

# ACT NO. XXXI OF 1947

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 18th April 1947.)

## An Act to control the export of antiquities

**W**HEREAS it is expedient to make better provision for controlling the export of objects of antiquarian or historical interest or significance;

It is hereby enacted as follows:—

**1. Short title and extent.**—(1) This Act may be called the Antiquities (Export Control) Act, 1947.

(2) It extends to the whole of British India.

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

(a) “antiquity” includes—

(i) any coin, sculpture, manuscript, 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, or a literature, religion, customs, morals or politics in bygone ages,

(iv) 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;

(b) “export” means export from British India by sea, land or air.

**3. Prohibition of export.**—No person shall export any antiquity except under the authority of a licence granted by the Central Government.

**4. Application of Act VIII of 1878.**—All antiquities the export of which is prohibited under section 3 shall be deemed to be goods of which the export has been prohibited under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly, except that, the provisions of section 183 of that Act notwithstanding, any confiscation authorised under that Act shall be made, unless the Central Government, on application to it in such behalf, otherwise directs.

**5. Penalty and procedure.**—(1) If any person exports or attempts to export an antiquity 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 Sea Customs Act, 1878 (VIII of 1878) as applied by section 4, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

(2) No Court shall take cognizance of an offence punishable under this section except upon complaint in writing made by an officer generally or specially authorised in this behalf by the Central Government, and no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any such offence.

**6. Power to determine whether or not an article is an antiquity.**—If any question arises whether any article, object or thing is or is not an antiquity for the purposes of this Act, it shall be referred to the Director General of Archaeology in India, and his decision thereon shall be final.

**7. Power to make rules.**—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

*Price anna 1 or 1½d.*

*Antiquities (Export Control)*

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the procedure for granting licences for the export of antiquities, and fix the fees payable on applications therefor.

**8. Protection of action taken under this Act.**—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

**9. 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 (VII of 1904) or any other law for the time being in force.