

THE BALOCHISTAN ANTIQUITIES ACT, 2014

(Baln Act No. XXIV of 2014)

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THE BALOCHISTAN ANTIQUITIES ACT, 2014

(Bala Act XXIV of 2014)

[9th September, 2014]

An Act to provide for preservation and protection of antiquities in the Province of Balochistan and for the matters connected therewith or ancillary thereto.

Preamble.

WHEREAS, it is expedient to make provision for preservation and protection of antiquities to provide for matters connected therewith or ancillary therein;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Balochistan Antiquities Act, 2014.

(2) It extends to the whole of Balochistan except the Tribal Areas.

(3) It shall come into force at once.

Definitions.

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

(a) “Act” means the Balochistan Antiquities Act, 2014;

(b) “Advisory Committee” means the Advisory Committee constituted under section 3 of the Act;

(c) “Ancient” in relation to an antiquity, means an antiquity which has been in existence for a period of not less than seventy five year;

(d) “Antiquity” means and includes,—

(i) any ancient product of human activity, movable or immovable, illustrative of

¹ This Act was passed by the Balochistan Assembly on 30th August, 2014; assented to by the Governor of Balochistan on 8th September, 2014; published in the Balochistan Gazette (Extraordinary) No. 123, dated 9th September, 2015. It repealed the earlier central enactment “the Antiquity Act, 1975 (Act VII of 1976)” to the extent of Balochistan, which was declared as continue in force by Article 270 AA of the Constitution of Islamic Republic of Pakistan, 1974 [as amended by the Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010)] being a subject devolved to the provinces after the 18th Amendment.

art, architecture, craft, custom, literature, morals, politics, religion, warfare or science or of any aspect of civilization or culture;

- (ii) any ancient object or site of historical, ethnographical anthropological, military or scientific interest;
 - (iii) any national monument; *and*
 - (iv) any other object or class of such objects declared by the Provincial Government, by the Notification in the Official Gazette, to be an antiquity for the purposes of this Act;
- (e) “Chairman” means the Chairman of the Advisory Committee;
- (f) “dealer” means a person engaged in the business of buying and selling antiquities; and “deal in antiquities” means to carry on such business;
- (g) “Director” means the Director General/ Director of Archaeology and Museums, Government of Balochistan, as the case may be, and includes an officer authorized by the Director with approval of Government, to exercise or perform any of the powers or functions of the Director under this Act;
- (h) “Export” means taking out of Province by land, sea or air;
- (j) “Government” means the Government of Balochistan;
- (k) “Immovable antiquity” means and includes an antiquity of any of the following descriptions, namely—
- (i) any archaeological deposit on land or under water;
 - (ii) any archaeological mound, tumulus, burial place or place of internment, or

any ancient garden, structure, building, erection or other work of historical, archaeological, military or scientific interests;

- (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;
 - (iv) 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;
 - (v) the remains of an immovable antiquity;
 - (vi) the site of an immovable antiquity;
 - (vii) such portions of land or water adjoining the site of an immovable antiquity as are reasonably required for fencing or covering or otherwise preserving such antiquity;
 - (viii) the reasonable means of access to, and convenient inspection of an immovable antiquity; *and*
 - (ix) any urban site, street, group of buildings or public square of special value which the Provincial Government, being of the opinion that its preservation is a matter of public interest by reason of its arrangement, architecture or materials of construction, by Notification in the official Gazette, declares to be an immovable antiquity for the purpose of the Act;
- (1) “National monument” means any building, structure, erection, place of internment, garden,

portion of land or any other place or thing of national importance as may be determined and notified as such from time to time by the Provincial Government in consultation with Advisory Committee;

- (m) “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 owner and the successor in interest of such owner; *and*
 - (iii) any Manager or Trustee exercising the Powers of Management and the successor in Office of such Manager or Trustee;
- (n) “protected antiquity” means an antiquity which is declared to be a protected antiquity under section 10 of the Act; *and*
- (o) “rules” means rules made under this Act.

Advisory
Committee.

3. (1) For the purpose of this Act, the Provincial Government shall, by Notification in the official Gazette, constitute an Advisory Committee comprising of the following:

—

- (a) a Chairman; *and*
- (b) six members:

Provided that out of six members, three shall be from amongst the architectural historians, archaeologist heritage conservators or the scholars of traditional arts and crafts.

(2) All the members including the Chairman of the Committee shall be appointed by the Government.

(3) The Chairman or a Member of the Committee, other than an ex-officio member, unless he resigns by addressing a letter to Government, shall hold office on the pleasure of the Government and may be removed any time by the Government.

(4) The Chairman may co-opt any person as a Member of the Committee.

(5) An ex-officio member shall cease to be a member of the Committee on vacating such office to which he had appointed in his official capacity.

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

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

4. 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 Government which shall decide the same after consultation with the Advisory Committee; whose decision thereon shall be final.

Custody, preservation, etc., of certain antiquities.

5. (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 Provincial Government, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity.

Accidental discovery of antiquity to be reported to Director.

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

(2) The Director shall within seven days of its being informed under sub-section (1) of the discovery of movable antiquity or of a movable antiquity having been found, decide to take over the custody of antiquity for purpose of preservation

and protection and the person discovering or finding it shall hand it over to the Director or to a person authorized in writing by the Director.

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

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

Power of entry,
inspection, etc.

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

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

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

(4) Where substantial damage is caused to any property as a result of the inspection under sub-section (1), the Director shall pay to the owner thereof reasonable compensation for the damage.

Acquisition of land
containing
antiquities.

8. If the Provincial Government has reasonable grounds to believe that any land contains any antiquity it may direct the concerned authorities to acquire such land or any part thereof: under the Land Acquisition Act, 1894 (I of 1894), Government

of Pakistan as for a public purpose.

Purchase, taking
lease, etc., of
antiquity.

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

(2) The Director may receive voluntary contributions and donation 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 donation:

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.

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

10. (1) 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 Provincial Government, exercise the right of pre-emption with respect to the antiquity or property and, if he intends to exercise the right, shall give to the person competent to sell a notice in writing accordingly.

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

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

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

Declaration of protected antiquities.

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

(2) A copy of a notification under sub-section (1)

shall be published in the leading newspapers and also served on the owner of the antiquity and, in the case of an immovable antiquity, shall also be fixed up in a conspicuous place of or near the antiquity.

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

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

Representation
against
declaration of
protected
antiquities.

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

(2) Upon the receipt of a representation under sub-section (1) against a notification, the Provincial 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.

The guardianship of
antiquity by
agreement.

13 (1) 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 Provincial Government, accept such guardianship.

(2) Where the Director has accepted the guardianship of an antiquity in pursuance of an agreement under sub-section (1), the owner shall, except as expressly provided in this Act and in the agreement have the same right, title and interest in and to the antiquity as if the Director for all or any of the following matters, namely—

- (a) the maintenance of the antiquities;
- (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.

(3) The terms of an agreement under this section may be altered from time to time with the sanction of the Provincial Government and with the consent of the owner.

(4) 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 Provincial Government, to the owner or by the owner to the Director.

Purchasers at certain sales and persons claiming through owner bound by

14. 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, purchase any land or property, or any right or interest in land or property, which contains, or in which is situated an antiquity in

<p>agreement entered into by owner.</p>	<p>respect or which an agreement under section 13 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.</p>
<p>Ownership of buried antiquities.</p>	<p>15. Notwithstanding anything contained in any other law for the time being in force, the ownership of all buried antiquities shall vest in the Government.</p>
<p>Application of endowment for maintenance and preservation of antiquity.</p>	<p>16. (1) Where any endowment has been created for the maintenance and preservation of any protected antiquity, for or that purpose among others, and the owner or other person competent in this behalf fails in the proper application of such endowment and, when proposed to him by the Director, refuses or fails to enter into an agreement under section 13, the Director may, for the proper application of such endowment or part thereof, institute a suit in the Court of the District Judge, or, where the estimated cost of maintaining and preserving the antiquity does not exceed one thousand rupees, make an application to the District Judge.</p> <p>(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree a Civil Court.</p>
<p>Compulsory acquisition of protected immovable antiquity.</p>	<p>17. (1) If the Provincial Government apprehends that a protected immovable antiquity is in danger or being destroyed, injured or allowed to fall into decay, it may, direct the concerned authorities to acquire such antiquity or any part thereof: under the Land Acquisition Act, 1894 (Act No. I of 1890), Government of Pakistan as for a public purpose.</p> <p>(2) The power of compulsory acquisition under the sub-section (1) shall not be exercised in the case of—</p> <p>(a) any antiquity which or any part of which is periodically used for religious observance; <i>or</i></p> <p>(b) any antiquity which is the subject of a</p>

subsisting agreement under section 13.

Compulsory
acquisition of
movable
antiquities.

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

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

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

(2) When an order under sub-section (1) has been served upon the owner, the antiquity to which the order relates shall immediately vest in the Provincial 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 Provincial 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 proceeding before the arbitrator, the Provincial 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 High Court against any award of an arbitrator except in case where the amount thereof does not exceed an amount prescribed in this behalf by rules; *and*
- (f) save as provided in this sub-section and in any rules made in this behalf, nothing in any law for the time being in force shall apply to arbitrations under this sub-section.

Protection of place of worship from misuse, etc.

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

(2) A place of worship or shrine in respect of which the Director has accepted guardianship in pursuance of an agreement under section 13 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 Government.

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

- (a) by prohibiting the entry therein, except in accordance with the conditions prescribed with the concurrence of the person in charge of the antiquity, of any person not entitled so to enter by the religious usages of the community by which the antiquity is used; *and*
- (b) by taking with the concurrence of the person in charge of the antiquity such

other action as he may think necessary for the purpose.

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

Restriction on use of protected immovable antiquity.

20. 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.

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

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

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

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

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

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

Provided that he may, with the permission of the Director, make minor adjustment 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.

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

<p>Direction to the owner to take measures for preservation of antiquity.</p>	<p>23. (1) 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.</p> <p>(2) If the owner fails to take the measures specified in the order referred to in sub-section (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.</p>
<p>Execution of development schemes and new constructions in proximity to immovable antiquity.</p>	<p>24. Notwithstanding anything contained in any other law for the time being in force, no development plan of scheme or new construction on, or within a distance or two hundred feet of a protected immovable antiquity shall be undertaken or executed accept with the approval of the Director.</p>
<p>Prohibition of bill posting, neon signs, other kinds of advertisements etc.</p>	<p>25. (1) No person shall put any neon signs or other kinds of advertisement, including bill posting, commercial signs, poles or pylons, electricity or telephone cables and television aerials, on or near any protected immovable antiquity.</p> <p>(2) Whoever contravenes the provision of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.</p> <p>(3) The court trying an offence under sub-section (2) may direct that the whole or any part of the fine recovered shall be applied in defraying the expenses of restoring the antiquity to the condition in which it was before the commissions of the office.</p>
<p>Penalty for counterfeiting etc., of antiquity.</p>	<p>26. (1) Whoever counterfeits, or commits forgery in respect of any antiquity with intent to commit fraud or knowing it to be likely that fraud will thereby be committed, or causes anything to appear like, or to be believed to be, and antiquity with intent to cause wrongful gain to one person or wrongful loss to another person, shall be punishable with imprisonment</p>

for a term which may extend to six months or with fine, or with both.

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

Dealing in
antiquities.

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

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

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

(4) 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 in his possession with respect to any business carried on by him as the Director may demand; *and*

(b) inspect 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 license has been committed.

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

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

Export of
antiquities.

28. (1) No person shall export any antiquity except under a license to be granted by the Director—

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

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

Trafficking of
movable
antiquities.

29. (1) If the Government approach that movable antiquities in any place in the Province are being sold or removed to the detriment of the country, 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 the Province as may be specified in the notification, except with, and in accordance with the terms of, the written permission of the Director.

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

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

Regulation of
mining,
quarrying, etc.

30. (1) If the Government is of the opinion that for the purpose of protecting or preserving any immovable antiquity it is necessary so to do, it may, by notification in the official

Gazette, prohibit or restrict, within such area as may be specified therein, mining, quarrying, excavating, blasting and other operations of a like nature, or the movement of heavy vehicles, except under and in accordance with the terms of a license granted by the Director and rules, if any, made in this behalf.

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

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

Prohibition of
archaeological
excavation or
exploration
without
license.

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

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

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

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

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

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

Prohibition of making copies of protected antiquities without license.

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

Right of access to protected immovable antiquities.

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

Penalty.

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

Jurisdiction to try offences.

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

Power to arrest without warrant.

36. (1) The Director or any officer duly empowered by him in this behalf may arrest without warrant any person against whom there is reasonable ground to believe that he has committed an offence under section 6, 21, 27, 28, 29 and 31.

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

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

in custody before such Magistrate.

Confiscated
antiquities to
be made over
to Director.

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

Indemnity.

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

Power to make
rules.

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

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

- (a) the form and the conditions of any license 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 license under this Act and for admission of the public to an immovable protected antiquity;
- (d) the procedure to be followed in arbitrations, the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal, and the maximum amount of an award against which no appeal shall lie, under sub-section (2) of section 18; *and*
- (e) such other matters as are or may be required for carrying into effect the provisions of this Act.

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

- Delegation of powers. 40. The Government or the Director may delegate its power under this Act, to any of the officers of the Government.
- Repeal and saving. 41. (1) The Antiquities Act, 1975¹ (Act No. VII of 1976) as applicable and to the extent of the Province of Balochistan, is hereby repealed.
- (2) Notwithstanding the repeal of the Antiquities Act, 1975 (Act No. VII of 1976) under sub-section (1), hereinafter referred as the repeal Act, the rules, regulations, bye laws made or saved, orders, licenses and notification issued, anything done, action taken, obligation or liability, penalty of punishment incurred, inquiry or proceeding commenced, person authorized, jurisdiction of powers conferred under any of the provisions of the repealed Act, if not inconsistent with the provisions of this Act, shall continue to be in force and deemed to have been done, taken, incurred, commenced, appointed, authorized, conferred, made, imposed or assessed, released or issued under this Act, until they are repealed, rescinded, withdrawn, cancelled, replaced or modified in accordance with the provisions of this Act.
- Removal of difficulties. 42. The Government may make such provisions as may be necessary to remove any difficulty in carrying out the purposes of this Act, by a notification in the official Gazette, subject to the condition that the same shall be presented in the Provincial Assembly within a period of fifteen months from the date of its approval by the Government; and if the same is not passed by the provincial Assembly or is not presented in the Provincial Assembly, it shall cease to have effect at the expiration of the aforesaid period.

¹ An Act of the Parliament published in the Gazette of Pakistan (Extraordinary), Part I, dated 14th January, 1976. Declared as continue in force by Article 270 AA of the Constitution of Islamic Republic of Pakistan, 1974 [as amended by the Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010)], being a subject devolved to the provinces after the 18th Amendment. It repealed the earlier Antiquity Act, 1968 (Act XIV of 1968) and the Antiquity Ordinance, 1975 (XX of 1975). Now altered by this Act and repealed to the extent of Balochistan.