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Federal
6.1.1

ACT No. VII OF 1976

[10th January, 1975]

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

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 therewith or ancillary thereto ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Antiquities Act, 1975.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

Definitions.

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

(a) " Advisory Committee " means the Advisory Committee constituted under section 3 ;

(b) " ancient " means belonging or relating to any period prior to May, 1857 ;

(c) " antiquity " means—

(i) any ancient product of human activity, movable or immovable, illustrative of 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 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 " deal in antiquities " means to carry on such business ;

(e) " Director " means the Director of Archaeology, Government of Pakistan, and includes an officer authorised by him to exercise or perform all or any of the powers or functions of the Director under this Act ;

(f) " export " means taking out of Pakistan by land, sea or air ;

¹ For Statement of Objects and Reasons, see Gaz. of P., 1975, Ext., Pt. III, p. 1541.

(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 internment, or any ancient garden, structure, building, erection 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, panelling, 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 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 ;

(5) the reasonable means of access to, and convenient inspection of an 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 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 purposes of this Act ;

(h) " 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 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 manager or trustee ;

- (j) "protected antiquity" means an antiquity which is declared under section 10 to be a protected antiquity ; and
- (k) "rules" means rules made under this Act.

Advisory
Committee.

3.—(1) For the purposes of this Act, the Federal Government shall constitute an Advisory Committee consisting of the following members, namely :—

- (a) the Director, who shall also be its Chairman ;
- (b) one representative each of the Education Division and the Tourism Division ;
- (c) three other persons having special knowledge of antiquities, to be nominated by the Federal Government.

(2) 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.

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 Federal Government which shall, after consultation with the Advisory Committee, decide the same ; and the decision of the Federal Government 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 Federal Government, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity.

Power of
entry,
inspection,
etc.

6.—(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 purpose.

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

(3) No photograph, copy or reproduction taken or made under or for the purposes 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 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.

I of
1894.

7. 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 as for a public purpose.

Acquisition
of land
containing
antiquities.

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

Purchase,
taking lease,
etc., of
antiquity.

(2) 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 :

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.—(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 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.

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

(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 Federal Government.

10.—(1) The Federal Government may, by notification in the official Gazette, declare any antiquity to be a protected antiquity for the purposes of this Act.

Declaration
of protected
antiquities.

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

- (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 lie, under sub-section (2) of section 16 ;
- (e) such other matters as are or may be required for carrying into effect the provisions of this Act.

(3) 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.

Repeal.

38. The Antiquities Act, 1968 and the Antiquities Ordinance, 1975, are hereby repealed.

XIV of
1968.
XX of
1975.

THE FEDERAL SUPERVISION OF CURRICULA, TEXT-BOOKS AND MAINTENANCE OF STANDARDS OF EDUCATION ACT, 1976.

1 ACT NO. X OF 1976

[29th March, 1976]

891
An Act to make provision for Federal supervision of curricula, text-books and maintenance of standards of education.

WHEREAS it is necessary to provide for the building up of national cohesion by promoting social and cultural harmony, and designing curricula relevant to the nation's changing social and economic needs, compatible with the basic national ideology and providing massive shift from general education to more purposeful agro-technical education ; and to make provision for Federal supervision of curricula, text-books for various classes and maintenance of standards of education ;

It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1.—(1) This Act may be called the Federal Supervision of Curricula, Text-books and Maintenance of Standards of Education Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

1. For Statement of Objects and Reasons, see Gaz. of P. 1975, Ext., Pt. III, p. 694.

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

- (a) "Competent Authority" means an authority appointed as such under section 3 ; and
- (b) "institution" means a school, college or university and includes such other educational establishment as the Federal Government may, by notification in the official Gazette, specify for the purpose of this clause.

3.—(1) The Federal Government may, by notification in the official Gazette, appoint one or more Competent Authorities for carrying out the purposes of this Act.

Appoint-
ment and
duties of
Competent
Authority.

(2) The Competent Authority may, for carrying out the purposes of this Act,—

- (a) prepare or cause to be prepared schemes of studies, curricula, manuscripts of text-books and schedules or strategy for their introduction in various classes of an institution in connection with the implementation of the education policy of the Federal Government ;
- (b) approve manuscripts of text-books produced by other agencies before they are prescribed in various classes of an institution ; and
- (c) direct any person or agency in writing to delete, amend or withdraw any portion, or the whole, of the curriculum, text-book or reference material prescribed for any class of an institution within a period specified in such directive.

(3) Action on the directive of the Competent Authority under clause (c) of sub-section (2) shall be taken as soon as possible by the person or agency and an implementation report shall be submitted to the Competent Authority within such period as may be laid down in the directive.

4. If the person, to whom or the person responsible for the conduct of the affairs of any agency to which, a directive has been issued under clause (c) of sub-section (2) of section 3 fails to carry it out, he shall be punishable with imprisonment for a term which may extend to one year and shall also be guilty of gross misconduct ; and such agency may be superseded by order of the authority appointing or constituting it.

Penalty.

5. No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Competent Authority.

Jurisdic-
tion to try
offences.

6. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Indemnity.

7. The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.