

THE INDIAN TREASURE-TROVE ACT, 1878¹

(6 OF 1878)

[13th February, 1878]

(Relevant Provisions)

CONTENTS

Section

Preamble.

PRELIMINARY

1. Short title.

Extent.

2. [Repealed].

3. Interpretation-clause.

"Treasure".

Section

"Collector"

"Owner"

PENALTIES

20. Penalty on finder failing to give notice, etc.

21. Penalty on owner abetting offence under section 20.

An Act to amend the law relating to Treasure-Trove.

Preamble.—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 the whole of India except ²[the territories which, immediately before the 1st November, 1956, were comprised in Part B States].

³[* * *]

State Amendments—[Andhra Pradesh].—In its application to the State of Andhra Pradesh, in S. 1, after the expression "comprised in Part B States", insert "other than the

1. The Act has been declared to be in force in Sonthal Parganas by the Sonthal Parganas Settlement Regulation 3 of 1872; Khondmals district by the Khondmals Laws Regulation 4 of 1936; and Angul district by the Angul Laws Regulation 5 of 1936.

It has also been declared by notification under S. 3(a) of the Scheduled District Act, 1874, to be in force in the Scheduled Districts of Hazaribagh, Lohardaga (now Ranchi District) and Manbhum, and Pargana Dhalbhum and the Kolhan in the district of Singhbhum.

It has been extended to the transferred territory, viz., Kanyakumari district and Shencottah taluk of Tirunelveli district in the State of Tamil Nadu by T.N. Act 23 of 1960.

The Act has been extended to the Hyderabad and Saurashtra areas of the State of Bombay by the Bombay Act 33 of 1958 which repealed the Hyderabad Treasure-Trove Act and the Treasure-Trove Act, 1878, as extended to the Saurashtra area by Saurashtra Ordinance 25 of 1948. The words "State of Bombay" in Bombay Act 33 of 1958 stand unmodified—Maharashtra A.L.O., 1960.

The Act has been extended to the new Provinces and merged States by Act 59 of 1949 and to the Union territories of Manipur, Tripura and Vindhya Pradesh by Act 30 of 1950; Manipur and Tripura are full-fledged States now, see Act 81 of 1971. Vindhya Pradesh is a part of Madhya Pradesh State, see Act 37 of 1956, S. 6.

It has been extended to the Union territories of (1) Dadra and Nagar Haveli by Regulation 6 of 1963, (2) Pondicherry by Regulation 7 of 1963, (3) Goa, Daman and Diu by Regulation 11 of 1963 and (4) Laccadive, Minicoy and Amindivi Islands by Regulation 8 of 1965. The islands are now known as Lakshadweep, see Act 34 of 1973.

The Act as in force in the Bombay area, the Madras area and Coorg district, has been repealed by the Mysore Treasure-Trove Act 23 of 1963—See S. 21, *ibid*.

The Act as in force in the Malabar district in the State of Kerala referred to in S. 5(2) of the States Reorganisation Act, 1956, shall cease to operate in that district—See S. 22, Kerala Treasure-Trove Act 33 of 1968.

2. Substituted by the Adaptation of Laws (No. 2) Order, 1956, for "Part B States".

3. The words "And it shall come into force at once." repealed by Act 10 of 1914, S. 3 and Sch. II.

territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956".—Andhra Pradesh Act 7 of 1959, S. 4.

[Gujarat].—Same as that of Maharashtra.—Gujarat Act 11 of 1960, S. 87 (w.e.f. 1-5-1960).

[Madhya Pradesh].—In its application to the State of Madhya Pradesh, in S. 1, after the words "Part B States", insert "other than Madhya Bharat and Sironja regions of the State of Madhya Pradesh".—Madhya Pradesh Act 40 of 1961, S. 3 and Sch. (w.e.f. 1-2-1962).

[Maharashtra].—In its application to the State of Bombay, in S. 1,—

(i) to the second paragraph, add the following proviso, namely:—

"Provided that on the commencement of the Indian Treasure-Trove (Extension to Hyderabad and Saurashtra area of Bombay State) Act, 1957, this Act shall also extend to, and be in force in, the Hyderabad and Saurashtra areas of the State of Bombay";

(ii) against the proviso so inserted the marginal note "commencement in certain areas" shall be inserted.—Bombay Act 33 of 1958, S. 3 (w.e.f. 10-4-1958).

[Punjab, Haryana and Chandigarh].—To S. 1, add the following proviso, namely:—

"Provided that it shall extend to the territories which, immediately before that date, were comprised in the State of Patiala and East Punjab States Union."—Punjab Act 24 of 1960, S. 2 (w.e.f. 30-5-1960).

[Tamil Nadu].—In its application to the added territories in the State of Tamil Nadu, in S. 1, as amended by Andhra Pradesh Act 7 of 1959, the words "other than the territories specified in sub-section (1) of section 3 of the State Reorganisation Act, 1956" shall be omitted.—T.N. (Added Territories) A.L.O., 1961 (w.r.e.f. 1-4-1960).

2. Repeal of enactments.—[*Repealed by the Repealing and Amending Act, 1891 (12 of 1891), section 2 and Schedule I.*]

3. Interpretation-clause.—In this Act—

"Treasure".—"treasure" means anything of any value hidden in the soil, or in anything affixed thereto;

"Collector".—"Collector" means (1) any Revenue-officer in independent charge of a district; and (2) any officer appointed by the State Government to perform the functions of a Collector under this Act.

"Owner".—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 be the owner of such land or thing.

State Amendment—[Andhra Pradesh].—In its application to the State of Andhra Pradesh, for S. 3, substitute the following:—

"(a) "Collector" means the Chief Local Officer in charge of the revenue administration of a district, and includes any officer appointed by the State Government to perform the functions of a Collector under this Act;

(b) "Treasure" means anything of value exceeding rupees ten, or of any value if it is of historical or archaeological interest having been in existence for not less than one hundred years, hidden or embedded, in the soil, or in anything affixed thereto, and includes uncut diamonds, or other valuable minerals found on the surface of the soil;

(c) 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 be the owner of such land or thing."—Andhra Pradesh Acts 10 of 1963, S. 2 (w.e.f. 6-4-1963); 15 of 1972, S. 2 (w.e.f. 26-8-1972).

Section 3-A

State Amendments—[Himachal Pradesh].—Same as that of Punjab.—Himachal Pradesh Act 16 of 1972, S. 2 (w.e.f. 16-11-1972).

[Punjab, Haryana and Chandigarh].—After S. 3, insert the following section, namely:—

"3-A. *Permission to discover.*—The Government may on application allow any person to discover a treasure on such terms and conditions as it may deem fit."—Punjab Act 24 of 1960, S. 3 (w.e.f. 30-5-1960).

* * * * *

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 of such treasure, or the money in lieu thereof to which he would otherwise be entitled, shall vest in Government, 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.

State Amendment—[Andhra Pradesh].—In its application to the State of Andhra Pradesh, for S. 20, substitute the following section, namely:—

"20. Penalty on finder or purchaser for failure to give notice or for alteration of the treasure.—"

(1) If the finder or the purchaser of any treasure fails to give the notice or fails to make the deposit or give the security, as required by section 4, or alters or attempts to alter such treasure so as to conceal its identity, the share or interest in such treasure or any right to which the finder or the purchaser, as the case may be, would otherwise be entitled shall vest in the State Government.

(2) For the offence of such failure or alteration, the finder or purchaser shall also be punishable with imprisonment which may extend to one year, or with fine, or with both."—Andhra Pradesh Act 10 of 1963, S. 5 (w.e.f. 6-4-1963).

21. Penalty on owner abetting offence under section 20.—If the owner of the place in which any treasure is found abets, within the meaning of the Indian Penal Code (45 of 1860), any offence under section 20, the share of such treasure, or the money in lieu thereof to which he would otherwise be entitled, shall vest in [Government],

and he shall, on conviction before a Magistrate, be punished with imprisonment which may extend to six months, or with fine, or with both.

State Amendment—[Bihar].—In its application to the State of Bihar, to S. 21, add the following, namely:—

"Any person who knowingly fails to report to the Collector the finding of any treasure in the land of which he is the owner within two months of such finding shall be deemed to have abetted an offence under section 20."—Bihar Act 22 of 1947. The Act was applied to the partially excluded areas by a Notification, dated 24th December, 1947.

Section 22

State Amendments—[Andhra Pradesh].—Same as that of Tamil Nadu.—Andhra Pradesh Act 10 of 1963, S. 6 (w.e.f. 6-4-1963).

[Gujarat].—Same as that of Maharashtra.—Gujarat Act 11 of 1960, S. 87 (w.e.f. 1-5-1960).

[Maharashtra].—In its application to the State of Bombay, after S. 21, insert the following section, namely:—

"22. Repeals and savings.—The Hyderabad Treasure-Trove Act, 1322-F, and the Indian Treasure-Trove Act, 1878, as modified and applied by the State of Saurashtra (Application of Bombay and Central Acts) Ordinance of 1948, are hereby repealed:

Provided that notwithstanding such repeal, anything done or action taken (including any notice or security given, any forfeiture, determination, declaration, delivery, division, acquisition or order made, all rights, obligations and liabilities acquired, accrued or incurred, penalties imposed, and all proceedings and appeals pending before the Collector, Chief Controlling Revenue Authority, Talukdar, Subedar, Board of Revenue or other Authority, and all powers conferred therefore) by or under the provisions of any law so repealed shall be deemed to be done, taken, given, made, acquired, accrued, incurred, imposed, pending or preferred, under the provisions of this Act, as if this Act had then been in force; and accordingly all such proceedings and appeals pending before any such authority as aforesaid shall stand transferred, where necessary, to the corresponding authority under this Act, and if no such authority exists or if there be a doubt as to the corresponding authority, to such authority as the State Government may designate, and shall be continued and disposed of before such authority in accordance with the provisions of this Act."—Bombay Act 33 of 1958, S. 3 (w.e.f. 10-4-1958).

[Tamil Nadu].—After S. 21, add the following section, namely:—

"22. *Penalty on owner or occupier who fails to give notice under section 4.*—If the owner or occupier of the place in which any treasure is found, being aware of the finding thereof, fails to give notice as required by section 4, sub-section (2), he shall be punishable with imprisonment which may extend to six months, or with fine, or with both."—Tamil Nadu Act 36 of 1949, S. 4. The provisions of this Act were extended to the territories added to Tamil Nadu by the A.P. and Madras (Alteration of Boundaries) Act 56 of 1959, *see* Madras Added Territories) Adaptation of Laws Order, 1961.

Section 23

State Amendment—[Andhra Pradesh].—In its application to the State of Andhra Pradesh, after S. 22, add the following section, namely:—

"23. *Offences to be cognizable.*—Notwithstanding anything in the Code of Criminal Procedure, 1898, any offence punishable under this Act shall be a cognizable offence within the meaning of that Code."—Andhra Pradesh Act 10 of 1963, S. 6 (w.e.f. 6-4-1963).

*

*

*

*