



THE TREASURE-TROVE ACT, 1878



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THE TREASURE-TROVE ACT, 1878

¹ACT No. VI of 1878

[13th February, 1878]

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 ²* Treasure-trove Act, 1878.

¹For the Statement of Objects and Reasons, see Gazette of India, 1876, Pt. V, p. 1463; for discussions in Council, see *ibid.*, Supplement, pp. 1288 and 1326; *ibid.*, 1878 pp. 207 and 287. This Act has been declared to be in force in Balochistan by the British Balochistan Laws Regulation, 1913 (2 of 1913), s. 3; It has also been extended to the Leased Areas of Balochistan, see the Leased Areas (Laws) Order, 1950 (G.G. O. 3 of 1950); and also applied in the Federated Areas of Balochistan, see Gazette of India, 1937, Pt. I, p. 1499.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications; and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified; See N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

²The word "Indian" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3 and II Sch.

Extent. It extends to ¹[the whole of Pakistan.]

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2. *[Repeal of enactments.] Rep. by the Amending Act, 1891 (XII of 1891).*

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 ³[Provincial 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.

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 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, take the following steps (namely) :-

- (a) he shall publish a notification in such manner as the ³[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

¹Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for “all the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, Arts. 3(2) and 4, for “the whole of British India”.

²The words “And it shall come into force at once” rep. by the Repealing and Amending Act, 1914 (10 of 1914).

³Subs. by A. O., 1937, for “L. G.”.

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;

- (b) 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 thereof, as owner of the place in which it was found or 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 be 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 for 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-authority¹.

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.

¹ For definition of Chief Controlling Revenue-authority, see the General Clauses Act, 1897 (10 of 1897), s. 3 (9a).