

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 65] नई दिल्ली, शनिवार, दिसम्बर 11, 1971/अग्रहायण 20, 1893  
No. 65] NEW DELHI, SATURDAY, DECEMBER 11, 1971/AGRAHAYANA 20, 1893

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 11th December, 1971/Agrahayana 20, 1893 (Saka)

The following Act of Parliament received the assent of the President on the 11th December, 1971, and is hereby published for general information:—

THE SMALL COINS (OFFENCES) ACT 1971

No. 52 of 1971

[11th December, 1971]

An Act to provide for the prevention of melting or destruction of small coins, hoarding of small coins for the purpose of melting or destruction thereof, and for matters connected therewith or incidental thereto.

WHEREAS an acute shortage of small coins has been felt in the country and it is necessary, in the interests of the general public, to take steps to relieve such shortage;

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Small Coins (Offences) Act, 1971.
- (2) It shall remain in force for a period of three years.

Short title and duration.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "mint" means a mint of the Government of India;

(b) "small coin" means any coin of the value of less than one rupee, which is legal tender under the Indian Coinage Act, 1906.

Prohibition on melting or destruction of small coins.

3. (1) No person shall—

- (a) melt or destroy any small coin, or
- (b) have in his possession, custody or control—
  - (i) any melted coin, whether in the molten state or in a solid state, or
  - (ii) any small coin in a destroyed or mutilated state, or
  - (iii) small coins substantially in excess of his reasonable requirements in such circumstances as to indicate that he is having the possession, custody or control of such small coins for the purpose of melting or destroying such small coins.

*Explanation.*—For the purpose of determining the reasonable requirements of small coins of a person, due regard shall be had to—

- (i) his total daily requirements of small coins,
- (ii) the nature of his business, occupation or profession,
- (iii) the mode of his acquisition of small coins, and
- (iv) the manner in which, and the place at which, such small coins are being possessed, held or controlled by him.

(2) Whoever is found to be in the possession of any metal, which contain alloys in the same proportions in which they have been used in the manufacture of any small coin, shall be presumed, until the contrary is proved, to have contravened the provisions of sub-section (1).

(3) Nothing contained in sub-section (1) or sub-section (2) shall apply to the mint.

Penalty for contravention of section 3.

4. Whoever contravenes any provision of sub-section (1) of section 3 without any reasonable excuse, the burden of proving of which shall lie on such person, shall be punishable with imprisonment for a term of not less than three months but not more than five years.

Offences by companies.

5. (1) Where an offence against this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm, society or other association of individuals; and

(b) "director",—

(i) in relation to a firm, means a partner in the firm,

(ii) in relation to a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

- 5 of 1898. 6. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, offences against this Act shall be cognizable and bailable but shall not be compoundable. Offences to be cognizable, bailable and not compoundable.
- 5 of 1898. 7. Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1898, offences against this Act may be tried summarily by a Presidency Magistrate or a Magistrate of the first class. Offences may be tried summarily.
8. Any small coin or metal in relation to which any offence against this Act has been committed shall be forfeited to Government. Forfeiture.
9. Nothing in the Probation of Offenders Act, 1958, shall apply to any offence against this Act. Provisions of Act 29 of 1958 not to apply to offences under this Act.
- 15 of 1971. 10. The Small Coins (Offences) Ordinance, 1971, is hereby repealed. Repeal.

N. D. P. NAMBOODIRIPAD,

*Joint Secy. to the Govt. of India.*

