(1) பக்கங்களின் எண்ணிக்கை 12

(2) புதுக்கித் திருப்பிய நாள் July 89

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

18

தமிழ்நாடு அரசு

PWD துறை

அரசாணை எண். / மு. கோப்புத் தாள் எண்.	1380	அச்சகம் / பலவகை
நாள் : 22 5 1889		19 .

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138

27TH APRIL 1889, No. 373, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

Extract from the Proceedings of the Government of India, Revenue and Agricultural Department, dated 28th March 1889, Circular No. 24—4-2 Arch.

Read—the following Resolutions recorded in the Home Department, No. 3—167-181, dated 8th November 1882, and No. 1—58-71, dated 8th June 1883.

Read—also a Despatch received from Her Majesty's Secretary of State for India, No. 79 (Statistics and Commerce), dated 8th November 1888.

Resolution—

The subject dealt with in the Resolutions quoted in the preamble was the conservation and location in provincial or national museums of objects of archæological interest. The attention of the Government of India having been again called to the question by an inquiry from Her Majesty's Secretary of State whether more effective action cannot be taken to prevent the undue appropriation by private persons of such Indian antiquities as are worthy of being preserved in the national institutions of this country, the following instructions and suggestions are placed on record by the Government of India for the consideration of Local Governments and Administrations, who are invited to take such action and lay down such rules in connection therewith as may be deemed useful and desirable.

2. The opinion was expressed in the 4th paragraph of the Resolution first quoted that the Government has never claimed any indefeasible rights in archæological objects, and that no such right could be asserted without legislation. This is true in regard to all objects of archæological interest, of which the discovery could not be brought within the scope of the Treasure Trove Act. But it appears to the Governor-General in Council that a material portion of discovered antiquities will be ascertained on inquiry to have been found in circumstances which would bring them under the provisions of Act VI of 1878. Such will be the case in respect to all ownerless antiquities of any value "hidden in the soil, or in anything affixed thereto." Statuary and remains of buildings, as well as coins, would, if buried underground, usually satisfy the required conditions, and could be classed as treasure under the definition of the Act, which, as indicated by the extracts quoted in the Appendix, was intended by its framers to apply to objects of antiquarian interest discovered below the surface of the soil. Indeed, the definition of treasure as framed in the original Bill was enlarged by the Select Committee for the express purpose of covering sculptures and similar antiquities, as well as coins.

3. The Treasure Trove Act permits the Government to claim the possession of treasure of which, as laid down in section 4 of the Act, the amount or value is over 10 rupees. Such "value" is not, as in section 16, the price which the mere materials of the article found would fetch, but the market value or the price which the discovered object might, if offered for sale, reasonably be presumed to realize. The conditions under which the finder of treasure is to be compensated in cases where the claim of Government is asserted, are described in section 16 of the Act. The value

at which the treasure is to be assessed is there defined as the value of the materials only, *plus* one-fifth of such value. The extra price, which the discovered article might realize in virtue of its value as an object of archæological interest, need not enter into account. It will not therefore be difficult to secure for preservation in national institutions the most important antiquities which may be discovered in any part of British India, without inordinate expenditure.

4. The Governor-General in Council now desires that the conditions under which the Government can claim articles of antiquarian interest should be made generally known, as well to the officials upon whom the responsibility rests of giving effect to the provisions of the Treasure Trove Act as to the general public. His Excellency in Council is convinced that the Local Governments and Administrations will, on every occasion on which it may be considered proper to exercise the rights conferred by the law upon the State, act with due liberality, and with proper consideration for the natural claims and expectations of the finders of treasure, and will bear in mind that the object in view will be defeated if those who may discover objects of archæological value are not induced by the prospect of a sufficient reward to make their discoveries known to the officials of Government. On the other hand, it must be enjoined on all servants of the State that it is their duty to protect national interests so far as to ascertain the particulars of any discovery which may be brought to their notice, and to report the circumstances to the proper authorities under such rules and instructions as may be laid down for their guidance by the Local Government or Administration.

5. With regard to antiquities which cannot be brought under the definition of "treasure" in the Act of 1878, and of which the location in a national institution is considered desirable, no further action can be advised than to ascertain from the finder whether he is willing to surrender the object to Government at a reasonable price.

6. Nothing in this Resolution should be held to interfere with the instructions which are contained in the Resolution, No. 1—58-71, of 8th June 1883, for dealing with discoveries made by Government officials, and which, for the purpose of easy reference, are reprinted in the appendix to this resolution. The same instructions will be applicable, *mutatis mutandis*, to objects of archæological interest claimed and purchased under the Treasure Trove Act.

7. With the above remarks, the Governor-General in Council is content to leave the matter to the discretion of Local Governments and Administrations, but desires that any action which may be taken under this Resolution should be briefly noticed in the Annual Report of the Department of Land Records and Agriculture, as the department which in most Provinces is connected with the administration of Museums.

Order—

Ordered, that the above Resolution be forwarded to the Local Governments and Administrations noted on the margin; also that a copy be forwarded to the Director-General of the Archæological Survey of India, the Honorary Secretary to the Trustees of the Indian Museum, and the Home, Public Works, Legislative and Foreign Departments, for information; also that it be published in the Supplement to the *Gazette of India*.

Madras.	Central Provinces.
Bombay.	Burma.
Bengal.	Assam.
North-Western Provinces and Oudh.	Coorg.
Punjab.	Ajmere.
	Hyderabad.

(True Extract.)

(Signed) G. PALL,
Secy. to the Govt. of India.

To the Secretary to the Government of Madras.

1380

APPENDIX I.

Extract from the Speech, dated 29th November 1876, of the HON'BLE MR. E. C. BAYLEY, C.S.I., *on the Treasure Trove Bill.*

The Bill further proposed to adopt one other provision which, as indicated before, was taken from the modern law of Denmark. This was to give the Government a claim, on the payment of a specified percentage in excess of the intrinsic value, to the possession of such articles as it should consider worthy of preservation in the interests of the public, as being of historic or artistic interest. This provision was inserted some years ago in the law of Denmark, and the practical result had been to make the Government collection of national antiquities in that country the finest now existing. In India such a provision would be of the very greatest value. There was much hidden treasure in India, and as he (Mr. Bayley) could say from personal knowledge, much was being perpetually brought to light in various parts of the country, and a very large proportion of it was of importance, as illustrating either the history, the social habits, the religious beliefs, or the artistic skill, of the races who inhabited the country in past times. In truth, most of the only trustworthy information which we possessed of the history of India antecedent to the Muhammadan invasion was furnished by articles, especially by coins, discovered as "treasure trove."

It was, therefore, an object to prevent articles of this kind from being lost or destroyed, and the provision the Bill proposed to make was, he believed, sufficiently liberal to secure to the Government an opportunity of purchasing such articles as they might consider of real public interest. Indeed, the present Lieutenant-Governor of the Punjab, Sir Henry Davies, had recently acted on this principle in a very important case, with the consent of the finder, and had preserved from destruction articles of extreme historic interest.

Extract from Letter from the Government of the Punjab, No. 636, dated 19th February 1877, on the original draft of the Bill to amend the law relating to Treasure Trove.

Mr. Kipling, Superintendent of the Government School of Industrial Art at Lahore, while considering the Bill effectual as regards precious metals, notes that there is a general misapprehension of the right of Government as regards stone, sculpture, wood, terra-cotta, and objects of this description. The Lieutenant-Governor thinks that the attention of the Legislative Council should be directed to this point, as there is considerable doubt as to whether these articles would be covered by the term "Treasure" in section 3 of the Act.

Extract from the Report of the Select Committee, dated 31st January 1878.

The only other changes of importance we have made, besides those in the penal clauses, will be found in the definition of treasure, and in the clause (the first of section 4) which fixes the minimum value of treasure to which the Bill applies. We have enlarged the definition of the word "treasure," as it was urged by some of those consulted that it was desirable to do so in order to secure to the public (under section 15 of the Bill) objects of antiquarian interest which would not have been covered by the definition as first framed, and, with a similar view, we have reduced the minimum value of treasure to which the Bill applies.

Extract from the Speech, dated 13th February 1878, of the HON'BLE SIR E. C. BAYLEY, K.S.I., *on the Treasure Trove Bill.*

* * * And finally the Bill provided means whereby the Government would be able to procure for the national museum articles of historical or archæological value which it might be desirable to secure. Special provisions had been largely introduced into legislation in Europe for this purpose, and had the effect of preserving for national use much very valuable property and articles of great historical importance which would otherwise have been destroyed. He hoped that such might also be the result in India.

APPENDIX II.

Extract from the Proceedings of the Government of India in the Home Department (Archæology),—No. 1—58-71, dated Simla, the 8th June 1883.

RESOLUTION.—In the Resolution of the 8th November 1882, read above, the Government of India, after stating the general principles which should, in their opinion, regulate the utilization and disposal of objects of archæological interest in India, requested to be favored with the remarks of Local Governments and Administrations on the subject. The replies received show that, while the general principles enunciated in paragraphs 3 and 4* of the Resolution are accepted by all Local Governments, there is some difference of opinion as to whether the place of deposit for such objects as it is not desirable to maintain *in situ* should preferentially be the Central Indian Museum, or the local Museum of the Province or District, where such exists. After giving the matter his further consideration, the Governor-General in Council thinks that all differences of opinion will be reasonably met by compliance with the following instructions :—

* 3. As regards the question of preservation *in situ* as opposed to removal to, and exhibition in, a museum, it may be observed that the great majority of the discoveries made by the Archæological Survey of India consist of the remains of buildings, massive pillars or inscribed blocks, which cannot be removed, and should for many other reasons be preserved where they stand. The case is, however, different with isolated figures not *in situ*, especially if they are the remains of an extinct religion, such as Buddhist figures, which are not unfrequently mutilated by the people, unless they happen to have been adopted by the Brahmans as belonging to Hindoo cults. In regard to such isolated figures and to others which, although not mutilated, are lying neglected about the country, it appears to the Government of India that these might with propriety be removed to some safe place of deposit, such as the Indian Museum, where they could be seen and studied by all persons who take an interest in Indian Art. The Governor General in Council desires to make it clear that he is entirely opposed to the removal of any objects which are still *in situ*, such as the monoliths attached to Buddhist *stupas* and Brahminical temples; but, on the other hand, there seems no sufficient reason why isolated remains, such as a capital which is found lying without a shaft, or stray statues the original site of which is unknown, should not be removed to some museum in order to save them from future injury. To this class also belong the sculptures which have been found scattered about the Buddhist ruins of the ancient Gândhâra now occupied by the Yusufzai Afghans, whose custom is believed to be to mutilate such remains, unless this is prevented by their prompt removal to a place of safety.

4. In making the above remarks, the Governor-General in Council has not lost sight of the fact that it may be argued that the claim of the Government to objects of archæological value rests upon no sufficient legal or other foundation. The Government has in fact never claimed any indefeasible right of property in such objects, nor could such a right be asserted without legislation. Experience has, however, 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.

After giving the matter his further consideration, the Governor-General in Council thinks that all differences of opinion will be reasonably met by compliance with the following instructions :—

I.—All discoveries of objects of archæological interest made by Government officers (whether belonging to the Archæological Survey or not) should be reported by them to the head of the Local Government or Administration within which the discovery is made. When such a report is made, it will rest with the Local Government or Administration to issue orders for the preservation of the objects discovered *in situ*, or for their removal to a provincial or local Museum, where such exists, in accordance with the general principles set forth in the paragraphs marginally quoted above. Where there is no local Museum, the object should be sent to the Imperial Museum, if the Trustees, to whom information of the discovery should be conveyed by the Local Government or Administration, should so desire.

II.—Local Governments and Administrations will furnish the Trustees of the Indian Museum with lists of all Museums in the Province and with descriptive catalogues of their contents, and will report to the Trustees all fresh discoveries dealt with under the preceding clause.

III.—The Trustees will be at liberty to arrange with Local Governments and Administrations either for the transfer to the Indian Museum of any object the Trustees may require, or for acquiring it by exchange, or for obtaining casts or other impressions of it, any points as to which there is a difference of opinion being referred to the Government of India for final decision. In dealing with such applications from the Trustees, Local Governments and Administrations will not fail to attach due weight to the desirability of completing any particular archæological series to which the Trustees of the Indian Museum may attach importance.

ORDER—dated 27th April 1889, No. 373, Public.

Ordered to be published in the Fort St. George and District Gazettes.

2. The attention of all Collectors will be directed to the remarks of the Government of India in paragraphs 3 and 4 of the resolution.

3. The necessary instructions, with reference to paragraph 7, will issue in the Revenue Department.

(True Extract.) H. C. Bamber Capt. R.E.
Elinder Secy P.W.D.
for Chief Secretary.

To the Revenue Department.
" all Collectors.
" the Director-General, Archæological Survey of India.
" the First Assistant, Archæological Survey of Madras.
" the Public Works Department.

Erd. A. Raitt.

PWC No. 4323

Govt. of {1889} Madras.

PUBLIC.

Issued

Recd. 13.5.89 Encl.

G.O., 27th April 1889, No. 373.

APRIL.

Archæology.

Passing orders on the Resolution of the Government of India regarding the acquisition by Government under the Treasure Trove Act of articles of archæological interest, and directing its publication in the Fort St. George and District Gazettes.

Cond to officers of the Pys. W. Dept for information and guidance.

2. Attention is specially directed to the instructions in para 4 of the Resolution.

wcm 15.5.89

Archd 17.5.89

C.E. for Rep
C.E. for Jd.
S.E.
E.E.
Exr P.W.A.
23/5/89

Asst Superintendent
Proceedings of the Madras Govt
Read the following

27TH APRIL 1889, No. 373, PUBLIC.

1380

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(True Extract.)

(Signed) G. PALL,
Secy. to the Govt. of India.

To the Secretary to the Government of Madras.

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4. In making the above remarks, the Governor-General in Council has not lost sight of the fact that it may be argued that the claim of the Government to objects of archæological value rests upon no sufficient legal or other foundation. The Government has in fact never claimed any indefeasible right of property in such objects, nor could such a right be asserted without legislation. Experience has, however, 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.

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2. The attention of all Collectors will be directed to the remarks of the Government of India in paragraphs 3 and 4 of the resolution.

3. The necessary instructions, with reference to paragraph 7, will issue in the Revenue Department.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Revenue Department.
" all Collectors.
" the Director-General, Archæological Survey of India.
" the First Assistant, Archæological Survey of Madras.
" the Public Works Department.

Exd. A. Raitt.

Govt. of {1889} Madras.

PUBLIC.

13.5.C

Pol 4223/89

Issued

Recd. Encl.

G.O., 27th April 1889, No. 373.

APRIL.

(6)

Archæology.

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Order thereon.

Cond. to officers of the P.W.D. for information and guidance.

2. Attention is specially directed to the instructions in para 4 of the Resolution.

(sd) A.R.E.D.B.
9.

C.E. for R.
C.E. for Trichy.
S.E.
C.A.
Exr P.W.A.