

Treasure Trove Act 1878

Indian Treasure Trove Act, 1878

(Act No. VI of 1878)

(12th February 1878)

An Act to amend the law relating to Treasure Trove

(As modified upto the 1st September, 1949)

Whereas it is expedient to amend the law relating to treasure-trove. It is hereby enacted as follows:-

Preliminary

1. **Short title-** This Act may be called the Indian Treasure Trove Act, 1878.

Extent – It extends to all the provinces of India.

2. Repeal of enactments. Rep. By the amending Act, 1891 (XII of 1891)

3. **Interpretation Clause** – In this Act-

“**Treasure**” means anything of any value hidden in the soil, or in anything affixed thereto;

“**Collector**” means (1) any **Revenue** -officer in independent charge of a district, and (2) any officer appointed by the Provincial Government to perform the functions of a collector under this Act.

When any person is entitled, under any reservation in an instrument of transfer of any land or thing affixed thereto, to treasure in such land or thing, he shall, for the purposes of this Act, be deemed to the owner of such land or thing.

Procedure on finding Treasure

4. **Notice by finder of treasure** – Whenever any treasure exceeding in amount or value ten rupees is found, the finder shall as soon as practicable, give to the collector notice in writing:-
 - a. Of the nature and amount or approximate value of such treasure,
 - b. Of the place in which it was found,
 - c. Of the date of the finding,

And either deposit the treasure in the treasure and the nearest government treasury, or give the collector such security as the collector thinks fit, to produce the treasure at such time and place as he may from time to time require,

5. **Notification requiring claimants to appear:-** On receiving a notice under section 4, the collector shall, after making such enquiry (if any) as he thinks fit, to take the following steps (namely)

1. He shall publish a notification in such manner as the Provincial Government, from time to time prescribes in this behalf, to the effect that on a certain date mentioning it certain treasure (mentioning its nature; amount and approximate value) was found in a certain place (mentioning it); and requiring all persons claiming the treasure, or any part thereof to appear personally or by agent before the Collector on a day and at a place therein mentioned, such day not being earlier than four months, or later than six months, after the date of the publication of such notification.

2. When the place in which the treasure appears to the collector to have been found was at the date of the finding in the possession of some person other than the finder, the collector shall also serve on such person a special notice in writing to the same effect.
6. **Forfeiture of right on failure to appear.** – Any person having any right to such treasure or any part of the place in which it was found or otherwise, and otherwise, and not appearing as required by the notification issued under section 5, shall forfeit such right.
7. **Matters to be enquired into and determined by the collector.** – On the day notified under section 5, the collector shall cause the treasure to be produced before him, and shall enquire as to and determine-
 - a. The person by whom, the place in which, and the circumstances under which such treasure was found; and
 - b. As far as is possible, the person by whom, and the circumstances under which, such treasure was hidden.
8. **Time to allowed for suit by person claiming the treasure:** - If, upon an enquiry made under section 7, the collector sees reason to believe that the treasure was hidden, within one hundred years before the date of the finding, by a person appearing as required by the said notification and claiming such treasure, or by some other person under whom such person claims, the collector shall make an order adjourning the hearing of the case of such period as he deems sufficient, to allow of a suit being instituted in the civil court by the claimant, to establish his right.
9. **When treasure may be declared ownerless.** – If upon such enquiry the collector sees no reason to believe that the treasure was so hidden; or
 If where a period is fixed under section 8 no suit is instituted as aforesaid within such period to the knowledge of the collector; or
 If such suit is instituted within such period, and the plaintiff's claim is finally rejected;
 The collector may declare the treasure to be ownerless.
Appeal against such Declaration. – Any person aggrieved by a declaration made under this section may appeal against the same within two months from the date thereof to the Chief Controlling Revenue Authority.
 Subject to such appeal, every such declaration shall be final and conclusive.
10. **Proceedings subsequent to declaration.**– when a declaration has been made in respect of any treasure under section 9 such treasure shall, in accordance with the provisions hereinafter contained, either be delivered to the finder thereof, or be divided between him and the owner of the place in which it has been found in manner hereinafter provided.
11. **When no other person claims as owner of place, treasure to be given to finder.**–
 When a declaration has been made in respect of any treasure as aforesaid, and no person other than the finder of such treasure has appeared as required by the notification published under section 5 and claimed a share of the treasure as owner of the place in which it has been found, the Collector shall deliver such treasure to the finder thereof.
12. **When only one such person claims and his claim is not disputed treasure to be divided, and shares to be delivered to parties.**– When a declaration has been made as aforesaid in respect of any treasure, and only one person other than the finder of such treasure has so appeared and claimed, and the claim of such person is not disputed by the finder the Collector shall proceed to divide the treasure between the finder and the person so claiming according to the following rule namely:-

If the finder and the person so claiming have not entered into any agreement then in force as to the disposal of the treasure, three – fourths of the treasure shall be allotted to such finder and the residue to such person. If such finder and such person have entered into any such agreement, the treasure shall be disposed of in accordance therewith:

Provided that the Collector may, in any case, if he thinks fit, instead of dividing any treasure as directed by this section-

- a. Allot to either party the whole or more than his share of such treasure on such party paying to collector for the other party such sum of money as the collector may fix as the equivalent of the share of such other party or of the excess so allotted, as the case may be, or
- b. Sell such treasure or any portion thereof by public auction and divide the sale- proceeds between the parties according to the rule hereinbefore prescribed:

Provided also that when the Collector has by his declaration under section 9 rejected any him made under this Act by any person other than the said finder or person claiming a ner of the place in which the treasure was found, such division shall not be made until after the expiration of two months without an appeal having been presented under section 9 the person whose claim has been so rejected, or when an appeal has been so presented, er such appeal has been dismissed.

When the collector has made a division under this section, he shall deliver to the parties portions of such treasure, or the money in lieu thereof to which they are respectively entitled under such division.

13. **In case of dispute as to ownership, proceeding to be stayed.**- When a declaration has been made as aforesaid in respect of any treasure and two or more persons have appeared as aforesaid and each of them claimed as owner of the place where such treasure was found, or the right of any person who has so appeared and claimed is disputed by the finder of such treasure, the collector shall retain such treasure and shall make an order staying his proceedings with a view to matter being enquired into determined by a Civil Court.
14. **Settlement of such dispute.** – Any person who has so appeared and claimed may, within one month from the date of such order, institute a suit in the Civil Court to obtain a decree declaring his right; and in every such suit the finder of the treasure and all persons disputing such claim before the collector shall be made defendants.
15. **And division thereupon.**-If any such suit is instituted and the plaintiff's claim is finally established therein, the collector shall to the provisions of section 12, divide the treasure between him and the finder.
If no such suit instituted as aforesaid, or if the claims of the plaintiffs in all such suits are finally rejected, the collector shall deliver the treasure to the finder.
16. **Power to acquire the treasure on behalf of the Government** – The Collector, may at any time after making a declaration under section 9, and before delivering or dividing the treasure as hereinbefore provided, declare by writing under his hand his intention to acquire on behalf of the Government the treasure or any specified portion thereof, by payment to the persons entitled thereto of a sum equal to the value of the materials ofwith one-fifth of such value, and thereupon such sum in deposit in his treasury to the credit of such persons; and thereupon such treasure or portion shall be dealt with, as may be, as if were such treasure or portion.

17. **Decision of Collector final, and no suit lie against him for acts done bona fide.** – No decision passed or act done by the Collector under this Act shall be called in question by any Civil Court, and no suit or other proceeding shall lie against him for anything done in good faith in exercise of the power hereby conferred.
18. **Collector to exercise powers of Civil Court.**– A Collector making any enquiry under this Act may exercise any power conferred by the Code of Civil Procedure on a Civil Court for the trial of suits.
19. **Power to make rules** – The Provincial Government may from time to time, make rules consistent with this Act to regulate proceeding hereunder.
Such rules shall, on being published in the Official Gazette, have the force of law.

PENALTIES

20. **Penalty on finder failing to give notice, etc.**– If the finder of any treasure fails to give the notice or does not either make the deposit or give the security required by section 4, or alters or attempts to alter such treasure so as to conceal its identity the share such treasure, or the money in lieu thereof to which he would otherwise be entitled, shall vest in HerMajesty.
And he shall, on conviction before a Magistrate be punished with imprisonment for a term, which may extend to one year, or with fine, or with both.
21. **Penalty on owner abetting offense under section 20.** – If the owner of the place in which any treasure is found abets, within the meaning of the Indian Penal Code (Act XLV of 1860), any offense under section 20, the share of such treasure or the money in lieu thereof to which he would otherwise be entitled, shall vest in HerMajesty, and he shall, on conviction before a Magistrate, be punished with imprisonment which may extend to six months, or with fine, or with both.

SCHEDULE

[Repealed by the Amending act, 1891(XII of 1891)]

(First published in Rajasthan Rajpatra part IV (G) dated 29.06.1961

HOME 'A' DEPARTMENT

NOTIFICATION

Jaipur, May, 20, 1961

No. F. 19(2) Home (A-Gr.II)/ 60- In exercise of the powers conferred by section 19 of the Indian Treasure Trove Act, 1878 (VI of 1878) and in supersession of all previous rules on the subject, the Governor is pleased to make the following rules, namely:-

1. These rules may be called the "Rajasthan Treasure Trove Rules, 1961.
2. Definitions – In these rules unless the context otherwise requires-
 - (a). "Act" means the Indian Treasure Trove Act. 1878 (VI of 1878).
 - (b). " Superintendent" means the Superintendent, Department of Archaeology, Government of India within whose jurisdiction the treasure has been found.
 - (c). "Section" means a section of Act.
 - (d). "Government" means the Government of Rajasthan.
 - (e). " Treasure Trove Officer" in the State means the Director of Archaeology and Museums, Rajasthan.
3. **Collector's Report** – On receipt of any notice under section 4 or on receipt of information from any person or other than the finder, that a treasure has been found, the collector shall report the fact to the Government, the Superintendent and the Treasure Trove officer stating as far as the information at his disposal permits:
 - a) The name of the finder;
 - b) The nature and details of the treasure;
 - c) The approximate value of the treasure;
 - d) the date of the finding of the treasure;
 - e) The origin and surrounding of the treasure;
4. **Publication of Notification**- Every notification under section 5(a) shall be published at the local police station, at the office of the Collector of the district or equivalent officer within whose jurisdiction the treasure was found, and also at some conspicuous spot in the village in which it was found.
5. **Report of the Treasure Trove Officer and Superintendent** – Within 60 days of the receipt of such information from the collector, the treasure trove office and the Superintendent shall report, individually or jointly to Collector whether the treasure or any part thereof should be acquired by the Government.
6. **Acquisition of Treasure** – (1) The Collector shall before acquiring or making a declaration under section 16 of his intention to acquire on behalf of the Government any treasure or any part thereof, obtain the orders of the Government. (II) If the Government decides to acquire such treasure or any part thereof, whether on the report of the Treasure Trove Officer and Superintendent or otherwise, the Government shall accordingly inform the Collector, who after making the declaration under section 9 and complying with the provisions of the section shall as soon as possible forward the treasure or any part thereof so acquired either to the Treasure Trove Officer or any other centre which the Government may specify in this behalf.
7. **Distribution of Treasure** – The Treasure Trove Officer in the event of the Government deciding to acquire the treasure or any part thereof, shall recommend to government distribution among the museums and institutions in the following order of priorities:-

- a) Principal museum of the State in which the Treasure Trove is found and the National Museum. In recommending allocation to the State Museum, the Treasure Trove Officer shall take into consideration that the objects to be given to the State Museum are of the State or regional interest and those to be given to the National Museum are of national importance.
 - b) Other museums in the State managed by the Government or other public authorities, including Universities in the State.
 - c) Principal State Museums of other States and the Indian Museum, Calcutta.
 - d) Other museums of other States and maintained by the State Government or other public authorities including Universities;
 - e) Other Museums.
8. **Sale** – The Government after assessing the needs of the museums and institutions mentioned in paragraph 7, may in consultation with the Treasure Trove Officer and the superintendent, place a part of the treasure required under rule 6 (ii) or otherwise for sale to the public after notifying the proposed sale to the public after notifying the proposed sale in such manor as it may deem fit.
9. **Price**- The price of the finds notified for sale shall be fixed by the Government after consulting the Treasure Trove Officer and the Superintendent and shall be specified against each item in the notification of the proposed sale and the amount realised by such sale shall be credited to the receipts of the Government.
10. The Treasure Trove Officer shall send a consolidated report of the treasure found during the financial year to the Government of India, the Ministry of Education. This report shall include a brief summary of the results of the examination or treasure trove finds during the year under review, and shall also include their classification by their material and roughly by the class to which they belong.
- The report shall also give a short account of any notable Treasure Trove finds and their distribution during the year.

By order of the Governor,
Z.A. Jhala,
Secretary to Government