

WHITE PHOSPHORUS MATCHES PROHIBITION ACT, 1913

5 of 1913

[[7th March, 1913.]]

CONTENTS

1. Short title, extent and commencement
2. Definition
3. Prohibition of Importation by addition to section 18, Act 8 of 1878
4. Prohibition of use of white phosphorus in manufacture of matches.
5. Power of Inspector of Factories to take samples of material used in manufacture.
6. Prohibition of sale

WHITE PHOSPHORUS MATCHES PROHIBITION ACT, 1913

5 of 1913

[[7th March, 1913.]]

STATEMENT OF OBJECTS AND REASONS "The object of this Bill is to prohibit the importation into, and the manufacture and sale in, British India of matches which contain white (yellow) phosphorus. The provisions of the Bill follow, so far as is necessary and practicable, the terms of English White Phosphorus Matches Prohibition Act, 1908 (8 Edw. 7, Ch. 42.) The Bill was introduced into the Council of the Governor-General for making Laws and Regulations on the 22nd September, 1911. At the Council meeting of the 1st March 1912, however, objections were raised to its passage on the ground that the necessity for the proposed legislation had not been substantiated; and it was decided to postpone the consideration of the Bill for one year and to obtain, in the meantime, additional information regarding (1) the accuracy or otherwise, of the statement that modern methods of manufacture have eliminated the danger of necrosis, and (2) the availability of suitable brands of non-phosphorus strike-anywhere matches for use in India, having in view the climatic conditions and the importance of not increasing the cost of matches to consumers of the lower

classes. The Bill was accordingly withdrawn on the understanding that it would be reintroduced in the cold weather of 1913. With reference to the first point the following facts have been ascertained regarding the continued occurrence of necrosis in Sweden, Norway, Belgium and the United States of America, which have not joined the Berne International Convention and which profess to have adopted the latest and most improved methods manufacture. In Sweden, between the years 1902 and 1910, as shown by the official reports of the Inspectors of match factories in that country, there were 16 admitted cases of necrosis besides a number of doubtful cases. In 1905 there were no cases, and the Inspectors' reports announced the extinction of the disease; but in 1906 there were no less than seven cases, and there was one case in each of the years 1908 to 1910. In Norway, the number of persons exposed to poisonous fumes in match manufacture is only about 250. In their report for 1907-08, the factory Inspectors in that country stated that it might be assumed that the precautionary measures adopted, the introduction of new systems of ventilation, and the observance of the special regulations had resulted in the complete elimination of the disease. Notwithstanding, there was a case of necrosis in each of the years 1909 and 1910. In Belgium, where four factories use white phosphorus, there was a case of necrosis In 1908, and the Belgium Annual Report on Factory Inspection in 1909 discloses the fact that there were two cases of phosphorus poisoning in that year in spite of strict observance of the required precautions. In the United States of America, in a joint investigation recently undertaken by the American Bureau of Labour and the American Section of the international Association of Labour Legislation, 15 cases of phosphorus necrosis were discovered by Federal officials in an investigation covering 15 out of the 16 American match factories; and subsequent personal enquiries conducted by the President of the American Section indicated that for four of these factories alone the number should have been increased to 80. In view of these and similar disclosures an Act was passed in the United States of America on the 9th April 1912 imposing a tax on white phosphorus matches and prohibiting their import and export. The facts stated above show that the latest information available does not substantiate the assertion that improved methods of manufacture are sufficient to stamp out necrosis. "The Vienna Medical Society in 1908, also, in reporting after detailed enquiry that about 20 deaths from phosphorus necrosis occurred annually in Austria declared that

the best regulations fail to stamp out the disease. The experience of the United Kingdom was similar, the Chief Inspector of Factories in England reporting in June 1910 that the absence of known cases of necrosis is itself inconclusive, the cases which occurred in Great Britain being (at first) ascertained with difficulty. That a similar view is held in almost all civilized countries is indicated by the list of countries which have joined the Convention or have, without joining it, effectually controlled the manufacture of matches. The European countries adhering to the Convention are France, Germany, Holland, Denmark, Switzerland, Luxembourg, Italy, Finland, Spain and the United Kingdom. In Austria, an Act prohibiting the use and manufacture of white phosphorus matches was passed in July 1909, and in Hungary and Mexico similar Acts were passed in 1912. In Russia, as now in the United States of America, a differential tax is imposed on white phosphorus matches and in the latter country, as already stated, their import and export is prohibited. In Greece, Portugal, Rumania, Bulgaria, Servia and Venezuela the manufacture of matches is a State monopoly and is therefore under control, and in Sweden the importation and consumption of white phosphorus matches is prohibited though their manufacture for export is allowed. The convention has also been joined by almost all the French, Dutch and British Colonies, including the Union of South Africa and New Zealand. Australia also has prohibited the importation of white phosphorus matches since December 1908, and Tasmania has prohibited both their sale and manufacture. With regard to the second question, it has been ascertained that a large proportion of the brands of strike-anywhere matches in use in the United Kingdom do not contain white phosphorus. The results of the official tests made in England by the Board of Customs and Excise for the purpose of distinguishing white phosphorus matches, up to December 1911, showed, that, out of 271 brands of strike-anywhere matches tested, only eleven were found to contain white phosphorus. Figures have been obtained from the Indian Customs Houses of the imports of matches during the year 1911-12. The proportion of strike-anywhere matches imported was nil in Rangoon, 25% at Calcutta, 51.8 per cent. at Karachi, 60 percent. at Bombay and 76.8 per cent at Madras. All these, with the exception of half a dozen brands from Austria, were found by chemical test to contain white phosphorus. The fact that the use of white phosphorus matches is smaller in Bengal than in other parts of India, and has for years been non-existent in Burma without causing any practical

inconvenience, goes to disprove the assertion that the white phosphorus match is the only one which is suitable for a damp climate such as India in the monsoon, Bengal and Burma being two of the provinces with the heaviest rainfall. An additional argument to this effect is provided by the list of tropical countries which, as already stated, have joined the Berne Convention; for instance British East Africa, Mauritius, the Seychelles, Southern and Northern Nigeria, Uganda, Fiji, Gambia, the Gold Coasts, Sierra Leone, Bermuda, Somaliland, Madagascar, etc. Moreover, as a result of experiments made in England on behalf of the Home Office, it has been definitely stated that there is no evidence that a match containing white phosphorus is of necessity, as regards resistance to damp, in any way superior to a phosphorus susquisulphide match act containing white phosphorus. Figures have been obtained of the prices in different parts of India, during 1911-12, of cheap safety matches, and strikeanywhere matches with and without white phosphorus. It has been ascertained that there is practically no difference in price between the cheap safety match and the lucifer match (whether containing white phosphorus or not)". [Gaz. of India. 1912, Part V, page 220.

1. Short title, extent and commencement :-

(1) This Act may be called

(2) It extends to the whole of India except a [the territories which, immediately before the 1st November, 1956, were comprised in Part B States]; 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. Definition :-

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

3. Prohibition of Importation by addition to section 18, Act 8 of 1878 :-

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

4. Prohibition of use of white phosphorus in manufacture of matches. :-

(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. Power of Inspector of Factories to take samples of material used in manufacture. :-

(1) Every person who manufactures matches shall allow an Inspector of Factories appointed under Factories Act, 1911, 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. Prohibition of sale :-

(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.

(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.