

# The Antiquities (Export Control) Act, 1947

GOA

India

## The Antiquities (Export Control) Act, 1947

### Act 31 of 1947

- Published on 18 April 1947
- Commenced on 18 April 1947
- [This is the version of this document from 18 April 1947.]
- [Note: The original publication document is not available and this content could not be verified.]

The Antiquities (Export Control) Act, 1947 Act No. 31 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 Whereas 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, craft 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 authorized 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 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 authorized 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 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. (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 thereof.

#### **8. Protection of action taken under this Act.**

- No suit, prosecution or other legal proceedings 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 Ancient Monuments Preservation Act, 1904 (VII of 1904) or any other law for the time being in force. (Appendix) Notifications

## 9.

-4-79-WET. - Whereas the Government of Goa, Daman and Diu, is of the opinion that the ancient Monuments as specified in the Schedule appended hereto required protection under the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (Act No. 1 of 1979) (hereinafter called as the "said Act"); And whereas the Government of Goa, Daman and Diu intends to declare the ancient monuments as specified in the Schedule appended hereto (hereinafter called as the "said monuments") to be protected monuments for the purposes of the said Act; And whereas in pursuance of sub-section (1) of section 3 of the said Act, a notice of two months is required to be given to all persons likely to be affected thereby in view of declaration of the said monuments to be protected monuments for the purposes of the said Act (hereinafter called as the "proposed declaration"); And, therefore, in exercise of powers conferred by sub-section (1) of the section 3 of the said Act, the Government of Goa, Daman and Diu hereby gives a notice of two months to raise any objections towards the proposed declaration if any, from the date of publication of this Notification in the Official Gazette. All objections and suggestions in this regard may be addressed to the Secretary, Planning-cum-Development Commissioner, Government of Goa, Daman and Diu, Secretariat, Panaji, before the expiry of two months from the date of publication of this Notification in the Official Gazette.

## I

| Sr. No. | Name of the Monument                | Village        | Taluka  | Survey No. | Sub-Division | Ownership of Monuments |
|---------|-------------------------------------|----------------|---------|------------|--------------|------------------------|
|         |                                     | Tiswadi Taluka |         |            |              |                        |
| 1.      | Ruins of Brahmapuri                 | Ella           | Tiswadi | 128        | -            | Private                |
| 2.      | Chapel of St. Xavier                | Ella           | Tiswadi | 97         | -            | Private                |
| 3.      | Chapel of Our Lady of Monte         | Ella           | Tiswadi | 86         | -            | Private                |
| 4.      | Concent of St. Monica and Chapel    | Ella           | Tiswadi | 153        | 1            | Private                |
| 5.      | Ruin of College of St. Populo       | Ella           | Tiswadi | 14         | -            | Private                |
| 6.      | Church of St. Peter                 | Ella           | Tiswadi | 1          | 2            | Private                |
| 7.      | Casa da Polvora                     | Panelim        | Tiswadi | 4          | 3            | Government             |
| 8.      | Fort Naroa                          | Naroa, Divadi  | Tiswadi | 50         | -            | Government             |
| 9.      | Site of the temple of Saptakoteswar | Naroa, Divadi  | Tiswadi | 36         | 1            | Private                |
| 10.     | Church of St. Anne                  | Talaulim       | Tiswadi | 1          | 1            | Private                |
| 11.     | Chapel of St. Jeronimus             |                | Tiswadi | 172        | -            | Private                |

|     |  |   |          |                          |                     |            |
|-----|--|---|----------|--------------------------|---------------------|------------|
|     |  | Madel,<br>Choden<br>Bardez<br>Taluka      |          |                          |                     |            |
| 12. | Site where the ancient image of Buddha was discovered at Colvale | Colvale                                   | Bardez   | 244                      | 16                  | Private    |
| 13. | Fortress of Colvale  | Colvale                                   | Bardez   | 74/23                    | -                   | Government |
| 14. | Reis Magos Fort  | Reis Magos                                | Bardez   | 50                       | -                   | Government |
| 15. | Church of Reis Magos   | Reis Magos                                | Bardez   | 88                       | 1                   | Private    |
| 16. | Chapora Fort   | Chapora<br>(Kaisuv)<br>Bicholim<br>Taluka | Bardez   | 357                      | -                   | Government |
| 17. | Caves at Naroa   | Naroa                                     | Bicholim | 155                      | -                   | Private    |
| 18. | Temple of Saptakoteshwar   | Naroa                                     | Bicholim | 1                        | -                   | Private    |
| 19. | Site of Gujir  | Kudnem                                    | Bicholim | 75 & 76                  | -                   | Private    |
| 20. | Fort of Sanquelim  | Sanquelim                                 | Bicholim | 31                       | 41 & 44             | Private    |
| 21. | Namazgah   | Bicholim                                  | Bicholim | 78                       | 2                   | Private    |
| 22. | Site of Ruins of Manguesh Temple                                 | Cortalim                                  | Salcete  | 1                        | 1 & 2               | Private    |
| 23. | Site of Ruins of Shantadurga Temple                              | Quelossim                                 | Salcete  | 215                      | -                   | Private    |
| 24. | Site Ruins of Ramnath Temple                                     | Loutulim                                  | Salcete  | 223                      | 5                   | Private    |
| 25. | Ruins including Tank of the temple of Mahalsa                    | Verna                                     | Salcete  | 38 & 39                  | 3,107               | Private    |
| 26. | Gate of Rachol Fortress  | Rachol                                    | Salcete  | Chalta<br>74             | 1                   | Private    |
| 27. | Caves of Aquem   | Margao                                    | Salcete  | Lb. 54                   | 227                 | Private    |
| 28. | Frontispices of Sancoale   | Sancoale                                  | Mormugao | 226                      | 83                  | Private    |
| 29. | Shri Chandranath   | Paroda                                    | Quepem   | 85                       | 6                   | Private    |
| 30. | Cabo de Rama Fort  | Cabo da<br>Rama                           | Canacona | 259,<br>260,<br>262, 263 | All<br>Sub-Division | Government |
| 31. | Shri Malikarjuna Temple  | Shreesthal<br>Canacona                    | Canacona | 1                        | 3                   | Private    |
| 32. | Caves at Rivona  | Rivona                                    | Sanguem  | 7                        | 5                   | Private    |
| 33. | Caves at Khandepar   | Khandepar                                 | Ponda    | 170                      | 2                   | Private    |

|     |                      |           |        |              |           |            |
|-----|----------------------|-----------|--------|--------------|-----------|------------|
| 34. | Cave at Ishwarbhat   | Khandepar | Ponda  | 30           | -         | Private    |
| 35. | Cave at Mangueshi    | Mangueshi | Ponda  | 45           | -         | Private    |
| 36. | Shri Nagesh Temple   | Bandora   | Ponda  | 1            | 1 & 2     | Private    |
| 37. | Shri Kamakshi Temple | Shiroda   | Ponda  | 1            | -         | Private    |
| 38. | Shri Saptakoteswar   | Khandepar | Ponda  | 157          | -         | Private    |
| 39. | Shri Mahadeva Temple | Agapur    | Ponda  | 120          | -         | Private    |
| 40. | Ruins of Jaina Basti | Bandora   | Ponda  | 5            | 1,2,3 & 4 | Private    |
| 41. | Fort of Alorna       | Alorna    | Pernem | 242 &<br>239 | 1,2 & 3   | Government |
| 42. | Fort of Terekhol     | Terekhol  | Pernem | 1            | -         | Government |

## 9.

-4-79-WET. - Whereas the Government of Goa, Daman and Diu, being of the opinion that the ancient monuments specified in the Schedule appended hereto require protection under the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (1 of 1979), had given notice of its intention to declare the said ancient monument to be protected monuments vide Government Notification No. 9-4-79-WET dated 18th August, 1982 published in the Official Gazette, Series I No. 22 dated the 26th August, 1982 as required under sub-section (1) of Section 3 of the said Act; And Whereas the Government of Goa, Daman and Diu has considered the objections received from the persons interested in the said monuments. Now, therefore, in exercise of the powers conferred by sub-section (3) of section 3 of the said Act, the Government of Goa, Daman and Diu hereby declares the ancient monuments specified in the Schedule appended hereto to be protected monuments.

## I

| Sr. No. | Name of the Monument             | Village       | Taluka  | Survey No. | Sub-Division | Ownership of Monuments |
|---------|----------------------------------|---------------|---------|------------|--------------|------------------------|
| 1.      | Ruins of Brahmapuri              | Ella          | Tiswadi | 128        | -            | Private                |
| 2.      | Chapel of St. Xavier             | Ella          | Tiswadi | 97         | -            | Private                |
| 3.      | Chapel of Our Lady of Monte      | Ella          | Tiswadi | 86         | -            | Private                |
| 4.      | Concent of St. Monica and Chapel | Ella          | Tiswadi | 153        | 1            | Private                |
| 5.      | Ruin of College of St. Populo    | Ella          | Tiswadi | 14         | -            | Private                |
| 6.      | Church of St. Peter              | Ella          | Tiswadi | 1          | 2            | Private                |
| 7.      | Casa da Polvora                  | Panelim       | Tiswadi | 4          | 3            | Government             |
| 8.      | Fort Naroa                       | Naroa, Divadi | Tiswadi | 50         | -            | Government             |
| 9.      |                                  |               | Tiswadi | 36         | 1            | Private                |

|     |  |                     |          |                    |                  |            |
|-----|--|---------------------|----------|--------------------|------------------|------------|
|     | Site of the temple of Saptakoteshwar                             | Narora, Divadi      |          |                    |                  |            |
| 10. | Church of St. Anne   | Talaulim            | Tiswadi  | 1                  | 1                | Private    |
| 11. | Chapel of St. Jeronimus  | Madel, Choden       | Tiswadi  | 172                | -                | Private    |
| 12. | Site where the ancient image of Buddha was discovered at Colvale | Colvale             | Bardez   | 244                | 16               | Private    |
| 13. | Fortress of Colvale  | Colvale             | Bardez   | 74/23              | -                | Government |
| 14. | Reis Magos Fort  | Reis Magos          | Bardez   | 50                 | -                | Government |
| 15. | Church of Reis Magos   | Reis Magos          | Bardez   | 88                 | 1                | Private    |
| 16. | Chapora Fort   | Chapora (Kaisuv)    | Bardez   | 357                | -                | Government |
| 17. | Caves at Narora  | Narora              | Bicholim | 155                | -                | Private    |
| 18. | Temple of Saptakoteshwar   | Narora              | Bicholim | 1                  | -                | Private    |
| 19. | Site of Gujir  | Kudnem              | Bicholim | 75 & 76            | -                | Private    |
| 20. | Fort of Sanquelim  | Sanquelim           | Bicholim | 31                 | 41 & 44          | Private    |
| 21. | Namazgah   | Bicholim            | Bicholim | 78                 | 2                | Private    |
| 22. | Site of Ruins of Manguesh Temple                                 | Cortalim            | Salcete  | 1                  | 1 & 2            | Private    |
| 23. | Site of Ruins of Shantadurga Temple                              | Quelossim           | Salcete  | 215                | -                | Private    |
| 24. | Site Ruins of Ramnath Temple                                     | Loutulim            | Salcete  | 223                | 5                | Private    |
| 25. | Ruins including Tank of the temple of Mahalsa                    | Verna               | Salcete  | 38 & 39            | 3,107            | Private    |
| 26. | Gate of Rachol Fortress  | Rachol              | Salcete  | Chalta 74          | 1                | Private    |
| 27. | Caves of Aquem   | Margao              | Salcete  | Lb. 54             | 227              | Private    |
| 28. | Frontispices of Sancoale   | Sancoale            | Mormugao | 226                | 83               | Private    |
| 29. | Shri Chandranath   | Paroda              | Quepem   | 85                 | 6                | Private    |
| 30. | Cabo de Rama Fort  | Cabo da Rama        | Canacona | 259, 260, 262, 263 | All Sub-Division | Government |
| 31. | Shri Malikarjuna Temple  | Shreesthal Canacona | Canacona | 1                  | 3                | Private    |
| 32. | Caves at Rivona  | Rivona              | Sanguem  | 7                  | 5                | Private    |
| 33. | Caves at Khandepar   | Khandepar           | Ponda    | 170                | 2                | Private    |
| 34. | Cave at Ishwarbhat   | Khandepar           | Ponda    | 30                 | -                | Private    |

|     |                      |           |        |              |           |            |
|-----|----------------------|-----------|--------|--------------|-----------|------------|
| 35. | Cave at Mangueshi    | Mangueshi | Ponda  | 45           | -         | Private    |
| 36. | Shri Nagesh Temple   | Bandora   | Ponda  | 1            | 1 & 2     | Private    |
| 37. | Shri Kamakshi Temple | Shiroda   | Ponda  | 1            | -         | Private    |
| 38. | Shri Saptakoteshwar  | Khandepar | Ponda  | 157          | -         | Private    |
| 39. | Shri Mahadeva Temple | Agapur    | Ponda  | 120          | -         | Private    |
| 40. | Ruins of Jaina Basti | Bandora   | Ponda  | 5            | 1,2,3 & 4 | Private    |
| 41. | Fort of Alorna       | Alorna    | Pernem | 242 &<br>239 | 1,2 & 3   | Government |
| 42. | Fort of Terekhol     | Terekhol  | Pernem | 1            | -         | Government |

**9.**

-4-79-WET. - Whereas the Government of Goa, Daman and Diu (hereinafter called "the Government") is of the opinion that the ancient monuments as specified in the Schedule appended hereto (hereinafter called the said monuments) require protection under the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (1 of 1979) (hereinafter called the "said Act"); And whereas the Government intends to declare the said monuments to be protected monuments for the purpose of the said Act; Now, therefore, pursuance to sub-section (1) of section 3 of the said Act, the Government hereby gives two months notice of its intention to declare the said monuments to be protected monuments for the purpose of the said Act. Any person interested in any of the said monuments may, within two months from the date of publication of this notification in the Official Gazette, send his objections, if any, against such declaration to the Secretary (Education), Government of Goa, Daman and Diu Secretariat, Panaji for the purpose of being considered by the Government.

**Schedule 3**

| Sr. No. | Name of the Monument     | Village | Taluka | Survey No. | Sub-Division | Ownership of Monuments |
|---------|--------------------------|---------|--------|------------|--------------|------------------------|
| 1.      | Tank near Damodar Temple | Fatorda | Salcet | -          | -            | Private                |
| 2.      | Deusi Mosque             | Konadi  | Perne  | -          | -            | -do-                   |

**9.**

/2/84-EDN. - Whereas vide Government Notification No. 9/4/79-WET dated 4-3-1993, published in the Official Gazette, Series I No. 50 dated 10-3-1983 (hereinafter referred to as the "said Notification"), the ancient monuments specified in the Schedule appended to the said Notification were, declared to be protected monuments for the purposes of the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (Act 1 of 1979) (hereinafter referred to as the "said Act"). And whereas vide Government Notification No. 9/2/84-EDN dated 1-11-1993, published in the Official Gazette, Series I No. 34 dated 18-11-1993, the Government of Goa had given two months notice of its intention to withdraw from declaration of 'Church of St. Anne' item at Sr. No. 10 of the Schedule appended to the said Notification as protected monument, for the purposes

of the said Act (hereinafter referred to as the 'proposed declaration'). And whereas the Government of Goa has considered the objections and suggestions received from the public on the proposed declaration. Now, therefore, in exercise of the powers conferred by sub-section (4) of section 3 of the said Act, the Government of Goa hereby withdraw from declaration 'Church of St. Anne' item at Sr. No. 10 of the Schedule appended to the said Notification as protected monument for the purposes of the said Act.

## 9.

/4/79-EDN. - Whereas vide Government Notification No. 9/4/79-WET dated 4-3-1983, published in the Official Gazette, Series I No. 50 dated 10-3-1983 (hereinafter called the 'said Notification'), declared certain monuments including Reis Magos Fort as specified in the Schedule appended thereto to be a protected monument under the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (Act 1 of 1979) (hereinafter called the "said Act"); And whereas vide Government Notification No. 9/4/79-EDN dated 22-3-1995, published in the Official Gazette, Series I No. 52 dated 30-3-1995, the Government of Goa had given two months' notice of its intention to declare that the said Reis Magos Fort, shall cease to be a protected monument under the said Act (hereinafter called the 'proposed declaration'); And whereas the Government of Goa has considered the objections/suggestions received from the public on the proposed declaration. Now, therefore, in exercise of the powers conferred by sub-section (4) of section 3 of the said Act, 1897 with section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Government of Goa hereby amends the said Notification as follows:- In the Schedule to the said Notification, the entry at Serial No. 14 shall be omitted.

## 8.

/136/98/AAM/1729. - Whereas the Government of Goa is of the opinion that the ancient archaeological sites as specified in the Schedule hereto (hereinafter called 'said sites') require protection under the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (Act No. 1 of 1979) (hereinafter called the 'said Act'). Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Government of Goa hereby gives two months' notice of its intention to declare said Sites to be protected areas. Any person interested in the said Sites may forward his objections to the Director, Archives, Archaeology and Museum, Government of Goa, Panaji, before the expiry of two months from the date of publication of this notification in the Official Gazette.

## Schedule 4

| Sr. No. | Name of the site                   | Village                                | Taluka  | Survey No.     | Sub-division         | Ownership of Site                   |
|---------|------------------------------------|--|---------|----------------|----------------------|-------------------------------------|
| (1)     | Site of Rock Carvings at Pansaimal | Colomb within Rivona village Panchayat | Sanguem | 107, 108 & 109 | Including all if any | Forest Department Government of Goa |
| (2)     |                                    |  | Quepem  | 10             | 9 & 18               | Paik Devasthan                      |



|              |                  |
|--------------|------------------|
| Site of Rock | Kazur within the |
| Carvings at  | Cavarem village  |
| Kazur        | Panchayat        |

## 8.

/136/98/AAM. - Whereas vide Notification No. 8/136/98/AAM/1729 dated 12-1-1999, published in the Official Gazette, Series I No. 43, dated 21-1-1999 (hereinafter called the "said notification") the Government had notified its intention to declare the sites specified in the Schedule to the said notification to be protected areas under the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (Act 1 of 1979) (hereinafter called the said Act) inviting objections from the persons interested in the said sites, within two months from the date of the publication of the said notification in the Official Gazette; And whereas the said Gazette was not available to the public on 21-1-1999; And whereas no objections have been received from the interested parties in the matters. Now, therefore, in exercise of the powers by sub-section (3) of section 3 of the said Act, the Government of Goa hereby declares the Archaeological Sites and Remains as specified in the Schedule hereto to be protected areas for the purposes of the said Act.

| Sr. No. | Name of the site                   | Village                                    | Taluka  | Survey No.     | Sub-division         | Ownership of Site                   |
|---------|------------------------------------|--|---------|----------------|----------------------|-------------------------------------|
| (1)     | Site of Rock Carvings at Pansaimal | Colomb within Rivona village Panchayat     | Sanguem | 107, 108 & 109 | Including all if any | Forest Department Government of Goa |
| (2)     | Site of Rock Carvings at Kazur     | Kazur within the Cavarem village Panchayat | Quepem  | 10             | 9&18                 | Paik Devasthan                      |