



# THE ARCHIVAL MATERIAL (PRESERVATION AND EXPORT CONTROL) ACT, 1975



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THE PAKISTAN CODE

# THE ARCHIVAL MATERIAL (PRESERVATION AND EXPORT CONTROL) ACT, 1975

Act No. XLVI OF 1975

[24<sup>th</sup> April, 1975]

*An Act to provide for the preservation, and control of the export, of archival material*

WHEREAS it is expedient to provide for the preservation, and control of the export, of archival material of national significance;

It is hereby enacted as follows :—

**1. Short title, extent and commencement.**— (1) This Act may be called the Archival Material (Preservation and Export Control) Act, 1975.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

**2. Definition.**— In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Advisory Committee” means the Advisory Committee constituted under the Government of Pakistan, Education Division, Notification No. F. 8-5/74-AD (Arch), dated the 10th June, 1974, or any other committee that may be set up by the Federal Government for the purpose;
- (b) “archival material” means any book, pamphlet, brochure, letter, hand-out, gazette, newspaper, journal, file, manuscript, whether written, printed or typed, which is not less than twenty-five years old and is of, historical significance to Pakistan;

*Explanation.*—For the purpose of this clause, a book, pamphlet, brochure, letter, hand-out, gazette, newspaper, journal, file or manuscript shall be deemed to be of historical significance to Pakistan if—

- (i) its subject matter is the political situation in or religious or communal matters relating to South Asia, or
- (ii) it is, or contains, the original of a letter written by or to the Quaid-e-Azam or the All-India Muslim League, or
- (iii) it is, or contains, the original of a letter written to the President or other office-bearer of the All-India Muslim League or any other political, social or cultural organisation concerning itself with the Muslims of South Asia, and includes an enclosure or appendix to any such book, pamphlet, brochure, letter, hand-out, gazette, newspaper, journal, file or manuscript;

- (c) “Director” means the Director of Archives, Government of Pakistan, 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; and
- (d) “export” means export from Pakistan by sea, land or air.

**3. Dispute as to whether any document is archival material.**—If any question arises whether any document is or is not an archival material within the meaning of this Act, it shall be referred to the Federal Government which shall, after consultation with the Advisory Committee, decide the same, and the decision of the Federal Government shall be final.

**4. Purchase, gifts, etc., of archival material.**—The Director may, with the approval of the Advisory Committee, purchase such archival material as is offered for sale and may accept donations and gifts of archival material from individuals or organizations for preservation in the National Archives of Pakistan.

**5. Export of archival material.**—No person shall export any archival material except under the authority of a licence granted by the Director for its temporary export for the purpose of exhibition, examination or treatment for preservation.

**6. Penalty.**— (1) All archival material the export of which is prohibited under section 5 shall be deemed to be goods the export of which has been prohibited under section 16 of the Customs Act, 1969 (IV of 1969), and all the provisions of that Act shall have effect accordingly, except that the archival material in respect of which the provisions of that Act have been contravened shall be confiscated where confiscation is authorised under that Act.

(2) Without prejudice to any action that may be taken under sub-section (1), any person who exports or attempts to export any archival material in contravention of section 5 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

**7. Jurisdiction to try offences.**—No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by an officer authorised in this behalf by the Federal Government and no court inferior to that of a Magistrate of the first class shall try any such offence.

**8. Indemnity.**—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

**9. Confiscated archival material to be made over to Director.**—Any archival material which is confiscated under this Act shall be made over to the Director for safe custody, preservation and protection.

**10. Power to make rules.**—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for the procedure for the grant of a licence for the export of archival material.