument), shall by virtue of such conviction, forfeit all claim or interest to or in that antiquity or the value thereof, and in any such case the Magistrate may order that the antiquity be delivered to the Director-General of Archaeology within such time as may be specified by the Magistrate ;

and where the Magistrate makes such order, it shall be the duty of any person in whose possession that antiquity may be to deliver it within the specified time to the Director-General of Archaeology

(2) If any person who has been ordered to deliver any antiquity to the .Director-General of Archaeology under subsection (1) does not deliver such antiquity within the specified time the Magistrate may order the Fiscal or a peace officer to take immediate possession of such antiquity and deliver it to the Director-General of Archaeology.

OFFENCES RELATING TO THEFT AND DESTRUCTION OF ANTIQUITIES

offences relating

15A. Any person who commits theft within the meaning of section 366 of the Penal Code,

to theft of
antiquities.
[4, 24 of 1998]
[5, 12 of 2005]

in respect of antiquity, in the possession of any other person shall be guilty of an offence under this Ordinance and shall on conviction after summary trial before a Magistrate be liable to a fine not less than twenty five thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not more than five years or to both such fine and imprisonment.

Penalty for
destruction & c. of
antiquity.
[4, 24 of 1998]
[5, 12 of 2005]

15B. Any person who wilfully destroys, injures, defaces or tampers with any antiquity or wilfully damages any part of it, shall be guilty of an offence under this Ordinance and shall on conviction after summary trial before a Magistrate be liable to a fine not less than twenty five thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not more than five years or to both such fine and imprisonment.

Offences under
[4, 24 of 1998]

15C. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979. or any other written law, no person charged with, or accused of an offence under this ordinance shall be released on bail.

Evidence.
[4, 24 of 1998]

15D. In a prosecution for an offence under this Ordinance, a certificate to be signed by the Director-General and to the effect that the object described therein is an antiquity, shall be admissible in evidence without further proof, and shall be prima facie evidence of the facts stated therein.

PART III ANCIENT MONUMENTS

Declaration of a
monument in
existence not less
than hundred
years as an
ancient
monument.
[5, 24 of 1998]

16.

(1) The Minister may by Order in writing declare that any specified monument which has existed or is believed to have existed for a period of not less than hundred years, shall, notwithstanding that such monument does not or is not believed to date to a period prior to the 2nd day of March, 1815, be deemed to be an ancient monument for the purposes of this Ordinance.

(2) Upon the publication in the Gazette of an Order under subsection (1), the monument to which the Order relates shall be deemed to be an ancient monument and all the provisions of this Ordinance relating to ancient monuments shall apply to that monument as if it were an ancient monument.

Declaration of
specified trees as
ancient
monuments.

17.

(1) Where it appears to the Minister that any tree, whether growing in State land or any other land, is of such historical or archaeological importance, that it is necessary in order to secure the preservation or protection of such tree that the provisions of this Ordinance relating to ancient monuments should apply to such tree, the Minister may, by Order in writing, declare that such tree shall be deemed to be an ancient monument for the purposes of this Ordinance.

(2) Upon the publication in the Gazette of an Order under subsection (1), the tree to which the Order relates shall be deemed to be an ancient monument and all the provisions of this Ordinance relating to ancient monuments shall, mutatis mutandis, apply to such tree as if it were an ancient monument.

Notification of
protected
monuments.

18. Where it appears to the Minister that any ancient monument situated on any land other than State land is in danger of destruction or removal, or damage from neglect or injudicious treatment, and that it is in the public interest that such monument should be protected, he may, subject to the provisions of section 19, by Order published in the Gazette, declare such monument to be a protected monument; and from the date of the publication of such Order, the monument to which the Order relates shall be a protected monument for the purposes of this Ordinance.

Previous notice of
intention to
declare an ancient
monument to be a
protected
monument.

19.

(1) No Order under section 18 shall be made unless the Minister has given notice in the Gazette in accordance with the provisions of this section, of his intention to make such Order.

(2) Every notice under subsection (1) shall specify a date on or before which objections to the proposed Order will be received by the Director-General of Archaeology

(3) Every objection preferred in consequence of a notice under subsection (2) shall be made in writing and shall contain a statement of the grounds upon which the objection is made.

(4) The Director-General of Archaeology shall transmit all objections received by him together with his report thereon to the Minister.

(5) The Minister shall consider all objections transmitted under subsection (4) and may for the purpose of investigating any such objection make or cause to be made such inquiry as to him may seem necessary.

Agreements in regard to protected monuments. **20.**

(1) The owner of any land on which a protected monument is situated and the . Director-General of Archaeology may enter into a written agreement providing for the due conservation of such monument and its protection from danger of destruction or removal and from damage by neglect or injudicious treatment.

(2) Every agreement entered into under subsection (1) shall be free of stamp duty.

No restoration, & c, of protected monument, except upon permit. **21.**

(1) No person shall, except under the authority and in accordance with the conditions of a permit issued by the Director-General of Archaeology or in accordance with an agreement entered into under section 20, commence or carry out any work of restoration, repair, alteration or addition in connexion with any protected monument.

(2) Every permit under subsection (1) shall be issued in the prescribed form subject to the prescribed conditions and may contain such additional conditions as the Director-General of Archaeology may deem fit to insert therein regarding-

(a) the supervision of the proposed work by the Director-General of Archaeology or by any person approved by him for the purpose ; and

(b) the payment of remuneration to any such person, not being a public officer , or the payment of the prescribed fee in respect of any service rendered by such person, being a public officer.

Refusal or revocation of permit under section 21. **22.**

(1) The Director-General of Archaeology may in his discretion-

(a) refuse to issue a permit under section 21 in any case in which he is of opinion that the applicant for such permit is unable to carry out and complete satisfactorily the work to authorize which such permit is applied for, or that such work is unnecessary ;

(b) after notice in writing to the holder of any such permit revoke such permit, if he is of opinion that the work is not being carried out satisfactorily or in accordance with the conditions and restrictions subject to which such permit was issued.

(2) Any person aggrieved by the refusal or revocation, of any permit by the Director-General of Archaeology may appeal against such refusal or revocation to the Minister whose decision on any such appeal shall be final and conclusive.

Power of Commissioner-General of Archaeology to restore, repair, & c, protected monuments. **23.**

(1) Where a permit under section 21 has not been issued in respect of any protected monument, or where any such permit has been revoked, the Director- General of Archaeology may, with the approval of the Minister, carry out or cause to be carried out under and in accordance with his directions such work of restoration, repair, alteration or addition in connexion with that monument as to him may seem expedient.

(2) It shall be the duty of the owner of any monument, in connexion with which any work is authorized to be carried out under subsection (1), to permit the Director-General of Archaeology or any person acting under the directions of the Director-General of Archaeology to enter the land in which that monument is situated and to do all such acts as may be necessary for the purpose of carrying out such work; and such owner shall not be entitled to claim compensation for any loss or damage suffered or alleged to have been suffered by him by reason of the execution of such work or any part of such work.

Prohibition or restriction of building, mining, & c., in vicinity of certain monuments. **24.**

(1) Regulations may be made prohibiting, or restricting subject to the prescribed conditions, the erection of buildings or the carrying on of mining, quarrying, or blasting operations on any land within the prescribed distance of any ancient monument situated on State land or any protected monument.

(2) Every regulation made under subsection (1) shall have effect notwithstanding anything in any other written law ; but nothing in any such

regulation shall permit or be deemed to permit the erection of any building or the carrying on of any operations mentioned in subsection (1) in contravention of any provision of such other law.

Claim for compensation by owner of land affected by regulations under section 24.

[2, 2 of 1955]

25.

(1) The owner of any land affected by any prohibition or restriction in any regulation made under section 24 who suffers any loss or damage by reason of any such prohibition or restriction, may forward to the Director-General of Archaeology within the prescribed period a claim for compensation in respect of such loss or damage :

Provided, however, that where the owner of any land on which any ancient monument is situated commences the erection of any building or the carrying on of any mining, quarrying or blasting operations on such land after a notice of the intention to declare such monument to be a protected monument is published in the Gazette under section 19, he shall not be entitled to any compensation for any loss or damage suffered by reason of the prohibition or restriction of such erection or operations by any regulation made under section 24.

(2) Every claim made under subsection (1) shall specify-

- (a) the amount of compensation claimed;
- (b) the grounds on which the claim is based ;
- (c) the person chosen by the claimant as a member of the compensation board to be established under section 26 in respect of that claim ; and
- (d) such other particulars as may be prescribed.

(3) The Director-General of Archaeology shall transmit every claim received by him under subsection (1) to the Minister and shall specify the person chosen by him as a member of the compensation board to be established under section 26 in respect of that claim.

(4) No person who fails to make a claim under subsection (1) within the period prescribed for the purposes of that subsection shall be entitled to any compensation for any loss or damage for which a claim under that subsection might have been made, and no action in respect of any such loss or damage shall be entertained by any court or tribunal.

(5) Any compensation determined by a compensation board under section 27 or, where an appeal is preferred to a District Court, by a District Court under section 30, shall be paid to the claimant out of funds provided by Parliament for the payment of compensation to claimants under this section.

Establishment of compensation board.

26.

(1) The Minister shall, on the receipt of any claim under section 25, establish a compensation board (hereinafter referred to as "the board") and shall refer the claim to such board.

(2) The board shall consist of a chairman, who shall be nominated by the Minister, and the two persons chosen by the claimant and the Director-General of Archaeology under section 25.

Decision of the board after inquiry.

27.

(1) The board shall inquire into the claim referred to it under section 26 and give its decision as to the amount of compensation, if any, which shall be paid to the claimant,

(2) Where the board is not unanimous in its decision, the decision of the majority of the members shall be the decision of the board.

(3) Where a majority of the members of the board are unable to agree on the decision, the decision of the chairman shall be the decision of the board.

Powers of the board.

28.

(1) For the purpose of holding any inquiry under section 27 shall have and may exercise the board' the same powers as a civil court in relation to-

- (a) the enforcing of the attendance of any person and his examination on oath ;
- (b) the enforcing of the production of documents ; and
- (c) the issuing of commissions for the examination on interrogatories or otherwise of any person, and the provisions of the Civil Procedure Code shall, for the purpose of the exercise of such powers, apply to proceedings by or before the board as if such board were a court and such proceedings were an action instituted in a court under that Code.

(2) The claimant and the Director-General of Archeology shall be entitled to

appear before the board either in person or by pleader and place before it such evidence whether oral or documentary as may help the board to determine the amount of compensation, if any, to be awarded.

(3) At an inquiry under this section the chairman of the board shall keep or cause to be kept a full record of the proceedings, and shall either at the conclusion of the inquiry or on a date to be later notified to the parties pronounce the decision of the board which must be in writing signed by the chairman.

(4) At any time after the decision of the board has been pronounced, either of the parties to the inquiry or any person establishing to the satisfaction of the Minister that he is a person interested in the subject-matter of the inquiry shall be entitled, upon prepayment of the copying and other charges payable under section 3 of the Proof of Public Documents Ordinance, to obtain a copy of the proceedings before the board certified under the hand of the public officer entrusted with the duty of keeping the records of the board:

Provided that such public officer shall not be required to issue a certified copy during the pendency of an appeal to the District Court.

Appeal to District Court from decision of the board and procedure thereon. **29.**

(1) The claimant or the Director-General of Archaeology may in the manner hereinafter provided appeal from any decision of the board to the District Court of the district in which the land in respect of which compensation has been claimed is situate (hereinafter referred to as "the court").

(2) Every appeal under subsection (1) shall be by written petition signed by the appellant or his attorney-at-law and shall be lodged with the Registrar of the court not later than thirty days from the date of the decision of the board.

(3) The petition of appeal shall state-

- (a) the full name and address of the respondent,
- (b) the grounds of appeal, and
- (c) the relief prayed for.

(4) The appellant or his attorney-at-law shall together with the petition of appeal deliver a typed or printed copy of the petition of appeal certified under the hand of the appellant or his attorney-at-law.

(5) On the lodgement of the petition of appeal together with a certified copy thereof, the court shall inform the public officer entrusted with the duty of keeping the records of the board that an appeal has been lodged and require him to forward to the court within a specified time the record of the proceedings in respect of which the appeal has been lodged with the written decision of the board.

(6) Upon the receipt of the record of the proceedings and the written decision of the board the court shall cause to be served on the respondent the certified copy of the petition of appeal together with a notice stating the date and time fixed for the hearing of the appeal.

Hearing of appeal by the court and its powers. **30.**

(1) The court shall have full power to hear and determine an appeal under section 29, and the provisions of sections 769, 770, 771, 772 and 774 of the Civil Procedure Code shall mutatis mutandis apply to the hearing by the court of appeals from the board :

Provided that in every case the judgment of the court shall be signed and dated by the District Judge.

(2) At the hearing of the appeal the parties shall not be entitled to rely on any evidence that has not been placed before the board: Provided that the court may call for any evidence which in the judgment of the court is necessary for the decision of the appeal.

(3) The court may confirm the decision of the board or reduce or increase the amount of compensation awarded by the board and make such other order as to costs or otherwise as the court shall deem just.

(4) The decision of the court shall be final and no appeal from or application for revision of any decision of the court shall lie to the Court of Appeal

(5) No stamp duties shall be required in any proceedings in the court under sections 29 and 30.

(6) The court may upon prepayment of the charges payable under section 205 of the Civil Procedure Code authorize the Registrar to furnish to any party to an appeal a certified copy of the record of the proceedings of the board in respect of which the appeal has been lodged, at any time after the record has been received in the court and before its decision is pronounced.

(7) The court shall after the decision of an appeal return the record of the

proceedings of the board to the public officer entrusted with the duty of keeping the records of the board.

Penalty for destruction, desecration, & c, of ancient monuments.

31. Any person who-

- (a) wilfully destroys, injures, defaces or tampers with any protected monument or any ancient monument on State land; or
- (b) does in, upon, to, near or in respect of any ancient monument which is held sacred or in veneration by any class of persons, any act which wounds or offends or is likely to wound or offend the religious susceptibilities of the class of persons by whom such ancient monument is held sacred or in veneration,

[6, 24 of 1998]
[5, 12 of 2005]

shall be guilty of an offence and shall, notwithstanding anything to the contrary in any other written law, be liable on conviction after summary trial before a Magistrate to a fine not less than fifty thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

Further offences.

32. Every person who commits a breach of -

- (a) any provision of section 21, or
- (b) any regulation under section 24, shall be guilty of an offence and shall, notwithstanding anything to the contrary in any other written law, be liable on conviction after summary trial before a Magistrate to a fine not less than fifty thousand rupees and not exceeding two hundred fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding five years or to both such fine and imprisonment.

[7,24 of 1998]
[5, 12 of 2005]

PART IV
ARCHAEOLOGICAL RESERVES

Archaeological reserves.
[3,2 of 1955]

33.

- (1) The Director-General of Archaeology may-
 - (a) with the approval of the Land Commissioner, or
 - (b) if approval is refused by the Land Commissioner, with the approval of the Minister to whom the subject of State lands is for the time being assigned, declare, by notification published in the Gazette, any specified area of that land to be an archaeological reserve for the purposes of this Ordinance.
- (2) Any area of State land reserved for archaeological purposes before the date on which this Ordinance comes into operation, whether by notification in the Gazette or otherwise, shall be deemed to be an archaeological reserve declared under the provisions of this section.

Encroachments, & c., on archaeological reserves.

34. Every person (other than the Director-General of Archaeology, or a person acting under and in accordance with his directions) who-

- (a) clears or breaks up for cultivation or cultivates any part of an archaeological reserve, or
- (b) erects any building or structure upon any such reserve, or
- (c) fells or otherwise destroys any tree standing on any such reserve, or
- (d) otherwise encroaches on any such reserve, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than one thousand rupees and not exceeding five thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment, and the Magistrate may, in addition to passing any such sentence, make order that such person shall be forthwith ejected from such reserve:

[5, 12 of 2005]

Provided that no person shall be convicted under this section unless the land in respect of which the offence is committed has been declared to be the property of the State under the Land Settlement Ordinance or under any enactment repealed by that Ordinance, or has been acquired by the State under the Land Acquisition Act or the Land Acquisition Ordinance* or has been resumed by the State under the Lands Resumption Ordinance or has been in the possession of the State immediately before the date on which the offence is committed. (* Repealed by Act No. 9 of 1950,)

Eject merit of person convicted under section 34.

35.

- (1) Where no appeal has been preferred against the conviction of any person of an offence under section 34, or, where an appeal has been preferred, after the final judgment or order of the Court of Appeal affirming the conviction, the Magistrate may on the application of the Director-General of Archaeology make order directing the Fiscal or a peace officer to eject the

person convicted from the archaeological reserve and to deliver possession thereof to the Director-General of Archaeology or his representative.

(2) The Fiscal or peace officer shall comply with the directions of the Magistrate under subsection (1) and shall make due return to the Magistrate's Court of the manner in which he executed the order.

(3) In complying with the directions issued under subsection (1) the Fiscal or peace officer or any officer authorized by either of them may use such force as may be necessary to enter the archaeological reserve, to eject the person convicted and to deliver possession of the archaeological reserve to the Director-General of Archaeology or his representative.

PART V

EXPORT OF ANTIQUITIES

Prohibition of
export of
antiquities except
upon licence. **36.**

(1) No person shall, except upon a licence in the prescribed form issued by the Director-General of Archaeology, export any antiquity from Sri Lanka.

(2) For the purposes of the application of the provisions of the Customs Ordinance, antiquities shall be deemed to be articles the exportation of which is restricted by enactment or legal order.

Applications for
licence to export
antiquities. **37.**

(1) Every application for a licence under section 36 shall be made to the Director-General of Archaeology in the prescribed form, shall set out a list of the antiquities sought to be exported, and shall contain such other particulars as may be prescribed.

(2) If the Director-General of Archaeology is of opinion that any antiquity sought to be exported should be acquired for the Colombo or other museum in Sri Lanka or that for any other reason it is not desirable that such antiquity should be exported, he may refuse to issue a licence under section 36 in respect of that antiquity.

Appeal against
refusal of licence. **38.**

(1) Any person aggrieved by the refusal of the Director-General of Archaeology under section 37 to issue any licence may appeal against such refusal to the Minister.

(2) The decision of the Minister on any appeal preferred under subsection (1) shall be final and conclusive.

Acquisition by
museum of
antiquity sought to
be exported. **39.**

(1) Where a licence to export any antiquity has been refused on the ground that such antiquity should be acquired for the Colombo or other museum in Sri Lanka, and there is a dispute between the authority empowered to purchase objects for the use of such museum and the owner of the antiquity as to the price to be paid therefor, such price shall be determined in the manner provided in section 45, and such determination shall be final and conclusive. On payment of the price so determined the antiquity shall become the absolute property of the museum.

(2) Where the price determined under subsection (1) is not paid to the owner of the antiquity within two months from the date on which the price was so determined, the museum shall be deemed to have lost all right to the acquisition of the antiquity at such price, and the Director-General of Archaeology shall issue a licence to export the antiquity subject to any other conditions which may be applicable to the issue of such licence being complied with.

PART VA

ADVISORY COMMITTEE

Establishment of
Advisory
Committee. **39A.**

(1) The Minister may, by Order published in the Gazette, establish an Archaeological Advisory Committee (hereinafter referred to as "the Advisory Committee").

(2) It shall be the function of such Advisory Committee to advise the Director-General of Archaeology -

(a) on any or all of the matters the Minister considers necessary for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance; and

(b) where advice is sought, by him on matters connected to the

performance of his duties under this Ordinance.

(3) The Minister may appoint to such Advisory Committee such number of members and on such terms and conditions as he may determine.

(4) The Advisory Committee shall have the power to fix and regulate its own procedure including the power to determine the number of members necessary to form a quorum for its meetings. Every member of the Advisory Committee shall hold office for two years unless he earlier resigns, dies or is removed from office.

(5) A member of the Advisory Committee may resign from office by letter addressed to the Minister.

(6) A member vacating his office by resignation or by expiration of his term of office shall be eligible for re- appointment.

(7) Where a member of the Advisory Committee becomes by reason of illness or other infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Minister may appoint another person to act in his place.

(8) The Minister may, if he consider it expedient so to do, remove from office, by Order published in the Gazette, any member of the Advisory Committee.

PART VI

[§ 9,24 of 1998] POWERS AND DUTIES OF DIRECTOR-GENERAL OF ARCHAEOLOGY

Powers of
Director-General
of Archaeology.
[10, 24 of 1998]

40. The Director-General of Archaeology is hereby empowered -

- (a) to formulate a national archaeological policy and to co-ordinate and implement such policy after it is approved by the Government;
- (b) to inventorise the archaeological heritage of Sri Lanka;
- (c) to protect and maintain such archaeological heritage;
- (d) to conduct research into every aspect of the archaeological heritage of Sri Lanka and specially, into the prehistoric, protohistoric, early historic, middle historic and late historic periods and into general or specific theory, method and practice;
- (e) to enhance public awareness of the archaeological heritage of Sri Lanka through appropriate displays of antiquities, publications and by other means;
- (f) to levy an entrance fee where it is considered necessary at selected sites or visitor centers;
- (g) to conduct archaeological impact assessment of areas that may be affected by development, industrial or other projects proposed by the Government or any person and implement any mitigatory measures that may be required.

Duties of Director-
General of
Archaeology.

41. The Director-General of Archaeology shall perform and discharge all such duties and functions as are assigned to him by this Ordinance or any regulation.

Power of
inspection, & c, of
antiquities.

42. The Director-General of Archaeology or any officer authorized by him in writing for the purpose may at all reasonable times inspect any antiquity in the possession of any person; and it shall be the duty of every such person to permit such inspection and further to give to the Director-General of Archaeology or such officer all reasonable facilities to study such antiquity and to make drawings, photographs or reproductions thereof by the making of casts or by any other means: Provided that no such drawings, photographs or reproductions shall be sold without the consent of the person in possession of the antiquity.

Authorisation of
Government
Agents and other
officers to exercise
powers of
Director-General
of Archaeology.
[11, 24 of 1998]

43.

(1) The Director-General of Archaeology may, generally or specially authorize the exercise, performance or discharge of any of his powers, duties or functions under this Ordinance -

- (a) by the Government Agent or the District Secretary of a District or Divisional Secretary of any division within that district, or division respectively;
- (b) by any officer of the Archaeological Department; or
- (c) by any person possessed of special expertise and resources in or for, the exploration, excavation, conservation, restoration or maintenance of monuments and antiquities, in such areas and on such terms and conditions as may be specified in such authorization :

Provided that the Director-General of Archaeology may at any time revoke or withdraw such authorization if in his view the purpose and objectives thereof are not being satisfactorily served.

(2) The authorization shall be in writing specifying, among other things, the objectives of the authorization, the system of supervision by the Director-General of Archaeology or his nominees, the recording of procedures employed, the reporting of progress, and the writing of reports.

Impact
assessment of
proposed
development
projects.
[12, 24 of 1998]

43A.

(1) Whenever any development or industrial scheme or project is proposed by the Government or other institution or person entailing the use, encroachment or submergence of any land falling within the inventory prepared under section 40(b), or any land as may be prescribed, such scheme or project shall not be approved or permitted until after a report; is submitted by the Director-General of Archaeology, as to the effects the implementation of such scheme, or project may have upon such land or any antiquities within it.

(2) The Director-General of Archaeology shall cause an impact assessment survey to be undertaken at the expense of the sponsors of such project or scheme to assess the consequences thereof upon the antiquarian, historical or archaeological aspects or value of the land in question or on any antiquities upon it and shall, within such period of time as may be agreed on (in any event not later than six weeks from deposit of the cost of such survey with the Director-General of Archaeology), submit to the Minister, his written report recommending, objecting to, or recommending subject to such conditions or alterations as may be specified in the report, the proposed project, or scheme, together with an estimate of any such additional costs as may be necessary for the taking of any measures to protect, preserve, excavate, document and publish, and if necessary relocate, any antiquities upon such land at the expense of the project's sponsors.

(3) The sponsors of every such scheme or project as is referred to in this section shall provide for and set apart, a sum not exceeding one per cent of its total cost for the purposes and objectives referred to in this section.

(4) The provisions of this section shall have effect notwithstanding anything to the contrary in any other law.

Conditions to be
complied with.
[12, 24 of 1998]

43B.

(1) Where approval or permission has been granted for any scheme or project subject to any condition or alteration, it shall be the duty of the sponsors to comply with it. Failure to comply with any condition or alteration shall be an offence under this Ordinance and the Director-General of Archaeology may cause such scheme or project to be stopped forthwith.

(2) Where a scheme or project has been so stopped, work on such scheme or project shall not be commenced until the condition or alteration subject to which the approval or permission was granted is adequately complied with by the sponsors and a written permission in that behalf is obtained from the Director-General of Archaeology.

PART VII MISCELLANEOUS

Penalty for breach
of Ordinance or
regulation, where
no other penalty
provided.
[13, 24 of 1998]
[5, 12 of 2005]

44. Every person who commits a breach of any provision of this Ordinance or of any regulation shall be guilty of an offence and shall, where no penalty is specially provided by this Ordinance for such offence be liable on conviction to a fine not less than fifty thousand rupees and not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.

Determination of
disputes under
sections 5 and 39.

45. Every dispute under section 5 or section 39 shall be referred to arbitrators, one to be chosen by each of the interested parties; and the arbitrators shall, before proceeding to decide the matter of the dispute, select an umpire whose decision, in the event of a disagreement between the arbitrators, shall be final:

Provided that where -

- (a) the interested parties do not appoint an arbitrator, or
- (b) the arbitrators do not select an umpire,

the Minister may after such time as he may deem reasonable appoint an arbitrator or an umpire as the case may be.

Reward Fund.
[14, 24 of 1998]

46.

(1) There shall be established under the control and administration of the Director-General of Archaeology a fund known as the "Antiquities Reward Fund" (hereinafter referred to as the "Fund") for the purpose of rewarding

informants and enforcement officers contributing, to the recovery of illegally appropriated antiquities or to the protection of sites, and antiquities,

(2) There shall be credited to the Fund. -

(a) one-half of all fines recovered by any court in respect of convictions for offences under this Ordinance;

(b) donations to the Fund from individuals, societies or institutions;

(c) any other prescribed payment.

(3) The Auditor-General shall annually audit the Fund.

Regulations.

47.

(1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters.

(a) the manner in which security shall be furnished by any person to whom a licence under section 6 is issued, and the procedure for enforcing such security;

(b) the conditions and restrictions (including the payment of a fee) subject to which any licence or permit under this Ordinance may be issued;

(c) the disposal of antiquities delivered to the Director-General of Archaeology under section 15 ;

(d) the matters which shall be considered in assessing the compensation to be paid to claimants under section 25, and any matters which shall not be taken into consideration, in assessing such compensation;

(e) the procedure to be followed before the board in inquiries held under section 27 ;

(f) the time within which, appeals under section 12 or section 22 or section 38 shall be preferred, and generally all matters incidental to or connected with the hearing and disposal of such appeals;

(g) the conditions and restrictions (including the payment of fees) subject to which members of the public may have access to any ancient monument on State land or any protected monument;

(h) any matters for which regulations may be made under section 24;

[6,2 of 1955] (i) the supervision or control of dealers in antiquities, and the issue of licences for the purposes of such supervision or control;

[15, 24 of 1998] (j) the manner in which the payment of rewards from the Fund shall be determined;

[15, 24 of 1998,] (k) the administration of the Fund; and

(l) all matters stated or required by this Ordinance to be prescribed.

(3) Every regulation made by the Minister shall be brought before Parliament by a motion that such regulation shall be approved. No regulation made by the Minister shall have effect until it has been approved by Parliament. Notification of such approval shall be published in the Gazette.

(4) A regulation made by the Minister when approved by Parliament shall, upon the notification of such approval in the Gazette, be as valid and effectual as if it were therein enacted.

PART VIII

INTERPRETATION

Interpretation.

48. In this Ordinance, unless the context otherwise requires-

" ancient monument" means any monument lying or being or being found in Sri Lanka which dates or may reasonably be believed to date from a period prior to the 2nd day of March, 1815, and includes-

(a) any other monument which has been declared to be an ancient monument by an Order published in the Gazette under section 16, and

(b) any tree in respect of which an Order under section 17 has been published in the Gazette ;

" antiquity " means-

(a) any ancient monument, or

(b) any of the following objects lying or being or being found in Sri Lanka,

which date or may reasonably be believed to date from a period prior to the 2nd day of March, 1815:- statues, sculptured or dressed stone and marbles of all descriptions, engravings, carvings, inscriptions, paintings, writings, and the material whereon the same appear, all specimens of ceramic, glyptic, metallurgical and textile art, coins, gems, seals, jewels, jeweler, arms, tools, ornaments, and all other objects of art which are movable property;

[16, 24 of 1998]

"archaeological heritage" means that part of the material heritage of mankind in respect of which archaeological methods provide primary information and includes all vestiges of human existence and places relating to all manifestations of human activity, abandoned structures and remains of all kinds (including subterranean and underwater sites), together with all the portable cultural material associated with them.

"Director-General of Archaeology" means the person appointed to be or to act as Director-General of Archaeology and includes any person authorized by the Director-General of Archaeology under section 43 in respect of any power, duty or function of the Director-General of Archaeology under this Ordinance;

" State land" means any land which under any law is deemed or presumed to be the property of the State or to which the State is law-fully entitled together with all rights, interests and privileges attached or appertaining thereto ; and includes any land belonging to the State vested in any local authority ;

[16, 24 of 1998]

"monument" means any building, or other structure or erection, or any tomb, tumulus or other place of interment, or any other immovable property of a like nature or any part or remains of the same or any other site where the material remains of historic or prehistoric human settlement or activity may be found; and includes the site of any monument and such portion of land adjoining such site as may be required for fencing or covering in or otherwise preserving any monument;

" owner ", with reference to any property, movable or immovable, means the person whose title to that property is recognized by any written or other law in force in Sri Lanka;

"peace officer" means a police officer and includes any grama niladhari appointed by a Government Agent to perform police duties;

" prescribed" means prescribed by regulation;

" regulation" means a regulation made by the Minister under this Ordinance;

[16,24 of 1998]

" territorial sea" means the area declared to be the territorial waters of Sri Lanka by Proclamation made under the Maritime Zones Law, No. 22 of 1976.

The Lost
Regulation not to
apply to
antiquities.

49. Nothing contained in the Lost Property Regulation shall in any manner apply to any antiquity. (* Vide sections 18 and 19 of Act No. 24 of 1998 which provides for a general amendment to other written laws and also savings in case of contracts and agreements)

Sinhala text to
prevail in case of
inconsistency

In the event of any inconsistency between the Sinhala and Tamil texts of this act, the Sinhala text shall prevail.