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## **ANTIQUITIES AND ART TREASURES RULES, 1973**

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## **ANTIQUITIES AND ART TREASURES RULES, 1973**

<sup>1</sup>1. Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i), dated 31st August, 1973. In exercise of the powers conferred by Sec. 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 the 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.

### **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 Cl. (b) of Section 2 of the Act, the Central Government considers 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.

### **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 Cl. (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 <sup>1</sup> [within two months from the date of publication of the notification in the 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. Ins. by G.S.R. 815(E), dated 2nd November, 1983.

**3. Authority competent to issue permits under sub-section (2) of Sec. 3 :-**

The Director-General shall be the authority competent to issue permit under Sep. 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 <sup>1</sup> [duly authorized in this behalf by the Director-General].

1. Added by G.S.R. 546(E), dated the 30th November. 1978.

**4. Form of application for licence to carry on business of 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 Rs. 100 in token of having paid the fee for the licence applied for.

**5. Grant of licence under sub-section (1) of Sec. 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 Cls. (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.

<sup>1</sup>[(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 <sup>2</sup>[the licensee (i) has been submitting all the prescribed <sup>3</sup>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]: <sup>4</sup> [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.]

1. Subs. by G.S.R. 564(E), dated the 30th November, 1978.

2. Subs. by G.S.R. 56(E), dated the 10th February. 1981.
3. Ins. by G.S.R. 56(E), dated the 10th February. 1981.
4. 1957 SCR 5.

**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: <sup>1</sup>[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; <sup>1</sup>[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 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 officer <sup>1</sup>[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.] NOTE.- The grant of a fresh licence under the second proviso shall not be deemed to affect the rights of any other person over the business or business premises of the deceased licensee to which such other person may be lawfully entitled.

<sup>1</sup>[(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 I-A to the licensing officer and if the licensing officer's 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.

<sup>5</sup>[(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 I-A 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.

<sup>6</sup> [(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).

(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.

(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.

(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.

(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.

(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.]

1. Ins. by G.S.R. 56(E), dated the 10th February, 1981.
5. Subs. by G.S.R. 564(E), dated the 30th November, 1978.
6. Ins. by G.S.R. 564(E), dated the 30th November, 1978.

#### **7. Renewal of licence under sub-section (1) of Sec 9 :-**

On an application made by the licensee for the renewal of the licence and on payment of a fee of rupees fifty, the licence may be renewed <sup>1</sup>[for a further period of two years at one time]: <sup>2</sup> [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 VI.]

1. Sub. by G.S.R. 564(E), dated the 30th November, 1978.
2. Ins. by G.S.R. 564(E), dated the 30th November, 1978.

#### **8. Maintenance of records, photographs and register by licensee :-**

Every licensee shall maintain the following records, namely:

(a) a register of antiquities <sup>1</sup> [\* \* \*] 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.

1. Deleted by G.S.R. 564(E), dated the 30th November, 1978.

**9. Form of 1 [declaration under Sec. 12 and rule 7] and period within which it shall be made :-**

Every person whose licence has been revoked under Section 2 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 Sec. 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 <sup>1</sup> [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.

1. Ammal Chandra Dutt v. Second Additional District Judge. (1989) 1 SCC 1 at p. 7.

**12. Form of certificate of registration under Sec. 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 transfer 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.

**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.] <sup>1</sup> [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.]

1. Ins. by G.S.R. 564(E), dated the 30th November, 1978.