

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: _____