The Indian Treasure-Trove (Himachal Pradesh Amendment) Act, 1972

Act 16 of 1972

Keyword(s):
Owner, Treasure Trove
Twentieth Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Suits Valuation (Himachal Pradesh Amendment) Act, 1969.
   
   (2) It extends to the whole of Himachal Pradesh.

2. Amendment of sections 3, 8 and 9.—In sub-section (1) of section 3 and sections 8 and 9 of the Suits Valuation Act, 1887 (Central Act No. 7 of 1887), in its application to Himachal Pradesh (hereinafter referred to as the principal Act), for the expression “the Court Fee Act, 1870” wherever it occurs, the expression “the Himachal Pradesh Court Fees Act, 1968” shall be substituted.

3. Amendment of section 4.—In section 4 of the principal Act, for the expression “the Court Fees Act, 1870, section 7, paragraph (iv) or Schedule II, article 17”, the expression “the Himachal Pradesh Court Fees Act, 1968, section 7, paragraph (iv), or Schedule II, article 13 or 18” shall be substituted.

4. Addition of proviso to section 11 (1).—To sub-section (1) of section 11 of the principal Act, the following proviso shall be added, namely:—
   
   “Provided that in a suit for accounts, the value for the purposes of jurisdiction as determined by the court at any stage of the trial shall be final and conclusive and shall not be liable to be contested in appeal or revision.”

5. Repeal and savings.—The Suits Valuation (Punjab Amendment) Act, 1938 (1 of 1938) and the Suits Valuation (Punjab Amendment) Act, 1942 (13 of 1942) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) are hereby repealed:

Provided that anything done or any action taken thereunder shall be deemed to have been done or taken under this Act.

THE INDIAN TREASURE-TROVE (HIMACHAL PRADESH AMENDMENT) ACT, 1972

(Acts No. 16 of 1972)

ARRANGEMENT OF SECTIONS

Sections:

1. Short title, extent and commencement.
2. Insertion of new section 3-A in Central Act of 6 of 1878.
3. Amendment of section 9 of Central Act 6 of 1878.
4. Amendment of section 10 of Central Act 6 of 1878.
5. Amendment of section 11 of Central Act 6 of 1787.
7. Amendment of section 13 of Central Act 6 of 1878.
9. Repeal and savings.

(Received the assent of the Governor, Himachal Pradesh, on the 20th October, 1972, and was published in R. H. P. Extra., dated the 16th November, 1972, at p. 1043-47).

For Statement of Objects and Reasons, see R. H. P. Extra., dated the 10th June, 1972, P. 530.
An Act to amend the Indian Treasure-Trove Act, 1878 (Central Act No. 6 of 1878) in its application to the State of Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-third Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Indian Treasure-Trove (Himachal Pradesh Amendment) Act, 1972.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Insertion of new section 3-A in Central Act 6 of 1878.—After section 3 of the Indian Treasure-Trove Act, 1878 (6 of 1878), in its application to Himachal Pradesh (hereinafter referred to as the principal Act) the following section shall be inserted, 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."

3. Amendment of section 9 of Central Act 6 of 1878.—In section 9 of the principal Act, for the words “Chief Controlling Revenue Authority” the words “Financial Commissioner” shall be substituted.

4. Amendment of section 10 of Central Act 6 of 1878.—In section 10 of the principal Act, for the words “either be delivered to the finder thereof, or be divided between him”, the words” be divided amongst the finder thereof, the Government” shall be substituted.

5. Amendment of section 11 of Central Act 6 of 1878.—In section 11 of the principal Act, for the words “such treasure to the finder thereof”, the words “one-third of such treasure to the finder thereof and the remaining two-thirds shall vest in the Government : Provided that in the case of any agreement between the finder and the Government, the treasure shall be divided in accordance with the terms thereof”, shall be substituted.

6. Substitution of section 12 of Central Act 6 of 1878.—For section 12 of the principal Act, the following shall be substituted, namely:

“12. When only one such person claims, and his claim is not disputed, treasure to be divided and shares to be delivered to parties.—(1) When a declaration has been made as aforesaid in respect of any treasure and only one person other than the finder of such treasure has so appeared and claimed and the claim of such person is not disputed by the finder or the Government, the Collector shall proceed to divide the treasure between the finder, the Government and the person so claiming according to the provisions of subsection (2).

(2) If the Government, the finder and the person so claiming or any two of them have not entered into any agreement then in force as to the disposal of the treasure, one-half of the treasure shall be
allotted to such finder and the owner in equal shares and the re-
side shall vest in the Government. If the Government, such finder
and such person have entered into any such agreement the trea-
sure shall be disposed of in accordance therewith. In case the Govern-
ment and such finder only have entered into any such agree-
ment four-fourths of the treasure shall be disposed of in accordan-
cce with terms thereof and the residue will be allotted to such
claimant. If such finder and such claimant only have entered
into any such agreement, one-half of the treasure shall be dis-
posed of in accordance therewith and the remaining half shall
vest in the Government.

Provided that the Collector may, in any case if he thinks fit, instead
of dividing any treasure as directed by this sub-section—

(a) allot to either party the whole or more than his share of such
treasure, on such party paying to the Collector for the other
party such sum of money as the Collector may fix as the equiva-
 lent of the share of such other party, or of the excess so allotted
as the case may be; or

(b) sell such treasure or any portion thereof by public auction and
divide the sale proceeds between the parties according to this
sub-section:

Provided further that, when the Collector has by his declaration under
section 9 rejected any claim made under this Act by any person
other than the said finder or person claiming as owner of the
place in which the treasure was found, such division shall not be
made until after the expiration of two months without an appeal
having been presented under section 9 by the person whose claim
has been so rejected, or when an appeal has been so presented,
after such appeal has been dismissed.

(3) When the Collector has made a division under this section he shall
deliver to the parties the portions of such treasure, or the money
in lieu thereof, to which they are respectively entitled under
division.

7. Amendment of section 13 of Central Act 6 of 1878.—Section 13 of
the principal Act shall be numbered as sub-section (1) of that section and
after sub-section (1) as so re-numbered, the following sub-sections shall be
added, namely:

“(2) If the right of any such person who has so appeared and claimed
is disputed by the Government, the matter shall be determined
by the Collector;

(3) Any person aggrieved by the decision of the Collector under sub-
section (2) may appeal within two months of the date of such
decision to the Financial Commissioner.

(4) Subject to the decision of the appellate authority, the decision of
the Collector under sub-section (2) shall be final and conclusive.”
8. Substitution of sections 15 and 16 of Central Act 6 of 1878.—For sections 15 and 16 of the principal Act, the following shall be substituted, namely:—

“15. Division of treasure on decision of the civil suit.—(1) If any such suit is instituted and the plaintiff’s claim is finally established therein or the right of the claimant has been accepted by the Collector or on appeal by the Financial Commissioner, the Collector shall subject to the provisions of section 12, divide the treasure between him, the finder and the Government.

(2) If no such suit instituted as aforesaid, or if the claims of the plaintiff in all such suits are finally rejected or the right of the claimant has been rejected by the Collector and also by the Financial Commissioner in case of appeal, the Collector shall subject to the provisions of section 11, divide the treasure between the finder and the Government.

16. Power to acquire shares of owners and finder.—The Collector may, at any time, after making a declaration under section 9 and before delivering to the finder or owner his share of the treasure as divided by him in accordance with the provisions of this Act, declare by writing under his hand his intention to acquire on behalf of the Government the share of the finder or owner or both, by payment to the persons entitled thereto, of sum equal to the value of the materials of their share or shares of the treasure, together with one-fifth of such value, and may place such sum in deposit in the treasury to the credit of such person; and thereupon such share or shares of the treasure shall be deemed to be the property of the Government and the money so deposited shall be dealt with, as far as may be, as if it was the share or shares of the treasure of such persons”.

9. Repeal and savings.—(1) The Indian Treasure-Trove (Punjab Amendment) Act, 1960 (24 of 1960), in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966), is hereby repealed:

Provided that the repeal shall not affect,—

(i) the previous operation of the Act so repealed or anything duly done or suffered thereunder, or

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed, or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed, or

(iv) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act has not been passed.
(2) Subject to the provisions of the proviso of sub-section (1), anything done or any action taken under the Act repealed by sub-section (1) shall, in so far as it is not inconsistent therewith, be deemed to have been done or taken under the corresponding provision of the principal Act as amended by this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the principal Act as so amended.

NOTIFICATIONS

UNDER

THE TERRORIST DISRUPTIVE ACTIVITIES (PREVENTION) ORDINANCE, 1987

APPOINTMENTS AND DELEGATIONS

HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 20th June, 1987

No. Home (A) A (9) 1985.—In exercise of the power conferred by sub-section (1) of section 8 of the Terrorist Disruptive Activities (Prevention), Ordinance, 1987 (Ordinance No. 2 of 1987) the Governor, Himachal Pradesh, is pleased to constitute the following designated Courts with their jurisdiction to try all the cases involving terrorist and disruptive activities and abatement thereof as shown in col. 1 and 2 respectively of the Schedule appended below.

2. Further, in exercise of the power conferred by sub-section (4) of section 8 of the Ordinance ibid, Governor, Himachal Pradesh, with the prior concurrence of the Chief Justice of the High Court of Himachal Pradesh is pleased to appoint the judges mentioned in col No. 3 of the aforesaid Schedule to preside over the Courts shown in col. No. 1 of the Schedule:

SCHEDULE

<table>
<thead>
<tr>
<th>Nine of the Court</th>
<th>Jurisdiction</th>
<th>Presiding Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shimla</td>
<td>Whole of Shimla Revenue Division</td>
<td>District and Sessions Judge, Shimla in addition to his normal duties and functions.</td>
</tr>
<tr>
<td>Kangra, at Dharamshala</td>
<td>Whole of Kangra Revenue Division</td>
<td>District and Sessions Judge, Kangra at Dharamshala in addition to his normal duties and functions.</td>
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