

**LEGISLATIONS FOR THE
PROTECTION AND MANAGEMENT OF
ARCHAEOLOGICAL HERITAGE
OF PAKISTAN**

Compiled by

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Government of Pakistan
Karachi

UNESCO Cultural Heritage Laws Database
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PREFACE

At the time of Independence, the Ancient Monuments Preservation Act, 1904 of the British Indian Government remained in force for some time until it was replaced by a new legislation in 1968. It was amended and ultimately replaced by the Antiquities Act, 1974. A number of rules have also been framed and notified by the Government of Pakistan from time to time relating to the management, protection, preservation and maintenance of movable and immovable antiquities. These rules pertain to regulating entry of the public to the monuments and sites, acquisition of antiquities, movement, sale and export of antiquities, photography at the monuments on commercial basis and excavations and explorations in Pakistan. New rules for the conservation of monuments which is a major responsibility of the Department of Archaeology and Museums are expected to be framed soon. It is necessary because the provincial governments and other organizations have also started conservation at the protected and unprotected monuments. For many years after Independence, the Department of Archaeology and Museums of the Federal Government has been the only agency for undertaking conservation works for which the guiding principles were given in Sir John Marshall's *Conservation Manual*. In 1960, a Conservation Cell of the Punjab Government started taking up repairs and conservation of protected monuments financed by the Auqaf Department. This cell was later on converted and enlarged into what is called the Department of Archaeology of the Punjab Government.

The conservation of monuments undertaken by the Punjab Government and other agencies, whether protected or otherwise, requires formal permission or approval from the Department of Archaeology and Museums. The need for formulating rules for conservation in the country on the pattern of excavation rules is being felt very strongly because of emergence of several non-governmental organizations (NGOs) interested to undertake such works. No NGO has so far undertaken major conservation of ancient monuments except for face lifting and minor repairs or rehabilitation of buildings of the British time. However, their academic and professional background derived from architectural and engineering studies and exposure to related disciplines is bound to influence the present and future strategies of heritage conservation. Their involvement in various projects especially for documenting architectural heritage has been very fruitful. An adequate number of heritage conservators has not been possible to train to look after all the monuments. Only the staff with the Punjab and Federal Departments of Archaeology, are capable of undertaking conservation work independently as defined by Sir John Marshall and his successors. As distinct from the traditional approach, a new concept of development of cultural environment such as cities containing historical buildings or groups of monuments and sites is emerging. There is a need of far greater dialogue between the NGOs and the Government institutions than it has been possible until now for the preservation of cultural heritage of Pakistan.

Various legislations of the Federal Government and the rules notified from time to time on other issues such as movement of antiquities within the country, or their registration, export and other Acts notified by other government agencies were not easily available. The most relevant are the Land Acquisition Act, Customs Act and the National Fund for Cultural Heritage Act. Similarly, the legislations and notifications of the Provincial Governments on the protection and management of cultural heritage were not easily available to the interested public for reference. Only two provinces namely, Sindh and Punjab have enacted laws while a full fledged Department of Archaeology has started functioning in the Frontier Government at Peshawar. The Government of Balochistan has appointed a Curator with a limited staff in their Culture Department. The Provincial Governments can pass legislations on museums and monuments without prejudice to the Federal laws because these are on the concurrent list of subjects in the Constitution of Islamic Republic of Pakistan.

While enforcing the Antiquities Act 1975, certain difficulties are emerging which will have to be removed. For example, the Act does not empower the Department of Archaeology and Museums to make arrest on the spot but has to report the matter to the local police. This procedure tends to create delays and complications if the accused manages to get a restraining order from the court and status quo is maintained for a long time. The Antiquities Act is also silent on the demolition of structures constructed illegally. The Department has found itself powerless sometimes to stop new constructions or to demolish anything within 200 feet of the protected antiquity.

In the movement of antiquities, prevention of smuggling and possession of works of art, the Antiquities Act has been invoked but it could not be effective in all cases. For example, the private owners manage to transport antiquities and works of art from a place or province to another within the country despite prohibition under the law. The private parties are also reported to be digging unprotected sites for antiquities. It has been found impossible to stop illegal excavations at the sites and plundering of cultural materials located in remote areas. However, under the Customs Act, large consignments of antiquities which were being exported from a number of exit points specially airports have been confiscated. These are some of the problems which are currently being faced in the protection and management of antiquities in Pakistan. It is hoped that in future, additional measures would be possible to adopt to ensure further safety and preservation of cultural properties in Pakistan.

In compiling these legislations and rules, I am grateful to all the agencies supplying information on the subject. Most of the information came from the Federal Department of Archaeology and Museums. I am thankful to my colleagues and friends in the Department for their suggestions and comments, especially to M/s Majid Hussain, Nusrat Baig, Tahir Saeed, Muhammad Farooq, Naveed Hashmi, Abdul Shahid and Imran Khokhar.

Muhammad Rafique Mughal
Director General of Archaeology and Museums

ANTIQUITIES ACT 1975

(As amended in 1992)

DEPARTMENT OF ARCHAEOLOGY & MUSEUMS
GOVERNMENT OF PAKISTAN

ACT NO.VII OF 1976

An Act to repeal and re-enact the law relating to the preservation and protection of antiquities

Whereas it is expedient to repeal and re-enact the law relating to the preservation and protection of antiquities and to provide for matters connected therewith or ancillary thereto:

It is hereby enacted as follows:

1. Short title, extent and commencement

- (1) This act may be called the Antiquities Act, 1975.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

2. Definitions

In this Act, unless there is anything repugnant in the subject or context:

- (a) "Advisory Committee" means the Advisory Committee constituted under section 3;
- * (b) "ancient" in relation to an antiquity, means an antiquity which has been in existence for a period of not less than seventy five years.
- (c) "antiquity" means:
 - (i) any ancient product of human activity, movable or immovable, illustrative of art, architecture, craft, custom, literature, morals, politics, religion, warfare or science or of any aspect of civilization or culture.
 - (ii) any ancient object or site of historical, ethnographical, anthropological, military or scientific interest;
 - (iii) any national monument; and
 - (iv) any other object or class of such objects declared by the Federal Government, by notification in the official Gazette, to be an antiquity for the purposes of this Act;

* Clause(b) of section 2 amended vide Act No.XXI of 1992.

- (d) "dealer" means a person engaged in the business of buying and selling antiquities; and "deals in antiquities" means to carry on such business;
- * (e) "Director General" means the Director General of Archaeology, Government of Pakistan, and includes an Officer authorised by him to exercise or perform all or any of the powers or functions of the Director General under this Act;
- (f) "export" means taking out of Pakistan by land, sea or air,
- (g) "immovable antiquity: means an antiquity of any of the following descriptions, namely:
- (i) any archaeological deposit on land or under water;
 - (ii) any archaeological mound, tumulus, burial place or place of internment, or any ancient garden, structure, building, erection or other work of historical, archaeological, military or scientific interest;
 - (iii) any rock, cave or other natural object of historical, archaeological, artistic or scientific interest or containing sculpture, engraving, inscription or painting of such interest, and includes:
 - (1) any gate, door, window, panelling, dado, ceiling inscription, wall-painting, wood work, metal work or sculpture or any other thing which is attached or fastened to an immovable antiquity;
 - (2) the remains of an immovable antiquity;
 - (3) the site of an immovable antiquity;
 - (4) such portions of land or water adjoining the site of an immovable antiquity as are reasonably required for fencing or covering or otherwise preserving such antiquity;
 - (5) the reasonable means of access to, and convenient inspection of an immovable antiquity; and
 - (6) any urban site, street, group of buildings or public square of special value which the Federal Government, being of the opinion that its preservation is a matter of public interest by reason of its arrangement, architecture or materials of construction, by notification in the official Gazette, declares to be an immovable antiquity for the purposes of this Act;
- (h) "national monument" means any building, structure, erection, place of internment, garden, portion of land or any other place or thing of national importance as may be determined and notified as such from time to time by the Federal Government in consultation with Advisory Committee.

* Clause(e) of section 2 amended vide Act No.XXI of 1992.

- (i) "owner" includes:
 - (i) any person legally competent to act on behalf of the owner, when by reason of infancy or other disability the owner is unable to act;
 - (ii) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor in interest of such owner; and
 - (iii) any manager or trustee exercising the powers of management and the successor in office of such manager or trustee;
- (j) "protected antiquity" means an antiquity which is declared under section 10 to be a protected antiquity; and
- (k) "rules" means rules made under this Act.

3. Advisory Committee

*(1) For the purposes of this Act, the Federal Government shall, by notification in the

Official Gazette, constitute an Advisory Committee comprising of such members, including one member each from the Senate and the National Assembly, as may be deemed necessary. The Chairman of the Advisory Committee shall be the member of Parliament.

(2) No act or proceeding of the Advisory Committee shall be deemed to be invalid by reason only of the existence of a vacancy in, or defect in the constitution of, the Committee.

4. Dispute as to whether any product, etc. is an antiquity

If any question arises whether any product, object or site is an antiquity with the meaning of this Act it shall be referred to the Federal Government which shall, after consultation with the Advisory Committee, decide the same; and the decision of the Federal Government shall be final.

5. Custody, preservation, etc., of certain antiquities

(1) Where the Director General receives any information or otherwise has the knowledge of the discovery or existence of an antiquity of which there is no owner, he shall, after satisfying himself as to the correctness of the information or knowledge, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity.

*Sub-section(1) of section 3 substituted vide Act No.XXI of 1992.

(2) Where the owner of an antiquity is not traceable, the Director General may, with the approval of the Federal Government, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity.

***5A. Accidental discovery of antiquity to be reported to Director General**

(1) Whoever discovers, or finds accidentally, any movable antiquity shall inform the Director General within seven days of its being discovered or found and preserve it for the period specified in sub-section (2).

(2) If, within seven days of his being informed under sub-section (1) of the discovery of movable antiquity or of a movable antiquity having been found, the Director General decides to take over the antiquity for purposes of custody, preservation and protection the person discovering or finding it shall hand it over to the Director General or a person authorised by him in writing.

** (3) Where the Director General decides to take over an antiquity he may pay to the person by whom it is handed over to him such cash reward as the Advisory Committee may deem fit.

(4) If any person who discovers or finds any movable antiquity contravenes the provisions of sub-section (1) or sub-section (2), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and the court convicting such person shall direct that the antiquity in respect of which such contravention has taken place shall stand forfeited to the Federal Government.

6. Power of entry, inspection, etc.

(1) The Director General may, after giving reasonable notice enter into, inspect and examine any premises, place or area which or the sub-soil of which he may have reason to believe to be, or to contain an antiquity and may cause any site, building, object or any antiquity or the remains of any antiquity in such premises, place or area to be photographed, copied or reproduced by any process suitable for the purpose.

(2) The owner or occupier of the premises, place or area shall afford all reasonable opportunity and assistance to the Director General for the purposes of sub-section (1).

(3) No photograph, copy of reproduction taken or made under or for the purpose of sub-section (1) shall be sold or offered for sale except by or with the consent of the owner of the object of which the photograph, copy or the reproduction has been taken or made.

(4) where substantial damage is caused to any property as a result of the inspection

*Section 5A inserted vide Ordinance No.XLII of 1978.

**Sub-section (3) of section 5A amended vide Act. No.XXI of 1992.

under sub-section (1), the Director General shall pay to the owner thereof reasonable compensation for the damage.

7. Acquisition of land containing antiquities

If the Federal Government has reasonable grounds to believe that any land contains any antiquity it may direct the Provincial Government to acquire such land or any part thereof; and the Provincial Government shall thereupon acquire such land or part under the Land Acquisition Act, 1894 (I of 1894), as for public purpose.

8. Purchase, taking lease, etc., of antiquity

(1) The Director General may, with the previous sanction of the Federal Government, purchase, or take lease or accept a gift or bequest of, an antiquity.

(2) The Director General may receive voluntary contributions and donations for the acquisition, preservation or restoration of antiquities and may make suitable arrangements for the management and application of the fund created by such contributions and donations:

Provided that a contribution or donation made for any specified purpose shall not be applied to any purpose other than that for which it has been made.

9. Right of pre-emption in case of a sale of antiquity

(1) Where the Director General receives any information or otherwise has the knowledge that any antiquity or any immovable property containing an antiquity is offered for sale or is about to be sold, he may, with the approval of the Federal Government, exercise the right of pre-emption with respect to such antiquity or property and, if he intends to exercise the right, shall give to the person competent to sell a notice in writing accordingly.

(2) If the Director General does not exercise with respect to any antiquity or property the right of pre-emption within a period of three months from the date of notice given under sub-section (1), the antiquity or property may be sold to any person after the expiry of the said period and a notice of such sale shall be given to the Director General.

(3) Save as provided in sub-section (2), no antiquity or property in respect of which a notice under sub-section (1) has been given shall be sold to any person.

(4) All sales in contravention of sub-section (3) shall be void and the antiquity or property so sold shall be forfeited to the Federal Government.

10. Declaration of protected antiquities

(1) The Federal Government may, by notification in the official Gazette, declare any antiquity to be a protected antiquity for the purposes of this Act.

(2) A copy of a notification under sub-section (1) shall be served on the owner of the antiquity and, in the case of an immovable antiquity, shall also be fixed up in a conspicuous place of or near the antiquity.

(3) A notification under sub-section (1) shall, unless it is cancelled by the Federal Government, be conclusive evidence of the fact that the antiquity to which it relates is a protected antiquity for the purposes of this Act.

(4) Antiquities declared to be protected antiquities under the Antiquities Act, 1968 (XIV of 1968), and ancient monuments deemed to be protected antiquities for the purposes of that Act, shall be deemed to be protected antiquities for the purposes of this Act.

11. Representation against declaration of protected antiquities

(1) The owner of an antiquity to which a notification under section 10 relates, or any person having any right or interest in the antiquity, may, within three months of the service of a copy of the notification, make a representation in writing to the Federal Government against the notification.

(2) Upon the receipt of representation under sub-section(1) against a notification, the Federal Government, after giving the person an opportunity of being heard and after consultation with the Advisory Committee, may, if it is satisfied that there are good and sufficient reasons for objection to the notification, cancel it.

12. The guardianship of antiquity by agreement

(1) The owner of any immovable antiquity or protected antiquity may, by an agreement in writing constitute the Director General, the guardian of such antiquity and the Director General may, with the previous sanction of the Federal Government, accept such guardianship.

(2) Where the Director General has accepted the guardianship of an antiquity in pursuance of an agreement under sub-section (1), the owner shall, except as expressly provided in this Act and in the agreement have the same right, title and interest in and to the antiquity as if the Director General had not been constituted the guardian thereof.

(3) An agreement under this section in relation to an antiquity may provide for all or any of the following matters, namely:

- (a) the maintenance of the antiquity;
- (b) the custody of the antiquity and the duties of any person who may be employed to watch it;
- (c) the restrictions upon the right of the owner to alienate, destroy, remove, alter or deface the antiquity or to build on or near the site of the antiquity;

- (d) the facilities of access to be allowed to the public;
- (e) the facilities to be allowed to persons deputed by the owner or the Director General for inspection and maintenance of the antiquity;
- (f) the expenses to be incurred in connection with the preservation of the antiquity and payment of such expenses if incurred by the owner;
- (g) compensation to be paid for any loss sustained by the owner or occupier or any other person as a result of the enforcement or observance of the agreement;
and
- (h) any other matter connected with the custody, management and preservation of the antiquity;

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Federal Government and with the consent of the owner,

(5) An agreement under this section in relation to an antiquity may be terminated upon six month's notice in writing given by the Director General with the previous sanction of the Federal Government, to the owner or by the owner to the Director General.

13. Purchasers at certain sales and persons claiming through owner bound by agreement entered into by owner

Notwithstanding anything contained in any other law for the time being in force every person, who, at a sale for the recovery of arrears of land revenue or any other public demand, purchases any land or property, or any right or interest in land or property, which contains, or in which is situated an antiquity respect of which an agreement under section 12 subsists, and every person claiming any title to any antiquity from through or under an owner who entered into such agreement, shall be bound by such agreement.

***13A. Ownership of buried antiquities**

Notwithstanding anything contained in any other law for the time being in force, the ownership of all buried antiquities shall vest in the Federal Government.

14. Application of endowment for maintenance and preservation of antiquity

(1) Where any endowment has been created for the maintenance and preservation of any protected antiquity, for or that purpose among others, and the owner or other person competent in this behalf fails in the proper application of such endowment

*Inserted vide Act No XXI 1992.

and, when proposed to him by the Director General, refuses or fails to enter into an agreement under section 12, the Director General may, for the proper application of such endowment or part thereof, institute a suit in the Court of the District Judge, or, where the estimated cost of maintaining and preserving the antiquity does not exceed one thousand rupees, make an application to the District Judge.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

***15. Compulsory acquisition of protected immovable antiquity**

(1) If the Federal Government apprehends that a protected immovable antiquity is in danger of being destroyed, injured or allowed to fall into decay, it may, direct the Provincial Government to acquire such antiquity or any part thereof; and the Provincial Government shall thereupon acquire such antiquity or part under the Land Acquisition Act, 1894 (I of 1894), as for a public purpose.

(2) The power of compulsory acquisition under sub-section (1) shall not be exercised in the case of ---

- (a) any antiquity which or any part of which is periodically used for religious observances; or
- (b) any antiquity which is the subject of a subsisting agreement under section 12.

16. Compulsory acquisition of movable antiquities

(1) If the Federal Government is of the opinion that any movable antiquity should, by reason of its cultural, historical or archaeological importance, be acquired for the purpose of preservation, the Federal Government may, by order in writing addressed to the owner, acquire such antiquity:

Provided that the power to acquire under this sub-section shall not extend to--

- (a) any image or symbol in actual use for the purpose of any religious observance; or
- (b) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

(2) When an order under sub-section (1) has been served upon the owner, the antiquity to which the order relates shall immediately vest in the Federal Government free from all encumbrances and the owner shall be entitled to

*Sub-section(1), clause (b) of sub-section (2) amended and clause (c) omitted vide Act. No. VI of 1977.

compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say,---

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;
- (b) where no such agreement can be reached, the Federal Government shall appoint as arbitrator a person who has been, or is qualified for appointment as, a Judge of a High Court;
- (c) at the commencement of the proceedings before the arbitrator, the Federal Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;
- (d) the arbitrator in making his award shall have regard to the price which the antiquity is likely to fetch on a sale in open market between a buyer and a seller independent of each other;
- (e) an appeal shall lie to the High Court against any award of an arbitrator except in case where the amount thereof does not exceed an amount prescribed in this behalf by rules; and
- (f) save as provided in this sub-section and in any rules made in this behalf, nothing in any law for the time being in force shall apply to arbitrations under this sub-section.

17. Protection of place of worship from misuse, etc.

(1) A place of worship or shrine, being an antiquity maintained by the Federal Government, shall not be used for any purpose inconsistent with its character.

(2) A place of worship or shrine in respect of which the Director General has accepted guardianship in pursuance of an agreement under section 12 shall, unless the agreement otherwise provides, be maintained by the person in whom it is vested or, if there is no such person, by the Federal Government.

(3) Where any antiquity in respect of which the Federal Government has acquired any right under this Act or the Director General has accepted guardianship is periodically used for religious worship or observances by any community, the Director General shall provide for the protection of such antiquity from pollution or desecration---

- (a) by prohibiting the entry therein, except in accordance with the conditions prescribed with the concurrence of the person in charge of the antiquity, of any person not entitled so to enter by the religious usages of the community by which the antiquity is used; and
- (b) by taking with the concurrence of the person in charge of the antiquity such other action as he may think necessary for the purpose.

(4) Whoever contravenes the provisions of sub-section (3) shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

18. Restriction on use of protected immovable antiquity

A protected immovable antiquity shall not be used for any purpose inconsistent with its character or for a purpose other than that directly related to its administration and preservation.

19. Prohibition of destruction, damage, etc., of protected antiquities

(1) No person shall, except for carrying out the purposes of this Act, destroy, break, damage, alter, injure, deface or mutilate or scribble, write or engage any inscription or sign on, any antiquity or take manure from any protected antiquity.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) The court trying an offence under sub-section (2) may direct that the whole or any part of the fine recovered shall be applied in defraying the expenses of restoring the antiquity to the condition in which it was before the commission of the offence.

20. Restriction on repairs, renovation, etc., of protected immovable antiquity

(1) The owner of a protected immovable antiquity shall not make any alteration or renovation in, or addition to the antiquity:

Provided that he may, with the permission of the Director General, make minor adjustments considered necessary for the day to day use of the antiquity.

Provided further that the work for which permission has been given shall be carried out under the supervision of the Director General or a person authorised by him in this behalf.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine, or with both.

21. Direction to the owner to take measures for preservation of antiquity

(1) Where the Director General considers that any antiquity is not being preserved or conserved properly by its owner, the Director General may, by order in writing, direct the owner to take such measures for its proper preservation and conservations, and within such time, as may be specified in the order.

(2) If the owner fails to take the measures specified in the order referred to in sub-

section (1), the Director General may take all such measures in respect of the antiquity and the expenses incurred for the purpose shall be recoverable from the owner as an arrear of land revenue.

22. Execution of development schemes and new constructions in proximity to immovable antiquity

Notwithstanding anything contained in any other law for the time being in force, no development plan or scheme or new construction on, or within a distance of two hundred feet of a protected immovable antiquity shall be undertaken or executed accept with the approval of the Director General.

23. Prohibition of bill posting, neon signs, other kinds of advertisements etc.

(1) No person shall put any neon signs or other kinds of advertisement, including bill posting, commercial signs, poles or pylons, electricity or telephone cables and television aerials, on or near any protected immovable antiquity.

(2) Whoever contravenes the provision of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

(3) The court trying an offence under sub-section (2) may direct that the whole or any part of the fine recovered shall be applied in defraying the expenses of restoring the antiquity to the condition in which it was before the commission of the offence.

24. Penalty for counterfeiting etc., of antiquity

(1) Whoever counterfeits, or commits forgery in respect of any antiquity with intent to commit fraud or knowing it to be likely that fraud will thereby be committed, or causes anything to appear like, or to be believed to be, and antiquity with intent to cause wrongful gain to one person or wrongful loss to another person, shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

(2) The court trying an offence under sub-section (1) may direct that anything the making or forging of which has constituted such offence shall stand forfeited to the Federal Government.

25. Dealing in antiquities

(1) No person shall deal in antiquities except under, and in accordance with, a licence granted by the Director General.

(2) Every dealers shall maintain a register in such manner and form as the Director General may prescribe from time to time.

(3) A licence granted under sub-section (1) may be cancelled by the Director General for the breach of any condition of the licence.

(4) The Director General may, with a view to securing compliance with the provisions of this section:-

- (a) require any person dealing in antiquities to give such information in his possession with respect to any business carried on by him as the Director General may demand;
- (b) inspect or cause to be inspected any book, register or other document belonging to or under the control of any person dealing in antiquities; and
- (c) enter and search, or authorise any officer subordinate to him to enter and search, any premises and seize, or authorise any such officer or a police officer, to seize, any antiquity in respect of which he has reason to believe that a contravention of any provision of this section or a breach of any condition of the licence has been committed.

(5) Whoever contravenes the provisions of this section shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(6) The court trying an offence under sub-section (5) may direct that any antiquity in respect of which the offence has been committed shall stand forfeited to the Federal Government.

26. Export of antiquities

(1) No person shall export any antiquity except under a licence to be granted by the Director General:

- (a) for the temporary export of antiquities for the purpose of exhibition, examination or treatment for preservation; or
- (b) in accordance with agreements with foreign licences for archaeological exploration and excavations within the term of their licences; or
- (c) for the export of antiquities which are not of a unique nature in exchange for antiquities of any foreign country.

(2) All antiquities the export of which is prohibited under sub-section (1) shall be deemed to be goods of which the export has been prohibited under section 16 of the Customs Act, 1969 (IV of 1969), and all the provisions of that Act shall have effect accordingly, except that the antiquity in respect of which the provisions of that Act have been contravened shall be confiscated where confiscation is authorised under that Act.

27. Traffic in movable antiquities

(1) If the Federal Government apprehends that movable antiquities in any place in Pakistan are being sold or removed to the detriment of Pakistan, it may, by notification in the official Gazette, prohibit or restrict the movement of any such antiquity or any class of such antiquities for such period and between such places in

Pakistan as may be specified in the notification, except with, and in accordance with the terms of, the written permission of the Director General.

(2) Whoever contravenes the provisions of a notification under sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) The court trying an offence under sub-section (2) may direct that any antiquity in respect of which the offence has been committed shall stand forfeited to the Federal Government.

28. Regulation of mining, quarrying, etc.

(1) If the Federal Government is of the opinion that for the purpose of protecting or preserving any immovable antiquity it is necessary so to do, it may, by notification in the official Gazette, prohibit or restrict, within such area as may be specified therein, mining, quarrying, excavating, blasting and other operations of a like nature, or the movement of heavy vehicles, except under and in accordance with the terms of a licence granted by the Director General and rules, if any, made in this behalf.

(2) Any owner or occupier of land who sustains any loss by reason of any prohibition or restriction by a notification under sub-section (1) shall be paid reasonable compensation for such loss.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

29. Prohibition of archaeological excavation or exploration without licence

(1) No person shall make on any land any excavation or exploration for archaeological purposes, or unearth or make any digging in any land or site for taking out antiquities, except under, and in accordance with, a licence granted by the Director General.

(2) A licence under sub-section (1) in respect of any land shall not be granted to any person other than the owner of the land except in accordance with the term of an agreement with the owner, and any such agreement may provide for:

- (a) the restriction of the owner's rights in respect of the use and occupation of such land;
- (b) the compensation or any other consideration to be paid to the owner; and
- (c) any other matter connected with the use of the land for the purpose of such excavation.

(3) A licence under sub-section (1) shall not be refused to an owner if he undertakes to carry on the excavation in such manner that it will not result in the loss of archaeological or historical material which in the national interest should be preserved.

(4) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(5) The court trying an offence under sub-section (4) may direct that any object found in the course of an excavation, exploration, unearthing or digging constituting such offence shall stand forfeited to the Federal Government.

30. Prohibition of making copies of protected antiquities without licence

No person shall, for any commercial purpose, make a cinematograph film of any protected antiquity or any part thereof except under, and in accordance with, a licence granted by the Director General.

31. Right of access to protected immovable antiquities

Subject to the provisions of this Act and the rules, the public shall have a right of access to any immovable protected antiquity maintained by the Federal Government under this Act.

32. Penalty

A contravention of any provision of this Act or the rules shall, where no punishment has been specifically provided, be punishable with rigorous imprisonment for term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

***33. Jurisdiction to try offences**

No court inferior to that of a Magistrate of the first class shall take cognizance of or try an offence punishable under this Act.

34. Power to arrest without warrant

**⁽¹⁾ The Director General or any officer duly empowered by him in this behalf may arrest without warrant any person against whom there is reasonable ground to believe that he has committed an offence under section 5-A, 19, 25, 26, 27 and 29.

⁽²⁾ Subject to sub-section (3), every person arrested under sub-section (1) shall be taken forthwith to the officer-in-charge of the nearest police station.

⁽³⁾ The Director General or the officer arresting any person, or the officer-in-charge of a police station to whom any person is taken under sub-section (2), shall either admit him to bail to appear before the Magistrate having jurisdiction or have him taken in custody before such Magistrate.

35. Confiscated antiquities to be made over to Director General

Any antiquity which is confiscated or forfeited under this Act shall be made over to the Director General for custody, preservation and protection.

*Substituted vide Act No. XXI of 1992.

**Sub-section(1) of section 34 amended vide Ordinance No. XLII of 1978.

36. Indemnity

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

37. Power to make rules

(1) The Federal Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the form and the conditions of any licence granted under this Act;
- (b) regulation of admission of the public to any immovable protected antiquity;
- (c) the levy of fees for the grant of any licence under this Act and for admission of the public to an immovable protected antiquity;
- (d) the procedure to be followed in arbitrations, the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal, and the maximum amount of an award against which no appeal shall lie, under sub-section (2) of section 16;
- (e) such other matters as are or may be required for carrying into effect the provisions of this Act.

*(3) Rules made under this section may provide that the contravention of any of the provisions thereof or of any condition of a licence granted under this Act shall be punishable with fine which may extend to two hundred thousand rupees.

38. Repeal

The Antiquities Act, 1968 (XIV of 1968), and the Antiquities Ordinance, 1975 (XX of 1975) are hereby repealed.

*Sub-section(3) of section 37 amended vide Act No.XXI of 1992.

ARCHAEOLOGICAL EXCAVATION AND EXPLORATION RULES 1978

(Islamabad, November 27, 1978 and October 29, 1989).

NOTIFICATION

- S.R.O.1378/(1)78 - The following Archaeological Excavation and Exploration Rules (1978) are published hereby (draft of these Rules have been previously published as required by sub-section (1) of section 37 of the Antiquities Act, 1975 (VII of 1976) in exercise of the powers conferred by section 37 of the Antiquities Act, 1975 (VII of 1976) and in supersession of the Archaeological Excavation Rules, 1969.

RULES

1. These rules may be called the Archaeological Excavation and Exploration Rules, 1978.
2. (1) In these rules, unless there is anything repugnant in the subject or context:
 - (a) "Act" means the Antiquities Act, 1975 (VII of 1976);
 - (b) "Excavation" means any research aimed at the discovery of an antiquity, whether such research involves digging of the ground or is carried out on the bed or in the sub-soil of inland or territorial waters of Pakistan;
 - (c) "Exploration" means any field investigation, without digging; or surface, aerial or underwater operations aimed at the discovery, survey or recording of an antiquity;
 - (d) "Land" means the land, or the portion or portions thereof, on or in which excavation or exploration is made or the work connected therewith is carried out, and includes bed or sub-soil underwater;
 - (e) "Leader" leader of the team;
 - (f) "Licence" means a licence issued under these rules, and "Licensee" shall be construed accordingly;
 - (g) "Season of work" means the particular period of a year during which a licensee may carry out the work of excavation or exploration;
 - (h) "Section" means section of the Act; and
 - (i) "Team" means the team or experts mentioned in clause (b) of rule 3.
- (2) All words and expressions not defined in these rules, but defined in the Act, shall have the same meaning as are assigned to them in the Act.

3. (1) Every application for the grant of licence shall be addressed to the Director General in Form A annexed to these rules and must be submitted at least six months before the proposed date of commencement of the work relating to excavation or exploration; and *inter alia*, the following information, namely :-

- (a) The proposed project with aims and objects in view and its *modus operandi*.
- (b) The names of the experts of the team and its leader to be engaged for the project, with their complete *bio data*.
- (c) Description of the land, with its sketch plan, on which excavation is proposed to be carried out and, in case of exploration, the specific area proposed to be explored.
- (d) Source from which the proposed project will be financed.
- (e) The date on which the project will be completed.

(2) The team shall include at least two persons from amongst archaeologists, anthropologists, geologists, zoologists, palaeo-botanists, palaeonologists and geomorphologists, one architect or draftsman, one photographer and one chemist or restorer.

(3) Subject to the provisions of section 29, the Director General, may, on receipt of an application, either grant or refuse a licence.

Provided that no licence shall be granted unless:-

- (i) The Director General is satisfied about the professional competence of experts included in the team of the organization, institution or individual applying for the grant of the licence; and
- (ii) The applicant has completed the excavation or exploration in terms of a licence previously granted to him.

4. A licence shall be granted in the "Form A", annexed to these rules on payment of a fee of ten thousand rupees and after a sum twenty thousand rupees has been deposited with the Director General as security money which shall be refunded to the licensee on submission of the final report under rule 11.

4A. The licensee shall be bound to accept at least one nominee of the Department of Archaeology for training in the relevant field of archaeological, excavation or exploration. If in the opinion of the Director General the licensee is not imparting proper training to the nominee of the said Department, the Director General may cancel the licence.

5. (1) A licence may be granted for such period not exceeding three year as the Director General may think fit:

Provided that the Director General may, on an application made to him, extend the said period if he is satisfied that the work had to be suspended for some unforeseen reason.

(2) A licence shall not be transferable.

(3) The Director General may suspend or cancel a licence at any time if he is of the opinion that the results of the excavation or exploration are not satisfactory, or for a breach of any of the conditions of the licence by the licensee, considered sufficient by the Director General.

(4) A licensee whose licence has been suspended or cancelled under sub-rule (3) may, within thirty days of such suspension or cancellation, appeal to the Federal Government.

6. (1) Without prejudice to the provisions of rule 14 the Federal Government may require a licensee to pay:-

- (a) The value of any antiquity found in the land and lost or destroyed while in the custody of the licensee, his servant or agent;
- (b) Such compensation or any other consideration as is payable to the owner of the land under sub-section (2) of section 29; and
- (c) The cost incurred by the Government in acquiring the land under federal section 7.

7. All excavation and exploration shall be carried out under the general superintendence of the Director General.

8. All excavation or exploration, and all object discovered or collected in the course thereof, shall be open to inspection at any time by the Director General, or by any person authorized by him in this behalf, and Director General, or such person may take such record of any antiquities, make such notes, drawings or impressions on paper or plaster, or take such photographs of the land or any antiquities recovered therefrom, as he may think necessary.

9. Every licence shall be subject to the following conditions, namely:-

- (a) The licensee shall not commence excavation or exploration unless a copy of the agreement entered by him with the owner of the land under section 29, has been deposited with the Director General.
 - (aa) The licensee shall confine himself to excavation or exploration as specified in the licence granted to him;
- (b) The licensee shall inform, in writing, the Director General and the owner of the land to be excavated or explored at least fifteen days in advance of the date on which he intends to commence the work.

- (c) The excavation or exploration shall be conducted by the team under the direct supervision of its *leader* who shall be present during the aforesaid operations for not less than three/fourths of the period of each season of work.
- (d) No buildings or significant archaeological remains found in the course of excavation or exploration shall be destroyed, dismantled, removed or disturbed, save with the previous permission, in writing, of the Director General or an Officer authorized by him;
- (e) The Director General shall appoint one or more representatives who shall supervise the work of excavation or exploration, make necessary record of the antiquities discovered during the course of excavation or exploration and keep all the antiquities in his or their safe custody. The licensee shall provide assistance to the representative for the proper discharge of his duties;
- (ee) The licensee may retrieve an antiquity discovered by him from the custody of the representative appointed under clause (e) for the purpose of study or research but not for the purpose of any kind of display or publicity except with the permission, in writing, of the Director General;
- (f) The licensee shall not mutilate, discolour, disfigure, remove, dismantle or damage any antiquity found in the course of excavation or exploration.
- (g) The licensee shall not subject any antiquity discovered during the excavation or exploration to any chemical or electrolytic process of cleaning without the written permission of the Director General.
- (h) The licensee shall provide, on or near the place of excavation, a suitable accommodation for storage of antiquities while the excavation is in progress.
- (i) On the conclusion of each season of work, all movable antiquities unearthed, found or gathered in the course of excavation or exploration shall be shifted to a place determined by the Director General, and the expenses of such shifting shall be borne by the licensee.
- (j) The licensee shall be responsible for the care of all antiquities, movable or immovable, found in the course of excavation or exploration and shall, if required by the Director General, maintain a guard over them at his own expense.
- (k) The licensee shall work in a skilful and workmen-like manner and in accordance with the approved scientific principles, and shall preserve all other archaeological remains which may be found or discovered, in the course of excavation or exploration and are not the ones in which the licensee is mainly interested.

- (l) Full descriptive, graphic and photographic records shall be taken by the licensee of all archaeological remains or layers which are to be removed.
 - (m) The licensee shall take necessary measures for safeguarding and preserving the site under excavation or exploration during and between seasons of work and, if he fails to do so, shall pay all expenses incurred by the Director General on any such measure taken by him.
 - (n) The licensee shall not abandon the land for more than one season of work.
 - (o) Within four months after the end of each season of work, the licensee shall furnish to the Director General a preliminary report in English, in duplicate, on the work done, complete with drawings, plans, photographs and inventory of the finds, for publication, and shall deposit with the Director General all plans, drawings, negatives, colour slides and transparencies and significant photographs made in the course of or after the excavation or exploration;
 - (p) The licensee shall, before leaving Pakistan, furnish to the Director General a list of all antiquities purchased by him and the source from which they were purchased.
10. The decision whether to preserve the archaeological remains in site or to fill in the excavated land shall be made by the Director General and,
- (a) If it is decided to preserve the archaeological remains in site such expenses for the preservation of such remains as may be determined by the Director General shall be shared by the licensee and the Federal Government equally; and
 - (b) If it is decided to fill in the land, all expenses incurred on such filling shall be borne by the licensee.
11. The licensee shall, within five years of the expiration of the licence or the completion or closure the work, whichever is earlier, publish a final report of the results of the excavation or exploration:
- Provided that no such report shall be published before it has been submitted to the Director General.
12. The Director General shall not, without the consent of the licensee, publish the final report of the results of the work of excavation or exploration undertaken by the licensee, unless the licensee fails to publish such report within that period, published a report which the Director General considers to be inadequate.
13. No photograph of any antiquity discovered in the course of excavation or exploration shall be allowed to be published in any manner unless the licensee has

consented to its publication or the period specified in rule 11 has expired or the final report is published, whichever is earlier.

14. Antiquities found by a licensee in the course of excavation or exploration shall be disposed of by the Director General in the following manner, namely :-

- (a) Human relics of historical and religious importance, unique, rare and indispensable items and any other finds, which, in the opinion of the Director General are of national importance, shall remain the property of the Federal Government and shall be retained in Pakistan.
- (b) Subject to the provisions of clause (a) the licensee may be presented with some of the finds which the Director General may spare out of the collection made during the exploration; and
- (c) the finds presented under clause (b) shall be placed by the Licensee in a public museum or scientific centre easily accessible to scholars, and if he fails to do so within a period of two years, the finds shall be returned to the Director General.
- (d) The antiquities presented to the licensee under clause (b) shall not be exchanged with or sold or disposed of, in any manner, or given on permanent or long term loan to any institution or country.

15. The Director General may, in exceptional circumstances to be recorded in writing and in case of Pakistani institutions, waive or relax any of the conditions of the licence.

16. (1) Any person committing a breach of these rules shall, in addition to the forfeiture to the Federal Government of any antiquity found or collected during the unauthorized excavation or exploration and any equipment used in such operations, be punishable with fine which may extend to five hundred rupees.

(2) Any licensee committing a breach of those rules or any of the condition of his licence, shall be punishable with fine which may extend to five hundred rupees and he shall be so punishable for any such breach committed by his servant or agent.

FORM 'A'
(See Rule 3)

**APPLICATION FOR THE GRANT OF LICENCE FOR CARRYING OUT
ARCHAEOLOGICAL EXCAVATION / EXPLORATION**

- (i) Name of the institution / mission:
(ii) Address:
(iii) Particulars of the site / area: Village _____
Sub-Division / Tehsil _____
District _____
Province _____
- (iv) Plan of the site or map of the area showing the portion to be excavated or area to be explored (To be furnished in triplicate).
(v) Copy of the agreement entered with the owner of the land in terms of section 29 (2) of the Antiquities Act, 1975.
(vi) Aims and objects of the project and *modus operandi*.
(vii) Composition of the team / mission:
(a) Name of the leader:
(b) Name of the other members:
(viii) Bio-data of the leader and each member (May be enclosed separately).
(ix) Duration of the proposed excavation / exploration.
(x) Proposed date of commencement.
(xi) Source of financing the project.
(xii) Duration of the licence and expected date of completion.
(xiii) Expected place for housing the antiquities if presented by the Government.

I / We hereby undertake to abide by the provisions of section 29 of the Antiquities Act, 1975 (VII of 1976), and the Archaeological Excavation and Exploration Rules, 1978 with amendments of 1989.

Date _____ Signature _____

- (i) Any change in the composition of the mission / team will be intimated at least 4 months in advance.
(ii) Date of commencement of subsequent seasons of work will be given 4 months in advance.

FORM 'B'
(See rule 4)

**GOVERNMENT OF PAKISTAN
DEPARTMENT OF ARCHAEOLOGY AND MUSEUMS
LICENCE TO CARRY-OUT ARCHAEOLOGICAL EXCAVATION /
EXPLORATION**

No: _____

Date: _____

1. Name of the institution / mission.
2. Address.
3. (a) Name of the site/area.
(b) Specific area to be excavated or explored.
4. Composition of the team/mission.
5. The validity period of licence.
6. The date of commencement of work in each season of work.

This licence is granted subject to the provisions of section 29 of the Antiquities Act, 1975 (VII of 1976), and the Archaeological Excavation and Exploration Rules, 1978 with amendments of 1989 and additional conditions attached herewith.

Director General

AGREEMENT

I hereby agree to follow the terms and conditions under Rules 4 to 16 of the Archaeological Excavation and Exploration Rules, 1978 as amended in 1989 and additional conditions attached herewith.

Signed in token of having accepted all the pertinent Rules;

Name and designation
of the applicant: _____

Full address: _____

Telephone: _____

Fax: _____

Date: _____

Countersigned / attested by the Head of institution of the applicant

Name and designation: _____

Full address: _____

Telephone: _____

Fax: _____

Date: _____

ACQUISITION OF ANTIQUITIES RULES 1989

Islamabad, the 16th September, 1989

NOTIFICATIONS

S.R.O. 943 (I)/89 - In exercise of the powers conferred by section 37 of the Antiquities Act, 1975 (VII of 1976), the Federal Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:-

1. Short title and commencement - (1) These rules may be called the Acquisition of Antiquities Rules, 1989.

(2) They shall come into force at once.

2. Definition - In these rules, unless there is anything repugnant in the subject or context,---

(a) 'Chairman' means the Chairman of the Committee;

(b) 'Committee' means the Acquisition Committee constituted under rule 3; and includes a Regional Sub-Committee

(c) 'Secretary' means the Secretary of the Committee.

3. Constitution of the Acquisition Committee - (1) The Federal Government shall, by notification in the Official Gazette, constitute the Acquisition Committee consisting of the members from amongst the eminent historians, archaeologists, linguists and specialists in numismatics, epigraphy, ethnography, calligraphy and paintings.

(1A) The Federal Government may constitute Regional Acquisition Sub-Committees to accelerate the work of the Acquisition Committee; and

(2) The Committee and a Regional Sub-Committee shall be constituted for a period of five years and it shall, unless sooner dissolved, stand dissolved on the expiration of the said period.

(3) The period of five years under sub-rule (2) shall be computed from the date of the notification issued under sub-rule(1).

(4) Fifty percent of the members shall constitute a quorum for a meeting of the Committee.

4. Power of the Committee - (1) The Committee shall have full powers to make recommendations for the purchase of an antiquity:

Provided that a Regional Sub-Committees shall have power to make recommendations for the purchase of an antiquity the value of which does not exceed five lacs of rupees.

(2) An owner of an antiquity may offer for sale an antiquity in the Form appended to these rules.

(3) All antiquities intended to be purchased or offered for sale shall be referred to the Committee, after considering all relevant evidence and records, if any, shall make its recommendations to the Director General or, as the case may be, to the Federal Government in respect of the price of the antiquities.

(4) The Committee may recommend to purchase or not to purchase an antiquity referred to it for recommendations.

5. Meetings of the Committee - The Secretary, with the consent of the Chairman, shall convene a meeting of the Committee at any required place and time in Pakistan.

6. Preparation of minutes - The Secretary shall prepare the minutes of the meeting of the Committee recording the recommendation and shall then place it before the Finance Sub-Committee for expenditure sanction. The Finance Sub-Committee shall consist of three members; the Director General of Archaeology, the Financial Advisor and the Joint Secretary, Culture Division.

7. Payments - Consequent upon the recommendations of the Committee and the issuance of the expenditure sanction, the payment shall be made to the owners generally through Pre-Audited cheque drawn on State Bank of Pakistan, Karachi from the personal ledger Account of the Director General of Archaeology.

(Incorporates amendment dated 12 May 1990)

FORM
(See rule 4(2))

I _____ S/o _____

resident of _____

solemnly state that being the sole owner of the following material, I offer it for sale.

S.No.	Description	Value/demanded in rupees
1.		
2.		
3.		
4.		
5.		
6.		

Date: _____

Signature: _____

Name (Print): _____

National Identity Card No: _____

DECLARATION

1. I solemnly declare that the material so offered is my exclusive property and that I am the legal owner of the same.

2. I solemnly declare that I have offered the material for the first time and that I have not submitted it earlier for sale.

3. That I will abide by the decision of the Committee and that I will be entitled to get my material back in case I disagree with the decision of the Acquisition Committee.

Signature: _____

DEALING IN ANTIQUITIES RULES 1989

Islamabad, the 20th June, 1989.

NOTIFICATIONS

S.R.O. 647 (I)89 - In exercise of the powers conferred by section 37 of the Antiquities Act, 1975 (VII of 1976), the Federal Government is pleased to make the following rules, the same having been previously published as required by subsection (1) of the said section, namely :-

1. These rules may be called Dealing in Antiquities Rules 1989.
2. (I) In these rules, unless there is anything repugnant in the subject or context.-
 - (a) " Act " means the Antiquities Act, 1975 (VII of 1976);
 - (b) " Form " means a form appended to these Rules; and
 - (c) " Licence" means a licence for dealing in antiquities granted under these Rules.

(2) All words and expressions used but not defined in these Rules shall have the same meaning as are assigned to them in the Act.

3. Every application for a licence for dealing in antiquities, shall be made in Form I.
4. On receipt of an application for licence, the Director may call for such additional information as he thinks fit and, if satisfied, may grant a licence to the applicant in Form II:

Provided that no licence shall be granted to a person who has been convicted of any offence punishable under the Act, or in any other case involving theft or smuggling of antiquities.

5. The licence granted under rule 4 shall be valid for a period not exceeding three years from the date of its issue :-
6. The licence granted under rule 4 shall be subject to the following conditions, namely :-
 - (a) the licence shall not be transferable;
 - (b) the dealer shall display his licence prominently at his licensed premises;
 - (c) a licence shall be valid for one premises only;
 - (d) the dealer shall be required to maintain separate registers for the purchase and sale of antiquities in Forms III and IV respectively;
 - (e) the dealer shall furnish to the Director monthly return of purchase and sale of antiquities in Forms V and VI, respectively, within fifteen days

of the expiry of the month to which the return relates and shall also on demand and within such time as the Director may specify produce such record:

- (f) where a dealer intends to shift the place of his business to a new premises during the currency of his existing licence, he shall intimate his intention of so doing to the Director at least thirty days before the date from which he proposes to shift the premises of his business specifying the address of the new premises and get his licence suitably amended. The licence shall thereupon be valid in relation to the new premises of his business:
- (g) the dealer shall permit on demand of the Director or any officer so authorized by him to inspect any book, register or other document and any antiquity belonging to or under the control of the dealer:and
- (h) the dealer shall inform all his customers that export of antiquities outside Pakistan is completely banned except as provided in the Act and the Export of Antiquities Rules, 1979.

7. The Director may suspend or cancel a licence at any time for breach of any of the conditions of the licence or upon commission of any offence punishable under the Act :

Provided that no licence shall be cancelled unless the dealer has been given an opportunity to show cause against the cancellation.

8. Any dealer who contravenes any of the provisions of these Rules shall in addition to suspension or cancellation of his licence under rule 7, be punishable with fine which may extend to five hundred rupees.

9. Any dealer aggrieved by an order of the Director under rule 7 may, within thirty days of such order, prefer an appeal to the Federal Government whose decision thereon shall be final.

10. A dealer whose licence has been suspended or cancelled by the Director under rule 7 shall be required to give the details of antiquities in his custody in Form VII. within fifteen days from the date of the suspension or cancellation of his licence. In the event of the cancellation of a licence the dealer shall not be entitled to claim refund of any sum paid in respect of the licence.

FORM I

APPLICATION FOR THE GRANT OF LICENCE FOR DEALING IN ANTIQUITIES

(See rule 3)

1. Name of applicant.
2. Father's name.
3. National Identity Card Number, place and date of issue
4. Location of business.
5. Experience in dealing in antiquities.
6. Whether the applicant was ever convicted of any offence punishable under the Antiquities Act, 1975 or in other case involving theft or smuggling of antiquities. If so, details thereof may be stated.
7. Class of antiquities in which the applicant intends to deal i.e. manuscripts, coins, sculpture, wood work etc.
8. Details of antiquities at present held by the applicant.
9. Source of acquisition of antiquities mentioned at (8) above.
10. Certificate of financial soundness from the applicant's bankers.
11. Certificate of character and good reputation from members of National/provincial Assembly/1st Class Magistrate etc.
12. Income tax Registration Number.
13. Three recent photographs in passport size.

I here by declare that the above information is correct to the best of my knowledge and belief and undertake to observe the provision of the Antiquities Act, 1975 and the Dealing in Antiquities Rules, 1989.

Place.

Date.

Signature of the applicant.

Note- In case the application is from a firm, its Registration Number and all its partners will be required to furnish their particulars against Col. 1, 2, 3, 10 and 11.

FORM II

Licence No.

Date of Issue

Licence for dealing in antiquities

(See rule 4)

NOT TRANSFERABLE

Whereas Mr./Ms. (son/ daughter of) of (address) has applied for a licence for dealing in antiquities and has undertaken to abide by the provisions of the Antiquities Act, 1975 and the Dealing in Antiquities Rules, 1989.

I..... Director of Archaeology, therefore do hereby grant this licence under the Dealing in Antiquities Rules 1989, to Mr./Ms.....for a period of three years, commencing form.....

Place

Signature

Date

Name

Director of Archaeology.

FORM III

Register showing the purchase of antiquities.

[See rule 6 (d)]

Serial No	Date of purchase	Description of antiquities	Material	Size	Approximate
1	2	3	4	5	6

Province of antiquity	Name and address of the person/firm from whom purchased.	price	Photographs (3" X3") to be affixed against each entry.	Remarks In case of foreign national, his nationality Number should be given
7	8	9	10	11

FORM IV
[See rule 6 (d)]

Register showing the sale of antiquities.

Serial No	Date of Sale	Description of antiquity	Material	Size	Approximate
1	2	3	4	5	6

Province of antiquity	Name and address of the person/firm from whom purchased.	price	Photographs (3" X3") to be affixed against each entry.	Remarks In case of foreign national, his nationality Number should be given
7	8	9	10	11

FORM V
[See rule 6 (e)]

Name and address of the dealer.....
 Monthly return of purchase of antiquities for the month of(Year).

1. Serial number of the register.
2. Description of antiquity purchased
3. Purcshe price.
4. Photograph(3" x3") of the antiquity purchased
5. Name and address of person from whom purchased

Date
Place

Signature of the dealer.

 In case the transaction has been made with a foreign national, his nationality and passport No. should be stated.

FORM VI
[See rule 6 (e)]

Name and address of the dealer
 Monthly return of sales for the month of(Year).

1. Serial number of the register.
2. Description of antiquity sold.
3. Sale price.
4. Photograph(3" x3") of the antiquity sold.
5. Name and address of person from whom purchased

Date Signature of the dealer.
 Place

In case the transaction has been made with a foreign national, his nationality and passport No. should be stated.

FORM VII
[See rule (10)]

Declaration of stock of antiquities by a dealer whose licence has been suspended or cancelled.

Name and address of the dealer	Serial No. of the Register of purchase	Description of the antiquity	Material
1	2	3	4

Size	Approximate date of purchase	phonographs (3" x 3") to be affixed against each entry.
5	6	7

Place

Date

Signature of the dealer.

EXPORT OF ANTIQUITIES RULES, 1979

Islamabad the 19th August , 1979

S.R.O. 744 (I)79 - The following Export of Antiquities Rules, 1979 are hereby published in exercise of the powers conferred by section 37 Antiquities Act 1975 (VII of 1976) and in supersession of the Export of Antiquities Rules, 1969.

RULES

1. These rules may be called the *Export of Antiquities Rules, 1979*.

2. (1) In these rules, unless there is any thing repugnant in the subject or context,-

- (a) "Act" means the Antiquities Act, 1975 (VII of 1976);
- (b) "export licence" means an export licence granted under rule 4;
- (c) "form" means a form appended to these rules; and
- (d) "section " means a section of the Act.

(2) All words and expressions used but not defined in these shall have the same meaning as are assigned to them in the act.

3. (1) Any person having in his possession any antiquity may, if he intends to export it, apply for the grant of an export licence to the Director General :-

- (a) in the case of temporary export of an antiquity for the purpose of exhibition, examination or treatment for presentation under clause (a) of sub-section (1) of section 26, in form A;
- (b) in the case of export of an antiquity in accordance with an agreement with a foreign licensee for archaeological exploration or excavation within the terms of his licence under clause (b) of sub-section (I) of section 26, in form B; and
- (c) in the case of export of an antiquity which is not unique in nature in exchange for an antiquity of any foreign country under clause (c) of sub-section (1) of section 26, in form C.

(2) An application made under sub-rule (1) shall be accompanied by a fee of fifty rupees and two sets of photographs of the antiquity to be exported:

Provided that no fee shall be payable in respect of an application made by a foreign licensee for the export of an antiquity in terms of clause (b) for sub-section (I) of section 26, or for the export of an antiquity by or on behalf of the Federal Government.

(3) An application made under clause (a) of sub-rule (I) shall be accompanied by a bank guarantee for an amount equivalent to the value of the antiquity as a

security for the return of that antiquity to Pakistan within the period specified in sub-rule (1) of rule 7 unless extended by the Director General under the provision to that sub-rule:

Provided that if the Director General considers that the value of the antiquity has not been properly assessed, he shall re-assess it and ask the applicant to furnish a fresh bank guarantee for the value of the antiquity so re-assessed by him:

Provided further that no bank guarantee shall be required in the case of export of an antiquity by the Federal Government, a provincial Govt. or a Corporation set up by or under the authority of a Federal or provincial law.

4. On receipt of an application, the Director General may, before granting an export licence, ask for such information as he thinks fit, and require an antiquity to be produced before him or before any person authorised by him for the purpose of inspection.

5. An export licence shall be issued in form D, and shall be valid for a period of one month from the date of issue and may be renewed by the Director General.

6. An export licence shall not be transferable.

7. (1) An antiquity exported temporarily for preservation under clause (a) of sub-section (1) of section 26 shall be returned to Pakistan within a period of six months from the date of its export:

Provided that the Director General may extend the period for the return of the antiquity to Pakistan by a period not exceeding six months.

(2) If the antiquity is not return to Pakistan within the period specified in sub-rule (1) or within the extended period under the provision to that sub-rule, the amount of the bank guarantee furnished by the holder of the export licence shall stand forfeited to the Federal Government, and such holder shall also be liable to punishment under section 32.

8. The export of an antiquity in exchange for an antiquity of a foreign country shall be allowed only if the Director General is satisfied that-

- (a) the antiquity being exported is not unique;
- (b) the antiquity being imported in exchange from a foreign country will be useful for the dissemination of knowledge in Pakistan; and
- (c) the exchange of antiquities has been approved by the Federal Government.

9. The holder of the export licence shall, within fifteen days of the date of expiry of the export licence, inform the Director General in writing whether the antiquity has been exported, and, if the antiquity has been exported, shall furnish documentary evidence in support of his statement.

10. If an officer of customs has any doubt as to whether any product object or thing which is being exported is an antiquity for the purposes of the Act, he may refer the matter to the Director General with a full description of the product, object or thing, and shall produce it before the Director General or any person authorized by him, and the Director General shall communicate his decision to the officer of customs,

11. If the product, object or thing is, in the opinion of the Director General, an antiquity, he shall issue a certificate in form E.

12. If the owner of the product, object of thing is aggrieved by the decision of the Director General, he may request the Director General in writing to refer the matter to the Federal Government, and, on receiving such request, the Director General shall submit the case to the Federal Government for its decision under section 4.

ANTIQUITIES ACT, 1975 (VII OF 1976)

[See rule 3(1)(a)]

FORM 'A'

Application for licence for temporary export of an antiquity for the purpose of exhibition, examination or treatment for presentation under section 26(1) (a)-

1. Name and address of applicant (in block letters)
2. Name and address of the owner of the antiquity.
3. Name and address of the consignee (in block letters)
4. Full description of the antiquity.
5. Source from which the antiquity was obtained.
6. Value of the antiquity.
7. Name of the Bank and amount of bank guarantee (enclose bank guarantee in original).
8. Two sets of the photographs of the antiquity are enclosed.
9. Purpose for which it is desired to export the antiquity.
10. Date by which the antiquity will be returned to Pakistan.
11. Proposed date and method of export (if exported through agent, give name and address of agent).

I hereby certify that the information given in this application is correct.

Signature of applicant

Date

ANTIQUITIES ACT, 1975 (VII OF 1976)

[See rule 3 (I) (b)]

FORM 'B'

Application for licence for export of an antiquity by a foreign licensee under section 26 (1) (b).

1. Name and address of the foreign licensee (in block letters).
2. Name and address of the consignee (in block letters).
3. Proposed date and method of export (if exported through agent, give name and address of agent).
4. Full description of the antiquity.
5. Place from which the antiquity was recovered.
6. Two sets of the photographs of the antiquity desired to be exported are enclosed.

I hereby certify that the information given in this application is correct,

Signature of applicant

Date

ANTIQUITIES ACT, 1975 (VII OF 1976)

[See rule 3 (I) (c)]

FORM 'C'

Application for licence to export an antiquity in exchange of antiquity from a foreign country under section 26 (I) (c).

1. Name and address of the application / institution (in block letters).
2. Name and address of the owner of the antiquity.
3. Name and address of the foreign institution receiving the antiquity.
4. Proposed date and method of export (if exported through agent, give name and address of the agent).
5. Full description of the antiquity in respect of which the application is made.
6. Two sets of the photographs of the antiquity desired to be exported are enclosed.
7. Full description of the antiquities to be received in exchange.
8. Two sets of photograph of the antiquity to be in exchange are enclosed.
9. Whether exchange of antiquity-antiquities has been approved by the Federal Government? If so, enclose approval in original.

I hereby certify that the information given in this application to the best of my knowledge and belief is correct.

Signature of applicant

Date

ANTIQUITIES ACT, 1975 (VII OF 1976)
(See rule 5)

FORM 'D'

Licence to export an antiquity/antiquities.

No. of licence.....date of issue.....

This licence is hereby granted to Mr.....
(here give name and address of the owner).....
to export out of Pakistan (here describe the antiquity), which is an antiquity for the
purpose of the Antiquities Act, 1975 (VII of 1976), through (here give the name
and address of the agent) to the (name and address of the consignee and the
country) under clause (a)(b) (c) of sub-rule (1) rule 3 of the export of antiquities
rules, 1979.

This licence is valid upto

Director General of Archaeology, Pakistan.

Date.....

Number of licence.

ANTIQUITIES ACT, 1975 (VII OF 1976)
(See rule 17)

FORM 'E'

CERTIFICATE

1. Name and address of the owner.
2. Full description of the product(s)/object(s)/thing(s).
3. Certified that the product(s)object(s)/thing(s) described above is an
antiquity/are antiquities for the purposes of the antiquities Act, 1975
(VII of 1975)

Director General of Archaeology, Pakistan.

**PROHIBITION FOR MOVEMENT OF ANTIQUITIES BETWEEN
SPECIFIED AREAS**

Islamabad, the 21st December, 1993.

NOTIFICATION

S.R.O. 1205(I)/93 - Whereas the Federal Government apprehends that movable antiquities in the places in Pakistan specified in the table below are being sold or removed to the detriment of Pakistan;

Now, Therefore, in exercise of the powers conferred by sub-section (1) of section 27 of the Antiquities Act, 1975 (VII of 1976), the Federal Government is pleased to prohibit for a period of five years the movement of any antiquity between any place specified in the said table, except with, and in accordance with the terms of, the written permission of the Director General of Archaeology.

TABLE

1. Haripur District	2. Abbottabad District
3. Peshawar District	4. Mardan District
5. Swat District	6. Dir District
7. Chitral District	8. Gilgit and Hunza District
9. Malakand Agency	10. Rawalpindi District
11. Taxila (District Rawalpindi) and all places within twenty miles thereof	12. Sahiwal District
13. Bahawalpur District	14. Multan District
15. Bahawalnagar District	16. Rahim Yar Khan District
17. Larkana District	18. Karachi District
19. Thatta District	20. Hyderabad District
21. Dadu District	22. Tharparkar District
23. Sanghar District	24. Sukkur District
25. Lasbella District	

IMMOVABLE ANTIQUITIES (MINING, QUARRYING AND BLASTING IN RESTRICTED AREAS) RULES, 1979

Islamabad the 29th August. 1979

NOTIFICATION

S.R.O. 791 (I)79 - The following immovable antiquities (Mining Quarrying and Blasting in Restricted Areas) Rules, 1979. are hereby published in exercise of the powers conferred by section 37 of the Antiquities, Act 1975, (VII of 1976) read with section 28 thereof.

Rules

1. These rules may be called the Immovable Antiquities (Mining, Quarrying and Blasting in Restricted Areas) Rules, 1979.

2. (1) In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the antiquities Act, 1975 (VII of 1976);
- (b) "Form" means a form appended to these rules;
- (c) "Licence" means a licence issued under rule 7, and "Licence " shall be constructed accordingly, and
- (d) "restricted area" means an area declared as such under section 28 of the Act for the purposes of mining, quarrying, blasting or other operations of a like nature.

3. Before declaring any area under section 28 of the Act within which mining, quarrying, blasting or other operations of a like nature are intended to be restricted, the Federal Government shall, by notification in the official Gazettee, give notice of not less than ninety days of its intention to do so within the area so specified, and shall cause such notice to be affixed in a conspicuous place of or near the immovable antiquity which is desired to be protected or preserved.

4. After the expiry of the period of notice, and after considering any objection or suggestion, if any, received within the said period, the Federal Government may, by notification in the official Gazette, declare such area as is specified in the notice or any part thereof, to be a restricted area for the purposes of mining, quarrying blasting and other operations of a like nature.

5. No person shall undertake within a restricted area any work connected with mining, quarrying, blasting or other operations of a like nature without a licence having been obtained from the Director.

6. Any person intending to undertake any such work as is referred to in rule 5 within a restricted area shall make an application to the Director in form 'A' for a licence at least ninety days before the date on which such work is intended to commence, and shall pay a non-refundable fee of five hundred rupees.

7. On receipt of an application, the Director may grant or refuse to grant a licence:

Provided that if the grant of a licence is refused, the Director shall record his reason for such refusal.

8. A licence granted under rules 7 shall be in form 'B' and shall be subject to such conditions relating to the manner of carrying out the work of mining, quarrying, blasting or other operations of a like nature as the Director may deem fit to impose for the purposes of the security and maintenance of, and access to, the immovable antiquity.

9. A licence shall not be transferable.

10. A licence shall be valid for such period as may be specified therein: Provided that the Director may renew a licence for such further period as he thinks fit.

11. The Director may suspend or cancel a licence at any time for a breach of any of the conditions of the licence:

Provided that no licence shall be cancelled unless the licensee has been given an opportunity to show cause against the cancelation.

12. Any person aggrieved by any order of the Director may within thirty days of such order, prefer an appeal to the Federal Government whose decision shall be final.

13. Any person who contravenes any of the provisions of these rules shall be punishable with fine which may extend to one thousand rupees.

FORM 'A'

(Application for licence for mining, quarrying and ballasting operations within restricted area)
(See rule 6)

1. Name and address of the applicant
2. particulars of the immovable antiquity in respect of which the area declared as restricted area-
 - (a) Name of antiquity,
 - (b) Site of antiquity,
 - (c) Locality.
 - (d) District.
3. Details of the works for which licence is required. (In case of mining, enclose a site- plan in duplicate showing in red the outline within which the works are to be carried out alongwith details regarding the mode and depth down to which, works are proposed to be carried- out, and the depth and number of blast holes to be fixed.
4. Purpose.

5. The date of commencement of the operations and their approximate duration.

I hereby declare that the above information is correct to the best of my knowledge and belief, and undertake to observe the provisions of the Antiquities Act, 1975, and the immovable Antiquities (Mining, Quarrying and Blasting in restricted areas) Rules, 1979.

Place _____

Date _____

Signature of the applicant.

FORM B
(LICENCE)
(See rule 7)

Whereas _____ of _____ has applied for a Licence for _____ within the area declared under section 78 of the Antiquities Act, 1975, to be a restricted area near or adjoining _____ at _____ site _____ locality, _____ district _____ and has undertaken to observe the provisions of the said Act, and the Immovable Antiquity (Mining, Quarrying and Blasting in Restricted Areas) Rules, 1979 ;

I, _____ the Director of Archaeology, do hereby grant this licence under rule 6 of the said Rules, to the said _____ for _____ within the area indicated in red on the plan attached hereto.

This licence is granted subject to the following conditions, namely :-

CONDITIONS

1. _____
2. _____
3. _____

Valid upto _____

Renewed upto _____

Place of Issue _____

Date _____

Signature of the Director General
of Archaeology.

Seal _____

Signature of Deputy Secretary.

Seal _____

ADMISSION OF PUBLIC INTO IMMOVABLE ANTIQUITIES RULES 1982

Islamabad, the 17th October, 1982

NOTIFICATIONS

S.R.O. 1048(1)/82 - The following rules for the regulation of admission of the public into immovable antiquities in exercise of the powers conferred by section 37 of the Antiquities Act, 1975 (VII of 1976), are hereby published.

RULES

1. Short title, application and commencement - (1) These rules may be called the Admission of Public into Immovable Antiquities Rules, 1982.

- 2) They shall apply to all Immovable/Protected Antiquities in Pakistan.
- 3) They shall come into force at once.

2. Definitions - In these rules, unless there is anything repugnant in the subject or context, -

- a) **Directors** means the Director of Archaeology, Northern Circle of Archaeology, Old Fort Lahore, and Southern Circle of Archaeology, Pucca Fort, Hyderabad; and
- b) **"Schedule"** means a Schedule to these rules.
- c) All words and expressions not defined in these rules, shall have the same meaning as are assigned to them in the Antiquities Act, 1975.

3. Visiting hours - The time for visiting the immovable antiquities shall be such as may be fixed and notified by the Director General through newspapers from time to time.

4. Tickets and fees for admission during visiting hours - No visitor shall be admitted into the *immovable antiquities* specified in *Schedule, 'A'* during visiting hours unless

- a) he pays an admission fee of Rs. 4.00 if he is above the age of twelve years;
- b) he pays an admission fee of Rs. 2.00 if he is not above the age of twelve years; or
- c) he pays an admission fee of Rs. 2.00 if he is an armed forces personnel in uniform:

Provided that a child under the age of five years shall be admitted free of admission fee if he is accompanied by his parent or guardian:

Provided further that nothing in this rule shall apply to —

- a) *a bona fide* student either accompanied by a teacher of his concerned

educational institution or possessing a letter issued by the Principal or the Head Master, as the case may be, of the concerned educational institution;

- b) a member of ICOM and ICC Rome, Museums Association of Pakistan or Friends of Museums Association of Pakistan;
- c) a state guest, VIP or government functionary on duty;
- d) a serving or retired employee of the Ministry of Culture and Tourism or the Department of Archaeology; and
- e) a retired Federal Government servant: and

5. Fee during special illumination - Fee for admission to the Immovable Antiquity specified in Schedule "B" during special illumination, shall be the same as prescribed under rule 4.

6. Admission ticket - (1) The admission tickets shall be available for sale in the booking office at the place of entrance to the immovable antiquities.

- 2) Not more than fifty visitors shall be admitted into an immovable antiquity at once and the same time.
- 3) No tickets for admission shall be issued within the half an hours before the expiry of the visiting hours.
- 4) Every person shall produce the admission tickets at the gate to the attendant on duty before entering into immovable antiquity.
- 5) The admission tickets shall be available and valid only for the day of issue.
- 6) Refund of tickets once purchased shall not be allowed on any account.

7. Visits to the places of worship or shrine - Every visitor shall pay due respect to the places of worship or shrines and shall do nothing to pollute or desecrate them.

- 2) The places of worship and shrine shall not be used for any purpose incompatible with their religious character.
- 3) No person shall be allowed to enter into a place of worship or the main chambers of a shrine with his shoes on.

8. Prohibition for admission of persons with infections diseases - No person suffering from any infections disease shall be allowed to visit the immovable antiquities.

9. Prohibition to walk over the walls or excavated remains or to disfigure the buildings etc. - No person shall --

- a) Walk over the walls of the immovable antiquities ; or
- b) touch or remove any objects of the immovable antiquities ; or
- c) damage, alter, deface or imperil the immovable antiquities; or
- d) write names or scribble on the surface of the immovable antiquities.

10. Prohibition to take arms or weapons, etc. - No person, except official on duty, shall take any kind of arms or weapons, including air guns into the immovable antiquities.

11. Prohibition to use loud speaker - No person shall use loud speaker within the immovable antiquities.

12. **Prohibition to commit any nuisance** - No person shall commit any nuisance, insanitary or otherwise, inside the immovable antiquities.

13. **Prohibition to hawk** - No person shall within the immovable antiquities, hawk articles for sale or carry on trade of any description or tout or advertise on behalf of the shopkeepers or the firms.

14. **Prohibition to bathe, etc.** - No person shall spit, bathe or wash clothes in the tank or channels with the immovable antiquities.

15. **Prohibition to take bicycles Vehicles, etc.** - No bicycles, motor cycles and other vehicles shall be taken inside the immovable antiquities.

16. **Prohibition to take dogs, etc.** - No dogs or other animals shall be taken inside the immovable antiquities.

17. **Prohibition to hold picnics, etc.** - No picnic or other parties shall be held within the immovable antiquities without the previous permission, in writing of the Director concerned.

18. **Prohibition to cook meals, etc.** - No persons shall cook meals or light fires within the immovable antiquities except with the permission of the Director concerned.

19. **Prohibition to shoot cinematography films** - No person shall shoot any cinematograph except with the previous permission in writing of the Director concerned.

20. **Prohibition to enter excavated trenches** - No person shall enter the trenches when excavation work is in progress nor shall converse with the workmen, nor shall take photographs of immovable antiquities and sites under excavation.

21. **Prohibition to offer tips, etc.** - No person shall offer any tips or gratuity to the attendants or any other employees of the Department of Archaeology posted in the immovable antiquities.

22. **Prohibition to hold functions** - No political speeches, political social, cultural and religious functions shall be held within the immovable antiquities:

" Provided that this rule shall not be applicable in respect of functions arranged by the Government in honour of foreign Heads of States or foreign dignitaries".

23. **Closure of protected immovable antiquities** - The Director concerned may with the prior approval of the Director General close any immovable antiquity for public on account of the visit of foreign Heads of States, foreign dignitaries, VIPs or due to certain essential repair works.

24. **Prohibition of posting of bills, neon-signs and other kinds of advertisement** - No person shall put any neon-signs or other kind of advertisement including posting of bills within the immovable antiquities.

25. **Penalty for breach of rules** - Any person who commits a breach of any of these rules shall, without prejudice to any penalty or remedy provided by or under any other law, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.

26. **Repeal** - The ancient Monuments preservation (Shalamar Gardens) Rules 1967 and the immovable Antiquities preservation (West Pakistan Rules, 1969 are hereby repealed).

SCHEDULE 'A'

(See rule 4)

Immovable Antiquities where admission fee is available.

- i) Lahore Fort.
- ii) Jahangir's Tomb, Noor Jahan's Tomb and Asif Khan's Tomb, Shahdara, District Lahore.
- iii) Hiran Minar and Tank, District Sheikhpura.
- iv) Excavated remains at Harappa, District Sahiwal.
- v) Excavated remains at Taxila, District Rawalpindi.
- vi) Mughal Gardens at Wah, District Rawalpindi.
- vii) Excavated remains at Moenjodaro, District Larkana.
- viii) Excavated remains at Takht-Bahi, District Mardan.
- ix) Excavated remains at Banbhore, District Thatta.
- x) Graveyard at Chaukhandi, District Karachi.
- xi) Kot Diji Fort, District Khairpur.

SCHEDULE 'B'

(See rule 5)

Immovable Antiquities where admission will be through admission tickets during special illumination.

Shalamar Gardens, Lahore.

Note:— There will be no special illumination in the gardens from November to February (both the months inclusive).

CINEMATOGRAPHICAL FILMING OF PROTECTED ANTIQUITIES RULES, 1980

Islamabad, the 4th October, 1980

NOTIFICATION

S.R.O. 1037 (I)/80 - In exercise of the powers conferred by section 37 of the Antiquities Act, 1975 (VII of 1976) the Federal Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:-

1. **Short title and commencement** - (1) These rules may be called the Cinematographical Filming of protected Antiquities Rules, 1980
(2) They shall come into force at once .

2. **Definitions** - In these rules, unless there is anything repugnant in the subject or context,-

- (a) ' Act ' means the Antiquities Act, 1975(VII of 1976);
- (b) ' Form ' means a form appended to these rules;
- (c) ' Licence' means a licence issued under rule 4;
- (d) ' Licensee' means a person to whom a licence is issued ; and
- (e) ' Superintendent' means the Superintendent of Archaeology.

3. **Application for licence** - (1) Any person desiring to make a cinematograph film of any protected antiquity or any part thereof may apply for a licence to the Director at least fifteen days before the date for filming such antiquity:

Provided that where a documentary film is made by the Department of Archaeology and Museums for the projection of cultural heritage or publicity of its activities, the Director may permit the making of film without a licence.

(2) An application under sub-rule (1) shall be in Form 'A' and shall be accompanied by security deposit of two thousand rupees.

4. **Grant of a licence** - The Director may, on being satisfied that the applicant has complied with the provisions of rule 3, grant him a licence in Form 'B' on payment of the fee in advance at the following rates, namely:-

- (a) For first day (during opening hours of the antiquity) Rs. 1,000 ; and
For each subsequent day or part there an increase of Rs. 200 over the of. fee for the preceding day.
- (b) First night (between the closing and Rs. 1,500, and the opening time of the antiquity). For each subsequent night or part thereof. an increase of Rs.500 over the fee for the preceding night.

5. Exemption from security and fee- Where a documentary film is made by the Federal Government or a Provincial Government through any of its Departments, agencies or filming units, the Director may, on an application made to him, exempt such Department, agency, or filming unit from depositing the security under rule 3 and the payment of fee under rule 4.

6. Payment of other charges by the licensee - (1) In addition to the fee prescribed in rule 4 a licensee shall be required to defray the following charges, namely :-

- (a) Wages of the attendants; and
- (b) cost of the police guards.

(2) The number and the wages of the attendants who will be on duty during the period of the filming operation shall be determined by the Superintendent.

(3) The licensee will arrange for the police guard from the local police station and the charges for such police guard will also be borne by the licensee.

7. Condition of a licence - A licence shall be non-transferable and the licensee shall

- (a) be responsible for maintenance and upkeep of the antiquity during the filming operations;
- (b) pay such compensation for any damage or loss caused to the antiquity as assessed by the Director whose decision shall be final and in case any damage or loss is reported during the filming operation, the licensee shall not be permitted to proceed with the shooting of film unless the payment of compensation is made or is satisfied from the security deposit;
- (c) not bring any vehicle other than the equipment vehicles in such area or part of the area of the protected antiquity which is prohibited to vehicular traffic;
- (d) not do anything which may expose any part of the antiquity to any risk of damage or loss;
- (e) not make films of the scenes in, or near any tomb, mosque or temple situated in a protected antiquity;
- (f) place the generating plant for electric power, if any, at a safe distance from the antiquity;
- (g) mount the lamps on moveable stands and refrain from hanging such lamps against the walls of the antiquity;
- (h) not make films of such scenes which may be susceptible of offending religion of any sect or community;
- (i) take care that the flower beds, shrubs and lawns in the grounds attached to the antiquity are not damaged; and
- (j) not himself or allow any person working with him to behave in a noisy or unseemly manner.

(2) A licence issued under these rules shall be liable to cancellation without notice if any of the provisions of these rules or any other law or rules are not strictly complied with.

8. Refund of security deposit - The Security deposit referred to in rule 3 shall be refunded to the licensee after the completion of the filming operation;

Provided that, in case any damage or loss is caused to any antiquity, the cost of such damage or loss as assessed by the Director shall be deducted from such security deposit.

9. Refund of fee - Where a licensee desires for cancellation of the licence issued under rule 4 or intends to discontinue the filming of protected antiquity the fee paid by him shall not be refunded unless he applied for cancellation of the licence at least five days before the first day for which the licence for filming was issued or before the day from which he intends to discontinue the filming.

10. Facilities to the licensee - All reasonable facilities shall be provided to the licensee for smooth conduct of filming of the protected antiquity:

Provided that the subordinate officials of the Archaeological Department shall not assist the licensee in detriment to their normal duties:

Provided further that ordinarily the protected antiquity shall not be closed to public during its filming by a licensee.

11. Repeal - The Cinematographical Filming of Protected Antiquities Rules, 1973 are hereby repealed.

FORM 'A'
(See rule 5)

Application for licence to make a cinematograph film of a protected antiquity.

- (1) Name and address of the applicant
(in block letters)
- (2) The exact date and time for which permission is require
- (3) Full description of the protected antiquity of which the film is to be made
- (4) The portion or portions of the protected antiquity of which the film is to be made
- (5) Purpose of film whether commercial or otherwise
- (6) The number of equipment, vehicles which the applicant wishes to take to the antiquity
- (7) The route by which these vehicles will be taken to the site of the film making

I undertake to abide by the provisions of the Antiquities Act, 1975 (VII of 1976), and the Cinematographical Filming of Protected Antiquities Rules, 1980.

Dated

Signature of applicant

FORMS 'B'
(See rules 4)

No. of licence

Licence to make a cinematograph film of a protected antiquity.

- (1) Name and address of the applicant
(in block letters)
- (2) The exact date and time for which permission is granted
- (3) Purpose of film whether commercial or otherwise
- (4) The portion or portions of the protected antiquity of which the film is
to be made
- (5) The number of equipment vehicles which the applicant is allowed to
take to the antiquity
- (6) The route by which these vehicles will be taken to the site of the film
making

Dated (Director General of Archaeology Pakistan)

**THE PUNJAB SPECIAL PREMISES (PRESERVATION),
ORDINANCE, 1985**

The 27th February, 1985.

No. Legis. 3(34) / 85 - The following Ordinance by the Governor of the Punjab is hereby published for general information:-

PUNJAB ORDINANCE NO. XXXIV of 1985

An Ordinance to provide for the preservation of certain premises in the Punjab.

Preamble

Whereas it is expedient to preserve certain premises of historical, cultural and architectural value in the Punjab and to control and regulate alterations therein and demolition and re-erection thereof and for matters ancillary thereto;

Now, therefore, in pursuance of the Proclamation of the fifth day of July, 1977 (CMLA Order No. 1 of 1977) and the Provisional Constitution Order, 1981 (CMLA Order No. 1 of 1981) the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

Short title and commencement

1. (1) This Ordinance may be called the Punjab Special Premises (Preservation) Ordinance, 1985.

(2) It shall extend to the whole of the Punjab;

(3) It shall come into force at once.

Definition

2. In this Ordinance unless the subject or context otherwise requires:-

(a) "Special Premises" means any premises of historical, cultural or architectural value declared as such by the Government by notification and includes the land externally appurtenant thereto and the outer walls thereof;

(b) "Committee" means a Committee constituted under section 3(1) of this Ordinance.

Constitution of Committees

3. (1) The Government may by notification appoint one or more Committees for the purposes of this Ordinance which shall perform such functions as the Government may determine.

(2) The Government or a Committee may appoint a Committee of Experts to advise the Government or a Committee with regard to matters relating to this Ordinance.

Ordinance to over-ride other laws

4. The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Prohibition of destruction etc. Special Premises

5. No alteration in or renovation, demolition or re-erection of such portion of a Special Premises as is visible from outside, or any part of such portion, shall be effected without the prior permission in writing of the Government or a Committee.

Restriction on sanctioning of plan

6. No authority or local body shall approve any plan in relation to a Special Premises without the prior permission of the Government or a Committee and any such plan sanctioned before the coming into force of this Ordinance shall be of no effect unless approved by the Government or a Committee.

Prohibition of destruction etc. of Special Premises

7. No person shall, except for carrying out the purposes of this Ordinance destroy, break, damage, injure, deface or mutilate or scribble, write or engrave any inscription or sign on such portion of a Special Building as is mentioned in Section 5.

Direction for restoration of original position

8. (1) If such work as is mentioned in Section 5 has been carried out in relation to a Special Premises before the coming into force of this Ordinance or in contravention of section 5, 7 or 8 the Government or a Committee may by order direct the owner thereof to restore it to its original position within such time as may be specified in the order.

(2) If the owner fails to comply with the order the Government or a Committee may take all necessary measures to give effect to it and the expenses incurred for the purpose shall be recoverable from the owner as arrears of land revenue.

Direction to the owner to take measures for preservation of Special Premises

9. (1) Where the Government or a Committee considers that any Special Premises is not being preserved or conserved properly by its owner, the Government or a Committee may, by order in writing, direct the owner to take such measures for its proper preservation and conservation, and within such time and on such terms and conditions as may be specified in the order.

(2) If the owner fails to take the measures specified in the order referred to in sub-section (1), the Government or a Committee may take all such measures in respect of the Special Premises and the expenses incurred for the purpose shall be recoverable from the owner as arrears of land revenue unless the Government directs otherwise.

Compulsory acquisition of Special Premises

10. If the Government apprehends that a Special Premises is in danger of being destroyed, injured or allowed to fall into decay, it may, acquire it or a part thereof under the Land Acquisition Act, 1894 (I of 1894), as for a public purpose.

Execution of development schemes and new constructions in proximity to Special Premises

11. No development plan or scheme or new construction on, or within a distance of two hundred feet of, a Special Premises shall be undertaken or executed except with the approval of the Government or a Committee.

Prohibition of bill posting neon signs, other kinds of advertisements, etc.

12. No person shall put any neon signs or other kinds of advertisement, including hoardings, bill postings, commercial signs, poles or pylons, electricity or telephone cables and television aerials, on or near any Special Premises without the prior permission in writing of the Government or a Committee.

Voluntary contributions

13. The Government may receive voluntary contributions and donations for the acquisition, preservation or restoration of Special Premises and may make suitable arrangements for the management and application of the money so received.

Provided that a contribution or donation made for any specified purpose shall not be applied to any purpose other than that for which it has been made.

Penalty

14. (1) Whoever contravenes the provisions of this Ordinance or the rules shall be liable to imprisonment which may extend to one year or with fine or with both.

(2) The court trying an offence under sub-section (1) may direct that the whole or any part of the fine re-covered shall be applied for defraying the expenses of restoring the Special Premises to the condition in which it was before the commission of an offence relating thereto.

Jurisdiction to try Offences

15. No court shall take cognizance of an offence punishable under this Ordinance except upon a complaint in writing made by an officer generally or specially empowered in this behalf by the Government and no court inferior to that of a magistrate of the first class shall try any such offence.

Rules

16. The Government may frame rules to carry out the purposes of this Ordinance.

Dated Lahore, the
25th February, 1985

NOTIFICATIONS
Lahore the 23rd November, 1994.

No. SOCUL(INF)5-5/90. In exercise of the powers conferred on him under Section 16 of the Punjab Special Premises (Preservation) Ordinance, 1985, the Governor of the Punjab is pleased to make the following Rules:-

THE PUNJAB SPECIAL PREMISES (PRESERVATION) RULES, 1993

1. These Rules may be called the Punjab Special Premises (Preservation) Rules, 1994.
2. In these rules, unless there is anything repugnant in the subject or context:-
 - (a) "Administrative Secretary" means the Secretary to Government incharge of the Department dealing with the subject of Archaeology.
 - (b) "Director General" means the Director General of Archaeology, Punjab and includes an officer authorized by him to exercise or perform all or any of the powers or functions of the Director General under these Rules.
 - (c) "Owner" includes existing owner or occupier or manager of the Special Premises.
3. To declare any premises as a Special Premises under the provision of Section 2(a) of the Ordinance, the following procedure shall be followed :-
 - (a) When a premises is to be examined a notice shall be given by the Director General to the owner of the Premises fixing a date on which the Director General or a person authorized by him shall examine the premises.
 - (b) If the Director General considers that a premises is to be declared a special premises he may prepare drawings, plans, photographic survey and collect any other information or material necessary for determining the feasibility of declaring the premises as a Special Premises.
 - (c) A notice shall be given to the owner of the premises requiring the owner to file objections, if any, with the Administrative Secretary within a month from the date of the notice against the proposed declaration of the building as a Special Premises.
 - (d) The objection if, any will be examined and disposed of by the Administrative Secretary and, if he deems appropriate, he may decide the same after consultation with the Committee appointed by the Government under Section 3 of the Ordinance:

Provided that if no objection is received within the period prescribed in

the notice the premises may be declared as Special premises on the expiry of the said period.

- (e) The owner may file an appeal to the Chief Secretary, Punjab, or an officer authorized by him against the decision of the Administrative Secretary within a period of one month from the date the order of Administrative Secretary is communicated to him. The decision of the Chief Secretary will be final.

4. All major repairs, additions and alterations in respect of a Special Premises shall be carried out by the owner under the guidance and directions of the Director General with prior approval of the Administrative Secretary.

5. Subject to the consent of the owner and the approval of the Government, the Director General may be appointed the Caretaker of a Special Premises in the terms and conditions agreed upon by the parties.

6. If a Special Premises owned privately is not being used as a commercial place or a residence, the Government through the Director General may take all such measures for the preservation of such Special Premises with its own resources.

7. If a special premises is owned by the Government, a statutory corporation or a body owned or controlled by the Government and is not being used for commercial purposes, the Government may through the Director General take all such measures as may be necessary for the preservation of the said premises with its own resources.

**THE SINDH CULTURAL HERITAGE (PRESERVATION)
ACT 1994
(SINDH ACT NO XII OF 1994)**

An Act to preserve and protect ancient places and objects of architectural, historical, archaeological, artistic, ethnological, anthropological and national interest on the province of Sindh

Preamble

Whereas it is expedient to preserve and protect ancient places and objects of architectural, historical, archaeological, artistic, ethnological, anthropological and national interest in the Province of Sindh.

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the Sindh Cultural Heritage (preservation) Act, 1994.
- (2) It shall extend to the whole Province of Sindh including its coastal areas.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the subject or context otherwise requires:-
 - (i) "Committee" means an Advisory Committee constituted under section 3;
 - (ii) "Chairman" means Chairman of the Committee;
 - (iii) "Government" means the Government of Sindh;
 - (iv) "Maintain and maintenance" include the fencing, covering, repairing restoring, guarding and keeping clean the protected cultural heritage and the precincts thereof;
 - (v) "member" means a member of the Committee;
 - (vi) "Protected heritage" means any premises or objects of archaeological, architectural, historical, cultural or national value declared as such by Government by notification that would include the land externally appurtenant such thereto and the outer walls thereof; and
 - (vii) "owner" includes any person legally competent to act on behalf of the owner and any manager or trustee exercising the powers of management.

Advisory committee

3. (1) For the purpose of this Act, Government shall constitute an Advise Committee consisting of a Chairman and six other members may be appointed by Government out of whom three shall be architectural historians, archaeologists, conservators and scholars of traditional arts and crafts.

(2) The Chairman or a member, other than an ex-officio member, shall, unless he resigns by addressing a letter to Government or is removed earlier, hold office on the pleasure of the Government.

(3) The Chairman may co-opt any person as a member.

(4) An official member appointed by virtue of his office shall cease to be member on vacation such office,

Question as to whether any protected heritage is of historic interest

4. If any question arises whether any premises or objects is of architectural, historical, archaeological or national value, it shall be referred to the Government which shall after consultation with the Advisory Committee decide the same and the decision of Government shall be final.

Custody, preservation etc., of premises

5. Where the Committee receives any information or otherwise has the knowledge of the discovery or existence of any premises or objects of architectural, historical, cultural or national value of which there is no owner, it shall, after satisfying itself as to the correctness of the information or knowledge, take such steps as may be considered necessary for the custody, preservation and protection of such premises or object.

Declaration of protected heritage

6. (1) Government may, by notification in the Official Gazette on the recommendation of Committee or otherwise declare any premises of historical cultural or architectural value to be protected heritage within the meaning of this Act.

(2) A copy of every notification published under sub-section (1) shall be published in newspapers and fixed up in a conspicuous place on or near such premises/object together with an intimation that any objections to the issue of the notification received by Government within one month from the date of the Notification shall be taken into consideration.

(3) On the expiry of the said period of one month, Government after considering the objections, if any, may confirm or withdraw the notification.

(4) A notification under this section shall, unless and until it is withdrawn, be

conclusive evidence of the fact that the premises or objects to which it relates is a protected heritage within the meaning of this Act.

Acquisition of right in or guardianship of a protected heritage of the government

7. (1) The Committee with the sanction of the Government, may purchase or assume custodianship of any protected heritage.

(2) The Committee, may accept the gift or bequest of any protected heritage.

(3) The owner of any protected heritage may, by written instrument, appoint the Committee as the guardian of the protected heritage, and the Committee may, with the sanction of Government, accept such guardianship.

(4) When the Committee has accepted the guardianship of a protected heritage under sub-section (3), the owner shall except as expressly provided in this Act, have the same status, right title and interest in the protected heritage or object as if the Committee had not been appointed guardian thereof.

(5) When the Committee has accepted the guardianship of a protected heritage under sub-section (3), the provisions of this Act relating to agreements executed under section 8 shall apply to the written instrument executed under the said sub-section.

Preservation of protected heritage

8. (1) The Committee may, with the previous sanction of Government propose to the owner to enter into an agreement with Government for the preservation of any protected heritage.

(2) An agreement under this section may provide for the following matters or for such of them as it may be found expedient to include in the agreement-

(a) the maintenance and custody of the protected heritage and the duties of any person who may be employed to watch it;

(b) the restriction of the owner's right to destroy, remove, alter or deface the protected heritage;

(c) the facilities of access to the public or to any portion of the public and to persons deputed by the Committee to inspect or maintain the protected heritage;

(d) the notice to be given to Government in case the land on which the protected heritage is situated is offered for sale by the owner, and the right to reserve by Government to purchase such heritage, or any specified portion of such heritage, at its market value;

(e) the payment of any expenses incurred by the owner or Government in

s a connection with the preservation of the protected heritage; and;

- ent (f) any matter connected with the preservation of the protected heritage which is a subject of agreement between the owner and Government.

or (3) The terms of any agreement under this section may be altered from time to time with sanction of Government.

(4) Either party may terminate an agreement under this section on giving three months notice in writing to the other party.

int ly, (5) An agreement under this section shall be binding on any person claiming to be owner of the protected heritage to which it relates, through or under party by whom or on whose behalf the agreement was executed.

ge nt, if (6) Any right acquired by Government in respect of expenses incurred for protection or preserving a protected heritage shall not be affected by the termination of an agreement under this section.

ge ed b- **Owners under disability**

9. If the owner is unable by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by section 8.

o y (1) If it is apprehended that any person intends to destroy remove, alter deface or imperil the protected heritage or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 8, the Committee may make an order prohibiting any such contravention.

r (2) If an owner or other who is bound by an agreement for the preservation or maintenance of a protected heritage under section 8 refuses to do any act which is in the opinion of the Committee necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Committee may authorise any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land-revenue.

f (3) A person aggrieved by an order under this section may appeal to Government which may cancel or modify it, and its decision shall be final.

e **Application of endowment to repair of a protected heritage**

l : (1) If any owner or other person competent to enter into an agreement under section 8 for the preservation of a protected heritage, refuses or fails to enter into such an agreement when proposed to him by the Committee and if any endowment has been created for the purpose of keeping such heritage in repair, or for that purpose among others, the Committee may, Institute a suit in the Court of the

District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it was the decree of a Civil Court.

Compulsory Purchase of Protected heritage

12. (1) If Government apprehends that a protected heritage is in danger of being destroyed, injured or allowed to fall into decay, Government may acquire it under the provisions of the Land Acquisition Act, 1894, as if the preservation of a protected heritage were a "public purpose" within the meaning of that Act.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of--

- (a) any protected heritage which or any part of which is periodically used for religious observance or
- (b) any protected heritage which is the subject of a subsisting agreement executed under section 8.

Maintenance of protected heritage

13. The Committee shall maintain and preserve every protected heritage in respect of which Government has acquired any of the rights mentioned in section 7 or which the Government has acquired under section 12.

14. The Committee may receive voluntary contributions and donations towards the cost of maintenance a protected heritage and may give orders as to the management and application of any funds so received by it;

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

15. A protected heritage declare under this Act shall not be used for any purpose inconsistent with its character.

Relinquishment of Government rights in a protected heritage

16. With the sanction of Government, the Committee may

- (a) Where rights have been acquired by Government in respect of any protected heritage under this Act by virtue of any sale, lease, gift or will, it may relinquish the rights so acquired in favour of the person who for the time being is the owner of such heritage; or

- (b) relinquish any guardianship of a protected heritage which it has accepted under this Act.

Right of access to certain Protected heritage

17. (1) Subject to such rules as may be made by Government, the public shall have a right of access to any protected heritage maintained by Government under this Act.

(2) In making any rule under sub-section (1) Government may provide that a breach of it shall be punishable with fine which may extend to twenty five thousand rupees.

Penalty

18. Where any person including the owner destroys, removes, injures, alters, defaces a protected heritage maintained by Government under this Act or in respect of which an agreement has been executed under section 8, shall be punishable with fine which may extend to one lakh rupees, or with imprisonment which may extend to three years, or with both.

Overriding effect

19. The provision of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Rules

20. Government may make rules to carry out the purpose of this Act.

Protection to the Person; acting under this Act

21. No suit or prosecution or other legal proceedings shall lie against Government, the Committee, Chairman, member or any Officer of the Committee in respect of anything done or intended to be done in good faith under this Act or rules made thereunder.

KARACHI BUILDING AND TOWN PLANNING REGULATIONS
(SINDH BUILDING CONTROL ORDINANCE, 1979)

MASTER PLAN & ENVIRONMENTAL
CONTROL DEPARTMENT
KARACHI DEVELOPMENT AUTHORITY

**PRESERVATION OF STRUCTURES OF SPECIAL
ARCHITECTURAL OR HISTORIC INTEREST.**

Definitions

27. In this chapter, unless there is anything repugnant in the subject or context:

- a) 'Special Architectural or Historical interest Structure' means any structure and its surrounding grounds designated as such pursuant to section 28.
- b) 'alteration' or to alter means any act or process which changes one or more of the exterior architectural features of a special architectural or historical interest structure;
- c) "extension" or to extend means the making of additions to a special structure which affects its character as such.

**Designation and declaration of special Architectural or
historical interests structures**

- 28 (1). MP & EC may designate and declare a special architectural or historical interest structure which:
- a) is of special interest through association with significant persons or events in the history of the province or Nation, or
 - b) embodies distinctive characteristics of a type, period or method of construction, or possesses high artistic or architectural values; or
 - c) has yielded or is likely to yield information important in prehistory, such as ancient monuments or archaeological findings.
- (2) MP & EC, may consult the Archaeological and Museum Department, Government of Pakistan, for declaration of any structure as a special architectural or historic interest structure.
- (3) For the purposes of these regulations, structures as set forth in Schedule I, are hereby designated and declared as "Structures of historical interest".

- (4) Prior to designating and declaring a structure as one of the special architectural or historic interest, MP & EC shall cause a notice to be served on the owner of the structure, in the following manner:
 - a) by giving or tendering the document to him;
 - b) if he is not found, by leaving the document at his last known place of abode by giving or tendering the same to some adult male member or servant of his family;
 - c) if he does not reside in the city and his address elsewhere is known to the Director, by forwarding the document to him by registered post under cover bearing the said address; or
 - d) if the name of the methods mentioned in the proceeding sub clauses can be used, by causing a copy of the document to be affixed on some conspicuous part of the building or land (if any) to which it relates.
 - e) MP & EC shall accord the owner or his representative an opportunity, to be heard at a time and place to be specified in the notice, which shall be not less than 10 days nor more than 30 days from the date of service of the notice.

Approval for demolition, alteration or extension

- 29 (1) It shall be unlawful for any person to demolish, alter or extend any structure of special architectural or historical interest, without obtaining the prior approval of MP & EC;
- (2) Prior to permitting the demolition, alteration or extension to a structure of special architectural or historical interest, MP & EC shall give notice to the Directorate of Archaeology and Museums, which have a period of 30 days in which to express any objections, or to obtain a drawn photographic record of the structure in the event. They do not oppose such demolition, alteration or extension.
- (3) In approving the demolition, alteration or extension of a structure of special architectural or historic interest, MP & EC may attach such conditions as it may deem necessary or desirable to protect the interests of the public in the preservation of the structure or any information or artifacts relating to or found in the structure.
- (4) If Master Plan & Environmental Control refuses to grant a person permission to demolish, alter or extend a structure of architectural or historical interest, and if the owner is unable to earn a reasonable return on the Structure by reason of the refusal, the owner may appeal to the Government, and its decision shall be final.

SCHEDULE - I

STRUCTURES OF SPECIAL ARCHITECTURAL OF HISTORICAL INTEREST

S.No.	Name of the Structure/ Monument/Site	Location
1.	Chaukandi Tombs	Near Landhi on National Highway, Deh Khanto, KDA Scheme No.25.
2.	Baluch Graveyard	Deh Khar Karo, near Murad Memon Goth, Malir Cantt.
3.	Mazar of Pir Mangho, together with adjoining Mosque and Graveyard.	On Mangho Pir Road.
4.	Parsi Fire Temple (1849).	Frere Street
5.	KPT and Custom House Building	M.A. Jinnah Road
6.	Holy Trinity Church Building (1855)	Fatima Jinnah Road
7.	Collector's Kutcheri Building (1850-60)	Club Road
8.	C.M.S. Church Building (1856)	Nishtar Road
9.	Bray Cliff (1860) (Honeymoon Lodge)	Korangi Road
10.	Zoological Gardens (1860), Gandhi Garden	Along Crossing of Nishtar Road and Garden Road
11.	Bagh-e-Jinnah (Frere Hall), (1865)	Abdullah Haroon Road.
12.	Cantonment Station (Frere Street), about (1865).	Frere Street
13.	St. Pauls Church Building (1865)	Kemari.

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| 14. | St. Andrew Church Building (1868) | Saddar. |
| 15. | Maz Denso Hall (1876) | M.A. Jinnah Road. |
| 16. | St. Paul's Church (1865) | Manora |
| 17. | Wazir Mansion (1860-70)
(Birth place of Quaid-e-Azam) | Kharadar near M.W. Tower. |
| 18. | Methodist Church (1878) | Garden Road. |
| 19. | St. Patrick's Church (1878) | Saddar |
| 20. | Edulji Dinshaw Dispensary (1882) | Saddar (Preedy Street). |
| 21. | Sindh Club (1883) | Frere Road
(Abdullah Haroon Road) |
| 22. | Karachi Central Jail (1906) | Bahadur Yar Jung Road. |
| 23. | St. Anthony's Chapel (1921) | Manora |
| 24. | Mereweather Tower (1886-87) | M.A. Jinnah Road. |
| 25. | D.J. Science Government College (1887) | Dr. Ziauddin Road. |
| 26. | Light House (1889) | Manora |
| 27. | Empress Market (1889) | Saddar |
| 28. | Clifton Promenade (1922) | Clifton |
| 29. | State Bank of Pakistan (Annexe) (1923) | I.I. Chundrigar Road. |
| 30. | Chamber of Commerce Building (1923) | Wood Street (Shahrah-e-Liaquat). |
| 31. | Karachi Municipal Corporation Building (1926) | M.A. Jinnah Road. |
| 32. | High Court of Sind (1929) | Court Road. |
| 33. | The Mazar of Quaid-e-Azam (1960) together with the adjacent Mazars | M.A. Jinnah Road. |

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| 34. | City Courts and District Session Courts (1868) | M.A. Jinnah Road. |
| 35. | Sind Madarsah-Tul-Islam (1885) | Frere Road and Wood Street (Shahrah-e-Liaquat). |
| 36. | Cotton Exchange Building (1940) | I.I. Chundrigar Road. |
| 37. | Khaliq Dina Hall (1906) | M.A. Jinnah Road. |
| 38. | Sind Assembly Building (1940-45) | M.A. Jinnah Road. |
| 39. | New Sind Assembly Building (1942) | Court Road. |
| 40. | Old KMC Museum Building (Victoria Museum) | M.R. Kiyani Road. |
| 41. | Old Mohatta Palace (Qasr-e-Fatima -1933) | Clifton |
| 42. | Flag Staff House (1865) | Fatima Jinnah Road. |
| 43. | Hindu Gymkhana (1925) | L. 9. Sarwar Shaheed Road. |
| 44. | Jaffer Fadoo Dispensary (1904) | C. 8. Aga Khan Road. |

TREASURE TROVE ACT, 1878
ACT NO. VI OF 1878 *

An Act to amend the law relating to Treasure trove
(As modified by Act XII of 1891) 13th February, 1878

Whereas it is expedient to amend the law relating to Treasure - trove; It is hereby enacted as follows:-

Preliminary

Short title

1. This Act may be called the Indian Treasure - trove Act, 1878.

It extends to the whole of British India;
And it shall come into force at once.

Commencement

2. (Repeal of enactments.) Rep. by the Repealing and Amending Act, 1891 (XII of 1891).

Interpretation clause "Treasure"

3. In this Act—
"treasure" means anything of any value hidden in the soil, or in anything affixed thereto.

* For the statement of Objects and Reasons, see Gazette of India, 1877, Pt. V, p. 1463; for discussions in Council, see *ibid*, Supplement, pp. 1288 and 1326; *ibid*, 1878, pp. 207 and 287.

This Act has been declared in force in:-

Angul and the Khondmals by the Angul District Regulation, 1894 (1 of 1894), s.3; the Santhal Parganas by the Santhal Parganas' Settlement Regulation (3 of 1872), s.3, as amended by the Santhal Parganas, Justice and Laws Regulation, 1886 (3 of 1886), s.3, Bengal Code, Vol. I, p.293;

Upper Burma generally (except the Shan States), by the Burma Laws Act, 1898 (13 of 1898), s.4(1), and Schedule 1, Burma Code, p.260.

It has also been declared by notification under s.3 (a) of the Scheduled Districts Act, 1874 (14 of 1874). General Acts, Vol. II, to be in force in the following portions of the deregulationized Scheduled Districts of the Chuda Nagpur Division, namely:-

The Districts of Hazaribagh, Lohardaga (now called the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p.44) and Manbhum, and Pargana Dhalbhum, and the Kolhan in the District of Singbhum, see Gazette of India, 1881. Pt. I, p. 504. The District of Lohardaga (now called the Ranchi District, see Calcutta Gazette, 1899, pt I, p.44) included at this time the present district of Palamau, which was separated in 1894.

Collector

"Collector" means (1) any Revenue - officer in independent charge of a district, and (2) any officer appointed by the Local Government to perform the functions of a¹ Collector under this Act.

Owner

When any person is entitled, under any reservation in an instrument of transfer of any land or thing affixed thereto, to treasure in such land or thing, he shall, for the purposes of this Act, be deemed to be the owner of such land or thing.

Procedure on finding Treasure

Notice by finder of treasure

4. Whenever any treasure exceeding in amount or value ten rupees is found, the finder shall, as soon as practicable, give to the Collector notice in writing--

- (a) of the nature and amount or approximate value of such treasure;
- (b) of the place in which it was found;
- (c) of the date of the finding;

and either deposit the treasure in the nearest Government Treasury, or give the Collector such security as the Collector thinks fit, to produce the treasure at such time and place as he may from time to time require.

Notification requiring claimants to appear

5. On receiving a notice under section 4, the Collector shall, after making such enquiry (if any) as he thinks fit, take the following steps (namely):-

- a) he shall publish a notification in such manner as the Local Government from time to time prescribes in this behalf, to the effect that, on a certain date (*mentioning it*) certain treasure (*mentioning its nature, amount and approximate value*) was found in a certain place (*mentioning it*); and requiring all persons claiming the treasure, or any part thereof, to appear personally or by Agent before the Collector on a day and at a place therein mentioned, such day not being earlier than four months, or later than six months, after the date of the publication of such notification;
- b) when the place in which the treasure appears to the Collector to have been found was at the date of the finding in the possession of some person other than the finder, the Collector shall also serve on such person a special notice in writing to the same effect.

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- I. In Bombay Mamlatdars have been appointed to perform the functions of Collectors under the Act, see Bombay list of local Rules and orders, Vol. I, Ed. 1896, P. 163.

Forfeiture of right on failure to appear

6. Any person having any right to such treasure or any part thereof, as owner of the place in which was found or otherwise, and not appearing as required by the notification issued under section 5, shall forfeit such right.

Matters to be enquired into and determined by the Collector

7. On the day notified under section 5, the Collector shall cause the treasure to be produced before him, and shall enquire as to and determine-

- a) the person by whom, the place in which, and the circumstances under which, such treasure was found; and
- b) as far as is possible, the person by whom, and the circumstances under which, such treasure was hidden.

Time to be allowed for suit by person claiming the treasure

8. If, upon an enquiry made under section 7, the Collector sees reason to believe that the treasure was hidden, within one hundred years before the date of the finding, by a person appearing as required by the said notification and claiming such treasure, or by some other person under whom such person claims, the Collector shall make an order adjourning the hearing of the case for such period as he deems sufficient to allow of a suit being instituted in the Civil Court by the claimant to establish his right.

When treasure may be declared ownerless

9. If upon such enquiry the Collector sees no reason to believe that the treasure was so hidden, or

if, where a period is fixed under section 8, no suit is instituted as aforesaid within such period to the knowledge of the Collector, or

if such suit is instituted within such period, and the plaintiff's claim is finally rejected,

the Collector may declare the treasure to be ownerless.

Appeal against such declaration

Any person aggrieved by a declaration made under this section may appeal against the same within two months from the date thereof to the Chief Controlling Revenue-authority.

Subject to such appeal, every such declaration shall be final and conclusive.

Proceedings subsequent to declaration

10. When a declaration has been made in respect of any treasure under section 9, such treasure shall, in accordance with the provisions hereinafter contained, either be delivered to the finder thereof, or be divided between him and the owner of the place in which it has been found in manner hereinafter provided.

When no other person claims as owner of place, treasure to be given to finder

11. When a declaration has been made in respect of any treasure as aforesaid, and

no person other than the finder of such treasure has appeared as required by the notification published under section 5 and claimed a share of the treasure as owner of the place in which it has been found, the Collector shall deliver such treasure to the finder thereof.

When only one such person claims and his claim is not disputed, treasure to be divided

12. when a declaration has been made as aforesaid in respect of any treasure, and only one person other than the finder of such treasure has so appeared and claimed, and the claim of such person is not disputed by the finder, the Collector shall proceed to divide the treasure between the finder and the person so claiming according to the following rule (namely):-

If the finder and the person so claiming have not entered into any agreement then in force as to the disposal of the treasure, three-fourths of the treasure shall be allotted to such finder and the residue to such person. If such finder and such person have entered into any such agreement, the treasure shall be disposed of in accordance therewith:

Provided that the Collector may in any case, if he thinks fit, instead of dividing any treasure as directed by this section, --

- a) allot to either party the whole or more than his share of such treasure, on such party paying to the Collector for the other party such sum of money as the Collector may fix as the equivalent of the share of such other party, or of the excess so allotted, as the case may be: or
- b) sell such treasure or any portion thereof by public auction and divide the sale-proceeds between the parties according to the rule hereinbefore prescribed:

Provided also that, when the Collector has by his declaration under section 9 rejected any claim made under this Act by any person other than the said finder or person claiming as owner of the place in which the treasure was found, such division shall not be made until after the expiration of two months without an appeal having been presented under section 9 by the person whose claim has been so rejected, or, when an appeal has been so presented, after such appeal has been dismissed.

When the Collector has made a division under this section, he shall deliver to the parties the portions of such treasure, or the money in lieu thereof, to which they are respectively entitled under such division.

In case of dispute as to ownership of place, proceedings to be stayed

13. When a declaration has been made as aforesaid in respect of any treasure, and two or more persons have appeared as aforesaid and each of them claimed as owner of the place where such treasure was found, or the right of any person who has so

appeared and claimed is disputed by the finder of such treasure, the Collector shall retain such treasure and shall make an order staying his proceedings with a view to the matter being enquired into and determined by a Civil Court.

Settlement of such dispute

14. Any person who has so appeared and claimed may, within one month from the date of such order, institute a suit in the Civil Court to obtain a decree declaring his right; and in every such suit the finder of the treasure and all persons disputing such claim before the Collector shall be made defendants.

And division thereupon

15. If any such suit is instituted and the plaintiff's claim is finally established therein, the Collector shall, subject to the provisions of section 12, divide the treasure between him and the finder.

If no such suit is instituted as aforesaid, or if the claims of the plaintiff's in all such suits are finally rejected, the Collector shall deliver the treasure to the finder.

Power to acquire the treasure on behalf of Government

16. The Collector may, at any time after making a declaration under section 9 and before delivering or dividing the treasure as hereinbefore provided, declare by writing under his hand his intention to acquire on behalf of the Government the treasure or any specified portion thereof, by payment to the persons entitled thereto of a sum equal to the value of the materials of such treasure or portion, together with one-fifth of such value; and may place such sum in deposit in his treasure to the credit of such persons; and thereupon such treasure or portion shall be deemed to be the property of Government, and the money so deposited shall be dealt with, as far as may be, as if it were such treasure or portion.

Decision of Collector final, and no suit to lie against him for acts done bona fide

17. No decision passed or act done by the Collector under this Act shall be called in question by any Civil Court, and no suit or other proceeding shall lie against him for anything done in good faith in exercise of the powers hereby conferred.

Collector to exercise powers of Civil Court

18. A Collector making any enquiry under this Act may exercise any power conferred by the Code of Civil Procedure¹ on a Civil Court for the trial of suits.

Power to make rules

19. The Local Government may, from time to time, make rules² consistent with this Act to regulate proceedings hereunder.

Such rules shall, on being published in the local Gazette, have the force of law.

1. See Act 14 of 1882, s.3, reprinted as modified up to 1st December, 1899.

2. For rules made under the powers conferred by this section in ----

1) Ajmer-Merwara-see Gazette of India, 1907, Pt. II, p.1743. (contd. next page)

Penalties

Penalty on finder failing to give notice, etc.

20. If the finder of any treasure fails to give the notice or does not either make the deposit or give the security, required by section 4, or alters or attempts to alter such treasure so as to conceal its identity, the share of such treasure, or the money in lieu thereof to which he would otherwise be entitled, shall vest in Her Majesty,

and he shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty on owner abetting offence under section 20

21. If the owner of the place in which any treasure is found abets, within the meaning of the Indian Penal Code,³ any offence under section 20, the share of such treasure, or the money in lieu thereof to which he would otherwise be entitled, shall vest in Her Majesty, and he shall, on conviction before a Magistrate, be punished with imprisonment which may extend to six months, or with fine, or with both.

SCHEDULE

Repealed by the Repealing and Amending Act, 1891 (XII of 1891)

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- 2) Assam -- see Assam Local Rules and Orders, Ed. 1893, p.107.
 - 3) Bengal -- see Bangal Local Statutory Rules and Orders, Vol.I, Ed. 1903, p.20.
 - 4) Bombay--see Bombay Local Rules and Orders, Vol.I, Ed, 1896, p.163.
 - 5) Burma--see Burma Rules Manual, Ed. 1903, Vol. I, p.24.
 - 6) Central Provinces--see Central Provinces Local Rules and Orders, Ed. 1904, p.28.
 - 7) Coorg--see Coorg Local Rules and Orders, Ed. 1905, p. XI.
 - 8) Madras--see Madras Local Rules and Orders, Vol. I, Ed., 1903, p.95.
 - 9) Punjab--see Punjab Local Rules and Orders, Ed. 1901, p.81.
 - 10) United Provinces of Agra and Oudh--see United Provinces List of Local Rules and Orders, Vol. I, Ed. 1904, p.58.
3. See the reprint as modified up to 1st April, 1903.

CUSTOMS ACT 1969

(IV of 1969)

(As modified upto 1994)

Central Board of Revenue Government of Pakistan

PROHIBITION AND RESTRICTION OF IMPORTATION AND EXPORTATION

15. Prohibitions. No goods specified in the following clauses shall be brought, whether by air or land or sea, into Pakistan:-

- a) counterfeit coin;
- b) forged or counterfeit currency notes;
- c) any obscene book, pamphlet, paper, drawing, painting, representation, figure, photographs, film or article;
- d) goods having applied thereto a counterfeit trade mark within the meaning of the Pakistan Penal Code (Act XLV of 1860) or a false trade description within the meaning of the Merchandise Marks Act, 1889.
- e) goods made or produced outside Pakistan and having applied thereto any name or trade mark, being or purporting to be the name or trade mark of any manufacturer, dealer, or trader in Pakistan unless. (V of 1889)
 - i) the name or trade mark is, as to every application thereof, accompanied by a definite indication of the goods having been made or produced in a place outside Pakistan, and
 - ii) the country in which that place is situated is in that indication shown in letters as large and conspicuous as any letter in the name or trade mark, and in the same language and character as the name or trade mark;
- f) piece-goods manufactured outside Pakistan (such as are ordinarily sold by length or by the piece), unless the real length thereof in standard yards or other measurement for the time being applying in Pakistan has been conspicuously stamped on each piece in Arabic numerals; and
- g) goods made or produced outside Pakistan and intended for sale, and having applied thereto, a design in which copy right exists under the Patents and Designs Act, 1911, in respect of the class to which the goods belong or any fraudulent or obvious imitation of such design except when the application of such design has been made with the licence or written consent of the registered proprietor of the design:

Provided that the (Federal Government) may, by an order in writing, exempt

from provisions of this section any goods or any class or description of goods in transit to a foreign territory.

Power to prohibit or restrict importation and exportation of goods

16. The (Federal Government) may, from time to time, by notification in the official Gazette, prohibit or restrict the bringing into or taking out of Pakistan of any goods of specified description by air, sea or land.

Seizure and confiscation of goods imported in breach of Section 15 or Section 16

17. Where any goods are imported into or attempted to be exported out of Pakistan in violation of the provisions of section 15 or of a notification under section 16, such goods shall, without prejudice to any other penalty to which the offender may be liable under this Act, or any other law, but subject to rules, be liable to (seizure) and confiscation.

DISPOSAL OF CONFISCATED/SEIZED GOODS

CUSTOMS GENERAL ORDER NO.5 OF 1989,
DATED 15TH MARCH, 1989
(Reported as PTCL 1989 St.289)

In supersession of Customs General Order No.19 of 1988, dated 26th June, 1988 (Reported as PTCL 1988 St. 753) and all other orders/instructions on the subject, the Central Board of Revenue is pleased to prescribe the following procedure for the disposal of *confiscated/seized* goods:-

- i) **Narcotics, Liquor and Obscene Films & Literature** - Narcotics, liquor and obscene and objectionable films and literature shall be destroyed. Opium shall, however in the first instance be offered to the Government Opium Factory, Lahore, as per instructions contained in Customs General No.3 of 1980, dated 6th April, 1980. Committees for the destruction of such goods may be constituted by the respective Collectors, Directors, heads of the Agencies.
- ii) **Gold and Currency** - The confiscated gold and currency should be deposited with the State Bank of Pakistan.
- iii) **Silver** - ripe for disposal, should be disposed of by the Trading Corporation of Pakistan through open tenders, keeping in view the prevailing rates in the international markets.
- iv) **Precious Stones** - Precious stones shall be disposed of with the co-operation of the Gem Stone Corporation of Pakistan.
- v) **Consumer durables & other miscellaneous goods** - The consumer durable like TVs, VCRs, Refrigerators, Deep Freezers, Micro-Wave

Ovens, etc., and other miscellaneous goods, when ripe for disposal, may be offered for sale, in the first instance, to the Utility Stores Corporation of Pakistan and the Canteen Stores Department for disposal through their retail outlets.

- vi) **Cigarettes** - Cigarettes should be sold to the Pakistan International Airlines Corporation, on appraised value, determined by the respective Collectors/Director, for purposes of resale by them to passengers, on board their international flights.

NATIONAL FUND FOR CULTURAL HERITAGE ACT 1994 (as amended)

Whereas it is expedient to provide for establishment of the National fund for Cultural Heritage for conservation and preservation of Pakistan's national heritage and its proper maintenance and matters connected therewith or incidental thereto:

It is hereby enacted as follow:-

1. Short title, extent and commencement - (1) This Act may be called the National Fund for Cultural Heritage Act, 1994.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Board" means the Board of Governors set up under section 6;

(b) "Fund" means the National Fund for Cultural Heritage established under section 3; and

(c) "national heritage" means the archaeological, architectural, historical and cultural heritage.

3. Establishment of the Fund - As soon as may be, after the commencement of this Act, the Federal Government shall establish the National Fund for Cultural Heritage to carry out the purposes of this Act.

4. Purposes and objectives of the Fund - (1) The primary purpose of the fund is to promote the conservation and preservation of national heritage of Pakistan through various means, including financial and technical assistance, and to create awareness amongst the people for appreciating and preservation of archaeological, architectural, historical and cultural heritage of Pakistan.

(2) In particular and without prejudice to the foregoing purposes, the Fund shall be used to ---

(a) undertake measures for preservation and conservation of cultural heritage having archaeological, historical and architectural value;

(b) acquire or hold in lease any material and cultural property or part thereof;

(c) provide assistance for preservation and maintenance of a historical or archaeological monument or an archaeological site;

- (d) create and strengthen cooperation and coordination between international, national, provincial and regional organizations involved in conservation and preservation of cultural heritage;
- (e) provide financial and technical assistance towards preservation of national heritage, and for furtherance of academic, scientific and intellectual discourses on the subjects relevant thereto;
- (f) undertake promotional activities of enhancement of resources of the fund; and
- (g) undertake and promote research and arrange materials for publication of periodicals, monographs and publicity material, including pamphlets, newspapers and posters in furtherance of the objectives of Act.

5. **Sources of Fund** - (1) The Fund shall be financed from the following sources, namely:-

- (a) Grants from the Federal Government and Provincial Governments;
- (b) aid and assistance from local, national and international agencies;
- (c) contributions from the private organizations and individuals; and
- (d) income and earnings from the movable and immovable properties acquired by, or leased to, the Fund.

(2) The amount credited to the Fund shall not lapse at the end of a financial year and shall be available for utilization at any time.

6. **Board of Governors** - (1) The management, overall control and supervision of the affairs of the Fund shall vest in a Board of Governors consisting of the following members, namely:-

- | | |
|--|----------------------|
| (i) Prime Minister | Patron |
| (ii) an eminent person in the field of national heritage, to be nominated by the Federal Government from amongst members specified at (vi) below. | Chairman |
| (iii) Federal Minister in charge of Culture Division. | Co-Chairman |
| (iv) Federal Minister for Finance. | Member |
| (v) Secretary, Culture Division, Government of Pakistan. | Member |
| (vi) fifteen eminent persons in the field of National Heritage, including two Senators and four members of the National Assembly, to be nominated by the Federal Government. | Member |
| (vii) Director General, Department of Archaeology and Museums. | Member/
Secretary |

(1A) The patron may, from amongst the Board, appoint a person as Vice-Chairman of the Board who shall perform the functions of the Chairman in his absence."

(2) The Members of the Board, other than ex-officio members, shall hold office for a term of three years or for such period as may be determined by the Federal Government and shall be eligible for re-appointment.

(3) No act or proceedings of the Board shall be invalid merely on the ground of the existence of a vacancy in, or a defect in the constitution of the Board.

(4) The Secretariat of the Fund shall be at Islamabad and the Board may set up regional offices as, where and when required by it

(5) The Board may appoint an Executive Committee for carrying out its functions as may be assigned to it by the Board.

7. Exemption from tax - Notwithstanding anything contained in the Income Tax Ordinance, 1979 (XXXI of 1979), all contributions and donations to the Fund shall be exempt from levy of tax.

8. Accounts of the Fund, etc. - (1) The accounts of the Fund shall be audited by the Auditor General of Pakistan.

(2) The Board may from time to time, submit reports to the Federal Government relating to the Fund and its activities.

9. Rules - The Board may make rules for carrying out the purposes of this Act.

10. Repeal of Ordinance V of 1994 - The National Fund for Cultural Heritage Ordinance, 1994 (V of 1994), is hereby repealed.

(Incorporates the amendments of section 6, Act VIII of 1994)