

METAL TOKENS ACT, 1889

1 of 1889

[1st February, 1889]

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STATEMENT OF OBJECTS AND REASONS "The main object of this Bill is to prohibit the manufacture and issue, and restrict the circulation, of stamped or unstamped pieces of copper such as, during the recent depression in the value of that metal, private traders at Jugadn Gaya, Ludhiana, Beawar and other places have been making and issuing in large quantities for use as money. The pieces circulate at much above their intrinsic value, and their circulation both deprives the tax-payers of this country of that profit on coinage of copper which belongs to every Government, and perpetuates the currency of an inconvenient form of coin. The other object of the Bill is to suppress the manufacture in British India of coins resembling or apparently intended to resemble or pass for coins which are legal tender or in actual use and circulation in any foreign country." Gaz.ofInd.,1888, Pt.V,p.19.

1. Title and extent :-

(1) This Act may be called the Metal Tokens Act, 1889..

¹[(2) It extends to the whole of India.] ²[*] ² [* * *]

1. Substituted for former sub-section (2) by Metal Tokens (Amendment) Act, 1962 (46 of 1962), Section 2 (29-1 1-1962)

2. Word "and" at the end of former sub-sec. (2) and sub-sec. (3) repealed by Act 10 of 1914, S. 3 and Sch. II.

2. Definition :-

¹ [- In this Act, "issue" means to put a piece of metal into circulation for the first time for use as money in India, such piece having been made in contravention of this Act or brought into India by sea or by land in contravention of any notification for the time being in force under S.19 of the Sea Customs Act, 1878.]

1. Substituted for former section 2 by Act 46 of 1962, section 3 (29-11-1962).

3. Prohibition of making by private persons of pieces of metal to be used as money :-

No piece of copper or bronze or of any other metal or mixed metal, which, whether stamped or unstamped, is intended to be used as money, shall be made except by the authority of the ¹ [Central Government].

1. Substituted for the words "Governor General in Council", by A. O., 1937.

4. Penalty for unlawful making, issue or possession of such pieces :-

(1) In either of the following cases, namely:-

(a) if any person makes in contravention of the last foregoing section, or issues or attempts to issue, any such piece as is mentioned in that section,

(b) if, after the expiration of three months from the commencement of this Act, any person has in his possession, custody or control any such piece as is mentioned in the last foregoing section, with intent to issue the piece, the person shall be punished,-

(i) if he has not been previously convicted under this section, with imprisonment which may extend to one year, or with fine, or with both, or,

(ii) if he has been previously convicted under this section, with imprisonment which may extend to three years, or with fine, or with both.

(2) If any person is convicted of an offence under sub-section (1), he shall, in addition to any other punishment to which he may be sentenced, forfeit all such pieces as aforesaid, and all instruments and materials for the making of such pieces, which may have been found in his possession, custody or control.

(3) If in the trial of any such offence the question arises whether any piece of metal or mixed metal was intended to be used or to be issued for use as money, the burden of proving that the piece was not intended to be so used or issued shall lie on the accused person.

5. Cognizance of offences under the last foregoing section

:-

(1) The offence of making, in contravention of section 3 , any such piece as is mentioned in that section shall be a cognizable offence,

(2) Notwithstanding anything in the Code of Criminal Procedure, 1882, no other offence punishable under section 4 shall be a cognizable offence, or beyond the limits of a presidency-town be taken cognizance of by any Magistrate, except a District Magistrate or Sub-Divisional Magistrate, without the previous sanction of the District Magistrate or Sub-Divisional Magistrate.

6. Application of certain of the foregoing provisions of this Act to importation of pieces of metal for use as money :-

If at any time the ¹[Central Government] sees fit, by notification under S.19 of the Sea Customs Act, 1878, to prohibit or restrict the bringing by sea or by land into ²[India] of any such pieces of metal as are mentioned in section 3 , it may by the notification direct that any person contravening the prohibition or restriction shall be liable to the punishment to which he would be liable if he were convicted under this Act of making such pieces in ² [India], instead of to the penalty mentioned in S.167 of the Sea Customs Act, 1878, and that the provisions of sub-section (3) of section 4 and sub-section (1) of section 5 , or of either sub-section, in relation to the offence of making such pieces shall, notwithstanding anything in the Sea Customs Act, 1878, apply, so far as they can be made applicable, to the offence of contravening the prohibition or restriction notified

under section 19 of that Act.

1. Substituted for the words "Governor General in Council" by A. O., 1937.

2. Substituted for the words "the said territories" by the Metal Tokens (Amendment) Act, 1962 (46 of 1962), section 4 (29-11-1962).

7. Addition to section 98, Act 10 of 1882 :-

Repealed by the Code of Criminal Procedure, 1898 (V of 1898).]

8. Prohibition of receipt by local authorities and railways as money of metal which is not coin :-

(1) No piece of metal which is not coin as defined in the Indian Penal Code shall be received as money by or on behalf of any railway-administration or local authority.

(2) If any person on behalf of a railway-administration, or on behalf of a local authority, or on behalf of the lessee of the collection of any toll or other impost leviable by a railway-administration or local authority, receives as money any piece of metal which is not such coin as aforesaid, he shall be punished with fine which may extend to ten rupees.

9. Amendment of section 28 of the Indian Penal Code :-

Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule.]