

**Act VII of 1976**  
**Antiquities Act, 1975**

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

[Gazette of Pakistan, Extraordinary, Part I, 14<sup>th</sup> January, 1976]

The following Act of Parliament received the assent of the President on the 10<sup>th</sup> January, 1976, and is here by published for general information:

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 herewith or ancillary thereto:

It is hereby enacted as follows:

1. Short title, extent and commencement,
  - a. (i) This act may be **called the Antiquities Act, 1975.**
  - b. It **extends to the whole of Pakistan.**
  - c. 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 constitutes under section 3;
  - b. "Ancient" means belonging or relating to any period prior to May 1875;
  - c. "Antiquity" means –
    - i. Any ancient product of human activity, movable or immovable illustrative of art, architecture, crafts, custom, literature, morals, politician religion, warfare or science or of any aspect of civilization r culture,
    - ii. Any ancient object or site of historical, ethnographical, anthropological, military or scientific interest,
    - iii. Any national monument, and
    - iv. An 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;
  - d. "Dealer" means a person engaged in the business of buying and selling antiquities; and "del in antiquities means to carry on such business;
  - e. "Director": means the Director of Archaeology, Government of Pakistan, and includes an officer authorized by him to exercise or perform all or any of the power or functions of the Director 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 entertainment, or any ancient garden, structure, building, section 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, paneling, 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 portion 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, an convenient inspection of as 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.
  - 7. In 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 interment, 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 the Advisory Committee;
- 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 manger or trustee;
- j. “Protected antiquity” means an antiquity which is declared under action 10 to be a protected antiquity and
- k. “Rules” means rules made under this Act. Advisory Committee –
  - i. For the purposes of this Act, the Federal Government shall constitute an Advisory Committee consisting of the following members, namely:
    - 1. The Director, who shall also be its Chairman;
    - 2. One representative each of the Education Division and the Tourism Division;

3. Three other persons having special knowledge of antiquities, to be nominated by the Federal Government;
- ii. 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.
- iii. Dispute as to whether any product, etc. is an antiquity – if any question arises whether any product, object or site is an antiquity within 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.
- iv. Custody, preservation, etc, of certain antiquities –
  1. Where the Director 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.
  2. Where the owner of an antiquity is not traceable, the Director 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.
- v. Power of entry, inspection, etc.
  1. The Director, 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 purposes.
  2. The owner or occupier of the premises, place or area shall afford all reasonable opportunity and assistance to the Director for the purpose of subsection (1).
  3. No Photograph, copy or reproduction taken or made under or for the purposes of subsection (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 reproduction has been taken or made.
  4. where substantial damage is caused to any property as a result of the inspection under subsection (1), the Director 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 a public purpose.

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

- i. The Director may, with the previous sanction of the Federal Government, purchases, or take lease or accept a gift or bequest of, an antiquity.
- ii. The Director 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:
- iii. 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.**

- i. Where the Director 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.
- ii. If the Director 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 subsection (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.
- iii. Save as provided in subsection (2), no antiquity or property in respect of which a notice under subsection (1) has been given shall be sold to any person.
- iv. All sales in contravention of subsection (3) shall be void and the antiquity or property so sold shall be forfeited to the Federal Government.

**10. Declaration of protected antiquities**

- i. The Federal Government may, by notification in the official Gazette, declare any antiquity to be a protected antiquity for the purposes of this Act.
- ii. A copy of a notification under subsection (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.
- iii. A notification under subsection (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.
- iv. 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**

- i. 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.
- ii. Upon the receipt of a representation under subsection (1) against a notification, the Federal Government, after giving the person making it 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**

- i. The owner of any immovable antiquity or protected antiquity may, by an agreement in writing constitute the Director the guardian of such antiquity and the Director may, with the previous sanction of the Federal Government, accept such guardianship.
- ii. Where the Director has accepted the guardianship of an antiquity in pursuance of an agreement under subsection (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 had not been constituted the guardian thereof.
- iii. 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 an 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 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.
- iv. 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.
- v. An agreement under this section in relation to an antiquity may be terminated upon six months' notice in writing given by the Director, with the previous sanction of the Federal Government, to the owner or by the owner to the Director.

**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 in 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.

**14. Application of endowment for maintenance and preservation of antiquity**

- i. Where any endowment has been created for the maintenance and preservation of any protected antiquity, or for that purpose among others, and the owner or other person competent in this behalf fails in the proper application of such endowment and, when proposed to him by the Director refuses or fails to enter into an agreement under section 12, the Director may, on 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.
- ii. On the hearing of an application under subsection (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.**

- i. 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, after consultation with the Advisory Committee, 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.
- ii. The power of compulsory acquisition under subsection (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; or
  - c) Any other antiquity unless the owner or other person competent in this behalf has, when proposed to him by the Director, failed to enter into an agreement under section 12 within such period, not being less than six months, as the Director may fix.

**16. Compulsory acquisition of movable antiquities.**

- i. 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 subsection 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.
- ii. When an order under subsection (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 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 subsection and in any rules made in this behalf, nothing in any law for the time being in force shall apply to arbitration under this subsection.

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

- i. 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.
- ii. A place of worship or shrine in respect of which the Director 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.
- iii. Where any antiquity in respect of which the Federal Government has acquired any right under this Act or the Director has accepted guardianship is periodically used for religious worship or observance by any community, the Director 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.
- iv. Whoever contravenes the provisions of subsection (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.**

- i. No person shall, except for carrying out the purposes of this Act, destroy, break, damage alter, injure, deface or mutilate or scribble, write or engrave any inscription or sign on, any antiquity or take manure from any protected antiquity.
- ii. Whoever contravenes the provisions of subsection (1) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
- iii. The Court trying an offence under subsection (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.**

- i. The owner of a protected immovable antiquity shall not make any alteration or renovation in, or addition in, or addition to, the antiquity:  
Provided that he may, with the permission of the Director, 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 or a person authorized by him in this behalf.
- ii. Whoever contravenes the provisions of subsection (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 measure for preservation of antiquity.**

- i. Where the Director considers that any antiquity is not being preserved or conserved properly by its owner, the Director may, by order in writing, direct the owner to take such measures for its proper preservation and conservation. And within such time, as may be specified in the order.
- ii. If the owner fails to take the measures specified in the order referred to in subsection (1), the Director 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 except with the approval of the Director,

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

- i. 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.
- ii. Whoever contravenes the provision of subsection (1) shall be punishable with rigorous imprisonment for term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.
- iii. The Court trying an offence under subsection (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**

- i. Whoever counterfeits, or commits forgery in respect of any antiquity with intent to commit fraud or knowing to be likely that fraud will thereby be committed, or causes anything to appear like, or to be believed to be, an 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.
- ii. The Court trying an offence under subsection (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**

- i. No person shall deal in antiquities except under, and in accordance with, a licence granted by the Director.
- ii. Every dealer shall maintain a register in such manner and form as the Director may prescribe from time to time.
- iii. A licence granted under subsection (1) may be cancelled by the Director for the breach of any condition of the licence.
- iv. The Director may, with a view to securing compliance with the provisions of this section,
  - a) Require any person dealing in antiquities to give such information as he has in his possession with respect to any business carried on by him as the Director 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 authorize any officer subordinate to him to enter and search, any premises and seize, or authorize 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

- v. 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.
- vi. The Court trying an offence under subsection (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**

- i. No person shall export any antiquity except under a licence to be granted by the Director.
  - a) For a 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.
- ii. All antiquities the export of which is prohibited under subsection (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 authorized under that Act.

## **27. Traffic in movable antiquities**

- i. 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 term of, the written permission of the Director.
- ii. Whoever contravenes the provisions of a notification under subsection (1) shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
- iii. The Court trying an offence under subsection (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.**

- i. 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, or the movement of heavy vehicles, except under and in the

- accordance with the terms of a licence granted by the Director and rules, if any made this behalf.
- ii. Any owner or occupier of land who sustains any loss by reason of any prohibition or restriction by a notification under subsection (1) shall be paid reasonable compensation for such loss.
  - iii. Whoever contravenes the provisions of subsection (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**

- i. No person shall make on any land any excavation or exploration for archaeological purposes, or unearth or attempt to unearth or make as digging in any land or site for taking out antiquities, except under, and accordance with, a licence granted by the Director.
- ii. A licence under subsection (1) in respect of any land shall not be granted to any person other than the owner of the land except in accord and 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.
- iii. A licence under subsection (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.
- iv. Whoever contravenes the provisions of subsection (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.
- v. The Court trying an offence under subsection (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.

**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 the Act.

**32. Penalty**

A contravention of any provision of this Act or the rules shall, where no punishment has been specification provided, be punishable with rigorous imprisonment for a term

which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

**33. Jurisdiction to try offence**

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

**34. Power to arrest without warrant**

- i. The Director or any officer duly empowered by him in this behalf may arrest without warrant any person against whom reasonable suspicion exists of his having committed any offence under section 19, 25, 26, 27, or 29.
- ii. Subject to subsection (3), every person arrested under subsection (1) shall be taken forthwith to the officer in charge of the nearest police station.
- iii. The Director or the officer arresting any person, or the officer-in-charge of a police station to whom any person is taken under subsection (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.**

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

**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**

- i. The Federal Government may, after previous publication, make rules for carrying out the purposes of this Act.
- ii. 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 be under subsection (2) of section 16;
  - e) Such other matters as are or may be required for carrying into the provisions of this Act.

- iii. 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 five hundred rupees.

**38. Repeal**

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