

**JOINT/SELECT COMMITTEE  
REPORTS OF LEGISLATIVE  
ASSEMBLY - 1934**

**The Mechanical Lighters  
(Excise Duty) Bill**

List of Reports of Select or Joint Committees  
presented to the Legislative Assembly in 1934.

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Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Tariff(Amendment) Bill.	5. 2.34.	
2.	The Indian States(Protection) Bill.	14. 2.34.	
3.	The Negotiable Instruments(Amendment)Bill.	26. 2.34.	
4.	The Factories Bill.	27. 2.34.	
5.	The Indian Tariff(Textile Protection) Amendment Bill.	2. 4.34.	
6.	The Sugar (Excise Duty) Bill.	10. 4.34.	
7.	The Matches (Excise Duty) Bill.	14. 4.34.	
8.	The Indian Dock Labourers Bill.	16. 7.34.	
9.	The Mechanical Lighters(Excise Duty) Bill.	23. 7.34.	
10.	The Indian Carriage by Air Bill.	25. 7.34.	
11.	The Indian Aircraft Bill.	25. 7.34.	
12.	The Hedjaz Pilgrims(Muallims) Bill( <u>Second Report of the Select Committee</u> )	2. 8.34.	
13.	The Indian Army (Amendment) Bill.	7. 8.34.	
14.	The Indian Iron and Steel Duties Bill.	13. 8.34.	
15.	The Indian Petroleum Bill.	14. 8.34.	
16.	The Indian Income-tax(Amendment) Bill by Sir Hari Singh Gour.	22. 8.34.	
17.	The Indian Navy (Discipline) Bill.	25. 8.34.	

## LEGISLATIVE ASSEMBLY.

We, the undersigned, Members of the Select Committee to which the Bill to provide for the imposition and collection of an excise duty on mechanical lighters was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

*Clause 2.*—We have amended the definition of “mechanical lighter” for the purpose of definitely excluding such articles as the spark-producing toys used by children. We are satisfied that the terms of the definition as now amended exclude the separate stone and steel employed by aboriginal tribes for the purpose of producing ignition, and exclude also such contrivances as the ropes of cocoa-nut or other fibre which when themselves ignited are employed in some parts of India for conveying a means of ignition from one place to another or for maintaining a temporary source of ignition.

*Clause 3.*—We considered and rejected a proposal that the imposition of the duty on mechanical lighters should be permissive, and should be left dependent upon the subsequent issue of a notification. We think that the duty should date from the commencement of the Act, and have amended the clause accordingly. We are unanimously agreed that a duty of one rupee and eight annas will be sufficient for the purpose contemplated by the Bill.

*Clause 4.*—We have reduced the amount which may be recovered by way of penalty for an arrear of duty.

*Clause 9.*—This clause has been altered in accordance with the decision arrived at on clause 4.

2. The Bill was published as follows :—

*In English.*

Gazette.	Date.
Gazette of India .. ..	28th April, 1934.
Fort St. George Gazette .. ..	15th May, 1934.
Calcutta Gazette .. ..	31st May, 1934.
United Provinces Gazette .. ..	5th May, 1934.
Punjab Government Gazette .. ..	25th May, 1934.
Burma Gazette .. ..	19th May, 1934.
Central Provinces Gazette .. ..	11th May, 1934.
Assam Gazette .. ..	9th May, 1934.
Bihar and Orissa Gazette .. ..	23rd May, 1934.
Coorg District Gazette .. ..	1st June, 1934.
North-West Frontier Gazette .. ..	15th June, 1934.

*In the Vernaculars.*

Province.	Language.	Date.
Madras ..	Tamil ..	} 26th June, 1934.
	Telugu ..	
	Kanarese ..	19th June, 1934.
	Malayalam ..	26th June, 1934.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

N. N. SIRCAR.

P. J. GRIGG.

A. H. GHUZNAVI.

WAJIHUDDIN.

A. J. RAISMAN.

E. STUDD.

S. GRANTHAM.

N. N. ANKLESARIA.

HARBANS SINGH.

S. R. PANDIT.

D. K. LAHIRI CHAUDHURY.

\*B. SITARAMARAJU.

BHAI PARMANAND.

SUKHRAJ ROY.

LALCHAND NAVALRAI.

SINCLAIR :

The 20th July, 1934.

## NOTE OF DISSENT.

While I agree that adequate provisions should be made to safeguard the interests of the match industry and prevent loss of duty, I am of opinion that as there is as yet no established indigenous industry in the manufacture of mechanical lighters, it would be sufficient if this legislation were to be permissive. To bring this legislation into immedi-

ate operation, before the industry is able to establish itself in the country, is I consider premature. The duty on imported lighters is sufficient for the present to protect the match interests and the Government revenue.

B. SITARAMARAJU.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

A.

BILL

TO

*Provide for the imposition and collection of an excise duty on mechanical lighters.*

WHEREAS it is expedient to impose an excise duty on mechanical lighters, to provide for the collection thereof, and to alter the duty of customs leviable on mechanical lighters under the Indian Tariff Act, 1894 ; It is hereby enacted as follows :— VIII of 1894.

1. (1) This Act may be called the Mechanical Lighters (Excise Duty) Act, 1934.  
Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

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

(a) "manufactory" means any premises wherein mechanical lighters are manufactured ;

(b) "mechanical lighter" means any mechanical or chemical contrivance for causing ignition which is portable and which operates by producing a spark or flame whether by itself or when brought into contact with gas, and includes a mechanical lighter issued from a manufactory in an incomplete state or requiring for its completion the addition of a flint ; and

(c) "owner" includes any person expressly or impliedly authorized by an owner of a manufactory to be his agent in respect of the manufactory.

3. A duty of excise at the rate of one rupee and eight annas per lighter shall be levied on every mechanical lighter manufactured in any manufactory in British India and issued out of such manufactory \* \* after the commencement of this Act, and shall be payable by the owner of the manufactory.  
Imposition of duty.

4. (1) If any duty payable under section 3 is not paid within the time fixed by rules made in that behalf under this Act, it shall be deemed to be an arrear, and the authority to which such duty is payable may, in lieu thereof, recover any sum not exceeding three times the amount of duty unpaid which such authority may in its discretion think it reasonable to require.  
Recovery of duty with penalty.

(2) An arrear of duty, or any sum recoverable in lieu thereof under this section, shall be recoverable as an arrear of land revenue and shall be recoverable in addition to, and not in substitution for, any other penalty incurred under this Act.

5. No person shall issue any mechanical lighter out of a manufactory, except in accordance with the provisions of rules made in that behalf under this Act, or, until such rules are made, in accordance with the general or special orders of the Local Government.

6. The Governor General in Council may, by notification in the Gazette of India, prohibit absolutely, or with such exceptions as he thinks fit, the bringing of mechanical lighters into British India from the territory of any specified Prince or Chief in India.

7. From such date as may be fixed by the Governor General in Council by notification in the Gazette of India in this behalf, no person shall manufacture mechanical lighters in British India except under and in accordance with a licence to manufacture issued under this Act.

8. Whoever contravenes the provisions of section 5 shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

9. (1) Whoever, in contravention of any notification made under section 6, imports, or attempts to import, mechanical lighters into British India, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to three times the amount of the duty which would be payable on the mechanical lighters if they were liable to duty in British India or to one thousand rupees, whichever is greater, or with both imprisonment and fine.

(2) Whoever abets an offence punishable under sub-section (1) shall, whether such offence is or is not committed in consequence of such abetment, and notwithstanding anything contained in section XLV of 1860. 116 of the Indian Penal Code, be punishable with the punishment provided for the offence.

10. Whoever, without a licence to manufacture, or in contravention of the terms of such licence, manufactures mechanical lighters, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

11. Whoever evades, or attempts to evade, the payment of any duty payable by him under this Act, or fails to supply any information which he is required under this Act or the rules to supply, or knowingly supplies false information, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

12. Any Court trying an offence under this Act may order that any mechanical lighters, together with the boxes, packing or wrappings thereof, in respect of which the Court is satisfied that an offence under this Act has been committed, shall be forfeited to His Majesty.

13. The law for the time being in force relating to Sea Customs and to goods the importation of which is prohibited by section 18 of the Sea Customs Act, 1878, shall apply in respect of mechanical lighters the importation of which is prohibited by notification made under section 6 of this Act, and the officers of Customs and the officers empowered under the Sea Customs Act, 1878, to perform the duties imposed by that Act, on a Customs-Collector and other officers of Customs shall have the same powers in respect of such mechanical lighters as they have for the time being in respect of goods the importation of which is prohibited by section 18 of the Sea Customs Act, 1878 :

Provided that the penalty for the offence specified in section 167, No. 8, of the Sea Customs Act, 1878, shall, where the offence is committed in relation to mechanical lighters the importation of which is prohibited under section 6 of this Act, be a penalty of confiscation only, and such penalty of confiscation shall not be inflicted under section 167, No. 8, of the Sea Customs Act, 1878, in any case where the person concerned in the offence is sent for trial under section 9 of this Act.

14. The Governor General in Council may, by notification in the Gazette of India, declare that any of the provisions of the provisions of Act VIII of 1878 to the duty on mechanical lighters. of the provisions of the Sea Customs Act, 1878, relating to the levy of and exemption from customs duties, drawback of duty, warehousing, offences and penalties, confiscation, and procedure relating to offences and appeals shall, with such modifications and alterations as he may consider necessary or desirable to adapt them to the circumstances, be applicable in regard to like matters in respect of the duty imposed by section 3.

15. (1) The Governor General in Council may, by notification in the Gazette of India, make rules to carry into effect the purposes and objects of this Act.

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

- (a) provide for the assessment and collection of the duty and the authorities by whom functions under this Act are to be discharged, the issue of notices requiring payment, the manner in which the duty shall be payable, and the recovery of arrears ;
- (b) provide for the distinguishing of mechanical lighters which have been

manufactured under licence, or on which duty has been paid, or which are exempt from duty under this Act ;

- (c) regulate the issue of mechanical lighters out of any manufactory ;
- (d) impose on the owners of manufactories and on persons engaged in the sale of mechanical lighters the duty of furnishing information, keeping records and making returns, and prescribe the nature of such information and the form of such records and returns, the particulars to be contained therein, and the manner in which they shall be verified ;
- (e) provide for the issuing of licences, the form and the conditions of licences, and the fees to be charged therefor ;
- (f) provide for the detention of mechanical lighters for the purpose of exacting the duty, the confiscation, otherwise than under section 12, of articles in respect of which breaches of the Act or rules have been committed, and the disposal of articles so detained or confiscated ;
- (g) authorize and regulate the inspection or search of any place or conveyance used for the manufacture, storage or carriage of mechanical lighters ; and
- (h) authorize and regulate the composition of offences against, or liabilities incurred under, the Act and rules, including composite payments in lieu of duty.

(3) In making any rule under this section the Governor General in Council may provide that a breach of the rule shall, where no other penalty is provided by this Act, be punishable with imprisonment for any term not exceeding six months, or with fine not exceeding one thousand rupees, or with both imprisonment and fine.

(4) The Governor General in Council may delegate all or any of his powers under this section to a Local Government.

18. In Item No. 243 of the Second Schedule Amendment of the to the Indian Tariff Act, Second Schedule, Act 1894, to the entry in VIII of 1894. the second column the following proviso shall be added, namely :—

“ Provided that mechanical lighters as defined in the Mechanical Lighters (Excise Duty) Act, 1934, shall be liable in addition to a duty equal of 1934. to the amount of the excise duty imposed by that Act on mechanical lighters manufactured in British India.”



GOVERNMENT OF INDIA.  
LEGISLATIVE ASSEMBLY  
DEPARTMENT.

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Report of the Select Committee on the Bill  
to provide for the imposition and collec-  
tion of an excise duty on mechanical light-  
ers; with the Bill, as amended.

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