

1913

ACT No. V OF 1913¹

[7th March, 1913.]

An Act to prohibit the importation, manufacture and sale of matches made with white phosphorus.

WHEREAS it is expedient to prohibit the importation, manufacture and sale of matches made with white phosphorus; It is hereby enacted as follows:—

1. (1) This Act may be called the White Phosphorus Matches Prohibition Act, 1913.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of July, 1913, with the exception of section 6, which shall come into force on the first day of July, 1914.

2. In this Act, "white phosphorus", means the substance commonly known as white or yellow phosphorus.

3. To section 18 of the Sea Customs Act, 1878, the following clause shall be added, namely:—

"(g) matches made with white phosphorus."

4. (1) No person shall use white phosphorus in the manufacture of matches.

(2) Any person who uses, or permits the use by any person under his control, of white phosphorus in the manufacture of matches, shall be punishable with fine which may extend to two hundred rupees.

5. (1) Every person who manufactures matches shall allow an Inspector of Factories appointed under the Indian Factories Act, 1911, XII of 1911.

¹ For Statement of Objects and Reasons, see Gazette of India, 1912, Pt. V, p. 220; for Report of Select Committee, see *ibid.*, 1913, Pt. V, p. 35; and for Proceedings in Council, see *ibid.*, 1913, Pt. VI, pp. 16, 64, and 146.

This Act has been declared in force in British Baluchistan by s. 3 of the British Baluchistan Laws Regulation, 1913 (II of 1913), see Bal. Code; in the Arakan Hill District by Regulation I of 1916, s. 2, see Bur. Code, Vol. 1; in the Sonthal Parganas by Notification under s. 3 of the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), see B. & O. Gazette, 1914, Pt. II, p. 413.

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at any time to take for analysis sufficient samples of any material in use or mixed for use, in such manufacture:

Provided that any such person may, at the time the sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample so taken into two parts, and to mark, seal and deliver to him one part.

(2) Any person who refuses to permit any such Inspector of Factories as aforesaid to take a sample, in accordance with the provisions of sub-section (1), shall be punishable with fine which may extend to two hundred rupees.

6. (1) No person shall sell, or offer or expose for sale, or have in his possession for the purposes of sale, any matches made with white phosphorus. Prohibition of sale.

(2) Any person who contravenes the provisions of sub-section (1) may, on complaint to a Presidency Magistrate, Sub-divisional Magistrate or Magistrate of the first class, be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the Magistrate may direct.

ACT No. VI OF 1913.¹

[7th March, 1913.]

An Act to declare the rights of Mussalman to make settlements of property by way of "wakf" in favour of their families, children and descendants.

WHEREAS doubts have arisen regarding the validity of wakfs created by persons professing the Mussalman faith in favour of themselves, their families, children and descendants and ultimately for the benefit of the poor or for other religious, pious or charitable purposes; and whereas it is expedient to remove such doubts; It is hereby enacted as follows:—

1. (1) This Act may be called the Mussalman Wakf Validating Act, 1913. Short title and extent.

(2) It extends to the whole of British India.

¹ For Statement of Objects and Reasons, see Gazette of India, 1911, Pt. V, p. 107; for Report of Select Committee, see *ibid.*, 1913, Pt. V, p. 39; and for Proceedings in Council, see *ibid.*, 1911, Pt. VI, p. 402, and *ibid.*, 1913, Pt. VI, pp. 29, 65 and 147.

It has been declared in force in the Sonthal Parganas by Notification under s. 3 of the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), see B. & O. Gazette, 1914, Pt. II, p. 413.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Wakf" means the permanent dedication by a person professing the Mussalman faith of any property for any purpose recognized by the Mussalman law as religious, pious or charitable.

(2) "Hanafi Mussalman" means a follower of the Mussalman faith who conforms to the tenets and doctrines of the Hanafi school of Mussalman law.

Power of Mussalmans to create certain wakfs.

3. It shall be lawful for any person professing the Mussalman faith to create a wakf which in all other respects is in accordance with the provisions of Mussalman law, for the following among other purposes:—

(a) for the maintenance and support wholly or partially of his family, children or descendants, and

(b) where the person creating a wakf is a Hanafi Mussalman, also for his own maintenance and support during his lifetime or for the payment of his debts out of the rents and profits of the property dedicated:

Provided that the ultimate benefit is in such cases expressly or impliedly reserved for the poor or for any other purpose recognised by the Mussalman law as a religious, pious or charitable purpose of a permanent character.

Wakfs not to be invalid by reason of remoteness of benefit to poor, etc.

4. No such wakf shall be deemed to be invalid merely because the benefit reserved therein for the poor or other religious, pious or charitable purpose of a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf.

Saving of local and sectarian custom.

5. Nothing in this Act shall affect any custom or usage whether local or prevalent among Mussalmans of any particular class or sect.

THE INDIAN COMPANIES ACT, 1913.

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