

The Antiquities Act, 1968

(ACT NO. XIV OF 1968)

An Act to consolidate and amend the law relating to the preservation and protection of antiquities. ¹♣

WHEREAS it is expedient to consolidate and amend the law relating to the preservation and protection of antiquities;

AND WHEREAS the national interest of Bangladesh in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires Central legislation in the matter;

It is hereby enacted as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Antiquities Act, 1968.

(2) It extends to the whole of Bangladesh.

(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 ²[the preceding hundred years];

(c) "antiquity" means-

(i) any ancient product of human activity, movable or immovable, illustrative of art, architecture, craft, custom, literature, morals, politics, religion, warfare, science or of any aspect of civilisation or culture,

(ii) any ancient object or site of historical, ethnographical, anthropological, military or scientific interest, and

(iii) any other ancient object or class of such objects declared by the 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 ³[the People's Republic of Bangladesh], 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 Bangladesh by land, sea or air;

(g) “immovable antiquity” means an antiquity of any of the following descriptions, namely:-

(i) any archaeological deposits on land or under water,

(ii) any archaeological mound, tumulus, burial place or place of interment, 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 dados, ceiling, inscription, wall-painting, wood work, iron work or sculpture or 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 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) "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;

(i) "protected antiquity" means an antiquity which is declared under section 10 to be a protected antiquity.

Advisory Committee

3. For the purposes of this Act, the Government shall constitute an Advisory Committee consisting of the following members, namely:-

(a) the Director, who shall also be its Chairman;

(b) two Members of ⁴[Parliament]; and

(c) three other persons having special knowledge of antiquities.

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, after consultation with the Advisory Committee, decide the same; and the decision of the Government shall be final.

Custody, preservation, etc., of ownerless antiquity

5. 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.

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 are 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 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.

Acquisition of land containing antiquities

7. If the Government has reasonable grounds to believe that any land contains any antiquity, it may ⁵[acquire such land or any part thereof] under the Land Acquisition Act, 1894 (I of 1894), as for a public purpose.

Purchase, taking lease etc., of antiquity

8. (1) The Director may, with the previous sanction of the Government, purchase, or take lease or accept a gift or bequest of, any 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 when a contribution or donation has been made for any specified purpose, it shall not be applied to any purpose other than that for

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

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 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.

(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 Government.

**Declaration
of protected
antiquities**

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

(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.

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

(4) Ancient monuments declared to be protected monuments under the Ancient Monuments Preservation Act, 1904 (VII of 1904), shall be deemed to be protected antiquities for the purposes of this Act.

**Representation
against**