FOUND AND FORGOTTEN: THE TREASURE TROVE ACT, 1878 AND THE CONTEMPORARY GAPS IT CANNOT FILL

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ABSTRACT

The Indian Treasure Trove Act 1878 remains in force 147 years after its enactment, despite being identified for repeal in 2014 and surviving the 2017 Repealing and Amending Act that removed over 1,200 obsolete statutes. This article examines why a colonial-era law, drafted for a revenue officer presiding over a subsistence agricultural economy, continues to govern heritage discoveries in twenty-first century India and why its survival is not merely an oversight but a structural failure with measurable consequences.

Recent incidents illustrate the Act's incapacity. In 2025, construction workers in Shahdol, Madhya Pradesh unearthed medieval coins governed by the 1878 Act; MGNERGA labourers in Siddipet, Telangana found Aurangzeb-era silver coins under the same colonial framework. Meanwhile, the ASI's underwater explorations off the Dwarka coast in early 2025 occurred in a complete legal vacuum, as the Act applies only to treasure hidden "in the soil." At Keeladi, a sixth century BCE urban settlement remains mired in jurisdictional chaos between central and state authorities. In June 2026, India watched helplessly as Chandigarh's Le Corbusier-era heritage furniture was auctioned abroad; the domestic law that should have protected it was ruled inapplicable, forcing India to rely on international conventions.

The article identifies four contemporary gaps the Act cannot fill: terminological failure, maritime silence, institutional fragmentation and reward deficit. Drawing on comparative analysis of the UK Treasure Act 1996 and the Kerala and Karnataka state replacements, it argues for comprehensive legislative repeal and replacement through a National Heritage Finds Act, alongside ratification of the UNESCO 2001 Convention on Underwater Cultural Heritage. A statute written for a colonial officer govern a modern democracy's heritage. Replacement is the only answer.

Keywords: Treasure Trove Act 1878, cultural heritage, underwater heritage, UNESCO 2001, US-India MOU 2025, Keeladi, Dwarka, legislative reform, Chandigarh heritage.

Introduction

It is a paradox that defines Indian heritage governance today. India signed a bilateral agreement with the United States restricting the import of Indian archaeological material in July 2025, it was a strategic move on the international level, in consonance with India's claims to be a responsible guardian of its cultural heritage[1]. In 2025, the same year, construction workers in Shahdol, Madhya Pradesh, while digging foundation of a building found medieval gold and silver coins from the period of Alauddin Khilji.[2] The statute governing this incident was the Treasure Trove Act of 1878, a hundred and forty-seven years old, Queen Victorian era colonial law, designed for colonial administration that no longer exists and has never been substantially amended till today.

Shahdol was not just the one, there were more like in 2024, MGNERGA workers in Siddipet, Telangana, found a cache of silver coins from Aurangzeb era.[3] The same law applied to them. In early 2025, divers from the Archaeological Survey of India explored the submerged structural remains off the Dwarka coast in Gulf of Cambay, a site associated with the preliminary investigation of a much older urban complex[4]. No law has been applied to the discovery[5]. The Act of 1878 governs only the treasures hidden in the soil or anything affixed thereto. Underwater cultural heritage, shipwrecks and submerged landscapes fall into a legislative void. At Keeladi, Tamil Nadu, a sixth century BCE urban settlement of considerable archaeological significance, the excavation remains pending amid an extended jurisdictional dispute between the central Archaeological Survey of India and state archaeology department. No legislation cleanly allocates authority over such finds, and no court has provided a definitive

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[1] U.S. Customs & Border Protection, *Imposition of Import Restrictions on Archaeological and Ethnological Material of India,* 90 Fed. Reg. 32876 (July 28, 2025) (codified at19 C.F.R. pt.12), https://www.federalregister.gov/d/2025-14114.

[2] *Construction Workers Stumble Upon 'Treasure' While Digging for Building House in Shahdol,* TIMES OF INDIA (May 14, 2025), https://timesofindia.indiatimes.com/city/bhopal/construction-workers-stumble-upon-treasure-while-digging-for-building-a-house-in-shahdol/articleshow/121171230.cms

[3] *MNEREGS Workers Find Aurangzeb Era Coins in Farmer's Field in Siddipet,* TELANGANA TODAY (May 30, 2024), https://telanganatoday.com/mnregs-workers-find-nizam-era-coins-in-farmers-field-in-siddipet *See also* Deccan Chronicle report confirming same incident.

[4] *Exploring the Mysteries Beneath Dwarka: India's Underwater Archaeologists in Action,* REPUBLIC WORLD (Mar. 27, 2025), https://www.republicworld.com/info/exploring-the-mysteries-beneath-dwarka-indias-underwater-archaeologists-in-action; see also PIB Press Release, Underwater Exploration in Dwarka (Mar. 27, 2025), https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=2115744&reg=3&lang=2

[5] *Archaeological Explorations at Dwarka and Beyt Dwarka,* Lok Sabha Unstarred Question No. 1331, answered by the Ministry of Culture (July 28, 2025), available at https://sansad.in/getFile/loksabhaquestions/annex/185/AU1331_KFaWS0.pdf?source=pqals#1#1 (confirming ASI explorations and Rs. 50 lakhs allocation for 2025-26).

resolution.

These incidents like Shahdol coin hoard, the Siddipet silver cache, the Dwarka underwater exploration and the Keeladi excavation dispute; did not occur in a legal vacuum. They occurred in the shadow of a colonial statue that has survived for 147 years without meaningful reform. The irony cuts deeper. In 2014, the Government of India identified Treasure Trove Act, 1878 for repeal as part of an exercise to remove obsolete and colonial era laws. [6] In 2017, Parliament repealed over 1,200 statues deemed redundant.[7] The 1878 Act remained as it is on the books, fully enforceable, carrying a penalty of imprisonment for up to one year for a finder who fails to report treasure even ten rupees. In June 2026, India watched helplessly as Chandigarh's Le Corbusier-era heritage furniture was auctioned in Chicago and Brussels; the domestic law that should have protected it was ruled inapplicable and the country was left with no legal mechanism but international conventions it had never adequately implemented.[8]

This article argues that the Act of 1878 is not merely outdated rather structurally incapable of addressing contemporary Indian heritage realities across four distinct dimensions such as terminological failure, underwater silence, jurisdictional overlap and reward deficit. Furthermore, India's expanding framework of international heritage obligations including 2025 MOU with the United States and the long unratified 2001 UNESCO Convention on Underwater Cultural Heritage making this domestic legislative gap is undefendable.[9] A statute written for a colonial revenue officer cannot govern the heritage discoveries of a twenty-first century democracy.

The 1878 Act: Purpose, Design and Colonial context

Before the Treasure Trove Act 1878, the legal treatment of accidental finds was fragmented in India, the presidency towns had their own different rules inspired by the English common law.

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[6] *India to Scrap 287 Colonial-Era Laws,* DNA INDIA (Oct.7, 2014), https://www.dnaindia.com/india/report-does-buried-treasure-in-india-still-belong-to-the-queen-india-to-wield-axe-on-287-laughable-colonial-british-laws-2024156

[7] Repealing and Amending Act, 2017, No. 10, Acts of Parliament, 2017 (India).

[8] *Pierre Jeanneret Chandigarh Heritage Furniture Auctions in Brussels Spark Diplomatic Concern,* THE TRIBUNE (June 18, 2026), https://www.tribuneindia.com/news/chandigarh/pierre-jeanneret-chandigarh-heritage-furniture-auctions-abroad-spark-diplomatic-concern/ ;see also Explainer: Why Chandigarh's Heritage Furniture Keeps Selling Abroad, THE TRIBUNE (June 20, 2026), https://www.tribuneindia.com/news/chandigarh/explainer-why-chandigarhs-heritage-furniture-keep-selling-abroad/.

[9] *UNESCO Convention on the Protection of the Underwater Cultural Heritage,* Nov. 2, 2001, 2562 U.N.T.S. 3 [hereinafter UNESCO 2001 Convention].

Treasure Trove narrowly defined 'gold or silver hidden with intent to recover', a category that excluded many antiquities of archaeological value. The Act's own Statement of Objects and Reasons describing the existing situation were 'bad and ineffective' because they gave finders "every inducement to conceal or make away with their discoveries." As in there was no reason to report finds and every reason to hide or sell them secretly.[10]

The colonial administration recognised a practical problem buried beneath the surface. Large quantities of treasure much of it of 'high antiquarian and historical interest' existed in Indian soil. The 1878 Act was designed to resh ape that incentive structure entirely like finders could easily melt down the metal object or sell the antiquities through the illicit channels. Notably, the law was not imposed by uncaring colonial bureaucrats. Archaeologists themselves were crucial to the Act's drafting.[11] They had witnessed the destruction of archaeological evidence firsthand and genuinely sought a legal mechanism to safeguard heritage.

The Act's machinery reveals its nineteenth-century origins in every clause. 'Treasure' is defined as 'anything of value hidden in the soil or in anything affixed thereto' exceeding ten rupees in amount or value.[12] A finder who discovers such treasure must notify the District Collector as soon as possible and either deposit the find in the nearest government treasury or provide security for its production.[13] The collector then issues a public notice requiring all claimants to appear within four to six months.[14] Special notice is served on the landowner. Anyone who fails to appear forfeits their rights entirely.

The Hundred-Year Rule is particularly significant. It reveals a presumption that has never been revisited in independent India. If the Collector has reason to believe the treasure was hidden more than one hundred years before its finding, and if no claimant appears from that period, the treasure is presumptively ownerless. The original depositor and their heirs lose all claims. This was a specific colonial presumption, that time and abandonment by indigenous owners justified Crown appropriation and it has never been revisited or re-justified in independent India.

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[10] Statement of Objects and Reasons, Treasure Trove Act, 1878, No.6, Acts of the Governor General in Council, 1878 (India).

[11] Mudit Tiwari, *On Taking from Others: History and Sensibility in Archaeologists' Arguments for Treasure Trove Legislation* 26 INT'L J. CULTURAL PROP. 110,115 (2019).

[12] Treasure Trove Act, 1878, No.6, Acts of the Governor General in Council, 1878 (India).

[13] *India to Scrap 287 Colonial-Era Laws,* DNA INDIA (*n 6*).

[14] Repealing and Amending Act, 2017 (*n 7*).

Once declared ownerless, the default division gives three-fourths of the treasure to the finder and rest to the landowner, unless they have agreed otherwise in writing.[15] The collector also possesses a special power of acquisition: he may acquire the treasure at melt value plus twenty percent on behalf of the government meaning thereby the law value antiquities for their metal and not their history.[16] Section 20 of the act makes concealment a criminal offence punishable with up to one year of imprisonment. The Ouster Clause, perhaps the most constitutionally troubling provision today, bars civil courts from questioning the Collector's decisions and protects him from any legal impediment if he acts in good faith: a feature of colonial governance that sits in fundamental tension with Article 14 and 226 of the Constitution of India and has never been reconsidered or challenged post 1947.[17]

Every feature of this statute reflects nineteenth-century colonial scenario. A peasant finds buried coins while ploughing. He reports them to a British revenue officer. The Crown investigates, takes its share and divides the remainder. That reality of a colonial officer presiding over a rural agrarian society; which no longer exists. But the law written for it remains enforceable fully. The question this article poses is not merely whether the Act is old; many laws serve their purpose well but whether a law formulated in colonial era could bear the weight of twenty-first century heritage governance. The answer, as the following sections demonstrate, is an unequivocal no.

The 2017 Repeal and What Got Left Behind

In 2014, the newly elected government identified 287 obsolete colonial laws to repeal. The Treasure Trove Act 1878 was on that list.[18] The Act, which still referred to 'Her Majesty' and governed finds worth as little as ten rupees, seemed an obvious candidate for elimination yet as of 2026 it survived. This was the first missed opportunity.

The second came in 2017. The Repealing and Amending Act of 2017 removed over 12,000 obsolete acts. The act formulated to suppress seditious theatre 'The Dramatic Performances Act of 1876' was repealed vide act for 2017 but just a two-year newer act survived with no

[15] Statement of Objects and Reasons, Treasure Trove Act, 1878 (*n 10*).
[16] Treasure Trove Act, 1878 (*n 12*).
[17] INDIA CONST. arts. 14, 226; see also L. Chandra Kumar v. Union of India, (1997) 3 SCC 261, 286.
[18] *India to Scrap 287 Colonial-Era Laws,* DNA INDIA (*n 6*); see also *India Axes Hundreds of 'Laughable' Colonial Laws,* EMIRATES 24/7 (Oct. 7, 2014), https://www.emirates247.com/news/region/india-axes-hundreds-of-laughable-colonial-laws-2014-10-07-1.565421.

official explanation from the government.[19] Parliament had disposed of colonial era deadwood, but this specific relic remained untouched and unexplained.

Till today in its 147-year history, the Act of 1878 have been only amended twice and that too just minor technical amendments. The substantive law that governs heritage discoveries in 2026 is pretty much identical to what it was back in 1878. At the state level, the picture is one of inconsistent patchwork. Tamil Nadu amended the Act in 1949, Andra Pradesh in 1972 and Punjab in 1960, these were partial modifications and not comprehensive ones.[20] On the other hand, Kerela enacted its own Treasure Trove Act in 1968, replacing the central Act entirely.[21] Karnataka did in 1963.[22] These two states proved that replacement was legislatively possible within India's federal framework. The rest of the country continued under the colonial law.

In 1997, an Inter-Ministerial Committee was constituted to propose amendments to the Antiquities and Art Treasures Act of 1972.[23] The Committee identified serious inadequacies in India's heritage protection framework. A Bill incorporating its recommendations was approved by the Cabinet in December 2003, but before it could be introduced in Parliament, the Lok Sabha was dissolved.[24] Nearly three decades later, the amendments still have not seen the light of day. A Parliamentary Committee in 2016 expressed 'serious concern' that the Ministry had failed to bring amendments even after twenty years.[25] This is not accidental oversight. It is a pattern of deliberate legislative neglect.

The Law Commission of India, its 248th and 249th Reports, addressed the urgent need to clear obsolete legislation from the statute book.[26] The Treasure Trove Act was identified as requiring attention. No action followed. Government data indicates that of 1,824 Acts identified for

[19] Repealing and Amending Act, 2017 (*n 7*), schedule; The Dramatic Performances Act, 1876 appears in the schedule of repealed enactments.
[20] Tamil Nadu Act No. 14 of 1949 (amending Treasure Trove Act, 1878 in its application to Tamil Nadu); Andra Pradesh Act No. 25 of 1972; Punjab Act No. 15 of 1960.
[21] Kerala Treasure Trove Act, 1968, No.6, Acts of Kerala Legislature, 1968 (India).
[22] Mysore Treasure Trove Act, 1963, No. 13, Acts of Mysore Legislature, 1963 (India).
[23] Inter-Ministerial Committee on Antiquities and Art Treasures Act, 1972, Report (Ministry of Culture, Government of India, 1997).
[24] Cabinet Approval of the Antiquities and Art Treasures (Amendment) Bill, Dec. 2003 (Cabinet Secretariat records).
[25] Parliamentary Standing Committee on Transport, Tourism and Culture, Report on Demands for Grants 2016-17, Ministry of Culture (Rajya Sabha, 2016).
[26] LAW COMMISSION OF INDIA, 248TH REPORT: OBSOLETE LAWS: WARRANTYING IMMEDIATE REPEAL (2014); LAW COMMISSION OF INDIA, 249TH REPORT: OBSOLETE LAWS: WARRANTYING IMMEDIATE REPEAL (SECOND INSTALMENT) (2014).

repeal, 1428 haven been repealed, with 167 still under consideration.[27] The 1878 Act remains in that lingering category; officially marked for death yet still alive.

This legal limbo is not neutrality. A broken law left on the books causes active harm. It criminalizes accidental finders. It allows heritage to be lost through non-reporting. It creates jurisdictional chaos at active excavation sites. It leaves India's international heritage obligations unmet. Parliament's silence is not passive. It is itself a policy choice; one with measurable consequences for India's cultural heritage and its credibility as a heritage protecting nation.

Contemporary Gaps the Act cannot fill

- Terminological Failure

The first and most fundamental gap in the Treasure Trove Act, 1878 is definitional. The statute defines "treasure" as "anything of value hidden in the soil or in anything affixed thereto" exceeding ten rupees in amount or value.[28] Every word of this definition carries the weight of its nineteenth century origins. The ten-rupees threshold has never been revised. In 1878, ten rupees was a meaningful sum. In 2026, it is a cup of tea and a snack at a railway station. Yet this colonial-era figure remains the trigger for criminal liability; a find worth more than ten rupees must be reported to the Collector, or the finder risks imprisonment. In Siddipet, Telangana, MGNREGA workers earned Rs. 267 per day under the rural employment scheme,[29] twenty-seven times the threshold that triggered the application of a law that could send them to prison for non-reporting.[30] The absurdity writes itself.

The definition's second limitation is more fundamental than the currency threshold. The Act applies only to treasure "hidden in the soil". It does not cover surface finds, structural finds discovered within built heritage, or material recovered from excavations. In November 2025, at Kovilur in Tamil Nadu, 103 Chola-era gold coins were discovered during an authorized

[27] MINISTRY OF LAW AND JUSTICE, GOVERNMENT OF INDIA, STATUS OF IDENTIFICATION AND REPEAL OF OBSOLETE CENTRAL ACTS (2023).
[28] Treasure Trove Act, 1878 (*n 12*).
[29] MINISTRY OF RURAL DEVELOPMENT, GOVERNMENT OF INDIA, MGNERGS WAGE RATES NOTIFICATION (2024).
[30] *MNEREGS Workers Find Aurangzeb Era Coins in Farmer's Field in Siddipet,* TELANGANA TODAY (*n 3*).

temple renovation.[31] The coins were not 'hidden in soil' in the traditional sense; they were found within the fabric of the temple structure itself. Whether the 1878 Act cleanly applies to such discoveries is an open question. The statute was designed for a peasant striking buried object with a plough, not for a controlled structural renovation uncovering coins deliberately deposited within a temple walls. The law does not speak clearly to this scenario, and no court has provided an answer.

At Keeladi, the problem becomes even more acute. The excavation is a systematic, authorized archaeological investigation of a sixth century BCE urban settlement;[32] a site that may reshape our understanding of the Tamil classical age. The 1878 Act was never designed for such an enterprise. It is a law about accidental finds, not planned excavations. It assumes a finder, a landowner and a treasure. It assumes division of spoils. It makes no provision for archaeological evidence to be preserved. This is not merely a gap. It is a fundamental philosophical incompatibility.

The overlap with other heritage statutes compounds the confusion. The Antiquities and Art Treasures Act of 1972 define 'antiquity' as any object that has been in existence for not less than one hundred years.[33] The 1878 Act defines 'treasure' without any age requirement. A find could be 'treasure' under the 1878 Act and 'antiquity' under the 1972 Act, but the two statutes create entirely different legal consequences. The 1878 Act presumes the find belongs to the finder and landowner unless the government acquires it. The 1972 Act regulates export and trade but does not create a clear ownership framework for newly discovered material. The relationship between these statutes is unsettled. No court has definitively ruled whether the 1972 Act supersedes the 1878 Act for antiquities, or whether both operate in parallel. Generalia specialibus non derogant; the principle that a general law does not repeal a special law, remains untested in this context.[34] The finder, the Collector, the ASI, and the state all operate without clarity. And the Act itself, drafted for a world of peasant farmers and colonial revenue officers, provides no answers for the heritage realities of twenty-first century India.

[31] *Temple Workers Unearth 103 Chola-Era Gold Coins in Kovilur, Tiruvannamalai,* THE HINDU (Nov. 2025), https://organiser.org/2025/11/08/324569/bharat/historic-discovery-in-tamil-nadu-103-chola-pandya-gold-coins-found-during-kovilur-sivan-mandir-restoration/

[32] R. Sivanantham, Keeladi Excavation Report (Tamil Nadu State Department of Archaeology, 2023)

[33] Antiquities and Art Treasure Act, 1972, No. 52, Acts of Parliament, 1972 (India).

[34] *See* Aswini Kumar Ghosh v. Arabinda Bose, AIR 1952 SC 369; Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth, AIR 1984 SC 1543.

-The Maritime Void

The second gap is perhaps more obvious, yet it has received the least attention. The 1878 Act defines treasures as anything hidden "in the soil or in anything affixed thereto." Water is not soil. Submerged sites, shipwrecks and underwater cultural heritage fall entirely outside its scope. India has a coastline of over and about 7,000 kilometres and a maritime history stretching back millennia;[35] yet its legal framework for underwater heritage is not defined.

Dwarka is a typical example of this void. The legendary city of Lord Krishna, long associated with submerged structural remains off the Gujrat coast, has been the focus of renewed archaeological attention. In early 2025, the Underwater Archaeological Wing of the Archaeological Survey of India began a fresh round of offshore and onshore explorations at Dwarka and Bet Dwarka.[36] The team, led by ASI Additional Director General Professor Alok Tripathi, carried out fieldwork near Gomti Ghat, documenting archaeological remains and conducting scientific study of recovered antiquities. Sculptures and stone anchors were discovered during low-tide surveys. The exploration is part of a broader revival of India's underwater archaeology capacity, with dedicated funding of fifty lakh rupees allocated for 2025-26.[37] Yet for all this activity, one question remains unanswered: what law governs what they find?

None is the answer. The 1878 Act is silent. The Ancient Monuments and Archaeological Sites and Remains Act 1958, which governs terrestrial monuments, does not explicitly define or cover submerged sites.[38] In response to a parliamentary in July 2025, the Ministry of Culture stated that "ancient monuments and archaeological sites in India, whether on land or underwater are governed as per the provisions of the AMASR Act, 1958."[39] This claim is legally questionable. The AMASR Act was drafted for land-based monuments, not for submerged cultural heritage and its provisions do not cleanly map onto the maritime environment. The statutory definition of 'ancient monument' under the Act; 'any structure, erection or monument' presumes above ground visibility and not underwater recovery.

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[35] MINISTRY OF EARTH SCIENCES, GOVERNMENT OF INDIA, INDIA'S COASTLINE (India has a mainland coastline of approximately 7,516 kilometres).
[36] *Exploring the Mysteries Beneath Dwarka: India's Underwater Archaeologists in Action,* REPUBLIC WORLD(*n4*).
[37] *Archaeological Explorations at Dwarka and Beyt Dwarka* (*n 5*).
[38] Ancient Monuments and Archaeological Sites and Remains Act, 1958, No. 24, Acts of Parliament, 1958 (India).
[39] *Archaeological Explorations at Dwarka and Beyt Dwarka* (*n 5*).

The third potential source of legal authority is the Merchant Shipping Act 1958 which serves an entirely different purpose.[40] Its provisions wreck and salvage are designed for commercial recovery of vessels and cargo in distress. Salvage under the Act is about property rights and compensation for saving life or cargo, not about archaeological preservation. The Act contains no provisions for *in situ conservation*, no protocols for archaeological documentation, and no recognition of underwater sites as cultural heritage rather than as salvageable property. To govern Dwarka under the Merchant Shipping Act would be to treat a submerged city of profound historical significance as equivalent to a distressed cargo vessel.

The jurisdictional confusion becomes even more pronounced in disputed underwater areas such as the Gulf of Khambhat, or the waters around the Andaman and Nicobar Islands. The 1878 Act does not apply. The AMASR Act does not apply either. The Merchant Shipping Act applies for the wrong reasons. No statutory provision cleanly allocates authority, no hierarchy of laws exists, and no court has provided a binding and settled resolution.

India surely is aware about this gap. The ASI adopted Guidelines Concerning Activities Directed at Underwater Cultural Heritage in 2004, modelled on the UNESCO 2001 Convention.[41] These guidelines adopt sound principles; *in situ preservation* as the first option, prohibition of commercial exploitation and professional archaeological standards and define underwater cultural heritage broadly to include submerged sites, structures and wreckage. Yet they are guidelines and not law. They lack statutory force and do not really create any rights, obligations or impose any sort of penalties. They do not resolve jurisdictional disputes. They are a shadow framework, which are praiseworthy in aspiration but legally unenforceable.

This contradiction is stark. In July 2025, India signed a bilateral MOU with the United States restricting the import of Indian archaeological material.[42] The Underwater Archaeology Wing has been revived with dedicated funding. UNESCO has repeatedly urged India to ratify the 20001 Convention; an instrument already ratified by 61 countries that provides a comprehensive legal framework for underwater heritage.[43] Yet India has not ratified it. Not because of parliamentary opposition, but because political will has not materialised.[44] In the

[40] Merchant Shipping Act, 1958, No. 44, Acts of Parliament, 1958 (India).
[41] ARCHAEOLOGY SURVEY OF INDIA, GUIDELINES CONCERNING ACTIVITIES DIRECTED AT UNDERWATER CULTURAL HERITAGE IN INDIA (2004).
[42] *Imposition of Import Restrictions* (*n 1*).
[43] *UNESCO Convention on the Protection of the Underwater Cultural Heritage* (*n 9*).
[44] *See* UNESCO, States Parties to the 2001 Convention, https://www.unesco.org/en/underwater-heritage/states-parties (last visited July 15, 2026). India has not ratified the Convention. *See UNESCO Official Urges India to*

same year that India has signed a sophisticated heritage MOU and launched high-profile explorations off the Dwarka coast, the domestic law that should govern those discoveries remained missing. The maritime void is not merely a gap. It is a structural incapacity that India's international commitments have made increasingly untenable. A nation that claims to protect heritage abroad must first protect it at home.

-Institutional Fragmentation

The third gap is the jurisdictional chaos. The 1878 Act creates a legal universe where the District Collector is the central authority.[45] The Ancient Monuments and Archaeological Sites and REMAINS Act, 1958 places the Archaeological Surveys of India at the centre of heritage protection.[46] The Antiquities and Art Treasures Act, 1972 regulates the export and trade of antiquities but does not cleanly allocate authority over newly discovered material.[47] Three statutes. Three authorities. No hierarchy. No resolution. This is not merely an overlap. It is a structural fragmentation that paralyses heritage governance at the very moment of discovery.

At Keeladi, the fragmentation has become a full-blown jurisdictional crisis. The sixth century BCE urban settlement in Tamil Nadu is one of the most significant archaeological discoveries in recent Indian history. Yet its excavation has been mired in a protracted dispute between the central ASI and the Tamil Nadu State Archaeological Department. The central government asserts its own statutory powers. A Public Interest Litigation was filed before the Madras High Court seeking clarity.[48] In February 2026, the court rejected the ASI's application seeking a review of the excavation order; but it did not resolve the underlying jurisdictional question.[49] No court has definitively ruled whether the 1958 Act supersedes state authority or whether the 1878 Act's Collector-centric framework still governs such finds. The legal uncertainty continues.

The Odisha gold discovery of March 2025 illustrates a different dimension of the

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Ratify Convention on Protection of Underwater Cultural Heritage, THE PRINT (May 18, 2022), UNESCO official urges India to ratify Convention on Protection of Underwater Cultural Heritage – ThePrint – PTIFeed .

[45] Treasure Trove Act, 1878 (*n 12*).

[46] Ancient Monuments and Archaeological Sites and Remains Act, 1958 (*n 38*).

[47] Antiquities and Art Treasure Act, 1972 (*n 33*).

[48] Suo Moto W.P. No. 574 of 2015, Madras High Court (June 7, 2021).

[49] *Keeladi Lead Archaeologist Reject ASI review, seeks immediate release of excavation report,* THE NEWS MINUTE (Feb. 05, 2026), https://www.thenewsminute.com/tamil-nadu/keeladi-archaeologist-rejects-asi-review-seeks-immediate-release-of-excavation-report .

fragmentation.[50] When a large quantity of gold was found in Odisha, the applicable law was not the 1878 Act at all; it was the Mines and Minerals (Development and Regulation) Act, 2021.[51] The foundational treasure law was bypassed entirely, not because it was repealed, but because another statutory regime was deemed more directly applicable. This is the fragmentation paradox: the 1878 Act is simultaneously in force, irrelevant and unenforceable depending entirely on the interpretive choice of the official handling the case.

The Chandigarh heritage furniture crisis of June 2026 provides the starkest evidence yet of institutional fragmentation. When furniture designed by Le Corbusier for Chandigarh's Capitol Complex began appearing at auctions in Chicago and Brussels, India was forced to watch helplessly. The ASI ruled twice that the Antiquities and Art Treasure Act, 1972 did not apply to the furniture because it was not legally "antiquity" under the statutory definition.[52] The 1878 Act did not apply because the furniture was not hidden in soil. No other domestic legal mechanism existed to prevent the sale. India was forced to rely instead on international conventions; UNIDROIT and UNESCO to make diplomatic representations.[53] The contradiction was devastatingly clear: India's domestic legal fragmentation had failed to protect its own modern heritage, and the nation was reduced to international pleading while its heritage left the country.

The fragmentation has real-world consequences that extend beyond individual cases. Pending High Court petitions in Andra Pradesh, Telangana and Karnataka have languished for over ten years with Collector inquiries dragging indefinitely and no statutory time limit for resolution.[54] The ouster clause of the 1878 Act bars civil courts from questioning Collector decisions, yet these same courts are now being asked to resolve jurisdictional disputes that the Act itself creates. The system has become a closed loop of legal uncertainty. And India's obligations

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[50] Geological Survey of India, Report on Gold Occurrences in Odisha (Mar. 2025), https://indiandefencereview.com/20-metric-tons-gold-deposits-india/ .

[51] Mines and Minerals (Development and Regulation) Act, 2021, No. 10, Acts of Parliament, 2021 (India).

[52] UT Heritage Items No Antiquity or Art Treasure Under law: ASI, THE TRIBUNE (May 2024), reported in Explainer: Why Chandigarh's heritage Furniture Keeps Selling Abroad, THE TRIBUNE (June 20, 2026), https://www.tribuneindia.com/news/chandigarh/explainer-why-chandigarhs-heritage-furniture-keep-selling-abroad/ .

[53] UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, June 24, 1995, 34 I.L.M. 1322.

[54] *See, e.g.*, *Tatipelli Srinivas v. State of Telangana*, Criminal Revision Case No.153 of 2023 (Telangana High Court, June 12, 2023) (discharging accused under Section 20 of the Treasure Trove Act, 1878 for absence of treasure recovery); *Bandaru Srinivasa Rao v. State of Andhra Pradesh*, Criminal Petition No.752 of 2017 (Telangana High Court, Feb 1, 2017) (criminal proceedings under Section 20(2) of the Act pending since 2006); *Pogakula Laxmireddy v. Principal Secretary*, AIR 1997 AP 6 (challenge to Collector's permission to excavate treasure under the Act); *B.K. Kollappa v. State of Karnataka*, ILR 1996 KAR 2800 (Karnataka High Court, June 12, 1996) (examining forfeiture procedure under state treasure trove legislation).

under the UNESCO World Heritage Convention require effective domestic implementation jurisdictional chaos at home directly undermines India's credibility abroad.[55]

-The Reward Deficit

The fourth gap is perhaps the most perverse: the Act's reward structure actively discourages the very behaviour it seeks to encourage. On paper, the finder receives three-fourths of the treasure.[56] In practice, this promise is hollow. The government's power of acquisition at melt value plus twenty percent means that even when a finder receives their share, it is calculated not on the antiquarian or historical value of the discovery, but on the value of its raw materials. A tenth century Chola bronze coin is valued at the price of its metal not at its archaeological significance. This is not a reward. It is a colonial accounting exercise dressed as compensation.

Shahdol, Madhya Pradesh, 2025: construction workers unearthed a hoard of medieval gold and silver coins from the Alauddin Khilji period. They reported it honestly. They received nothing meaningful in return.[57] Siddipet, Telangana, 2024: MGNERGA workers found a cache of Aurangzeb-era silver coins while digging under a rural employment scheme. They reported their find. They waited with no reward.[58] The Act provides no time limit for the Collector to complete the inquiry, no appeal mechanism if the finder disagrees with the valuation and transparent formula for what constitutes a fair division. The three-fourths entitlement is a promise without machinery.

The criminalization that accompanies non-reporting makes the perversity complete. Section 20 of the Act imposes imprisonment for up to one year for failure to report a find worth as little as ten rupees.[59] This is the same penalty (imprisonment) prescribed under the Bharatiya Nyaya Sanhita for sexual harassment by making sexually coloured remarks.[60] The disproportion is not merely a matter of legislative oversight; it is a structural feature that treats a poor labourer who sells a handful of old coins as severely as a person who commits a sexual offence. The effect is to drive discoveries underground. Finders who might have reported their discoveries instead

[55] UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, arts. 4-5, Nov.16, 1972, 1037 U.N.T.S. 151.
[56] Treasure Trove Act, 1878 (*n 12*).
[57] *Construction Workers Stumble Upon 'Treasure' While Digging for Building House in Shahdol* (*n 2*).
[58] *MNEREGS Workers Find Aurangzeb Era Coins in Farmer's Field in Siddipet* (*n 3*).
[59] Treasure Trove Act, 1878 (*n 12*).
[60] Bharatiya Nyaya Sanhita, 2023, No.45, Acts of Parliament, 2023, § 75 (India).

remain silent, melt down metal objects or sell through informal networks. The Act achieves the opposite of its stated purpose.

The consequences are visible in India's antiquities trafficking crisis. Between 1992 and 2017 over 1,200 idols were stolen from Tamil Nadu temples alone; a pattern of organized theft that the legitimate heritage framework has been unable to prevent.[61] The black market thrives precisely because the legal system offers no meaningful incentive to report discoveries honestly. The UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which India has ratified, requires signatories to prevent illicit trade at its source.[62] Yet India's finder disincentive structure actively encourages concealment. The international obligation is undermined by the domestic statutory framework.

The pattern of delays compounds the problem. Pending cases in Andra Pradesh (2023), Telangana and Karnataka have been seen Collector inquires drag on for ten years or more. The Act provides no statutory time limit. The ouster clause bars civil court intervention. The finder has no remedy. In the meantime, the treasure sits in government custody, depreciating in archaeological value, while the finder receives nothing. This is not a reward deficit. It is a reward vacuum; a structure that takes from the poor, gives to the state and erases heritage in the process.

The UK Model- A brief Comparision

The gaps identified above are not inevitable. Other jurisdictions have confronted similar problems and chosen comprehensive legislative replacement over piecemeal amendment. The most instructive example is the United Kingdom, which abolished its centuries-old common law doctrine of treasure trove and replaced it with the Treasure Act 1996.[63] The Act was a direct response to the same pathologies that afflict India's 1878 statute: a definition that excluded archaeologically significant objects, a reward structure that discouraged reporting and a legal framework that had become wholly unsuited to modern heritage realities.

[61] T.S. Subramanian, *The Idol Wing Unravels,* FRONTLINE (Aug. 2, 2013); see also COMTROLLER AND AUDITOR GENERAL OF INDIA, PERFORMANCE AUDIT OF PRESERVATION AND CONSERVATION OF MONUMENTS AND ANTIQUITIES, Report No. 6 of 2013, para. 3.1.
[62] UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, art. 7, Nov. 14, 1970, 823 U.N.T.S. 231 (India ratified on Jan. 24, 1977).
[63] Treasure Act 1996, c. 24 (UK).

The UK Act fundamentally reimagined what constitutes "treasure". It applies to any object at least 300 years old with a precious metal content of at least 10 per cent, to coins, and to any object designated by the Secretary of State as being of outstanding historical, archaeological or cultural importance. It established a fourteen-day reporting window to the coroner with a statutory reward determined by the Secretary of State based on the object's market value. The reward structure is non-discretionary in principle; if the treasure is acquired by a museum, a reward must be determined, not merely permitted. The penalty for non-reporting is imprisonment of up to three months.[64] The result has been a dramatic increase in voluntary reporting and a corresponding decline in black market activity.[65] The lesson is clear: a modern law that defines treasure broadly, provides meaningful incentives for reporting and establishes clear procedures can succeed where a colonial relic has failed.

India does not need to look abroad for proof that replacement is possible. Two Indian states have already done it. Kerala enacted its own Treasure Trove Act in 1968, replacing the central Act entirely.[66] The Kerala Act retains the Collector-centric framework but raised the reporting threshold to twenty-five rupees; a modest improvement that still falls short of modern requirements but a legislative replacement, nonetheless. Karnataka followed in 1962, repealing the 1878 Act within its jurisdiction and enacting a uniform state law.[67] Significantly, the Statement of Objects and Reasons for the Karnataka Act explicitly acknowledged the fragmentation problem that motivated replacement: "In the different areas of the new State of Mysore there are different laws in force relating to Treasure Trove… It is considered desirable to have a uniform law applicable to the whole of the new State." The Karnataka Act also introduced a provision that addressed a critical gap in the 1878 Act: if the value of the treasure exceeds one lakh rupees, the finder receives only that amount, and the excess is declared to be at the disposal of the Government. This was a legislative judgement about the appropriate balance between finder reward and public interest; a judgement that the 1878 Act never made.

The Chandigarh heritage furniture crisis of June 2026 proves the principle. When domestic law failed to protect Le Corbusier's modern heritage furniture from being auctioned in Chicago and Brussels, India was forced to rely on international frameworks; UNIDROIT and UNESCO to

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[64] Treasure Act 1996, (*n 63*).

[65] Roger Bland & Michael Lewis, *The Treasure Act and Portable Antiquities Scheme in England and Wales,* in THE ILLICIT ANTIQUITIES TRADE: ARCCHAELOGISTS, LOOTERS AND COLLECTORS (Suzie Thomas & Peter Stone eds., Routledge 2011).

[66] Kerala Treasure Trove Act, 1968 (*n 21*).

[67] Mysore Treasure Trove Act, 1963 (*n 22*).

make diplomatic representations.[68] The lesson is unavoidable: when domestic law is fragmented, outdated or simply inapplicable, India is reduced to international pleading while its heritage leaves the country. The UK Act, the Kerala Act and the Karnataka Act each demonstrate that comprehensive legislative replacement is not only possible but demonstrably effective. The UK Act modernize definition, procedure and reward in a single legislative move. Kerala and Karnataka proved that Indian states could do the same. The rest of India remains governed by a law written in 1878 and not because replacement is impossible but because the political will to do so has not materialized.

Recommendations

The four gaps identified in the preceding sections are not independently curable through piecemeal amendment. They share a common root in the structural obsolescence of the 1878 Act itself; an obsolescence that is definitional, jurisdictional, procedural and philosophical simultaneously. A statute conceived for colonial revenue collection cannot be patched into an instrument of twenty-first century heritage governance. Comprehensive legislative replacement is the only adequate response.

First, Parliament must repeal the Treasure Trove Act, 1878 entirely and enact a National Heritage Finds Act in its place. The case for replacement rather than amendment is supported by both comparative and domestic precedent. The United Kingdom replaced its equivalent common law treasure trove doctrine with the Treasure Act 1996; not by amending the old framework but by starting afresh with a modern definitional and procedural architecture. Closer to home, Kerala enacted its own Treasure Act in 1968, and Karnataka did so in 1963, demonstrating that replacement within India's federal framework is legislatively feasible. If two Indian states could replace this Act over half a century ago, Parliament has no principled justification for continued inaction at the national level.

Second, the new legislation must adopt a unified and substantially expanded definition of heritage finds. The 1878 Act's definition "anything of value hidden in soil" exceeding ten rupees, is inadequate across multiple dimensions. Its monetary threshold, unchanged since 1878, has been rendered meaningless by inflation and must be replaced with a value-linked formula tied to the Reserve Bank of India's Consumer Price Index, subject to automatic

68 *Pierre Jeanneret Chandigarh Heritage Furniture Auctions* (*n 8*).

revision every five years. Its terrestrial limitation "hidden in soil or anything affixed thereto" must be expressly extended to cover surface finds, objects emerging from authorized excavations, objects found in or affixed to structures and critically, underwater and submerged finds.[69] The Dwarka underwater explorations of 2025 and the complete legal vacuum surrounding their findings make this extension not merely desirable but urgent.

Third, a Single National Heritage Finds Authority must be established by statute to consolidate the overlapping and competing jurisdictions of the District Collector, the Archaeological Survey of India and State Archaeology Departments into one accountable body. The Keeladi excavation dispute; still unresolved after years of jurisdictional conflict between Central and State authorities and the Chandigarh heritage furniture crisis of June 2026 where the ASI's refusal to classify items under the 1972 Act left India without any domestic legal mechanism; together demonstrate that jurisdictional fragmentation causes direct, documented and irreversible heritage loss. The new Authority must be empowered to conduct or supervise all inquires into heritage finds, with a mandatory outer time limit of ninety days from the date of report and its decisions must be subject to appeal before a dedicated Heritage Tribunal; replacing the constitutionality suspect ouster clause of the 1878 Act with a proper mechanism of judicial oversight.

Fourth, a statutory reward formula must replace the Act's current discretionary and inadequate compensation structure. The new legislation should guarantee a finder a minimum of twenty-five percent of the independently assessed market value of any heritage find acquired by the government, with the landowner receiving a further twenty percent. This formula must be non-discretionary and payable within the ninety-day inquiry period. The colonial formula of melt value plus twenty percent; which treats a Mughal-era coin as equivalent to its weight in silver: must be abolished. As the Shahdol and Siddipet incidents demonstrate, a law that offers honest finders nothing meaningful while threatening dishonest ones with imprisonment only achieves the opposite of its stated purpose.

Fifth, and as an immediate step that does not require waiting for full legislative overhaul, India must ratify the UNESCO Convention on the Protection of Underwater Cultural Heritage 2001.[70] India is already a party to the UNESCO World Heritage 1972 and has engaged the

[69] Reserve Bank of India, Consumer Price Index, https://www.rbi.org.in/ .

[70] *UNESCO Convention on the Protection of the Underwater Cultural Heritage* (*n 9*).

UNESCO framework diplomatically in the Chandigarh repatriation bid of June 2026[71]. Ratification of the 2001 Convention would immediately bring Dwarka and all future underwater finds within a defined international legal framework, provide the ASI's Underwater Archaeology Wing with the normative basis it currently lacks, and resolve the contradiction between India's sophisticated international heritage posture and its domestic legislative vacuum. It is the one recommendation on this list that can be implemented by executive action alone, without waiting for Parliamentary time.

Taken together, these five recommendations do not merely modernize an old law; they constitute the foundation of a coherent national heritage finds framework that India has never had and urgently needs.

Conclusion

The Treasure Trove Act of 1878 is not merely outdated. It is structurally incapable of governing heritage discoveries in twenty-first century India across four distinct dimensions: terminological failure, maritime silence, institutional fragmentation and reward deficit. These are not incidental flaws. They are the logical consequences of a statute designed for a colonial revenue officer presiding over a subsistence agricultural economy; a reality that no longer exists, but a law that remains fully enforceable.

The pattern of legislative neglect is not accidental. In 2014, the Act was identified for repeal. In 2017, Parliament removed over 1,200 obsolete laws while the 1878 Act survived without any official explanation. A Parliamentary Committee recommendation from 1997 remains unimplemented after nearly three decades. This is not a mere oversight. It is deliberate inertia with measurable consequences.

The evidence is overwhelming. Shahdol construction workers who reported medieval coins received nothing. Siddipet MGNERGA labourers who found Aurangzeb-era were threatened with the same penalty as sexual offenders. Dwarka's submerged heritage lies in a legal void while Indian divers explore it. Keeladi's sixth century BCE settlement remains mired in unresolved jurisdictional chaos. Odisha's gold discovery bypassed the 1878 Act entirely through a different statutory regime. And Chandigarh's Le Corbusier furniture; India's modern

[71] UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, 1977 (*n 55*).

heritage was auctioned in Chicago and Brussels while India watched, forced to rely on international conventions because its domestic law had failed.[72]

The contradiction at the heart of India's heritage policy is now undeniable. In July 2025, India signed a sophisticated MOU with the United States restricting the import of Indian archaeological material. It has revived its Underwater Archaeology Wing with dedicated funding. It engages UNESCO diplomatically when heritage leaves the country. Yet it has not ratified the UNESCO 2001 Convention.[73] It has not replaced the 1878 Act. It has not resolved the jurisdictional chaos that paralyses its own excavations. A nation that relies on UNIDROIT and UNESCO to protect its heritage because its domestic law failed cannot claim to take heritage protection seriously.

Found and forgotten; India's treasure law mirrors the very fate of the heritage it was meant to protect.

[72] All incidents cited as per notes 2, 3, 4, 6, 8 above.

[73] *UNESCO Convention on the Protection of the Underwater Cultural Heritage* (*n 9*).