

✓ **THE ANTIQUITIES (EXPORT CONTROL) ACT, 1947.**

**ACT No. XXXI OF 1947**

[18th April, 1947]

**An Act to control the export of antiquities**

(As modified up to the 10th January, 1954)

WHEREAS it is expedient to make better provision for controlling the export of objects of antiquarian or historical interest or significance;

It is hereby enacted as follows:—

1.—(1) This Act may be called the Antiquities (Export Control) Act, 1947.

Short title and extent.

(2) It extends to <sup>3</sup>[all the Provinces and the Capital of the Federation].

2. In this Act, unless there is anything repugnant in the subject or context,—

Interpretation.

(a) “antiquity” includes—

(i) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,

(ii) any article, object or thing detached from a building or cave,

(iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,

(iv) any article, object or thing declared by the Central Government by notification in the official Gazette to be an antiquity for the purposes of this Act,—

which has been in existence for not less than one hundred years;

(b) “export” means export from <sup>3</sup>[the Provinces and the Capital of the Federation] by sea, land or air.

3. No person shall export any antiquity except under the authority of a licence granted by the Central Government.

Prohibition of export.

4. All antiquities the export of which is prohibited under section 3 shall be deemed to be goods of which the export has been prohibited under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly, except that, the provisions of section 183 of that Act notwithstanding, any confiscation

Application of Act VIII of 1878.

VIII of 1878.

<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1947, Pt. V, page 372.

The Act has been applied to Baluchistan, see *ibid.*, Pt. I, p. 860; and extended to the Leased Areas of Baluchistan, by the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950).

<sup>2</sup> Subs. by the A. O., 1949, for “the whole of British India”.

<sup>3</sup> Subs. *ibid.*, for “British India”.

authorised under that Act shall be made, unless the Central Government, on application to it in such behalf, otherwise directs.

Penalty and procedure.

5.—(1) If any person exports or attempts to export an antiquity in contravention of section 3, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878 as applied by section 4, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

VIII  
of  
1878.

(2) No Court shall take cognizance of an offence punishable under this section except upon complaint in writing made by an officer generally or specially authorised in this behalf by the Central Government, and no Court inferior to that of <sup>1</sup>\* \* \* a Magistrate of the first class shall try any such offence.

Power to determine whether or not an article is an antiquity.

6. If any question arises whether any article, object or thing is or is not an antiquity for the purposes of this Act, it shall be referred to <sup>2</sup>[the Director of Archaeology in Pakistan], and his decision thereon shall be final.

Power to make rules.

7.—(1) The Central Government may, by notification in the official Gazette, make rules<sup>3</sup> to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the procedure for granting licences for the export of antiquities, and fix the fees payable on applications therefor.

Protection of action taken under this Act.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Application of other laws not barred.

9. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Ancient Monuments Preservation Act, 1904, or any other law for the time being in force.

VII of  
1904.

<sup>1</sup> The words "a Presidency Magistrate or" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3 and Second Sch.

<sup>2</sup> Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and Third Sch., for "the Director General of Archaeology in India".

<sup>3</sup> For such rules, see Gazette of Pakistan, 1948, Pt. I, p. 154.