

Home (1917) Department.
Miscellaneous

Ordinary SERIES.

G.O. No. 583

DATED 13.6.17

INDEXED

[Despatch Abstract.]

Legislative Council Resolution.

Recording papers relating to a resolution which the Hon'ble Mr. B. V. Karasidha Ayyar proposed to move at the meeting of the Legislative Council dated the 2nd May 1917 on the subject of the working of the Treasure Trove Act with due regard to the religious susceptibilities of the people concerned.

80-369	Home	10.4.17	
1222	Pub.	24.6.16	
1088	..	6.6.16	
577	..	27.3.16	
473	-	11.3.16	
332	..	24.2.16	
614	..	26.4.15	
463	..	26.3.15	
263	..	19.2.15	
372	..	19.3.13	
1245	..	5.10.12	Sc.
651	..	1.6.12	
505	..	11.6.10	
604	..	26.7.07	
901	..	22.8.96	
1350	..	7.9.78	

NOTES CONNECTED WITH THE RESOLUTION ON MATTERS OF GENERAL PUBLIC INTEREST.

[For the meeting of the 22nd May 1917]

[SUBJECT.—*Working of the Treasure Trove Act.*]

The Hon'ble Mr. B. V. NARASIMHA AYYAR :—

XXXII.—*This Council recommends to His Excellency in Council that in exercising the powers of Government to acquire idols and other sacred objects, under the Treasure Trove Act, due regard should be paid to the religious susceptibilities of the people concerned.*

HOME (MISCELLANEOUS) DEPARTMENT.

The legal provision under which Government can acquire idols or other treasure is contained in section 16 of the Indian Treasure Trove Act, 1878. Though the powers given under this section are wide, they are exercised with discretion, and seldom recourse is had to this section in acquiring idols.

2. The following rules regulate the acquisition of treasure including idols on behalf of Government :—

“The Collector shall, whenever he has made a declaration under section 9 that any treasure is ownerless, and before delivering or dividing the treasure as provided by sections 10-15 of the Act, consult the Superintendent of the Government Museum as to whether he shall declare his intention to acquire such treasure, or any portion thereof, on behalf of the Government, and shall be guided by his advice.”

The Superintendent of the Museum shall on a reference being made to him by the Collector consult the Superintendent of the Archaeological Survey, and also, if he considers it desirable, the Assistant Archaeological Superintendent for Epigraphy, Southern Circle, and any other responsible officer of Government interested in the conservation of objects of historical and archaeological interest whom he may see fit to consult—vide rules 3 and 4 on page 13 of G.O. No. 604, Public, dated 26th July 1907. (A)

3. *Orders of the Government of India on the subject.*—The general principles which should regulate the utilization and disposal of objects of archaeological interest are those enunciated in paragraphs 3 and 4 of the Home Department Resolution, printed on pages 2-3 of G.O. No. 505, Public, dated 11th June 1910. The Government of India then observed thus :— (B)

“Experience has shown that the arrangements necessary for securing any object worthy of removal to a museum, or for preserving it in any other way, can in most cases be made without difficulty by Local Governments or local officers. This being so, it does not appear necessary to take any legal powers of compulsory acquisition.”

In Home Department letter No. 221, dated the 21st May 1910, the Government of India expressed their opinion that it is undesirable that figures or objects of archaeological interest or value should be either lent or given away for purposes of devotional worship. (B)

4. *Policy of the Local Government.*—It will be seen, from the summary given below of the treasure trove cases disposed of in recent years, that the following has been the main lines of policy of Government :—

(1) To grant an idol to the petitioners or to the trustees of a temple, where there is clear evidence to show that the idol is discovered within the precincts of a temple, and is required by the parties concerned for purposes of worship.

(2) To acquire any particular idol on behalf of the Government by negotiation with the trustees of a temple who are in possession of certain idols handed over by Government for devotional purposes.

(3) To acquire an idol only when it is of such special archæological or artistic interest or value as to make its acquisition a matter of real importance.

(4) To acquire an idol where there is reason to suppose that the parties are actuated not by any genuine feelings of devotion, but by a desire to possess it with the probable intention of selling it to any collecting tourist, and thus to make a profit by the transaction.

Cf. notes of the Hon'ble Sir Alexander Cardew on page 13 of G.O. 473, Public, 11th March 1916, and on page 39 of G.O. 577, Public, 27th March 1916.

Where the parties desire an idol to be returned for purposes of worship, the idol is in certain cases returned to them on condition that a proper temple is built to receive it, if a temple does not already exist.

Summary of important cases—G.O. No. 651, Public, dated 1st June 1912.—A copper idol was discovered in the vicinity of a ruined temple in South Arcot district. The Collector declared it to be ownerless under section 9 of the Act. The inhabitants of Kattu Edayar village where it was discovered petitioned for its return to them for purposes of worship. The idol was directed to be returned to them as an act of grace, as soon as a temple had been built to receive it.

G.O. No. 1245, Public, dated 5th October 1912.—Certain idols were discovered within the premises of a temple in Tanjore district. The Collector declared them to be ownerless, and on the recommendation of the Superintendent of the Government Museum acquired them on behalf of the Government. The trustee of the temple petitioned for their return. The idols were ordered to be restored to the trustee, and the Collector was requested to negotiate with the trustee for two of the idols which the Superintendent of the Museum desired to have for the museum.

G.O. No. 263, Public, dated 19th February 1915.—The Collector of Tanjore was permitted to return to the authorities of the Sri Brahmapuriswara Swami temple certain idols which were discovered within the precincts of the temple.

G.O. No. 463, Public, dated 26th March 1915.—The return of certain images to the authorities of the Jambukeswaram temple in Trichinopoly district was sanctioned, as the images were discovered within the precincts of the temple, and the temple authorities were anxious to have them back for worship.

G.O. No. 614, Public, dated 20th April 1915.—The Collector of Tanjore was permitted to acquire certain idols found in Agaram village, Tanjore district. They were not found within the precincts of any temple. The petitioner urged that he would build a temple to worship the idols. The Superintendent, Government Museum, considered them to be of such distinct archæological interest as to make their retention in the museum eminently desirable.

G.O. No. 473, Public, dated 11th March 1916.—A copper image found in Jambuvanodai village in Tanjore district was acquired on behalf of the Government, and the Government declined to accede to the request of the villagers for its return. The petitioners were considered to have no claim to the idol, and there was no temple in the locality to receive it. The Superintendent of the Museum considered it to be of high archæological value.

G.O. No. 577, Public, dated 27th March 1916.—Certain images found near the water-works, Nellore, were refused to be returned to the trustees of a temple at Mulapet who desired to have them for purposes of worship. There was no evidence that they belonged to the temple at any time. The Superintendent of the Museum considered that they possessed considerable interest from the fact that they formed a set and that they were from a local area from which nothing of the kind had been obtained before. Moreover, they had been two years in the museum, without being claimed.

G.O. No. 1088, Public, dated 6th June 1916.—The return of certain idols found near the premises of a temple in Salem district to the Devasthanam Committee of the temple was sanctioned. Certain idols which were however considered to be of marked artistic or archæological interest were at the same time ordered to be retained for the museum.

G.O. No. 369, Home (Miscellaneous), dated 10th April 1917.—An idol found at Mel Bhuvanagiri village in South Arcot district was granted to the villagers for purposes of worship. The Superintendent of the Museum who was consulted by the Collector did not require it for the museum.

5. It will thus be seen that proceedings under the Treasure Trove Act are instituted with due care and attention, and with due deference to the religious susceptibilities of the parties concerned. Idols are acquired when their acquisition is desirable from an archæological point of view, and when their preservation in the museum is desirable in the interests of the public. In the circumstances it is not clear what new line of action the Additional Member aims at in his resolution. Submitted that the orders of the Honourable Member may be taken as to whether he will reply to the resolution in the Council, and whether he wishes the attitude of Government in replying to it to be discussed in the Executive Council.

M.D.R.—12-5-17.

(The resolution has been admitted.)

P.D.R.—13-5-17.

The Honourable Additional Member apparently means to press the resolution with reference to the orders in G.O. No. 1088, dated 6th June 1916. He evidently interested himself in the subject-matter of the petition disposed of by that order and represented the petitioners' case to the Page 1 of notes with that Government Order. Hon'ble Sir Alexander Cardew at a personal interview. In that case some of the idols of archæological interest were retained for the museum as against the request of the Devasthanam Committee. In these matters with conflicting claims for the treasure the genuineness of either determines its final disposal. In the case, which is likely to be quoted by the Additional Member, both the interests (the archæological and worshippers') had to be considered. In respect of the former the advice of the experts, e.g., Superintendent, Government Museum, the Archæological Superintendent, is always taken; while as regards the other it is open to those who apply for the treasure to prove their earnestness to have the idols, etc., for purposes of worship. Due consideration is given to the matter and the property assigned in the best interests of the public. The implication in the resolution that sufficient regard is not now paid to the religious susceptibilities of the people can be refuted with reference to the instances quoted above.

C. RAMANUJA ACHARIYAR—14-5-17.

Honourable Member for orders as to taking charge of the amended resolution.

R. RAMACHANDRA RAO—14-5-17.

I will take the resolution and hope to be able to satisfy the Additional Member that Government do consider the religious susceptibilities of the people. Put up the file again after printing.

H. F. W. GILLMAN—15-5-17.

Print sharp.

R.R.R.—16-5-17.

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72
17-5-17
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NOTES.

Page 4

Home (Huse) dept.

Submitted with reference to the
H. M.'s orders dated the 15th instant
on page 3 ante.

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17-5-17.

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17-5-17.

H.M.

May
17/5/17

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23-5-17 W.R.

24/5/17
W.R.

The papers may it is submitted
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His

Recorded.

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18/6/17
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11-6-17

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ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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