

**Bill No. IV of 2023**

THE ANTIQUITIES AND ART TREASURES (AMENDMENT)  
BILL, 2023

A

**BILL**

*further to amend the Antiquities and Art Treasures Act, 1972*

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Antiquities and Art Treasures (Amendment) Act, 2023. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

52 of 1972. 2. In section 25 of the Antiquities and Art Treasures Act, 1972,—

10 (i) in sub-section (1), for the words, "imprisonment for a term which shall not be less than six months but which may extend to three years and with fine", the words, "imprisonment for a term which shall not be less than one year but which may extend to ten years and with fine that the court may determine after taking into consideration

Amendment of section 25.

the factors including but not limited to the age of antiquity or art treasure, rarity of the antiquity or art treasure and the artistic, aesthetic, historical, architectural, archaeological or anthropological importance of the antiquity or art treasure" shall be substituted;

(ii) in sub-section (2), for the words, "for a term which may extend to six months", the words, "for a term which may extend to three years" shall be substituted; and

(iii) in sub-section (3), for the words, "for a term which may extend to six months", the words, "for a term which may extend to three years" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Despite regulations, thieves and smugglers continue to threaten India's unique cultural wealth and heritage. According to the National Crime Records Bureau, just over 200 Indian antiquities were either returned or were in the process of being deported from the United States, Australia, Singapore, Germany, Canada, and England. This pales in comparison to the enormous quantity of antiquities that have been illegally removed from the country and are still unaccounted for. According to an audit done by the Hindu Religious and Charitable Endowments Department of the Government of Tamil Nadu, in 2018, 4,408 items were stolen from 3,676 protected monuments across India between 1992 and 2017.

2. The Antiquities and Art Treasures Act, 1972, prohibits export of antiquities and allows their sale within the country only under a license and its non-compliance can result in jail sentences of up to three years, a fine, or both. These punitive measures are not enough, considering the rewards accruing from smuggling which are disproportionately large. Global Financial Integrity, a Washington-based advocacy group, estimates that illegal trade in paintings, sculptures, and other artifacts is one of the world's most lucrative criminal enterprises, worth six billion dollars a year.

3. It is with this objective that the Bill is presented to re-examine and restructure the penal provisions with regard to the export or an attempt to export the antiquities or art treasures in contravention of the provisions under the aforesaid Act. The aim is to deter the stealing and smuggling of the antiquities by enhancing the term of imprisonment in order to protect and preserve the priceless and invaluable antiquities and art treasures of the country.

Hence, this Bill.

SUJEET KUMAR.

ANNEXURE

EXTRACTS FROM THE ANTIQUITIES AND ART TREASURES ACT, 1972.

(Act No. 52 of 1972)

\* \* \* \* \*

Penalty.

**25.** (1) If any person, himself or by any other person on his behalf, exports or attempts to export any antiquity or art treasure in contravention of section 3, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962 (52 of 1962) as applied by section 4, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine.

(2) If any person contravenes the provisions of section 5 or section 12 or sub-section (2) or sub-section (3) of section 13 or section 14 or section 17, he shall be punishable 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 shall be liable to confiscation.

(3) if any person prevents any licensing officer from inspecting any record, photograph or register maintained under section 10 or prevents any officer authorized by the Central Government under sub-section (1) of section 23 from entering into or searching any place under that sub-section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

\* \* \* \* \*



RAJYA SABHA

---

A

**BILL**

*further to amend the Antiquities and Art Treasures Act, 1972.*

---

*(Shri Sujeet Kumar, M.P.)*