



## The antiquities and art treasures act –protecting heritage through legislation

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**Abstract:** The Government of India has passed an important act way back in 1972 to conserve & protect Indian historical artifacts. This is considered as one of the series of heritage acts which the government has passed from time to time in order to in the case of a person who owns, controls or possesses such antiquity on the date of issue of such notification, within three months of such date; and in the case of any other person, within fifteen days of the date on which he comes into ownership, control or possession of such antiquity. The Antiquities and Art Treasures Act, 1972 which the Government of India has passed to conserve & protect antiquities has been repealed & reformed time & again.

**Key Words:** protect Indian historical artifacts, possession of antiquity, conserve & protect antiquities

**Introduction:** The antiquities and art treasures Act was implemented in 1976 to regulate the export trade in antiquities & art treasures & to provide for smuggling of antique objects. It includes statues, coins, manuscripts, sculptures, painting, epigraph, manuscript, record, any article/ object/thing detached from a building/ cave, or of historical interest, or illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages, etc. collected/possessed/ inherited is considered as an 'antiquity' under the Act ( National mission for manuscripts -Government of India - official website 2014).

### Objects of antiquity

1. *any coin, sculpture, painting epigraph or other work of art or craftsmanship*

2. *any article, object or thing detached from a building or cave*

3. *any article, object or thing illustrative of science, art, crafts, literature religion, customs, morals or politics in bygone ages*

4. *any article, object or thing of historical interest*

5. *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*

6. *any manuscript, record or other document which is of scientific, historical, literary or aesthetic value and which has been in existence for not less than seventy-five years*

Not all articles, manuscripts, records, sculptures, coins etc. possessed/ collected/ inherited fall within the definition of the term 'antiquity', are



required to be registered under the Act. Depending upon the necessity for conserving certain objects of art, need to preserve such objects within India for better appreciation of the cultural heritage of India etc., the Central Government, from time to time, in its notification in the Official Gazette specifies those antiquities which are mandatorily required to be registered under the Act. ( Indira Gandhi National Center Of Arts Official Website 2014).

#### **Section 14 of the Act**

Section 14 of the Act requires every person who owns controls or is in possession of any antiquity specified by the Central Government in its notification, to register such antiquity before the registering officer and obtain a certificate in token of such registration within the following timelines

In the case of a person who owns, controls or possesses such antiquity on the date of issue of such notification, within three months of such date; and  
In the case of any other person, within fifteen days of the date on which he comes into ownership, control or possession of such antiquity. ( Indira Gandhi National Center Of Arts Official Website 2014).

#### **Need for registration of antiquity**

In view of the above section 14, the Ministry of Education and Social Welfare *vide* Notification No. S.O. 448(E), dated 2.7.1976 as amended by S.O. 397(E), dated 15.5.1980, has specified the antiquities which are required to be

registered under the Act. ( The Archeological survey of India official website 2014).

( The Archeological survey of India official website 2014). As per the said notification, only the following antiquities which have been in existence for not less than one hundred years are required to be registered: Sculptures in stone, terracotta, metals, ivory and bone; Paintings (including miniatures and tanks) in all media, that is to say, paper, wood, cloth, silk and the like; Manuscripts, where such manuscripts contain paintings, illustrations or illuminations and Sculptured figures in wood

Therefore, in case the antiquity in your possession/control/ ownership requires compulsory registration under the Act, and has not been so registered then individual is liable for punishment with imprisonment for a term which may extend to six months or with fine or with both and the antiquity in respect of which the offence has been committed is liable to confiscation. ( The Archeological survey of India official website 2014).

**Application Procedure-** Every application for a certificate of registration under the Act is required to be made in Form VII to the registering officer having jurisdiction over the area in which the applicant resides, and the following information is required to be submitted by the person owning/ controlling/ possessing the antiquities:

- a. Name of applicant
- b. Address of applicant
- c. Identification and description of object with three copies of photographs in post card or quarter size



- d. Material
- e. Size
- f. Approximate date and source of acquisition
- g. Where the applicant has come into ownership, control or possession of any antiquity which is already registered under the Act, registration number of such antiquity and the name of the registering officer, who had registered it.
- h. Date of acquisition
- i. Mode of acquisition
- j. Price paid, if any
- k. Present location and condition of preservation and security

**Transfer- Permissible but after registration formalities are completed**

Having validly secured the ownership of your antiquities, you may transfer ownership of the same, provided the transfer formalities as provided under section 17 of the Act are complied with. ( The Archeological survey of India official website 2014).

As per section 17 of the Act read with rule 13 of the Rules, whenever any person transfers the ownership, control or possession of any antiquity which is mandatorily required to be registered under the Act, the fact of such transfer shall be required to be intimated in Form IX by the transferor to the registering officer having jurisdiction over the area where the transferor resides and also

to the registering officer having jurisdiction over the area where the transferee resides.

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