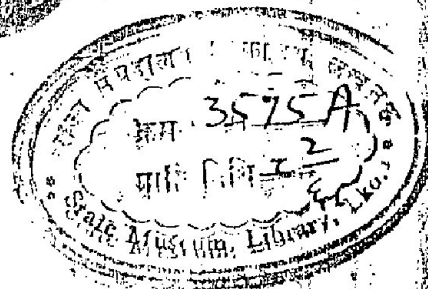
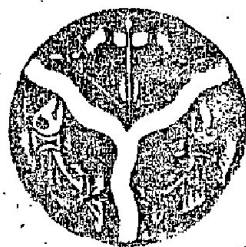


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Chapter XXIII—Treasure Trove

A—General Rules under section 19 of the Treasure Trove Act, 1878

Old paras.

N.B.—Attention is particularly invited to rule 16. It is of great importance that the Act should not be used in petty cases where a few coins have been accidentally found, and the police should be instructed that in such cases no inquiry at all is necessary. The Government has an immemorial right over treasure trove, and one object of the Act is that valuable coins should be acquired and preserved from destruction but it is obvious that this object will be constantly defeated if finders are exposed to harassing inquiries and prosecutions.

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**378.** Every tahsil office shall be considered a Government treasury for the purposes of receiving treasure deposited by a finder in accordance with section 4 of the Treasure Trove Act, 1878.

Rule 1

1716

**379.** On receiving treasure trove, the tahsildar shall cause to be prepared a list containing details of the treasure deposited. When the deposit consists of coins other than those in current use, care shall be taken to record in the list the date stamped on the coins and so much of the superscription as may be legible. To the list prepared in the tahsil shall be added the place and date of finding.

Rule 2

If the treasure found consists of massive pillars, inscribed blocks, or other objects *in situ*, the tahsildar shall not remove them or require them to be removed, to the tahsil; but he shall make such arrangements as appear necessary for their protection, pending the orders of the Collector.

If such treasure consists of isolated figures, fragments of carving and the like, not *in situ*, the tahsildar shall, unless he has reason to apprehend that it will, if left in the custody of the finder, be defaced or made away with, allow the finder to retain it in his own custody pending the orders of the Collector. If the tahsildar has reason to apprehend injury to or loss of the treasure found, he shall require the finder to deposit it at the tahsil.

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**380.** The list shall be read over to and attested by the finder, and in every case a duplicate copy shall be at once delivered to him free of charge.

Rule 3

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**381.** On receipt of the tahsildar's report, under rules 2 and 3, if the Collector considers the acquisition of the treasure desirable on historical, antiquarian, or other public grounds, he shall submit a full description of the same to the Government, stating the actual value of the materials, the estimated market value of the treasure, the grounds on which he considers that it should be acquired, and the sum over and above the intrinsic value of the materials payable, under section 16 of the Act, to the persons entitled to payment.

Rule 4

In the case of treasure falling under rule 2, the Collector in his report to the Government shall also state what arrangements he proposes for its care and protection *in situ*, should its acquisition be sanctioned, and whether by lease or otherwise, he can secure to the Government the land to which the said treasure is attached, or a right to enter upon the land and to undertake therein such protective measures as may seem necessary.

[III—General Administration Department]

TREASURE TROVE

163

**382.** If the finder is a person known to be possessed of means equivalent in value to the treasure found, and if after the list proscribed in the foregoing rule has been prepared, he elects to retain such treasure in his own custody he shall be permitted to do so until orders have been received from the Collector.

Rule 5

Old papers.  
1719

**383.** If notice has not been previously given, the tahsildar shall forward a copy of the list to the Collector of the district in which the treasure has been found, and this shall be accepted as the notice in writing required by the Act.

Rule 6

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**384.** All treasure deposited shall be placed in a fitting receptacle and kept in the treasury under double lock and key until orders for its disposal have been received from the Collector. The covering to the receptacle shall be sealed by the tahsildar.

Rule 7

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**385.** Any person making a report of treasure trove at a police station shall be directed to make the report at the nearest tahsil office. An entry of the fact shall be made in the "roznamcha am"; but the finder is on no account to be detained, nor is the treasure to be examined at the police station further than may be necessary for the purpose of making a summary description of its nature.

Rule 8

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**386.** The officer in charge of a police station, on receiving information that treasure has been found at any place within his jurisdiction, may, if he has reason to believe that notice of the finding has not been given to the Collector, or that attempts have been made to alter the treasure, make an inquiry as he would into a case of ownerless property. If upon inquiry he finds that notice has not been given, he shall report the case to the magistrate having jurisdiction for further orders; if he finds that notice has been given and that no reason for special precautions exists, he shall at once desist from any further inquiry into the case.

Rule 9

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**387.** Upon receipt of the notice in writing referred to in section 4, the Collector shall hold a summary inquiry. If he is satisfied that the finder has unduly delayed giving the notice, or that the treasure found is stolen property, he may forward the case either to the magistrate having jurisdiction or to the Magistrate of the district.

Rule 10

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In every other case the Collector shall forthwith publish the notification proscribed by section 5 of the Act.

**388.** The notification shall be published by beat of drum or in other fitting manner at the village within the boundaries of which the treasure has been found, and a copy of it shall be posted both at the tahsil and thana within the jurisdiction of which the village is situate. When the treasure found exceeds in value Rs.100 or if for some other cause special notice of the finding appears necessary, a copy of the noti-

Rule 11

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Old paras.

fication shall be published in the Government Gazette. Care must be taken when necessary to serve notice in writing under section 5(b) upon the person in possession of the place where the treasure has been found.

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Rule 12

**389.** Except as provided in section 6, no treasure shall be declared forfeit until, upon prosecution instituted under section 20 of the Act, the treasure shall have been pronounced by the magistrate to have been forfeited and returned as such to the Collector.

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Rule 13

**390.** If the magistrate is satisfied that the person before him is not the finder of the treasure, he shall forward the property, as ownerless, to the Collector and refer any claimants other than the alleged finder to the Collector.

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Rule 14

**391.** No claim made after the period set out in the notification published under section 5 shall be recognised by the Collector. If no claim is made within such period, the treasure becomes forfeit to the State and shall be dealt with like any other escheat.

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Rule 15

**392.** No treasure shall be acquired under section 16 until notice has been given to, and sanction received from, the Government for the purposes of acquisition. The value of the materials of treasure found shall in the case of coins be held to be the intrinsic value of the metal.

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Rule 16

**393.** The Act and the rules published thereunder shall be worked with care, leniency and discrimination, and the officers concerned must endeavour to avoid, as far as possible, causing annoyance to the finders of the treasure trove. When, in any case, money, sculpture, or other ancient remains, are discovered by any person on his own premises, he should be very rarely interfered with.

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Rule 17

**394.** In the foregoing rules the word "Collector" means and includes any officer exercising the powers of an assistant collector of the first class and "tahsildar" includes the officer for the time being in charge of a tahsil.

*B—Rules regarding the disposal of coins found as Treasure Trove*

1732

**395.** In all cases where coins are found as treasure trove the Report regarding old coins shall report the find to Government in the General Administration Department if the coins that have been found appear to be old and not—

(a) of Government of India mintage,

(b) of British mintage, or

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by Gov

the I  
Act.

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Grant  
on coins

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(c) coins struck at Calcutta, Murshidabad, Banaras and Arkot in the name of Shah Alam, dated the 19th July. Old puras.

396. District Officers should also send a copy of the report together with specimens of the coins to the Secretary, Coin Committee, Uttar Pradesh (Curator of the State Museum), Lucknow. They must use their discretion about forwarding specimens; where they are unable to give an idea of the nature of the coins they should forward all in the case of small finds and, as far as possible, specimens of each variety in the case of larger finds. The Secretary, Coin Committee, will call for the remaining coins if he considers their examination necessary. 1733

397. The Secretary of the Coin Committee, or some member thereof, will examine the find, prepare a detailed description of the coins and ascertain from the institutions on the distribution list whether they require any of the coins. On receipt of their replies and, in important cases, after consulting the Coin Committee, the Secretary should report to Government in the General Administration Department the number of coins which should be acquired for presentation to coin-cabinets of museums and for sale at the Lucknow Museum, stating at the same time the intrinsic and the numismatic value of the coins to be acquired. 1734

398. In making his report, the Secretary will be guided by the following principles: 1735

- (1) If only one specimen is found, it should be presented to the Lucknow Museum.
- (2) If more specimens are found they should be presented, as far as they will go, to the institutions which receive treasure trove coins found in Uttar Pradesh.
- (3) A coin should not be presented to an institution which already has a specimen of the coin.
- (4) Generally all rare specimens of coins should be proposed for acquisition. If any remain over after distribution, they should be kept for sale at the Lucknow Museum at their numismatic value.

399. On receipt of the Secretary's report, Government will pass orders regarding the acquisition of the coins. Those acquired will be distributed by Government and the remainder returned direct to the District Officer concerned for disposal under the Treasure Trove Act. 1735-A

400. The expenditure incurred by a District Officer in the purchase of those coins which have been acquired will be met from his contract grant. If the expenditure is large, Government will consider the question of an extra grant. 1735-B

Grant for expenditure on coins.

Old para.  
1735-C.

**401.** Coins acquired by Government for sale will be forwarded to the Curator, State Museum, Lucknow, who will publish lists of such coins quarterly in the Government Gazette, or, if the importance of the coins warrants it, in important newspapers as well. The advertisement charges will be met from the contingent grant of the Lucknow Museum.

1735-D

**402.** Copies of the lists of coins for sale will be sent to (a) the States who have expressed their desire to acquire coins, (b) members of the Numismatic Society of India, and (c) other numismatists who may register their names for the supply of the lists.

1735-E

**403.** The coins purchased by States and others will be sent by the Curator of the Lucknow Museum, per value payable post.

1735-F

**404.** The coins for sale which remain undisposed of at the Lucknow Museum for five years, should be sent by the Curator of the Lucknow Museum to the Mint Master, Calcutta, with the following certificate:

"Certified that the provisions of the rules regarding the disposal of treasure trove coins have been carried out in respect of—gold—silver—bullion and—copper coins sent herewith and that these coins can be melted without delay."

1735-G

**405.** Coins forfeited to Government which are of no numismatic value and those of such value which have not been selected for distribution or sale should be sent by District Officers to the Mint Master, Calcutta, for being melted, after orders for the disposal of the find have been passed by Government and action under the Treasure Trove Act has been taken. The certificate referred to in paragraph 404 should also be sent with the coins.

1735-H

**406.** The Mint Master will melt the coins sent to him for melting and assay; and, after deducting the cost of refining etc., he will issue in favour of the Uttar Pradesh Government an outturn certificate for the value of the metal contained in the coins and then credit the amount to State revenues to the head "XLVI—Miscellaneous—Treasure Trove".

1735-I

**407.** The Secretary, Coin Committee, will prepare an annual report which will be incorporated in the annual report of the State Museum, Lucknow.