

The Antiquities and Art Treasures Act, 1972

(52 of 1972)

along with

The Antiquities and Art Treasures Rules, 1973

with

SHORT NOTES

Universal

Law Publishing Co. Pvt. Ltd.

NEW DELHI - INDIA

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Published by

UNIVERSAL LAW PUBLISHING CO. PVT. LTD.

C-FF-1A, Ansal's Dilkhush Industrial Estate,

G.T. Karnal Road, Delhi-110 033

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Computer Typeset at Aesthetic & Printed at Taj Press, New Delhi.

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THE ANTIQUITIES AND ART TREASURES ACT, 1972

INTRODUCTION

Antiquities (Export Control) Act, 1947 (31 of 1947) provided for controlling the export of objects of antiquarian or historical interest or significance. The provisions contained in the said Act were found to be not sufficient with a view to preserving objects of antiquity and art treasures in India. It was proposed to make comprehensive law to regulate the export trade in antiquities and art treasures and to provide for the prevention of smuggling of, and fraudulent dealings in antiquities. It was also considered necessary to make provisions in such law for the compulsory acquisition of antiquities and art treasures for preserving in public places. To achieve the above objectives the Antiquities and Art Treasures Bill was introduced in the Parliament.

STATEMENT OF OBJECTS AND REASONS

At present Antiquities (Export Control) Act, 1947, provides for controlling the export of objects of antiquarian or historical interest or significance. Experience in the working of the Act has shown that in the modern set-up the provisions contained therein are not sufficient with a view to preserving objects of antiquity and art treasures in India. It is proposed to make a comprehensive law to regulate the export trade in antiquities and art treasures and to provide for the prevention of smuggling of, and fraudulent dealings in antiquities. It is also considered necessary to make provision in such law for the compulsory acquisition of antiquities and art treasures for preserving in public places. The present Bill is intended to achieve the above objectives.

2. The notes on clauses appended to the Bill explain in detail the more important provisions of the Bill

ACT 52 OF 1972

The Antiquities and Art Treasures Bill having been passed by both the Houses of Parliament received the assent of the President on 9th September, 1972. It came on Statute Book as THE ANTIQUITIES AND ART TREASURES ACT, 1972 (52 of 1972).

AMENDING ACT

The Antiquities and Art Treasures (Amendment) Act, 1976 (82 of 1976).

THE ANTIQUITIES AND ART TREASURES ACT, 1972

(52 of 1972)

[9th September, 1972]

An Act to regulate the export trade in antiquities and art treasures to provide for the prevention of smuggling of, and fraudulent dealings in antiquities, to provide for the compulsory acquisition of antiquities and art treasures for preservation in public places and to provide for certain other matters connected therewith or incidental or ancillary thereto.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called The Antiquities and Art Treasures Act, 1972.

(2) it extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “antiquity” includes—

(I) (i) any coin, sculpture, painting, epigraph or other work of art or craftsmanship;

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

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

(iv) any article, object or thing of historical interest;

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

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

(II) any manuscript, record or other document which is of scientific historical, literary or aesthetic value and which has been in existence for not less than seventy-five years;

1. Came into force on 5-4-1976 throughout India (except the State of Sikkim, *vide* G.S.R. 279 (E), dated 5-4-1976.

In Sikkim sections 2, 3, 4, 19, 20, 22, 24, sub-section (1) of section 25, sub-section (1) of section 26, sections 27, 28, 29, 30 and 31 came into force on 1-6-1979, *Vide* G.S.R. 312 (E), dated 15th May, 1979.

In Sikkim sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 23, sub-sections (2) and (3) of section 25, sub-sections (2) and (3) of section 26 came into force on 15-4-1980, *Vide* G.S.R. 203 (E), dated 8-4-1980.

- (b) "art treasure" means any human work of art, not being an antiquity, declared by the Central Government by notification in the Official Gazette, to be an art treasure for the purposes of this Act having regard to its artistic or aesthetic value.

Provided that no declaration under this clause shall be made in respect of any such work of art so long as the author thereof is alive:

- (c) "export" means taking out of India to a place outside India;
- (d) "licensing officer" means an officer appointed as such under section 6;
- (e) "registering officer" means an officer appointed as such under section 15;
- (f) "prescribed; means prescribed by rules made under this Act.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

3. Regulation of export trade in antiquities and art treasures.—(1) On and from the commencement of this Act, it shall not be lawful for any person, other than the Central Government or any authority or agency authorized by the Central Government in this behalf, to export any antiquity or art treasure.

(2) Whenever the Central Government or any authority or agency referred to in sub-section (1) intends to export any antiquity or art treasure such export shall be made only under and in accordance with the terms and conditions of a permit issued for the purpose by such authority as may be prescribed.

4. Application of Act 52 of 1962.—The Customs Act, 1962, shall have effect in relation to all antiquities and art treasures, the export of which by any person (other than the Central Government or any authority or agency authorized by the Central Government) is prohibited under section 3 save in so far as that Act is inconsistent with the provisions of this Act and except that (notwithstanding anything contained in section 125 of that Act) any confiscation authorized under that Act shall be made unless the Central Government on an application made to it in this behalf, otherwise directs.

5. Antiquities to be sold only under a licence.—¹[As from the date of expiry of a period of six months from the commencement of this Act] no person shall, himself or by any other person on his behalf, carry on the business of selling or offering to sell any antiquity except under and in accordance with the terms and conditions of a licence granted under section 8.

Explanation.—In this section and in sections 7, 8, 12, 13, 14, 17 and 18 "antiquity" does not include ancient and historical records other than those declared by or under law made by Parliament to be of national importance.

6. Appointment of licensing officers.—The Central Government may, by notified order,—

- (a) appoint such persons, being gazetted officers of Government, as it thinks fit, to be licensing officers for the purposes of this Act;

1. Subs. by Act 82 of 1976, sec. 2, for "On and from the expiry of period of two months of the commencement of this Act" (w.r.e.f. 4-6-1976).

- (b) define the limits of the area within which a licensing officer shall exercise the powers conferred on licensing officers by or under this Act.

7. Application for licence.—(1) Any person desiring to carry on, himself or by any other person on his behalf, the business of selling or offering to sell antiquities may make an application for the grant of a licence to the licensing officer having jurisdiction.

(2) Every application under sub-section (1) shall be made in such form and shall contain such particulars as may be prescribed.

8. Grant of licence.—(1) On receipt of an application for the grant of a licence under section 7, the licensing officer may, after holding such inquiry as he deems fit, grant a licence to the applicant having regard to the following factors, namely:—

- (a) the experience of the applicant with respect to trade in antiquities;
- (b) the village, town or city where the applicant intends to carry on business;
- (c) the number of persons already engaged in the business of selling, or offering for sale of antiquities in the said village, town or city; and
- (d) such other factors as may be prescribed:

Provided that no licence shall be granted to the applicant if he is convicted of an offence punishable under the Antiquities (Export Control) Act, 1947 (31 of 1947) unless a period of ten years has elapsed since the date of the conviction.

(2) Every licence granted under this section shall be on payment of such fees as may be prescribed.

(3) Every licence granted under this section shall be for such period, subject to such conditions and in such form and shall contain such particulars, as may be prescribed.

(4) No application for the grant of a licence made under section 7 shall be rejected unless the applicant has been given a reasonable opportunity of being heard in the matter.

9. Renewal of licence.—(1) A licence granted under section 8 may, on an application made by the licensee, be renewed by the licensing officer for such period and on payment of such fees as may be prescribed.

(2) No application made under this section shall be rejected unless the applicant has been given a reasonable opportunity of being heard in the matter.

10. Maintenance of records, photographs and registers by licensees.—(1) Every holder of a licence granted under section 8 or renewed under section 9 shall maintain such records, photographs and registers, in such manner and containing such particulars, as may be prescribed.

(2) Every record, photograph and register maintained under sub-section (1) shall, at all reasonable times, be open to inspection by the licensing officer or by any other gazetted officer of Government authorised in writing by the licensing officer in this behalf.

11. Revocation, suspension and amendment of licences.—(1) If the licensing officer is satisfied either on a reference made to him in this behalf or otherwise that—

- (a) a licence granted under section 8 has been obtained by misrepresentation of an essential fact, or
- (b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence.

(2) Subject to any rules that may be made in this behalf, the licensing officer may also vary or amend a licence granted under section 8.

12. Persons whose licences have been revoked may sell antiquities to other licensees.—Notwithstanding anything contained in section 5, any person whose licence has been revoked under section 11 may, after making a declaration before the licensing officer, within such period, in such form and in the such manner, as may be prescribed, of all the antiquities in his ownership, control or possession immediately before such revocation, sell such antiquities to any other person holding a valid licence under this Act:

Provided that no such antiquity shall be sold after the expiry of a period of six months from the date of revocation of the licence.

13. Power of Central Government to carry on the business of selling antiquities to the exclusion of others.—(1) If the Central Government is of opinion that with a view to conserving antiquities, or in the public interest it is necessary or expedient so to do, it may, by notification in the Official Gazette, declare that with effect on and from such date as may be specified in the notification, the Central Government or any authority or agency authorised by the Central Government in this behalf shall alone be entitled to carry on the business of selling or offering for sale of antiquities.

(2) On the issue of a notification under sub-section (1),—

- (a) it shall not be lawful for any person, authority or agency, other than the Central Government or any authority or agency authorized by the Central Government, to carry on the business of selling or offering for sale any antiquity on and from the date specified therein;
- (b) the provisions of this act, in so far as they relate to the licensing of persons carrying on the business of selling or offering for sale of antiquities shall cease to have effect except as respects things done or omitted to be done before such cesser of operation and section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply upon such cesser of operation as if those provisions had been repealed by a Central Act:

Provided that every licence granted under section 8 and in force on the date aforesaid shall, notwithstanding that the period specified therein has not expired, cease to be in force.

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(3) Every person whose licence has ceased to be in force under the proviso to clause (b) of sub-section (2) shall, within such period, in such form and in such manner as may be prescribed, make a declaration before the licensing officer of all the antiquities in his ownership, control or possession immediately before the date specified in the notification issued under sub-section (1).

14. Registration of antiquities.—(1) The Central Government may, from time to time, by notification in the Official Gazette, specify those antiquities which shall be registered under this Act.

(2) In specifying the antiquities under sub-section (1), the Central Government shall have regard to the following factors, namely:—

- (i) the necessity for conserving the objects of art;
- (ii) the need to preserve such objects within India for the better appreciation of the cultural heritage of India;
- (iii) such other factors as will, or are likely to, contribute to the safeguarding of the cultural heritage of India.

(3) Every person who owns, controls or is in possession of any antiquity specified in the notification issued under sub-section (1) shall register such antiquity before the registering officer—

- (a) in the case of a person who owns, controls or possesses such antiquity on the date of issue of such notification, within three months of such date; and
- (b) in the case of any other person, within fifteen days of the date on which he comes into ownership, control or possession of such antiquity,

and obtain a certificate in token of such registration.

COMMENTS

Where it is clear that the team of experts in the Archaeological Department have examined the articles seized from petitioner and have arrived at a definite conclusion that some of them were antiquities and they did not require to conduct chemical test to prove that they were more than 100 years old and petitioner did not make any attempt to show that these articles were not 100 years old, it was rightly concluded by courts below that these were antiquities requiring registration and non-registration thereof, was an offence under the Act; *S.R. Kiran v. Central Bureau of Investigation, Bangalore, 1999 Cri LJ 3079 (Kar)*.

15. Appointment of registering officers.—The Central Government may, by notified order,—

- (a) appoint such persons, as it thinks fit, to be registering officers for the purposes of this Act; and
- (b) define the limits of the area within which a registering officer shall exercise the powers conferred on registering officers by or under this Act.

16. Application for registration and grant of certificate of registration.—(1) Every person required to register any antiquities before the registering officer under section 14 shall make an application to the registering officer for the grant of a certificate of registration.

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(2) Every application under sub-section (1) ¹[shall in the case of such antiquities or class of antiquities as the Central Government may, by notification in the official Gazette, specify, be accompanied] by such photographs of the antiquity which is to be registered and by such number or copies, not exceeding six, as may be prescribed and shall be made in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (1), the registering officer may, after holding such inquiry as he deems fit, grant a certificate of registration containing such particulars as may be prescribed.

(4) No application made under this section shall be rejected unless the applicant has been given a reasonable opportunity of being heard in the matter.

17. Transfer of ownership, etc., of antiquities to be intimated to the registering officer.—Whenever any person transfers the ownership, control or possession of any antiquity specified in any notification issued under sub-section (1) of section 14 such person shall intimate, within such period and in such form as may be prescribed the fact of such transfer to the registering officer.

18. Provisions of sections 14, 16 and 17 not to apply in certain cases.—Nothing in section 14 or section 16 or section 17 shall apply to any antiquity kept—

- (i) in a museum; or
- (ii) in an office; or
- (iii) in an archive; or
- (iv) in an educational or cultural institution,

owned, controlled or managed by the Government ²[or by any local authority or by any such body as the Central Government may, for reasons to be recorded in writing approve for the purpose of this section by general or special order].

19. Power of Central Government to compulsorily acquire antiquities and art treasures.—(1) If the Central Government is of opinion that it is desirable to preserve any antiquity or art treasure in a public place, that Government may make an order for the compulsory acquisition of such antiquity or art treasure.

(2) On the making of an order under sub-section (1) the Collector of the district in which such antiquity or art treasure is kept shall give notice to the owner thereof intimating him of the decision of the Central Government to acquire the same and it shall be lawful for the Collector to take possession of such antiquity or art treasure, for which purpose the Collector may use such force as may be necessary.

(3) Where the owner of any antiquity or art treasure, the possession of which has been taken over by the Collector under sub-section (2) objects to the taking over of such possession, he may, within a period of thirty days from the date on which such possession was taken over, make a representation to the Central Government putting forth his objections.

Provided that the Central Government may entertain the representation after the expiry of the said period of thirty days, if it is satisfied that the owner of such

1. Subs. by Act 82 of 1976, sec. 3 for "shall be accomplished " (w.r.e.f. 4-6-1976).

2. Ins. by Act 82 of 1976, sec. 4 (w.r.e.f. 4-6-1976).

antiquity or art treasure was prevented by sufficient cause from making the representation in time.

(4) On receipt of any representation under sub-section (3), the Central Government, after making such inquiry as it deems fit and after giving to the objector an opportunity of being heard in the matter, shall, within a period of ninety days from the date of receipt of the representation, either rescind or confirm the order made by it under sub-section (1).

(5) Where any order made by the Central Government under sub-section (1) is rescinded under sub-section (4) the antiquity or art treasure shall be returned to the owner thereof without delay and at the expenses of the Central Government.

(6) Where the order made by the Central Government under sub-section (1) is confirmed under sub-section (4) the antiquity or art treasure shall vest in the Central Government with effect from the date on which the possession thereof has been taken over by the Collector under sub-section (2).

(7) The power of compulsory acquisition conferred by this section shall not extend to any object, being an antiquity or art treasure, used for *bona fide* religious observances.

Explanation.—In this section, “public place” means any place which is open to the use of the public, whether on payment of fees or not, or whether it is actually used by the public or not.

COMMENTS

Antiquities and art treasures are price less objects. They can provide immense material for study of Hindu and Buddhist culture in the State of Orissa. Malkhana of Courts are certainly not the places of storage of such articles. With a view to provide, interested persons, materials for their study and research, they can be handed over to the State Museum; *In the matter of Preservation of Antiquities involved in Criminal Trials*, AIR 1999 Ori 53.

20. Payment of compensation for antiquities and art treasures compulsorily acquired under section 19.—(1) Where any antiquity or art treasure is compulsorily acquired under section 19, there shall be paid 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 Central Government shall appoint as arbitrator a person who is, or has been, or is qualified for appointment as, a Judge of a High Court;
- (c) the Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the antiquity or art treasure compulsorily acquired to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate an assessor for the same purpose;
- (d) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what, in their respective opinion, is a fair amount of compensation;

- (e) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specifying the person or persons to whom such compensation shall be paid and in making the award he shall have regard to the circumstances of each case and the provisions of sub-section (2);
- (f) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons;
- (g) nothing in the Arbitration Act, 1940 (10 of 1940) shall apply to arbitration under this section.

(2) While determining the compensation under sub-section (1), the arbitrator shall have regard to the following factors, namely:—

- (i) the date or the period to which the antiquity or art treasure belongs;
- (ii) the artistic, aesthetic, historical, architectural, archaeological or anthropological importance of the antiquity or art treasure;
- (iii) the rarity of the antiquity or art treasure;
- (iv) such other matters as are relevant to the dispute.

(3) The arbitrator appointed under sub-section (1), while holding arbitration proceedings under this section, shall have all the powers of a Civil Court, while trying a suit, under the Code of Civil Procedure, 1908, (5 of 1908) in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence of affidavits;
- (d) requisitions any public record from any court or office;
- (e) issuing commissions for the examination of witnesses.

21. Appeals against decisions of licensing officers and registering officers.—(1) Any person aggrieved by a decision of a licensing officer under section 8 or section 9 or section 11 or by a decision of a registering officer under section 16 may, within thirty days from the date on which the decision is communicated to him, prefer an appeal to such authority as may be prescribed:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant and opportunity of being heard, pass such orders as it deems fit.

22. Appeals against awards of arbitrators.—Any person aggrieved by an award of the arbitrator made under section 20 may, within thirty days from the date on which the award is communicated to him, prefer an appeal to the High Court within whose jurisdiction he resides:

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by a sufficient cause from filing the appeal in time.

23. Powers of entry, search, seizure, etc.—(1) Any person, being an officer of Government, authorized in this behalf by the Central Government, may, with a view to securing compliance with the provisions of this Act or to satisfying himself that the provisions of this Act have been complied with—

- (i) enter and search any place;
- (ii) seize any antiquity or art treasure in respect of which he suspects that any provision of this Act has been, is being, or is about to be, contravened and thereafter take all measures necessary for securing the production of the antiquity or art treasure so seized in a court and for its safe custody, pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898)* relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

24. Power to determine whether or not an article, etc., is antiquity or art treasure.—If any question arises whether any article, object or thing or manuscript, record or other document is or is not an antiquity or is or is not an art treasure for the purposes of this Act, it shall be referred to the Director General, Archaeological Survey of India, or to an officer not below the rank of a Director in the Archaeological Survey of India authorized by the Director General, Archaeological Survey of India and the decision of the Director General, Archaeological Survey of India or such officer, as the case may be, on such question shall be final.

25. Penalty.—(1) If any person, himself or by any other person on his behalf, exports or attempts to export any antiquity or art treasure in contravention of section 3, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962 (52 of 1962) as applied by section 4, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine.

(2) if any person contravenes the provisions of section 5 or section 12 or sub-section (2) or sub-section (3) of section 13 or section 14 or section 17, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both and the antiquity in respect of which the offence has been committed shall be liable to confiscation.

(3) If any person prevents any licensing officer from inspecting any record, photograph or register maintained under section 10 or prevents any officer authorized by the Central Government under sub-section (1) of section 23 from entering into or searching any place under that sub-section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

26. Cognizance of offences.—(1) No prosecution for an offence under sub-section (1) of section 25 shall be instituted except by or with the sanction of such officer of Government as may be prescribed in this behalf.

* See Now section 100 of the Code of Criminal Procedure, 1973 (2 of 1974).

(2) No court shall take cognizance of an offence punishable under sub-section (2) or sub-section (3) or section 25 except upon complaint in writing made by an officer generally or specially authorized in this behalf by the Central Government.

(3) No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under this Act.

COMMENTS

Recovery of antiquities articles from house of Petitioner, not registered as required under section 14. Team of experts in the Archaeological Department examined all the articles and found that few of them were antiquities. Opinion filed by them is final under section 24. In respect of these articles chemical test to prove that they were 100 years old was not required to be conducted. Non-registration of antiquities in an offence under the Act and imposition of fine not illegal or irregular. However, petitioners were given an opportunity to make application for registration of antiquities instead of confiscating them; *S.R. Kiran v. Central Bureau of Investigation, Bangalore, 1999 Cri LJ 3079 Kar.*

27. Magistrate's power to impose enhanced penalties.—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898*, it shall be lawful for any Presidency Magistrate or any Magistrate of the First Class to pass any sentence under this Act in excess of his power under section 32 of the said Code.*

28. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

29. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or is intended to be done under this Act.

* See Now section 29 of the Code of Criminal Procedure, 1973 (2 of 1974).

30. Application of other laws not barred.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Ancient Monuments Preservation Act, 1904 (7 of 1904) or the Ancient Monuments and Archaeological Sites and Remains Act, 1958, (24 of 1958) or any other law for the time being in force.

31. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

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

- (a) the authority for issue of permit under sub-section (2) of section 3;
- (b) the form in which an application for the grant of a licence may be made under sub-section (1) of section 7 and the particulars which such application shall contain;
- (c) the factors to which regard may be had while granting a licence under sub-section (1) of section 8;
- (d) the fees on payment of which, the period for which, the conditions subject to which and the form in which a licence may be granted under sub-section (1) of section 8 and the particulars which such licence shall contain;
- (e) the fees on payment of which and the period for which a licence may be renewed under sub-section (1) of section 9;
- (f) the records, photographs and registers which are to be maintained under section 10 and the manner in which such records, photographs and registers shall be maintained and the particulars which such records, photographs and registers shall contain;
- (g) the nature of the photographs of the antiquity and the number of copies thereof which shall accompany an application for the grant of a certificate of registration to be made under sub-section (1) of section 16 and the form in which such application may be made and the particulars which such application shall contain;
- (h) the particulars which a certificate of registration granted under sub-section (3) of section 16 shall contain;
- (i) the authority to which an appeal may be preferred under sub-section (1) of section 21; and
- (j) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. Repeal.—(1) The Antiquities (Export Control) Act, 1947 (3 of 1947) is hereby repealed.

(2) For the removal of doubts it is hereby declared that every licence issued under section 3 of the Act repealed under sub-section (1) and in force at the commencement of this Act shall, notwithstanding that the period specified therein has no expired, cease to be in force.

33. Amendment of Act 24 of 1958.—In the Ancient Monuments and Archaeological Sites and Remains Act, 1958,—

(i) in section 1, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India.”,

(ii) after section 2, the following section shall be inserted, namely:—

“**2A. Construction of references to any law not in force in the State of Jammu and Kashmir**—Any reference in this Act to any law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.”;

(iii) in section 23,—

(a) in sub-sections (2) and (4), for the words “compulsory purchase”, the words “compulsory acquisition” shall be substituted;

(b) in sub-section (3), for the words “compulsory purchase of any such antiquities at their market value”, the words “compulsory acquisition of any such antiquities” shall be substituted;

(iv) in section 26,—

(a) in sub-section (1), for the words “compulsory purchase of such antiquity at its market value”, the words “compulsory acquisition of such antiquity” and for the words “to be purchased”, the words “to be acquired” shall be substituted;

(b) in sub-sections (2) and (3), for the words “compulsory purchase”, the words “compulsory acquisition” shall be substituted;

(v) in section 28, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) For every antiquity in respect of which an order for compulsory acquisition has been made under sub-section (3) of section 23 or under sub-section (1) of section 26, there shall be paid compensation and the provisions of sections 20 and 22 of the Antiquities and Art Treasures Act, 1972 shall, so far as may be, apply in relation to the determination and payment of such compensation as they apply in relation to the determination and payment of compensation for any antiquity or art treasure compulsorily acquired under section 19 of that Act.”

THE ANTIQUITIES AND ART TREASURES RULES, 1973¹

In exercise of the powers conferred by section 31 of the Antiquities and Art Treasures Act, 1972 (52 of 1972), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Antiquities and Art Treasures Rules, 1973.

(2) They shall come into force in a State on the date on which the Act comes into force in that State.

2. Definitions.—(a) "Act" means the Antiquities and Art Treasures Act, 1972;

(b) "Form" means a form appended to these rules;

(c) "licensee" means a holder of a licence granted under the Act;

(d) "section" means a section of the Act.

²[**2A. Reference to committee of experts for report as to artistic and aesthetic value of any human work of art.**—Where having regard to the nature and other matters pertaining to any human work of art which the Central Government proposed to declare to be an art treasure under clause (b) of section 2 of the Act, the Central Government considered it necessary so to do, it may, by notification in the Official Gazette, constitute a committee consisting of not less than three persons having expert knowledge as to like works of art to consider and submit a report on the artistic and aesthetic value of the work of art so proposed to be declared.]

²[**2B. Notice for ascertaining whether the author of a work of art is alive.**—(1) With a view to determining whether the author of any human work of art which the Central Government proposes to declare to be an art treasure under clause (b) of section 2 of the Act is alive the Central Government may, by notification in the Official Gazette, give notice of its intention to make such declaration and require—

(a) that in case the author thereof is alive, he shall, within two months from the date of publication of the notification in the Official Gazette, communicate the fact and his address to the Central Government;

(b) that any other person knowing such author to have been alive within thirty years, to make known to the Central Government ³[within two months from the date of publication of the notification in Official Gazette] the name of the author and the fact of the author being alive and his address or, as the case may be, the date on which the author was last seen alive, and the last known address of the author.

(2) A copy of a notice published under sub-rule (1) may also be published in any Indian or Foreign newspaper or journal.]

1. *Vide* G.S.R. 405 (E), dated 31st August, 1973, published in the Gazette of India, Extra. Pt. II, Sec. 3 (i), dated 31st August, 1973.

2. *Ins.* by G.S.R. 683 (E), dated the 6th December, 1979 (w.e.f. 6-12-1979).

3. *Ins.* by G.S.R. 815 (E), dated 2nd November, 1983 (w.e.f. 2-11-1983).

3. Authority competent to issue permits under sub-section (2) of section 3.—The Director-General shall be authority competent to issue permit under section 3 for the export of any antiquity or art treasure.

Explanation.—For the purposes of rules, the expression “Director-General” means the Director-General, Archaeological Survey of India and includes an officer not below the rank of the Director, Archaeological Survey of India ¹[duly authorized in this behalf by the Director-General].

4. Form of application for licence to carry on business or selling antiquities.—Every application for a licence to carry on the business of selling or offering to sell antiquities, shall be made in Form I and shall be accompanied with a challan of ²[rupees two thousand] in token of having paid the fee for the licence applied for.

5. Grant of licence under sub-section (1) of section 8.—(1) On receipt of an application for licence to carry on the business of selling or offering to sell the antiquities, the licensing officer shall, in addition to considering the factors mentioned in a clause (a), (b) and (c) of sub-section (1) of section 8 consider the *bona fide* intention of the applicant and if satisfied about such intention, may grant a licence to the applicant in Form II.

³[(2) Every licence granted under sub-rule (1), shall be valid for two years from the date of issue. This period of two years may be extended by one year by the licensing officer, if application for such extension is received by him at least two months before the date of expiry and ⁴[the licensee (i) has been submitting all the prescribed returns; (ii) has satisfactorily maintained all the prescribed records; and (iii) continues to comply with all the conditions laid down for the grant of licence]:

⁵[Provided that an application for extension under this sub-rule may be entertained by the licensing officer even up to one month before the date of expiry if he is satisfied that the delay in applying for extension was due to circumstances beyond the control of the applicant.]

6. Conditions of licence under rule 5.—Every licence granted under rule 5 shall be subject to the following conditions, namely:—

(a) The licence shall not be transferable:

Provided that where a licensee transfers his business to another person the transferee may, on an application made in ⁶[Form I A] be granted a fresh licence, without payment of a licence-fee, for the unexpired period of the licence of the transferor, by the licensing officer, having regard to the factors mentioned in rule 5:

⁶[Provided further that in the case of the death of licensee when the licensee is an individual, a fresh licence for the unexpired period of

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1. Added by G.S.R. 546 (E) dated 30th November, 1978 (w.e.f. 30-11-1978).
 2. Subs. by G.S.R. 746 (E), dated 28th August, 1992 (w.e.f. 28-8-1992).
 3. Subs. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).
 4. Subs. by G.S.R. 56 (E), dated 10th February, 1981 (w.e.f. 10-2-1981).
 5. Ins. by G.S.R. 56 (E), dated 10th February, 1981 (w.e.f. 10-2-1981).
 6. Subs. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

the licence can be granted in Form II A without payment of any fee, to the legal heir of the late licensee subject to the condition that an application in Form IA is made by that heir to the licensing officer¹[within three months of the date of death of the licensee], and the licensing officer is satisfied with the factors mentioned in rule 5, in regard to the applicant.]

- ²[(b) No licensee shall enter into partnership, or if the licensee is already a partnership firm, into further partnership, in regard to the business covered by the licence:

Provided that if the licensee wants to enter into partnership or further partnership, as the case may be, in regard to the business covered by the licence, all the proposed partners including the existing one(s) may apply in Form IA to the licensing officer and if the licensing officer is satisfied with all the facts mentioned in rule 5 in regard to all the proposed partner(s), he may issue a fresh licence in Form II A for the unexpired period of the licence without payment of any fee.]

- (c) Where a firm in respect of which a licence is granted is dissolved every person who was a partner of that firm immediately before the dissolution shall, within ten days of such dissolution, send a report thereof to the licensing officer.
- (d) Where a licensee carries on his business at more than one place he shall obtain a separate licence for each place.
- ²[(e) No licensee shall shift his business covered by the licence to new premises during the currency of the licence. However, if he wants to do so, he may apply in Form IA to the licensing officer and if the licensing officer is satisfied with the fact mentioned in section 8 (b) of the said Act, in regard to the proposed premises, he may modify the licence accordingly. The modified licence shall be valid in regard to the new premises only from the date of such modification.]
- (f) The licensee shall if so required by the licensing officer permit the licensing officer's photographer to take photographs of antiquities in the possession of the licensee.
- (g) the licensee shall cause his licence to be prominently displayed at his licensed premises
- (h) the licensee shall submit to the licensing officer in Form III, a monthly return of sales and acquisition of antiquities, within fifteen days of the expiry of the month to which the return relates and shall also, on demand, within such time as the licensing officer may specify, produce such records;
- (i) Where a licence is revoked or suspended under the Act, the licensee shall not be entitled to any compensation for such revocation or suspension, nor shall he be entitled to claim refund of any sum paid in respect of his licence.

1. Subs. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

2. Ins. by G.S.R. 56 (E), dated, 10th February, 1981 (w.e.f. 10-2-1981).

- ¹[(j) In case of termination of a licence through expiry/dissolution of partnership, the ex-holders of the licence shall be allowed to antiquities in his/her/their possession on the date of termination to a licensee or recognized museum in India within six months of the date of termination of the licence provided the ex-holder of the licence has/have properly declared his/her/their stock in Form V as laid down in conditions (k) and (m).]
- ¹[(k) Two months before the date of expiry of a licence, every licensee shall send to the licensing officer a declaration of stock in Form V and another declaration of stock in Form VI immediately after six months from the date of expiry.]
- ¹[(l) In the case of revocation of a licence for non-compliance with any condition for the grant of a licence, an ex-licensee shall submit a declaration of stock in Form V to the licensing officer within fifteen days of revocation.]
- ¹[(m) In the case of dissolution of a partnership firm, which holds a licence, every partner in the firm shall immediately on dissolution jointly, or severally, send to the licensing officer a declaration of stock in Form V and another declaration of stock, in Form VI immediately after six months from the date of dissolution.]
- ¹[(n) A licensee who wants to surrender his licence shall apply in Form X to the licensing officer. The application shall be accompanied by a declaration of stock in Form V. If the licensing officer is satisfied that there has been compliance with all the conditions of the licence by the licensee, he may accept the surrender and the licence shall be deemed to have terminated from the date of such acceptance. This shall not entitle the licensee to any compensation by way of refund of licence fee in any form.]
- ¹[(o) The licensee who has surrendered his licence shall be allowed to sell the antiquities declared to another licensee or recognized museum in India up to six months from the date of acceptance of the surrender of his licence provided that on the expiry of such six months, he shall send to the licensing officer a declaration of stock in Form VI.]

7. Renewal of licence under sub-section (1) of section 9.—On an application made by the licensee for the renewal of the licence and on payment of a fee of ²[rupees one thousand] the licence may be renewed ³[for a further period of two years at one time]:

¹[Provided that such application is received by the licensing officer at least two months before the date of expiry of the licence and is accompanied by a declaration of stock in Form V.]

1. Ins. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

2. Subs. by G.S.R. 746 (E), dated 28th August, 1992 (w.e.f. 28-8-1992).

3. Subs. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

8. Maintenance of records, photographs and register by licensee.—Every licensee shall maintain the following records, namely:—

- (a) a register of antiquities ¹[***] in Form IV separately for each category of antiquity for which he has been authorized to carry on business of selling or offering to sell; and
- (b) photo albums separately for each category of antiquities having clear photographs in at least post-card size, pasted in the album together with a loose photograph bearing the serial number of his register.

9. Form of ²[declaration under section 12 and rule 7] and period within which it shall be made.—Every person whose licence has been revoked under section 11 shall make before the licensing officer:—

- (a) a declaration in Form V, within fifteen days from the revocation of his licence; and
- (b) a declaration in Form VI, immediately after a period of six months from the date of revocation of his licence.

10. Amendment of licence.—A licence may be waived or amended by the licensing officer *suo motu* or on an application made in that behalf by the licensee:

Provided that no amendment or variation shall be made *suo motu* by the licensing officer unless the licensee has been given a reasonable opportunity of being heard in the matter.

11. Application for certificate of registration under section 16.—(1) Every application for a certificate of registration under section 16 shall be made in Form VII to the registering officer having jurisdiction over the area in which the applicant resides.

(2) Every such application shall be accompanied by ²[three copies of photographs in post or quarter size] in sharp focus, of each antiquity in the applicants' possession, and if so required by the registering officer by an equal number of photographs of different sides, or facets of such antiquity.

12. Form of certificate of registration under section 16.—The certificate of registration under section 16 shall be granted in Form VIII.

13. Transfer of ownership.—When any person transfers the ownership control or possession of a registered antiquity to any other person, the transfer shall be intimated in Form IX by the transferor within fifteen days of the date of transfer to the registering officer having jurisdiction over the area where the transferor resides and also to the registering officer having jurisdiction over the areas where the transferor resides.

14. Appeal against a decision of the licensing officer or registering officer.—Any person aggrieved by a decision of a licensing officer under section 8 or section 9 or section 11 or by a decision of a registering officer under section 16 may, within thirty days from the date on which the decision is communicated prefer an appeal to the Director-General, Archaeological Survey of India.

1. Omitted by G.S.R. 654 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

2. Subs. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

¹[15. Director-General to sanction prosecution.—The Director-General shall be the officer competent in terms of sub-section (1) of section 26 of the Act, to institute, or to sanction institution of prosecution for offences under sub-section (1) of section 25 of the Act.]

¹[Note.—The declaration in Forms V and VI referred to in conditions (j) to (o) of rule 6 and sub-rule (b) of rule 9, shall be made either by registered post or in person.]

FORM I

APPLICATION FOR LICENCE TO CARRY BUSINESS OF SELLING OR OFFERING TO SELL ANTIQUITIES

(See rule 4)

- *1. Name and address of applicant/s.
- **2. Name and address of firm including its branches or collaterals and other names (*aliases*) and addresses during the last 10 years.
3. Names and addresses of partners, if any, including adult members of the family having an interest in, or share in, the business.
4. Addresses of showroom/sale premises.
5. Addresses of all godowns and repositories including residential premises of the constituents.
6. The period for which the applicant has been in business giving the details of his experience.
7. Whether the applicant/firm (including all constituents individually and jointly) was convicted of any offence punishable under the Antiquities (Export Control) Act, 1947, or, in any other case involving theft or smuggling of antiquities. If so, details thereof may be stated.
8. Whether the applicant/firm (including all constituents individually or jointly) is a subject of prosecution/investigation/inquiry regarding the infringement of the Antiquities (Export Control) Act, 1947 or the theft of antiquities or art treasures.
9. Whether all stock up to the date of application has been entered in the applicant's register.
10. The village, town or city, including District and State, where the applicant intends to carry on the business.
11. Nature, *i.e.* details of the varieties of antiquities in which the applicant wishes to deal in, such as, stone sculptures, metal works, wood works, coins, paintings, jewellery and the like.
12. Categorywise list of all objects on hand claimed by the applicants to be antiquities including those which have been registered with registering officer.
13. Proof of deposition of licence fee, *i.e.* treasury challan of Rs. 100 payable into the Account No..... bearing No.....datedto be attached.
14. I declare that the above information is correct and complete to the best of my knowledge and belief. I/We also undertake to observe the provisions of the Antiquities and Art Treasures Act, 1972, and the rules made thereunder.

I also enclose an attested* copy of the Income-tax Certificate for the preceding year (20.....20.....) and the Registration No. of the business establishment. I also undertake to

1. Ins. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

12. Categorywise list of all objects on hand claimed by the applicants to be antiquities including those which have been registered with registering officer.

13. Particulars of the licence in lieu of which a fresh licence is needed.

(a) No.

(b) Date.

(c) Name(s) of the licensee.

(d) Period with dates for which issued/renewed.

14. The circumstance in consequence of which this application has been made.

(Death of the licensee/transfer of business/entry into partnership enlargement of the existing partnership). Proof must be furnished.

15. I/We declare that the above information is correct and complete to the best of my/our knowledge and belief. I/We also undertake to observe the provisions of the Antiquities and Art Treasures Act, 1972, and the rules made thereunder. I/We also enclose an attested copy of the Income-tax Certificate for the preceding year (20.....20.....) and the Registration Number of the business establishment. I/We also undertake to intimate any change of address of acquisition of new godown within a week. I/We also undertake to maintain such records. Photographs and registers and furnish at my/our expense periodical returns with such particulars and photographs as may be required under the rules. I/We also undertake to make available every record photograph and register maintained in this connection for the inspection of the licensing officer, or any other gazetted officer of Government authorized in writing by the licensing officer in this behalf.

Seal of the Organization.

Place.....

Name and signature of the applicant.

Date.....

To be attested by a gazetted officer with seal of officer. Any change of address has to be promptly intimated to the licensing office.]

FORM II

Licence No.....

Date of issue.....

LICENCE FOR CARRYING ON THE BUSINESS OF SELLING OR OFFERING TO SELL ANTIQUITIES

[See rule 5 (1)]

Not Transferable

Whereas.....(son of).....of (address) has applied for a licence for carrying on the business of selling or offering to sell antiquities and has undertaken to observe the provisions of the Antiquities and Art Treasures Act, 1972, and the rules made thereunder and has further deposited the sum of Rs. 100 (Rupees one hundred) only as required by the rules.

Ilicensing officer, do hereby grant this licence under sub-rule (1) of rule 5 of the Antiquities and Art Treasures Rules, 1973.....for the period ofyears with effect from

The licence is granted subject to the provisions of the said Act, and rules and is further subject to the following conditions:

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(1) Accordingly licensee will deal only in the following categories of antiquities. The area where the business will be carried on will be—

- | | |
|----------------|---------------------------------|
| (1) | (5) |
| (2) | (6) |
| (3) | (7) |
| (4) | (8) |
| Seal of office | Signature |
| Place..... | Name |
| Date..... | Licensing Officer (Designation) |

¹[FORM IIA

(See rule 6)

Licence No.....

Date of Issue.....

LICENCE FOR CARRYING ON THE BUSINESS OF SELLING OR OFFERING TO SELL ANTIQUITIES, IN LIEU OF ONE THE HOLDER OF WHICH HAD DIED OR THE HOLDER(S) OF WHICH HAS/HAVE TRANSFERRED HIS/THEIR BUSINESS TO OTHER (S) OR THE HOLDER(S) WHICH PROPOSE(S) TO ENTER INTO PARTNERSHIP/FURTHER PARTNERSHIP

Whereas the holder(s) of licence No.....datedvalid fromto has/have died/transferred his/her/their business to other/propose(s) to enter into partnership/further partnership.

And whereas the heir/transferee/proposed/partners whose particulars are given below, has/have applied for the issue of a fresh licence in lieu of the licence aforesaid for the unexpired period or the licence aforesaid.

Name:.....

Father's Name:.....

Address:.....

And whereas the applicants aforesaid have undertaken to observe the provisions of the Antiquities and Art Treasures Act, 1972 and the rules made thereunder, as amended from time to time.

I,licensing officer do hereby grant this licence under sub-rule (1) of rule 5 of the Antiquities and Art Treasures Rules, 1973 for the period with effect from.....

The licence is granted subject to the provisions of the said Act, and rules and is further subject to the following conditions:

(1) The licensee will deal only in the following categories of antiquities. The area where the business will be carried on will be—

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)

1. Ins. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

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Seal of Office

Place.....

Date.....

Signature

Name

Licensing Officer]

FORM III

Name of the firm (Licensee).....

MONTHLY RETURN OF SALES OR ACQUISITION OF ANTIQUITIES

[See rule 6 (h)]

For the month of

- | | |
|---|--|
| 1. Serial Number.....
(in the register) | 1. Serial Number.....
(in the register) |
| 2. Description of object.....
with a photograph. | 2. Description of object.....
with photograph |
| *3. Address of person to
whom sold..... | 3. Address of person from.....
whom acquired |

Seal of Organization

*Signature of licensee

Place.....

Date.....

- *. The nationality of foreigners to whom an antiquity is sold together with their address in India and at home and passport number should be recorded.
- †. In the case of a firm, the signature of the head of the organization.

FORM IV**REGISTER OF ANTIQUITIES**

[See rule 8 (a)]

Antiquities such as stone sculpture/terracottas/metal/objects/objects of bone and ivory/jewellery/woodwork/seals/medals/coins/paintings/manuscripts and textiles.

Serial No.	Identification of objects and description	Material	Size	Approximate Age
1	2	3	4	5
Date of acquisition	Source of acquisition including the name of the person/firm from whom acquired with address		Mode of acquisition	
6	7		8	
Price paid for acquisition	Registration No.	Date of registration		
9	10	11		

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Date of sale, if any	Name and address of person or firm to whom sold**	Place where object is kept
12	13	14
Reference to Photo album No.	Photo No. and page	Photographs in 6x6 cm. size
15	16	17
(To be pasted in the register)		

** In the case of a foreigner his addresses in India and at home and passport number should also be recorded.

[FORM V

DECLARATION OF STOCK

[See conditions under rule 6 (j), (k), (l), (m), (n), rule 7 and rule 9 (a)]

Particulars of objects (category-wise)

Serial No. in the register	Identification and description of the object registered or unregistered)	Material size	Approximate
1	2	3	4
Date of registration if registered		Registration No.	
5		6	

I/We declare our stock of antiquities as hereabove on the date of declaration.

Seal of Organization

Place.....

Date.....

Signature of the Licensee

Name of the firm

Licence No.....]

¹[FORM VI

DECLARATION OF STOCK

[See conditions under rules 6 (k), (m), (o) and 9 (b)]

Particulars of objects sold out of the stock declared on.....

Serial No. in the register	Description of the objects with photographs	Name and address of the licensee/ license firms to whom sold	Date of sale
1	2	3	4
Price at which sold	Approximate age	Balance with details (registration No. etc.) of the object in hand	
5	6	7	

I/We hereby declare the stock of antiquities as hereabove held by me/us on the date of making this declaration.

Seal of the Organization

Place.....

Date.....

Signature of Licensee

Name of the firm

Licence No

FORM VII

Licence No.....

APPLICATION FOR REGISTRATION OF ANTIQUITIES

(See rule 11)

1. Name of applicant (person or firm)
2. Address of applicant (person or firm).
3. Identification and description of object with
¹[three copies of photographs in postcard or quarter size.]
4. Material.
5. Size.
6. Approximate date.
7. Source of acquisition.
8. Where the applicant has come into ownership, control or possession of any antiquity which is already registered under the Act, registration number of such antiquity and the name of registering officer, who had registered it.
9. Date of acquisition
10. Mode of acquisition
11. Price paid, if any.
12. (a) Present location, and
(b) Condition of preservation and security.
13. If the antiquity is already registered under the Act, whether its registration certificate has been attached.

I declare that the above information is correct and complete to the best of my knowledge and belief. I also undertake to observe the provisions of the Antiquities and Art Treasures Act, 1972, and the rules made thereunder.

Seal of the Organization

Place.....

Signature

1. Subs. by G.S.R. 564 (E), dated 30th November, 1978 (w.e.f. 30-11-1978).

- Date..... Name of the applicant
1. If the application is on behalf of an organization, the name thereof should be given.
 2. If the application is on behalf of an organization, the signature should be that of the head of that organization.

FORM VIII
CERTIFICATE OF REGISTRATION OF ANTIQUITIES
(See rule 12)

Whereas resident of.....has applied for registration of the antiquity/antiquities mentioned below, and has undertaken to observe the provision of the Antiquities and Art Treasures Act, 1972, and the rules made thereunder

Place.....

I,.....registering officer.....do hereby grant this certificate under section 16 of the said..... for the object described below together withauthenticated photographs.

1. Name of object
2. Material
3. Size (height and width)
4. Approximate date
5. Location.

The certificate is granted subject to the provision of the said Act and the rules made thereunder and is further subject to the condition that in the event of change of location of the antiquity from area of registration to another or its sale, the fact must be communicated by the owner to the registering officer, with the name and address of the person/firm to whom/which it was sold or gifted.

Seal of office

Place.....

Date.....

Signature

Name of registering officer

Designation

¹FORM IX
TRANSFER OF OWNERSHIP
(See rule 13)

N.B. 1.—This Form must be completed (in triplicate) simultaneously with the transfer of ownership.

2. One copy shall be sent to the registering officer concerned and the other two copies to the Director-General, Archaeological Survey of India, New Delhi by registered post so as to reach them within ten days of transfer.

3. In case the object is an unregistered antiquity each copy of this Form shall be accompanied by a photograph (in sharp focus) of the object in postcard or quarter size. If the sides of the object are decorated differently than the front, the photographs, as stated above, shall be sent in respect of each such side also in addition to the front side.

4. The responsibility for completion of the above formalities rests with the seller/giver if the object has been sold, gifted or donated; otherwise with the new owner of the object.

SECTION A (TO BE COMPLETED BY THE SELLER/GIVER)

1. Name of Owner
 2. Address of Owner
 3. *Licence No.
 4. Serial No. in Register.....
 5. Serial No. in Album
 6. Name/Subject of object
 7. Nature (e.g. sculpture, painting, manuscript, coins, etc.)
 8. Whether it is registered ?
If so—
(i) Name and Station of registering officer
 - (ii) Registration No.
 9. Material
 10. Size
 11. Price offered
- Place Signature of Owner
Date..... Name (In Block Letters) as signed and Seal.

*. Applicable in the case of dealers only.

SECTION B (TO BE COMPLETED BY THE NEW OWNER)

1. Name
2. Complete address
 - (i) Present.....
 - (ii) Permanent
3. Mode of acquisition.....
(e.g. purchase, gift, inheritance, donation, etc.)
4. Present location of object
5. Safeguards for preservation and security of the object
6. [†]Nationality
7. [†]Passport No.
8. [†]Duration of stay in India
9. Purpose of visit

I hereby declare that the information given above by me is correct and complete to the best of my knowledge and belief. I undertake to observe the provisions of the Antiquities and Art Treasures Act, 1972 and the rules made thereunder as in force from time to time.

I am aware that the object now acquired by me is an antiquity that it cannot be taken or sent out of the territorial limits of India except on the authority of a permit issued by Director-General of Archaeological Survey of India and that any attempt to take or send out of India without such a valid permit is punishable under the law.

Place.....

Signature

Date.....

Name (in Capital letters assigned]

†. Applicable in the case of foreigners only.

¹[FORM X]

APPLICATION FOR SURRENDER OF A LICENCE FOR CARRYING ON THE BUSINESS OF SELLING OR OFFERING TO SELL ANTIQUITIES

[See rule 6 (n)]

1. Name of the applicant.....
2. Present address of the applicant.....
3. Particulars of the licence to be surrendered:
 - (a) Number.....
 - (b) Date.....
 - (c) Name of the holder.....
 - (d) Period with dates of validity.....
4. Reason for surrendering the licence.....

I/We hereby declare my/our intention or surrendering the licence aforesaid, of which I/we/am/are/holder (s) and am/are aware that on the acceptance of this surrender, I/we will not be entitled to any compensation by way of refund of licence fee or in any other form.

I/We hereby attach a declaration of Form V of the stock of antiquities held by me/us on the date of this declaration and hereby undertake to submit another declaration of Form VI immediately six months after the date of acceptance of this surrender.

Place.....

Signature and name of the applicant

Date.....

No. of licence

Seal of the firm]