

Indian Boilers (Amendment) Act, 2007

49 of 2007

[12 December 2007]

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An Act further to amend the Indian Boilers Act, 1923. Be it enacted

by Parliament in the Fifty-eighth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Indian Boilers (Amendment) Act, 2007.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

1. Enforcement date appointed as 27th day of May, 2008 by the Notification No. SO1226(E) dated 27.05.2008 for the sections 2, 2(1), 2(2), 2(4)(cce), 2(4)(ccf), 2(5), 3(6), 3(7), 4, 5, 8(b), 9(a), 10, 15, 16(a), 17, 20 to 26, 27(ii) to (v), 28 and 29.

2. Effective date for Section 3(2) vide Notification No. SO1226(E) dated 27.05.2008 is denotified vide Notification No. SO3315(E) dated 30.12.2009 up to the 31st day of July, 2010.

2. Amendment Of Section 1 :-

In section 1 of the Indian Boilers Act, 1923(5 of 1923) (hereinafter referred to as the principal Act), in sub-section (1), the word "Indian" shall be omitted.

3. Amendment Of Section 2 :-

In section 2 of the principal Act,--

(1) for clause (a), the following clause shall be substituted, namely:--

(a) "accident" means an explosion of boiler, or boiler component, which is calculated to weaken the strength or an uncontrolled release of water or steam therefrom, liable to cause death or injury to any person or damage to any property;;

1[(2) for clause (b), the following clauses shall be substituted, namely:--

(b) "boiler" means a pressure vessel in which steam is generated for use external to itself by application of heat which is wholly or partly under pressure when steam is shut off but does not include a pressure vessel,--

(i) with capacity less than 25 litres (such capacity being measured from the feed check valve to the main steam stop valve);

(ii) with less than one kilogram per centimetre square design gauge pressure and working gauge pressure; or

(iii) in which water is heated below one hundred degrees centigrade;

(ba) "boiler component" means steam piping, feed piping, economiser, superheater, any mounting or other fitting and any other external or internal part of a boiler which is subject to pressure exceeding one kilogram per centimetre square gauge;;]

(3) after clause (c), the following clauses shall be inserted, namely:--

(ca) "Competent Authority" means an institution recognised in such manner as may be prescribed by regulations for issue of certificate to the welders for welding of boiler and boiler components;

(cb) "Competent Person" means a person recognised in such manner as may be prescribed by regulations for inspection and certification of boilers and boiler components during manufacture, erection and use. All Inspectors shall be ipso facto competent persons;;

(4) after clause (ccc), the following clauses shall be inserted, namely:--

(ccd) "Inspecting Authority" means an institution recognised in such manner as may be prescribed by regulations for the inspection and certification of boilers and boiler components during manufacture. All Chief Inspectors of Boilers shall be ipso facto Inspecting Authorities;

(c c e) "manufacture" means manufacture, construction and fabrication of boiler or boiler component, or both;

(ccf) "manufacturer" means a person engaged in the manufacture;;

(5) in clause (d), for the words "includes any person", the words "includes any person possessing or" shall be substituted;

(6) for clause (f), the following clause shall be substituted, namely:--

(f) "steam pipe" means any pipe through which steam passes if--

(i) the pressure at which steam passes through such pipe exceeds 3.5 kilogram per square centimetres above atmospheric pressure, or

(ii) such pipe exceeds 254 millimetres in internal diameter and the pressure of steam exceeds 1 kilogram per square centimetres above the atmospheric pressure, and includes in either case any connected fitting of a steam-pipe;;

(7) for clause (g), the following clauses shall be substituted, namely:--

- (g) "structural alteration, addition or renewal" means,--
- (i) any change in the design of a boiler or boiler component;
 - (ii) replacement of any part of boiler or boiler component by a part which does not conform to the same specification; or
 - (iii) any addition to any part of a boiler or boiler component;
- (h) "superheater" means any equipment which is partly or wholly exposed to flue gases for the purpose of raising the temperature of steam beyond the saturation temperature at that pressure and includes a re-heater;
- (i) "Technical Adviser" means the Technical Adviser appointed under sub-section (1) of section 4A..

1. To be effective from 01.08.2010 vide Notification No. S.O. 3315(E) dated 30.12.2009 whereas previous effective date vide Notification No. S.O. 1226(E) was 27.05.2008.

4. Substitution Of New Section For Section 3 :-

For section 3 of the principal Act, the following section shall be substituted, namely:--

"3. Limitation of application - Nothing in this Act shall apply to--

- (a) locomotive boilers belonging to or under the control of the railways;
- (b) any boiler or boiler component,--
 - (i) in any vessel propelled wholly or in part by the agency of steam;
 - (ii) belonging to, or under the control of, the Army, Navy or Air Force; or
 - (iii) appertaining to a sterilizer disinfector used in hospitals or nursing homes, if the boiler does not exceed one hundred litres in capacity."

5. Insertion Of New Section 4A To 4F :-

After section 4 of the principal Act, the following sections shall be inserted, namely:--

"4A. Technical Adviser - (1) The Central Government shall appoint a Technical Adviser from amongst the persons having such qualifications and experience as may be prescribed by rules.

(2) The terms and conditions of service of the Technical Adviser shall be such as may be prescribed by the Central Government.

(3) The Technical Adviser shall, in addition to exercising the powers and discharging the functions assigned to him under this Act or rules or regulations made thereunder, exercise such other powers

and discharge such functions as the Central Government and the Board may delegate to him.

4B. Welders certificate - (1) Any person who proposes to undertake any welding work connected with or related to a boiler, or a boiler component or both shall apply to a Competent Authority for issue of a Welders certificate.

(2) On receipt of an application under sub-section (1), the Competent Authority shall follow such procedure for examination and grant of Welders certificate as may be prescribed by regulations.

(3) The Competent Authority may, if satisfied that the person applying for Welders certificate under sub-section (2) has complied with the conditions precedent for issue of the Welders certificate, issue such certificate, to such person subject to the payment of such fee and such other conditions as may be prescribed by regulations:

Provided that the Competent Authority shall not refuse Welders certificate to any person unless such person is given an opportunity of being heard.

4C. Conditions precedent for manufacture of boiler and boiler component - (1) No person shall manufacture or cause to be manufactured any boiler or boiler component, or both unless--

(a) he has provided in the premises or precincts wherein such boiler or boiler component, or both are manufactured, such facilities for design and construction as may be prescribed by regulations;

(b) the design and drawings of the boiler and boiler component have been approved by the Inspecting Authority under clause (a) of sub-section (2) of section 4D;

(c) the materials, mounting and fittings used in the construction of such boiler or boiler component, or both conform to the specifications prescribed by regulations; and

(d) the persons engaged for welding boiler or boiler component hold Welders certificate issued by a Competent Authority.

4D. Inspection during manufacture - (1) Every manufacturer, before commencing manufacture of a boiler or boiler component, shall engage an Inspecting Authority for carrying out inspection at such stages of manufacture as may be prescribed by regulations.

(2) The Inspecting Authority engaged under sub-section (1) shall follow such procedure for inspection and certification of boiler or boiler component as may be prescribed by regulations and after inspection, if it is--

(a) satisfied that the boiler or the boiler component conforms to the

standards prescribed by regulations, it shall issue a certificate of inspection and stamp the boiler, or boiler component, or both; or (b) of the opinion that the boiler, or boiler component, or both does not conform to the standards prescribed by regulations, it may for reasons to be recorded in writing refuse to issue such certificate:

Provided that no certificate shall be refused unless the Inspecting Authority had directed the manufacturer of the boiler or boiler component, or both in writing to carry out such modifications or rectifications as it deems necessary and the Inspecting Authority is of the opinion that in spite of such direction the manufacturer of the boiler or boiler component, or both did not carry out the direction.

(3) The Inspecting Authority may, for the purposes of inspection under this section, charge such fee as may be prescribed by regulations.

4E. Inspection during erection - (1) The owner who proposes to register a boiler under section 7, shall engage an Inspecting Authority for carrying out inspection at the stage of erection of the boiler.

(2) The Inspecting Authority shall follow such procedure for inspection and certification of a boiler or boiler component, or both as may be prescribed by regulations and after inspection if it is--

(a) satisfied that the erection of the boiler is in accordance with the regulations, it shall issue a certificate of inspection in such form as may be prescribed by regulations; or

(b) of the opinion that the boiler has not been erected in accordance with the regulations, it may for reasons to be recorded in writing, refuse to grant the certificate and shall communicate such refusal to the manufacturer of the boiler or boiler component forthwith:

Provided that no such certificate shall be refused unless the Inspecting Authority had directed the owner in writing to carry out such modifications or rectifications as it deems necessary and the Inspecting Authority is of the opinion that in spite of such direction the owner did not carry out the direction.

(3) The Inspecting Authority may, for the purposes of inspection under this section, charge such fee as may be prescribed by regulations.

4F. Conditions precedent for repairing boiler and boiler component - No person shall repair or cause to be repaired any boiler or boiler component or both, unless--

(a) he has provided in the premises or precincts, where in such boiler or boiler component or both are being used, such facilities for

repairs as may be prescribed by regulations;

(b) the design and drawings of the boiler or boiler component, as the case may be, and the materials, mountings and fittings used in the repair of such boiler or boiler component conform to the regulations;

(c) persons engaged in welding, holds a Welders certificate issued by a Competent Authority;

(d) every user who does not have the in-house facilities for repair of boiler or boiler component shall engage a Boiler Repairer possessing a Boiler Repairer certificate for repair of a boiler or boiler component or both, as the case may be;

(e) every user shall engage a Competent Person for approval of repairs to be carried out in-house or by the repairers."

6. Amendment Of Section 5 :-

In section 5 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:--

"(4A) No person shall be appointed as the Chief Inspector, Deputy Chief Inspector or Inspector unless he possesses such qualifications and experience as may be prescribed by the Central Government."

7. Amendment Of Section 6 :-

In section 6 of the principal Act, in clause (e), for the words "State Government" the words "Central Government" shall be substituted.

8. Amendment Of Section 7 :-

In section 7 of the principal Act,--

(a) in sub-section (1), for the words "may apply to the Inspector to have the boiler registered", the words "may apply to the Inspector along with such other documents as may be prescribed by regulations to have the boiler registered" shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:--

"(3) On the said date the Inspector shall inspect the boiler with a view to satisfying himself that the boiler has not suffered any damage during its transit from the place or manufacture to the site of erection and forward a report of the inspection alongwith the documents to the Chief Inspector within seven days."

9. Amendment Of Section 8 :-

In section 8 of the principal Act,--

(a) in sub-section (1),--

(i) in clause (c), for the figures "18.58", the figures "20" shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely:--

"(d) save as provided in section 12, when any structural alteration, addition or renewal is made in or to the boiler;"

(iii) in clause (f), for the words "it or any steam pipe", the words "it or any boiler component" shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:--

"(3) When a certificate ceases to be in force, the owner of the boiler may apply to the Competent Person for renewal thereof for such period as may be prescribed by regulations."

(c) for sub-sections (4) and (5), the following sub-sections shall be substituted, namely:--

"(4) On receipt of an application under sub-section (3), the Competent Person shall, within fifteen days from the date of such receipt, inspect the boiler in such manner as may be prescribed by regulations.

(5) If the Competent Person is--

(a) satisfied that the boiler and the boiler components attached thereto are in good condition he shall issue a certificate for such period as may be prescribed by regulations.

(b) of the opinion that the boiler or boiler component, or both does not conform to the standards prescribed by regulations, it may, for reasons to be recorded in writing, refuse to issue such certificate:

Provided that no certificate shall be refused unless the Inspecting Authority had directed the owner of the boiler or the boiler component, or both in writing to carry out such modifications or rectifications as it deems necessary and the Competent Person is of the opinion that in spite of such direction the owner of the boiler or boiler component, or both did not carry out the direction

Provided further that the Competent Person shall, within forty-eight hours of making the examination, inform the owner of the boiler or boiler component any defect in his opinion and the reasons therefor and shall forthwith report the case to the Chief Inspector.

(6) The Competent Person may for the purpose of inspection under this section charge such fee as may be prescribed by regulations."

10. Amendment Of Section 9 :-

In section 9 of the principal Act, the words, brackets and figures "or sub-section (5) of section 8" shall be omitted.

11. Amendment Of Section 11 :-

In section 11 of the principal Act,--

- (a) in clause (c), for the words "State Government", the words "Central Government" shall be substituted;
- (b) clause (d) and the proviso shall be omitted.

12. Amendment Of Section 12 :-

In section 12 of the principal Act, the following proviso shall be inserted at the end, namely--

"Provided that no such sanction is required where the structural alteration, addition or renewal is made under the supervision of a Competent Person."

13. Substitution Of New Section For Section 13 :-

For section 13 of the principal Act, the following section shall be substituted, namely: --

"13. Alteration or renewal of boiler component - (1) Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any boiler component attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention and send therewith such particulars of proposed alteration, addition or renewal as may be prescribed by regulations.

(2) Any structural alteration, addition or renewal referred to in sub-section (1) shall be made by a person possessing a Boiler Repairer certificate under the supervision of the Competent Person."

14. Amendment Of Section 14 :-

In section 14 of the principal Act,--

- (a) in sub-section (1),--
 - (i) in clause (a), for the word "Inspector", the words "Competent Person" shall be substituted;
 - (ii) in clause (b), for the words, "prescribed manner", the words "manner prescribed by regulations" shall be substituted,
 - (iii) in clause (c), for the words "be prescribed", the words "be prescribed by regulations" shall be substituted;

(b) in sub-section (2), for the word "Inspector", the words "Competent Person" shall be substituted.

15. Amendment Of Section 15 :-

In section 15 of the principal Act, for the words and figures "the Indian Factories Act, 1911(12 of 1911)", the words and figures "the Factories Act, 1948(63 of 1948)" shall be substituted

16. Amendment Of Section 18 :-

In section 18 of the principal Act,--

(a) in sub-section (1), for the word "steam-pipe", at both the places where it occurs, the words "boiler component" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:--

"(3) Without prejudice to the provisions of sub-section (1), where any death has resulted due to any accident, an inquiry may be conducted by such person and in such manner as may be prescribed by the Central Government."

17. Amendment Of Section 19 :-

Section 19 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:--

"(2) Every appeal under sub-section (1) shall be made in such manner as may be prescribed by the State Government.

(3) The procedure for disposing of an appeal shall be such as may be prescribed by the State Government."

18. Amendment Of Section 20 :-

Section 20 of the principal Act shall be renumbered as sub-section (1) and--

(a) in sub-section (1) as so renumbered, for the words "lodge with the Chief Inspector an appeal to an Appellate Authority to be constituted by the State Government under this Act", the words "prefer an appeal to the Central Government" shall be substituted;

(b) after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:--

"(2) Any person considering himself aggrieved by the refusal of an Inspecting Authority to grant a certificate of inspection of

manufacture or erection, as the case may be, may, within thirty days from the date of communication of such refusal, prefer an appeal to the Central Government.

(3) Every appeal under sub-section (1) shall be made in such manner as may be prescribed by the Central Government.

(4) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government."

19. Amendment Of Section 21 :-

In section 21 of the principal Act, for the words, figures and letters "An order of the Central Government under section 20A and save as otherwise provided in sections 19, 20 and 20A, an order of an appellate authority", the words, figures and letter "An order of the Central Government under sections 20 and 20A," shall be substituted.

20. Amendment Of Section 22 :-

In section 22 of the principal Act, for the words "one hundred rupees", the words "five thousand rupees" shall be substituted.

21. Amendment Of Section 23 :-

In section 23 of the principal Act,--

(a) for the words "five hundred rupees", the words "one lakh rupees" shall be substituted;

(b) for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

22. Amendment Of Section 24 :-

In section 24 of the principal Act, for the words "punishable with fine which may extend to five hundred rupees", the words "punishable with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both" shall be substituted.

23. Amendment Of Section 25 :-

In section 25 of the principal Act,--

(a) in sub-section (1), for the words "five hundred rupees", the words "one lakh rupees" shall be substituted;

(b) in sub-section (2), for the words "fine, or with both", the words

"fine which may extend to one lakh rupees or with both" shall be substituted.

24. Amendment Of Section 27A :-

In section 27A of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:--

"(2) The Board shall consist of the following members, namely:--

(a) the Secretary to the Government of India incharge of the Department of the Central Government having administrative control of the Board who shall be the Chairperson ex officio;

(b) a senior technical officer conversant with the inspection and examination of boilers, to be nominated by the Government of each State (other than a Union territory);

(c) equal number of other persons as in sub-section (b) above to represent--

(i) Central Government,

(ii) the Bureau of Indian Standards,

(iii) boiler and boiler component manufacturers,

(iv) National laboratories,

(v) engineering consultancy agencies,

(vi) users of boilers, and

(vii) such other interests which in the opinion of the Central Government ought to be represented on the Board,

to be nominated by the Central Government;

(d) Technical Adviser, Member-Secretary ex officio.

(3) The term of office of the members nominated under clauses (b) and (c) of sub-section (2) shall be such as may be prescribed by the Central Government."

25. Amendment Of Section 28 :-

In section 28 of the principal Act, in sub-section (1),--

(i) for clause (a), the following clause shall be substituted,, namely:--

"(a) for laying down the standard conditions in respect of material, design, construction, erection, operation and maintenance which shall be required for the purposes of enabling the registration and certification of boilers, boiler components, boiler mountings and fittings under this Act;";

(ii) in clause (d), for the word "steam-pipes", the words "boiler components, boiler mountings and fittings" shall be substituted;

(iii) after clause (e), the following clauses shall be inserted,

namely--

"(ea) for prescribing the qualifications and experience subject to which the Inspecting Authorities, Competent Authorities and Competent Persons shall be recognised under this Act;

(eb) the conditions subject to which and the manner in which manufacturer of boiler components of material may be recognised;

(ec) facilities for design and construction which are required to be provided in the premises in which the manufacturing of any boiler or boiler component is carried out;

(ed) fee for the purposes of inspection or grant of recognition or any certificate under this Act;

(ef) procedure for examination and grant of Welders certificate;

(eg) powers and functions which the Board may delegate to the Technical Adviser;

(eh) documents to be enclosed along with the application for registration of boilers or renewal of a certificate authorising the use of boilers;

(ei) the manner of inspection of boilers;

(ej) the period for which a certificate authorising the use of a boiler may be renewed;

(ek) the conditions subject to which and the form in which Competent Person shall renew a certificate authorising the use of boilers;

(el) the manner and the form in which a Repairers certificate shall be issued;

(em) the manner in which the boiler shall be prepared for examination;

(en) drawings, specification, documents and other particulars which owner of a boiler is required to make available to the Competent Person;

(eo) the manner in which a person may be authorised to conduct energy audit and the manner in which such audit shall be conducted;

(ep) the manner in which disputes between the States with respect to registration of boilers shall be resolved."

26. Amendment Of Section 28A :-

In section 28A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:--

"(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(1A) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the procedure to be followed in making applications under section 20A and the fees payable in respect of such application;

(b) the qualifications and experience of persons to be appointed as Chief Inspectors, Deputy Chief Inspectors and Inspectors;

(c) the manner in which appeals may be preferred to the Board, the fees payable in respect of appeals and the procedure to be followed of disposing such appeals;

(d) the term of office of the members and the manner in which they shall be nominated under clauses (b) and (c) of sub-section (2) of section 27A;

(e) the qualifications and experience of the Technical Adviser;

(f) for requiring boilers to be under the charge of persons holding certificate of proficiency or competency and for prescribing the conditions on which such certificate may be granted;

(g) the manner in which and the person who shall conduct inquiry into the accident."

27. Amendment Of Section 29 :-

In section 29 of the principal Act, in sub-section (1),--

(i) for clause (a), the following clause shall be substituted, namely:--

"(a) the powers and duties of the Chief Inspector, Deputy Chief Inspectors and Inspectors;"

(ii) clause (d) shall be omitted;

(iii) for clause (f), the following clause shall be substituted, namely;--

"(f) fee payable for registration of boilers;"

(iv) for clause (h), the following clause shall be substituted, namely:--

"(h) the manner in which appeals shall be preferred to the Chief Inspector and the procedure to be followed for hearing such appeals;"

(v) clause (j) shall be omitted.

28. Amendment Of Section 30 :-

In section 30 of the principal Act,--

(a) for the words "one hundred rupees", the words "one thousand rupees" shall be substituted;

(b) for the words "one thousand rupees", the words "one lakh rupees" shall be substituted;

29. Amendment Of Section 33 :-

In section 33 of the principal Act, for the word "steam-pipes", the words "boiler components" shall be substituted.

30. Amendment Of Section 34 :-

In section 34 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) If the State Government is satisfied that having regard to the material, design or construction of boilers and to the need for the rapid industrialisation of the country, it is necessary so to do, it may, by notification in the Official Gazette and subject to such conditions as may be prescribed by regulations, exempt any boiler or boiler components in the whole or any part, of the State from the operation of all or any of the provisions of this Act.