

THE BANGLADESH COINAGE ORDER, 1972

PRESIDENT'S ORDER NO. 83 OF 1972

[24th July, 1972]

WHEREAS it is expedient to provide for the establishment of the Mint and for the issue and putting into circulation of Taka coins of the Government of the People's Republic of Bangladesh;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972 and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Bangladesh Coinage Order, 1972.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once and shall be deemed to have taken effect on the 26th day of March, 1971.

2. In this Order, unless there is anything repugnant in the subject or context,-

- (a) "deface" with its grammatical variations and cognate expressions, includes clipping, filling, stamping or such other alteration of the surface or shape of a coin as is readily distinguishable from the effects of reasonable wear;
- (b) "Government" means the Government of the People's Republic of Bangladesh;
- (c) "the Mint" means any Mint which may hereafter be established in Bangladesh;
- (d) "prescribed" means prescribed by rules made under this Order;
- (e) "remedy" means variation from the standard weight and fineness; and
- (f) "Standard weight" means the weight prescribed for any coin.

3. The Government may by notification in the *official Gazette*,—

- (a) establish a Mint at any place within Bangladesh,
- (b) abolish any Mint which may hereafter be established.

4. Coins may be coined at the Mint which may hereafter be established in Bangladesh or at any Mint of any other country for issue under the authority of the Government of such denominations not higher than ¹[two Taka], of such dimension and designs, and of such metals or of mixed metals of such composition as the Government may, by notification in the *official Gazette*, determine.

²[5. The two Taka coins, one Taka coins, fifty poisha coins, twenty five poisha coins, ten poisha coins, five poisha coins, two poisha coins and one poisha coins issued under the authority of the Government shall be current in Bangladesh until such time as they are called in by the Government by notification in the *official Gazette*.]

6. The standard weight of the coins of any denomination coined under the provisions of Article 4, and the remedy allowed in the making of such coins shall be such as may be prescribed in this behalf by the Government.

7. (1) The coins issued under the authority of Article 4 shall be a legal tender in payment or on account,-

- (a) in the case of a Taka coin, for any sum;
- (b) in the case of a fifty paisa coin, for any sum not exceeding ten Taka; and
- (c) in the case of any other coin, for any sum not exceeding one Taka:

Provided that the coin has not been defaced and has not lost weight so as to be less than such weight as may be prescribed in its case.

¹ The words “two Taka” were substituted for the words “one Taka” by section 2 of the Bangladesh Coinage (Amendment) Act, 1989 (Act No. III of 1989).

² Article 5 was substituted by section 3 of the Bangladesh Coinage (Amendment) Act, 1989 (Act No. III of 1989).

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8. Notwithstanding anything contained in Article 5, the Government may by notification in the *official Gazette*, call in, with effect from such date as may be specified in the notification any coin, of whatever date or denomination, referred to in that Article, and on and from the date so specified such coin shall cease to be a legal tender save to such extent as may be specified in the notification.

9. ²[(1) The Taka, which is the standard monetary unit in Bangladesh, shall be divided into one hundred units and the coin representing such unit shall be called poisha and shall, subject to the provision of clause (1) of Article 7, and to the extent specified therein, be legal tender in payment or on account accordingly.]

(2) All references in any enactment or any notification, rule or order under any enactment or in any contract, deed or other instrument, to any value expressed in ³[Taka, and poisha shall be construed as reference to that value expressed in Taka] and poisha coins referred to in clause (1) and the Government may by notification in the *official Gazette* specify any symbol or abbreviation as it may deem fit for making any written reference to their value in words or in figures.

10. Where any silver coin issued under the authority of the Government is tendered to any person authorised by the Government to act under this Article and such person has reason to believe that the coin,—

- (a) has been diminished in weight so as to be more than such percentage below standard weight as may be prescribed as the unit of reasonable wear, or
- (b) has been defaced,

he shall, by himself or another, cut or break the coin.

¹ Clause (2) was omitted by section 4 of the Bangladesh Coinage (Amendment) Act, 1989 (Act No. III of 1989).

² Clause (1) was substituted by section 5 of the Bangladesh Coinage (Amendment) Act, 1989 (Act No. III of 1989).

³ The words and comma “Taka, and poisha shall be construed as reference to that value expressed in Taka” were substituted for the words and comma “rupee, and poisha shall be construed as reference to that value expressed in new Taka ” by section 5 of the Bangladesh Coinage (Amendment) Act, 1989 (Act No. III of 1989).

11. A person cutting or breaking the coin under the provision of clause (a) of Article 10 shall observe the following procedure, namely:-

- (a) if the coin has been diminished in weight so to be more than such percentage below standard weight as may be prescribed as the limit of reasonable wear, but not more than such further percentage as may be prescribed in this behalf, he shall either return the pieces to the person tendering the coin, or, if the person so requests, shall receive and pay for the coin at such rates as may be prescribed in this behalf; and
- (b) if the coin has been diminished in weight so as to be more than such further percentage below standard weight so prescribed as aforesaid, he shall return the pieces to the person tendering the coin, who shall bear the loss caused by such cutting or breaking.

12. A person cutting or breaking coin under clause (b) of Article 10 shall observe the following procedure, namely:-

- (i) if such person has reason to believe that coin has been fraudulently defaced, he shall return the pieces to the person tendering the coin, who shall bear the loss caused by such cutting or breaking;
- (ii) if such person has not reason to believe that the coin has been fraudulently defaced, he shall receive and pay for the coin at its nominal value.

Explanation - For the purpose of this Article, a coin which, there is to believe has been defaced by sweating shall be deemed to have been fraudulently defaced.

13. If a coin is liable to be cut or broken under the provisions of both clauses (a) and (b) of Article 10, the person cutting or breaking the coin shall deal with it,-

- (a) if he has reason to believe that the coin has been fraudulently defaced, under clause (a) of Article 11, and
- (b) in other cases, under Article 12.

14. Where any coin purporting to be coined or issued under the authority of the Government is tendered to any person authorised by the Government to act under this Article, and such person has reason to believe that the coin is counterfeit or has been fraudulently defaced, he shall by himself or another cut or break the coin and may at his discretion either return the pieces to the tenderer, who shall bear the loss caused by such cutting or breaking, or in the case of silver coin receive and pay for the coin accordingly to the value of the silver bullion contained in it.

15. (1) The Government may, by notification in the *official Gazette*, make rules to carry out the purposes of this Order.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may,—

- (a) provide for the guidance of persons authorised to cut or break coin under Articles 10 and 14;
- (b) determine the percentage of diminution in weight below standard weight not being less than two percent. in the case of silver coins or five percent. in the case of pure nickel coins, which shall be the limit of reasonable wear; and
- (c) prescribe the further percentage referred to in clause (a) of Article 11 and the rates at which payments shall be made in the case of coins falling under the same clause.

16. No suit or other proceedings shall lie against any persons in respect of anything in good faith done or intended to be done, under or in pursuance of the provisions of this Order.

17. Nothing in this Order shall be deemed to prohibit or restrict the making at the Mint of coins intended for issue as money by the Government of any country beyond the limits of Bangladesh.

18. The Pakistan Coinage Act (Act III of 1906) is hereby repealed.
