

BOILERS ACT, 1923

5 of 1923

[23rd February, 1923]

CONTENTS

1. Short title, extent and commencement
2. Definitions
- 2A. Application of Act to feed-pipes
- 2B. Application of Act to economisers
3. Limitation of application
4. Power to limit extent
5. Chief Inspector, Deputy Chief Inspectors and Inspectors
6. Prohibition of use of unregistered or uncertified boiler
7. Registration
8. Renewal of certificate
9. Provisional orders
10. Use of boiler pending grant of certificate
11. Revocation of certificate or provisional order
12. Alterations and renewals to boilers
13. Alteration and renewals to steam-pipes
14. Duty of owner at examination
15. Production of certificates, etc
16. Transfer of certificates, etc
17. Powers of entry
18. Report of accidents
19. Appeals to Chief Inspector
20. Appeals to appellate authority
- 20A. Power of Central Government to revise order of appellate authority
21. Finality of orders
22. Minor penalties
23. Penalties for illegal use of boiler
24. Other penalties
25. Penalty for tampering with register mark
26. Limitation and previous sanction for prosecutions
27. Trial of offences
- 27A. Central Boilers Board
28. Power to make regulations
- 28A. Power of Central Government to make rules
29. Power to make rules
30. Penalty for breach of rules
31. Publication of regulations and rules

- 31A. Power of Central Government to give directions
- 32. Recovery of fees, etc
- 33. Applicability to the Government
- 34. Exemptions
- 35. Repeal of enactments

SCHEDULE 1 :- Enactments repealed

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STATEMENT OF OBJECTS AND REASONS "Under the Devolution Rules the Regulation of boilers is a provincial subject, subject to legislation by the Indian Legislature. There are at present seven Provincial Boiler Acts: some of them were framed many years ago and are out of date. and all of them are inconsistent with each other. The result is that different rules are enforced in different provinces and the anomalous position has been reached that a boiler which is allowed to work up to a certain pressure in one province can only be worked to a much lower pressure when transferred to another province. Further in the interest of safety a boiler required regular inspection in whatever Province it may be situated and it is wrong that in certain Provinces no boiler law should be in force at all. The object therefore of the present legislation is:- (a) to secure uniformity throughout India in all technical matters connected with boiler regulations e.g., standards of construction, maximum pressure, and (b) to insist on the registration and regular inspection of all boilers throughout India. This object can only be attained by all India Act. with uniform regulations throughout the country; under the Devolution Rules, as explained above, it is the function of the Central Government to promulgate such an Act. (2) The subject being a highly technical one a Committee of three persons including two boiler experts were appointed to examine the existing provincial laws and to put forward proposals for an all India Act, based on the provisions of these laws brought up to date and coordinated. The report of this Committee has been published and the views of Local Governments obtained upon it. The Bill which is now presented to the Assembly is the result of their recommendations as modified after consideration of the views of Local Governments. (3) The only important respect in which the Bill diverges from certain of the existing Acts is with regard to certificated boiler attendants. It is

only in a few provinces that boiler attendants are required to possess certificates of competency. The Industrial Commission recommended that this requirement was unnecessary, a recommendation which the Boiler Laws Committee endorsed, and in which Local Governments including those now insisting on certificates have unanimously agreed." -Gazette of India. 1922, Part V. page 249. Act 38 of 1951.- The boilers and steam-pipes belonging to or under the control of the Indian Navy are at present exempted from the provisions of the Indian Boilers Act, 1923, but not so the boilers and steam-pipes of the Indian Army and Air Force. As the Indian Boilers Act and the Regulations which govern the use of boilers cannot always keep pace with the rapidly changing the technique in the manufacture of boilers abroad, and the Armed Forces may be called upon to use at a very short notice various types of the latest boilers, it is proposed in the present Bill to exempt the Armed Forces as a whole from the operations of the Indian Boilers Act, 1923. -Gaz. of Ind., 24-2-1951, Pt. II. S. 2, p. 76. Act 18 of 1960.- The Indian Boilers Act. 1923 (5 of 1923), provides mainly for the safety of life and property of persons from the dangers of explosion and the achievement of uniformity of practice in regard to the operation, inspection and maintenance of boilers. At the time of enactment, the Act was meant for the regulation of small capacity and low pressure Boilers, as then the boiler industry had not then developed sufficiently. Experience of the working of the Act has revealed certain practical difficulties. Apart from this, the progressively increasing industrialisation of the country in recent years has rendered the use of boilers of higher pressures and greater capacities inevitable and the existing Act and regulations are not quite adequate to meet present day requirements, especially in the matter of inspection. In view of these considerations and of the importance of boiler operation and maintenance, it is proposed to amend the Act suitably. 2, The Central Boilers Board which has been constituted under Section 27A of the existing Act deals mainly with matters concerning the registration and inspection of boilers. Boilers which were hitherto imported are also now being manufactured in India, When dealing with problems concerning the manufacture of boilers, the Board has to take into account, on the one hand, the limitations of indigenous manufacturers in the early stages of the industry, and on the other, the safety and efficiency of boilers. It is, therefore, considered necessary to associate with the Board the interest of manufacturers also. The association with the Board of other

interests, such as the Indian Standards Institution and the coal industry is also considered expedient. Further, it is desirable to ensure that this body consists of men with adequate technical knowledge of boilers and it is therefore proposed to lay down that the nominees of State Government should be technical officers. The Bill accordingly provides for the revised composition of the Board (see clause 14), 3. Section 20 of the Act provides for an appeal against the decision of the Chief Inspector to an appellate authority which is to be constituted by each State Government. That authority can exercise its powers only subject to the provisions of the Act and the rules and regulations thereunder and it cannot accept any installation which does not conform to those regulations, i.e., the Indian Boiler Regulations. It often becomes necessary nowadays to admit and instal high pressure boilers as short notice, especially for big projects in the public sector, although such installations do not strictly conform to the Indian Boiler Regulations but are known to be technically sound and in actual use in other countries. If such new types of boilers are required to be admitted only after the regulations are amended, there will be delay, inconvenience and loss. It is, therefore, felt that the Central Government should have power to revise the decisions of the appellate authority in cases where that authority is not in a position to grant or renew certificates of registration in respect of such boilers; but this power will be exercised only in a few cases and that too after taking technical advice. The Bill confers such power on the Central Government (see clause 10). 4. The notes on clauses appended hereto explain, wherever necessary, the other amendments proposed to be made in the Act by the Bill. -Gaz. of Ind., 10-3.1960, Pt. II, S. 2, Ext., p. 129.

1. Short title, extent and commencement :-

(1) This Act may be called The Indian Boilers Act, 1923.

[(2) It extends to the whole of India [except the State of Jammu and Kashmir].] (3) It shall come into force on such date as the [Central Government], may by notification in the [Official Gazette], appoint.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(a) "accident" means an explosion of a boiler or steam-pipe or any

damage to a boiler or steam-pipe which is calculated to weaken the strength thereof so as to render it liable to explode;

1[(aa) "Board" means the Central Boilers Board constituted under Section 27A ;]

(b) "boiler" means any closed vessel exceeding **2**[22.75 litres] in capacity which is used expressly for generating steam under pressure **1**[* * *] and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure when steam is shut off;

(c) **2**["Chief Inspector", "Deputy Chief Inspector", and "Inspector" mean, respectively, a person appointed to be a Chief Inspector, Deputy Chief Inspector and an Inspector under this Act;]

5[(cc) "economiser" means any part of a feed-pipe that is wholly or partially exposed to the action of flue gases for the purpose of recovery of waste heat;

(ccc) "feed-pipe" means any pipe or connected fitting wholly or partly under pressure through which feed water passes directly to a boiler and **6**[which] does not form an integral part thereof;]

(d) "owner" includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof;

(e) "prescribed" means prescribed by regulations or rules made under this Act:

(f) **2** ["steam-pipe" means any pipe through which steam passes from a boiler to a prime mover or other user or both, if-

(i) the pressure at which the steam passes through such pipe exceeds 3.5 Kilograms per square centimetre above atmospheric pressure; or

(ii) such pipe exceeds 254 millimetres in internal diameter; and includes in either case any connected fitting of a steam pipe.]

(g) "structural alteration", addition or renewal" shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting.

1. Inserted by the Indian Boilers (Amendment) Act. 1937 (I I of 19-17), S. .1.
2. Substituted for the words "five gallons", and for Cls. (c) and (f) respectively by the Indian Boilers (Amendment) Act. 1960 (18 of 1960). S. 2 (6-5-1960).
5. Clauses (cc) and (ccc) were substituted for former Cl. (c) by the Indian Boilers (Amendment) Act, 1947 (34 of 1947).S. 2 (18-4-1947).
6. Inserted by the Repealing and Amending Act.1949 (40 of 1949). S. 3 and Sch. II.

2A. Application of Act to feed-pipes :-

Every reference in this Act, (except where the word 'steam-pipe' is used in clause 10 of Section 2 to a steam-pipe or steam-pipes shall be deemed to include also a reference to feed-pipe or feed-pipes, respectively.]

2B. Application of Act to economisers :-

Every reference in this Act to a boiler or boilers (except in clause (ccc) of Section 2 ¹[* * *] ² [* * *]) shall be deemed to include also, a reference to an economiser or economisers, respectively.]

1. The words "clause (e).of section 6, clauses (c) and (d) of section 11, clause (d) of section 29" were omitted by the Indian Boilers (Amendment) Act. 1952 (25 of 1952), S. 2 (6-3-1952).
2. Words "and section 34" were omitted by the Indian Boilers (Amendment) Act. 1960(18 of 1960), S. 3(6-5-1960).

3. Limitation of application :-

(1) Nothing in this Act shall apply in the case of any boiler or steam-pipe-

(a) in any steamship as defined in s.3 of the Indian Steamships Act, 1884, or in any steam-vessel as defined in s.2 of the Inland Steam-vessels Act, 1917; or

¹[(b) belonging to, or under the control of, the Army, Navy, or Air Force]; ²[or

(c) appertaining to a sterilizer or disinfector of a type such as is commonly used in hospitals, if the boiler does not exceed ³[ninetyone litres] in capacity.]

(2) The ⁴[Central Government] may, by ⁵notification in the ⁶[Official Gazette] declare that the provisions of this Act shall not apply in the case of boilers or steam-pipes, or of any specified class of boilers or steam-pipes, belonging to or under the control of any

railways administered ⁷[by the] ⁸[Central Government] or by any ⁶[State Government] or by any railway company as defined in clause (5) of s.3 of the Indian Railways Act, 1890. ¹⁰ [* * * * *]

1. Substituted for the former cl. (b) by the Indian Boilers (Amendment) Act, 1951 (38 of 1951), S. 2 (25-6-1951).
2. Word "or" at the end of clause (b) was added and clause (c) was inserted by the Indian Boilers (Amendment) Act. 1942 (5 of 1942). S. 2 (2-3-1942).
3. Substituted for the words "twenty gallons" by the Indian Boilers (Amendment) Act. 1960 (18 of 1960), S 4 (6-5-1965).
4. Substituted for "Safety Controlling Authority" by A. C. A. O.. 1948.
5. For notification see Gazette of India, 1952, Part II, Section 3. p. 1067.
6. Substituted by A. L. O. 1950.
7.) Substituted for "by the Government" by A. O.. 1937.
8. Substituted for "Federal Railway Authority" by A. C. A. O., 1948.
10. The second paragraph was omitted by A. C. A. O., 1948.

4. Power to limit extent :-

The ¹[State Government] may by notification in the ¹[Official Gazette] exclude³ any specified area from the operation of all or any specified provisions of this Act.

1. Substituted by A. L. O. 1950.
3. The Andaman and Nicobar Islands have been excluded from the operation of the provisions of this Act, see Gaz. of Ind..1924.Pt.I.p.585.

5. Chief Inspector, Deputy Chief Inspectors and Inspectors :-

(1) The State Government may appoint such persons as it thinks fit to be Inspectors for the State for the purposes of this Act, and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The State Government may appoint such persons as it thinks fit-to be Deputy Chief Inspectors for the State and may define the local limits within which each Deputy Chief Inspector shall exercise his powers and perform his duties under this Act.

(3) Every Deputy Chief Inspector may exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act and in addition thereto may exercise such powers or perform such duties conferred or imposed on the Chief Inspector by

or under this Act, as the State Government may assign to him.

(4) The State Government shall appoint a person to be Chief Inspector for the State who may, in addition to the powers and duties conferred and imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty conferred or imposed on Deputy Chief Inspectors or Inspectors.

(5) Subject to the provisions of this Act, the Deputy Chief Inspectors and Inspectors shall exercise the powers and perform the duties conferred and imposed on them by or under this Act under the general superintendence and control of the Chief Inspector.

(6) The Chief Inspector, Deputy Chief Inspectors and Inspectors may offer such advice as they think fit to owners regarding the proper maintenance and safe working of boilers.

(7) The Chief Inspector and all Deputy Chief Inspectors and Inspectors shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 .

6. Prohibition of use of unregistered or uncertified boiler :-

Save as otherwise expressly provided in this Act, no owner of a boiler shall use the boiler or permit it to be used-

(a) unless it has been registered in accordance with the provisions of this Act:

(b) in the case of any boiler which has been transferred from one ¹[State] to another, until the transfer has been reported in the prescribed manner:

(c) unless a certificate or provisional order authorising the use of the boiler is for the time being in force under this Act;

(d) at a pressure higher than the maximum pressure recorded in such certificate or provisional order:

(e) Where the ²[State Government] has made rules requiring that boilers shall be in charge of persons holding ¹[certificates of proficiency or competency,] unless the boiler is in charge of a person holding the certificate required by such rules: Provided that any boiler registered, or any boiler certified or licensed, under any Act hereby repealed shall be deemed to have been registered or certified, as the case may be, under this Act: ⁴ [* * * * *]

1. Substituted for the words "certificates of competency" by Act 18 of 1960, S. 6 (6-5-1960).
2. Substituted by A. L. O.. 1950.
4. Second proviso was repealed by the Repealing and Amending Act, 1939 (34 of 1939), S. 3 and Sch, II.

7. Registration :-

(1) The owner of any boiler which is not registered under the provisions of this Act may apply to the Inspector to have the boiler registered. Every such application shall be accompanied by the prescribed fee.

(2) On receipt of an application under sub-section (1), the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed.

(3) On the said date the Inspector shall proceed to measure and examine the boiler to determine in the prescribed manner the maximum pressure, if any, at which such boiler may be used. and shall report the result of the examination to the Chief Inspector in the prescribed form..

(4) The Chief Inspector, on receipt of the report, may-

(a) register the boiler and assign a register number thereto either forthwith or after satisfying himself that any structural alteration, addition or renewal which he may deem necessary has been made in or to the boiler or any steam-pipe attached thereto, or

(b) refuse to register the boiler; Provided that where, the Chief Inspector refuses to register a boiler, he shall forthwith communicate his refusal to the owner of the boiler together with the reasons therefor.

(5) The Chief Inspector shall, on registering the boiler, order the issue to the owner of a certificate in the prescribed form authorising the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act :

¹[Provided that a certificate. issued under this sub-section in respect of an economiser ² [or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium.]

may authorise its use for a period not exceeding twenty-four months.]

(6) The Inspector shall forthwith convey to the owner of the boiler the orders of the Chief Inspector and shall in accordance therewith issue to the owner any certificate of which the issue has been ordered, and, where the boiler has been registered, the owner shall within the prescribed period cause the register number to be permanently marked thereon in the prescribed manner.

1. Added by the Indian Boilers (Amendment) Act, 1947 (34 of 1947), S. 4 (18-4-1947).

2. Inserted by the Indian Boilers (Amendment) Act, 1960 (18 of 1960), S. 7 (6-5-1960).

8. Renewal of certificate :-

(1) A certificate authorising the use of a boiler shall cease to be in force-

(a) on the expiry of the period for which it was granted, or

(b) when any accident occurs to the boiler; or

(c) when the boiler is moved, the boiler not being a vertical boiler the heating surface of which is less than ¹[18.58 square metres], or a portable or vehicular boiler; or

(d) when any structural alteration, addition or renewal is made in or to the boiler; or

(e) if the Chief Inspector in any particular case so directs, when any structural alteration, addition, or renewal is made in or to any steam-pipe attached to the boiler; or

(f) on the communication to the owner of the boiler of an order of the Chief Inspector or Inspector prohibiting its use on the ground that it or any steam-pipe attached thereto is in a dangerous condition.

(2) Where an order is made under clause (f) of sub-section (1), the grounds on which the order is made shall be communicated to the owner with the order.

(3) When a certificate ceases to be in force, the owner of the boiler may apply to the Inspector for a renewal thereof for such period not exceeding twelve months as he may specify in the application: ²[Provided that where the certificate relates to an economiser, ³[or

an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium] the application for its renewal may be for a period not exceeding twenty-four months.]

(4) An application under sub-section (3) shall be accompanied by the prescribed fee and on receipt thereof the Inspector shall fix a date within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed : Provided that, where the certificate has ceased to be in force owing to the making of any structural alteration, addition or renewal, the Chief Inspector may dispense with the payment or any fee. ⁴[Provided further that in the case of an economiser or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium, the date fixed for its examination shall be within sixty days from the date of the receipt of the application and the owner shall be given not less than thirty days' notice of the date so fixed.]

(5) On the said date the Inspector shall examine the boiler in the prescribed manner, and if he is satisfied that the boiler and the steam-pipe or steam-pipes attached thereto are in good condition shall issue a renewed certificate authorising the use of the boiler for such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act: ⁵[Provided that a renewed certificate issued under this sub-section in respect of an economiser ³[or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium,] may authorise its use for a period not exceeding twenty-four months.] Provided ⁷[further] that if the Inspector-

(a) proposes to issue any certificate-

(i) having validity for a less period than the period entered in the application, or

(ii) increasing or reducing the maximum pressure at which the boiler may be used, or

(b) proposes to order any structural alteration, addition or renewal

to be made in or to the boiler or any steam-pipe attached thereto,
or

(c) is of opinion that boiler is not fit for use, the Inspector shall, within fortyeight hours of making the examination, inform the owner of the boiler in writing of his opinion and the reasons therefor, and shall forthwith report the case for orders to the Chief Inspector.

(6) The Chief Inspector, on receipt of a report under sub-section (5), may, subject to the provisions of this Act and of the regulations made hereunder, order the renewal of the certificate in such terms and on such conditions, if any, as he thinks fit, or may refuse to renew it: Provided that where the Chief Inspector refuses to renew a certificate, he shall forthwith communicate his refusal to the owner of the boiler, together with the reasons therefor.

(7) Nothing in this section shall be deemed to prevent an owner of a boiler from applying for a renewed certificate therefor at any time during the currency of a certificate.

1. Added to sub-section (3) by the Indian Boilers (Amendment) Act. 1947 (34 of 1947), S. 5 (i) (18-4-1947).

2. Substituted for the words "two hundred square feet" by Act 18 of 1960, S. 8 (6-5-1960),

3. Inserted by the Indian Boilers (Amendment) Act, 1960 (18 of 1960), S. 8 (6-5-1960).

4. Substituted, by the Indian Boilers (Amendment) Act, 1960.

5. Added to sub-section (5), by the Indian Boilers (Amendment) Act. S. 5 (iii).

7. Inserted, by the Indian Boilers (Amendment) Act.

9. Provisional orders :-

Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (3) of Section 7 or sub-section (5) of Section 8 , he may, if the boiler is not a boiler the use of which has been prohibited under clause (f) of sub-section (1) of Section 8 , grant to the owner thereof a provisional order in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under the Act pending the receipt of the orders of the Chief Inspector. Such provisional order shall cease to be in force-

(a) on the expiry of six months from the date on which it is granted, or,

(b) on receipt of the orders of the Chief Inspector, or

(c) in any of the cases referred to in clauses (b), (c), (d), (e) and (f) of sub-section (1) of sections, and on so ceasing to be in force shall be surrendered to the Inspector.

10. Use of boiler pending grant of certificate :-

(1) Notwithstanding anything hereinbefore contained, when the period of a certificate relating to a boiler has expired the owner shall, provided that he has applied before the expiry of that period for a renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in the former certificate pending the issue of orders on the application.

(2) Nothing in sub-section (1) shall be deemed to authorise the use of a boiler in any of the cases referred to in clauses (b), (c), (d), (e) and (f) of sub-section (1) of Section 8 occurring, after the expiry of the period of the certificate.

11. Revocation of certificate or provisional order :-

The Chief Inspector may at any time withdraw or revoke any certificate or provisional order on the report of an Inspector or otherwise-

(a) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination; 001

(b) if the boiler in respect of which it has been granted has sustained injury or has ceased to be in good condition; or

(c) where the ¹[State Government] has made rules requiring that boilers shall be in charge of persons holding ² [certificate of proficiency or competency,] if the boiler is in charge of a person not holding the certificate required by such rule; or

(d) where no such rules have been made, if the boiler is in charge of a person who is not, having regard to the condition of the boiler, in the opinion of the Chief Inspector competent to have charge thereof: Provided that where the Chief inspector withdraws or revokes a certificate of provisional order on the ground specified in clause (d), he shall communicate to the owner of the boiler his reasons in writing for the withdrawal or revocation, and the order shall not take effect until the expiry of thirty days from the receipt of such communication.

1. Substituted for words "Provincial Government" by A. L. O. 1950.
2. Substituted for the words "certificate of proficiency " by the Indian Boilers (Amendment) Act, 1960 (18 of 1960],S. 9 (6-5-1960).

12. Alterations and renewals to boilers :-

No structural alteration, addition or renewal shall be made in or to any boiler registered under this Act unless such alteration, addition or renewal has been sanctioned in writing by the Chief Inspector.

13. Alteration and renewals to steam-pipes :-

Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any steam-pipe attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention and shall send therewith such particulars of the proposed alteration, addition or renewal as may be prescribed.

14. Duty of owner at examination :-

(1) On any date fixed under this Act for the examination of a boiler, the owner thereof shall be bound-

(a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of him;

(b) to have the boiler properly prepared and ready for examination in the prescribed manner; and

(c) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

(2) If the owner fails, without reasonable cause, to comply with the provisions of sub-section (1), the Inspector shall refuse to make the examination and shall report the case to the Chief Inspector who shall, unless sufficient cause to the contrary is shown, require the owner to file a fresh application under Section 7 or Section 8 , as the case may be, and may forbid him to use the boiler notwithstanding anything contained in Section 10 .

15. Production of certificates, etc :-

The owner of any boiler who holds a certificate or provisional order relating thereto shall, at all reasonable times during the period for which the certificate or order is in force, be bound to produce the same when called upon to do so by a District Magistrate,

Commissioner of Police or Magistrate of the first class having jurisdiction in the area in which the boiler is for the time being, or by the Chief Inspector or by an Inspector or by any Inspector appointed under Factories Act, 1911, or by any person Specially authorised in writing by a District Magistrate or Commissioner of Police.

16. Transfer of certificates, etc :-

If any person becomes the owner of a boiler during the period for which a certificate or provisional order relating thereto is in force, the preceding owner shall be bound to make over to him the certificate or provisional order.

17. Powers of entry :-

An Inspector may, for the purpose of inspecting or examining a boiler or any steam-pipe attached thereto or of seeing that any provision of this Act or of any regulation or rule made hereunder has been or is being observed, at all reasonable times enter any place or building within the limits of the area for which he has been appointed in which he has reason to believe that a boiler is in use.

18. Report of accidents :-

(1) If any accident occurs to a boiler or steam-pipe, the owner or person in charge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of the nature of the accident and of the injury, if any, caused thereby to the boiler or to the steam-pipe or to any person, and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

(2) Every person shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Inspector as to the cause, nature or extent of the accident.

19. Appeals to. Chief Inspector :-

Any person considering himself aggrieved by-

(a) an order made or purporting to be made by an Inspector in the exercise of any power conferred by or under this Act, or

(b) a refusal of an Inspector to make any order or to issue any certificate which he is required or enabled by or under this Act to make or issue, may, within thirty days from the date on which such order or refusal is communicated to him, appeal against the order

or refusal to the Chief Inspector.

20. Appeals to appellate authority :-

Any person considering himself aggrieved by an original or appellate order of the Chief Inspector-

- (a) refusing to register a boiler or to grant or renew a certificate in respect of a boiler; or
- (b) refusing to grant a certificate having validity for the full period applied for; or
- (c) refusing to grant a certificate authorising the use of a boiler at the maximum pressure desired; or
- (d) withdrawing or revoking a certificate or provisional order: or
- (e) reducing the amount of pressure specified in any certificate or the period for which such certificate has been granted; or
- (f) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe or refusing sanction to the making of any structural alteration, addition or renewal in or to a boiler, may, within thirty days of the communication to him of such order, lodge with the Chief Inspector An appeal to an appellate authority to be constituted by the ¹ [State Government] under this Act.

1. Substituted by A. L. O. 1950.

20A. Power of Central Government to revise order of appellate authority :-

(1) Any person considering himself aggrieved by an order of the appellate authority refusing under section 20 to interfere with an order not to register a boiler or not to grant or renew a certificate in respect thereof on the ground that the boiler does not conform to the regulations made under this Act, may, within two months of the communication to him of such order, make an application to the Central Government for a revision of that order on the ground that such boilers are in use in other countries.

(2) Upon the receipt of such an application, the Central Government may, after calling for relevant records and other information from the appellate authority and considering the observations, if any, of that authority on the application and after obtaining such technical advice as the Central Government may

consider necessary, pass such order in relation to the application, as the Central Government thinks fit, and, where the revision is allowed, the order shall specify the terms and conditions on which any variation from the regulations made under this Act are to be dealt with during the examination of the boiler.]

21. Finality of orders :-

An order of the Central Government under Section 20A and save as otherwise provided in Section 19 , Section 20 and Section 20A , an order of an appellate authority or of the Chief Inspector, or of a Deputy Chief Inspector, or of an Inspector, shall be final and shall not be called in question in any Court.]

22. Minor penalties :-

Any owner of a boiler who refuses or without reasonable excuse neglects.-

(i) to surrender a provisional order as required by Section 9 , or

(ii) to produce a certificate or provisional order when duly called upon to do so under Section 15 , or

(iii) to make over to the new owner of a boiler a certificate or provisional order as required by Section 16 .

shall be punishable with fine which may extend to one hundred rupees.

23. Penalties for illegal use of boiler :-

Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to one hundred rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.

24. Other penalties :-

Any person who-

(a) uses or permits to be used a boiler of which he is the owner and which has been transferred from one ¹[State] to another without such transfer having been reported as required by Section 6 , or

(b) being the owner of a boiler fails to cause the registered number

allotted to the boiler under this Act to be marked on the boiler as required by sub-section (6) of Section 7 , or

(c) makes any structural alteration, addition or renewal in or to a boiler without first obtaining the sanction of the Chief Inspector when so required by Section 12 , or to a steam-pipe without first informing the Chief Inspector, when so required by Section 13 , or

(d) fails to report an accident to a boiler or steam-pipe when so required by Section 18 , or

(e) tampers with a safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorised under this Act, ¹[or] Act, 1923

3 [(f) allows another person to go inside a boiler without effectively disconnecting the same in the prescribed manner from any steam or hot water connection with any other boiler or from fuel mains,] shall be punishable with fine which may extend to Five hundred rupees.

1. Substituted for "Province" by A. L. O.. 1950.

3. Word "or" at the end of cl. (e) and cl. (f) inseried by the Indian Boilers (Amendment) Act. 1960(18 of 1960), S. 12 (6-5-1960).

25. Penalty for tampering with register mark :-

(1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act or any Act repealed hereby, shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Act or any Act repealed hereby, shall be punishable with imprisonment which may extend to two years, or with fine. or with both.

26. Limitation and previous sanction for prosecutions :-

No prosecution for an offence made punishable by or under this Act shall be instituted except within ¹ [twenty-four months] from the date of the commission of the offence, and no such prosecution shall be instituted without the previous sanction of the Chief Inspector.

1. Substituted lor the words "six months" by the Indian Boilers (Amendment) Act, 1960 (18 of 1960), S. 13 16-5-1960).

27. Trial of offences :-

No offence made punishable by or under this Act shall be tried by a Court inferior to that of a Presidency Magistrate of the first class.

27A. Central Boilers Board :-

(1) A Board to be called the Central Boilers Board shall be constituted to exercise the powers conferred by Section 28 .

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

(a) such number of members, including the Chairman, not exceeding fifteen, as the Central Government may nominate in the prescribed manner to represent that Government, the Union Territories, the railways, the coal industry, the Indian Standards Institution, the boiler manufacturing industry, the users of boilers and any other interests which, in the opinion of the Central Government, ought to be represented on the Board;

(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).]

(3) Any vacancy occurring in the Board ²[* * *] shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

¹ [(4) The Board shall have full power to regulate by means of bye-laws or otherwise its own procedure and the conduct of all business to be transacted by it, the constitution of committees and sub-committees of members and the delegation to them of any of the powers and duties of the Board.]

(5) The powers of the Board may be exercised notwithstanding any vacancy in the Board.]

1. Sub-sections (2) and (4) substituted by the Indian Boilers (Amendment) Act, 1960 (18 of 1960); S. 14(6-5-1960).

2. Words "otherwise than by the expiry of the term of office of the member referred to in cl. (c) of sub-section (2)." omitted, by the Indian Boilers (Amendment) Act.

28. Power to make regulations :-

¹[(1)] The ²[Board] may, by notification in the Gazette of India, make regulations ³consistent with this Act for all or any of the following purposes, namely:-

(a) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Act;

⁴[(aa) for prescribing the circumstances in which, the extent to which, and the conditions subject to which variation from the standard conditions laid down under clause (a) may be permitted;]

(b) for prescribing the method of determining the maximum pressure at which a boiler may be used:

(c) for regulating the registration of boilers, prescribing the fees payable therefor, ⁵[and for the inspection and examination of boilers or parts thereof] the drawings, specifications, certificates and particulars to be produced by the owner, the method of preparing a boiler for examination, the form of the Inspector's report thereon the method of marking the register number and the period within which such number is to be marked on the boiler:

(d) for regulating the inspection and examination of boilers and steam-pipes, and prescribing forms of certificates therefor;

(e) for ensuring the safety of persons working inside a boiler; and

(f) for providing for any other matter which is not, in the opinion of the ²[Board] a matter of merely local or ⁷[State] importance.

¹ [(2) Every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in Such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]

1. Section 28 re-numbered as sub-sec. (1) and after sub-sec. (1) so re-numbered, sub-sec. (2) inserted by the Delegated Legislation Provisions (Amendment) Act (4 of 1986), S.2, Sch. (15-5-1986).

2. Substituted by the Indian Boilers (Amendment) Act, 1937(11 of 1937), S. 5, for "Governor-General in Council".

3. For the Indian Boiler Regulations. 1950, see Gazette of India, Extra, 1950, Pt. II, Sec. 3. p. 607.

4. Inserted by the Indian Boilers (Amendment) Act, 1937 (II of 1937), S. 5.

5. Inserted by Act 18 of 1960. S. 15 (6-5-1960).

7. Substituted for the word "Provincial" by A. L. O., 1950

28A. Power of Central Government to make rules :-

(1) The Central Government may, by notification in the Official Gazette, make rules to provide for-

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

(b) any matter relating to the nomination of members under clause (a) of sub-section (2), Section 27A .

(2) Every rule made under sub-section (1) shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or ¹ in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Inserted he the Indian Boilers (Amendment) Act. 1960 (18 of 1960), S. 16(6-5-1960).

29. Power to make rules :-

¹[(1)] The ²[State Government] may, by notification in ²[Official Gazette], make rules consistent with this Act and the regulations made thereunder for all or any of the following purposes, namely:-

(a) for prescribing the qualifications and duties of the Chief Inspector, ⁴[of Deputy Chief Inspectors and of Inspectors, ⁵[* * *] for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities;

(b) for regulating the transfer of boilers,

(c) for providing for the registration and certification of boilers in accordance with the regulations made under this Act;

(d) for requiring boilers to be in charge of persons holding⁶ certificates of proficiency or competency,] and for prescribing the conditions on which such certificates may be granted;

(e) for prescribing the times within which Inspectors shall be required to examine boilers under section 7 or section Section 8 ;

⁷[(f) for prescribing the fees payable for the issue of renewed certificates, for the inspection and examination of boilers or parts thereof or drawings for steam-pipes, for the testing of welders or for any other matter which, in the opinion of the State Government, would involve time and labour, and for prescribing the method of determining the amount of such fees in each case;]

(g) for regulating inquiries into accidents;

(h) for constituting the appellate authority referred to in Section 20 , and for determining its powers and procedure;

(i) for determining the mode of disposal of fees, costs and penalties levied under this Act; and

(j) generally to provide for any matter which is, in the opinion of the ²[State Government] a matter of merely local importance in the ²[State]: ¹⁰[x x x x x x x]

¹ [(2) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

1. Section 29 re-numbered as sub-sec. (1) and after sub-sec. (1) so re-numbered sub-sec. (2) inserted by the Delegated Legislation Provisions (Amendment) Act (4 of 1986), S. 2, Sch. (15-5-1986).

2. Substitution made by A. L. O., 1950.

4. Inserted by Act 18 of 1960, S. 17(6-5-1960).

5. Words "for regulating their salary, allowances and conditions of

6. Substituted for the words "certificates of competency", by the Indian Boilers (Amendment) Act, 1960.

7. Substituted by the Indian Boilers (Amendment) Act, 1960.

10. Proviso was repealed by A. O., 1937.

30. Penalty for breach of rules :-

Any regulation or rule made under Section 28 or Section 29 ¹ [may direct that a person contravening such regulation or rule shall be punishable, in the case of a first offence, with fine which may extend to one hundred rupees, and in the case of any subsequent offence, with fine which may extend to one hundred rupees shall be

substituted.]

1. Substituted for the words "may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees" by the Indian Boiler (Amendment) Act, 1960(18 of 1960). S. 18 (6-5-1960).

31. Publication of regulations and rules :-

(1) The power to make regulations and rules conferred by Section 28 and Section 29 shall be subject to the condition of the regulations and rules being made after previous publication.

(2) Regulations and rules so made shall be published in the Gazette of India and the local Official Gazette, respectively, and, on such publication shall have effect as if enacted in this Act.

31A. Power of Central Government to give directions :-

The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of the provisions of this Act, and the State Government shall comply with such directions.]

32. Recovery of fees, etc :-

All fees, costs and penalties levied under this Act shall be recoverable as arrears of land revenue.

33. Applicability to the Government :-

Save as otherwise expressly provided, this Act shall apply to boilers and steam-pipes belonging to the ¹ [Government]

1. Substituted for the word "Crown" by A. L. O., 1950.

34. Exemptions :-

¹[(1)] The ²[State Government] may, by notification in the ²[Official Gazette], exempt from the operation of this Act, subject to such conditions and restrictions as it thinks fit, any boilers or classes or types of boilers used exclusively for the heating of buildings or the supply of hot water.] Power to suspend in case of emergency.

⁴ [(2) In case of any emergency the State Government may, by general or special order in writing, exempt any boilers or steam-pipes or any class of boilers or steam-pipes or any boiler or steam-pipe from the operation of all or any of the provisions of this Act

(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 and restrictions as may be specified in the notification, exclude any specified class of boilers or steam-pipes in the whole or any part of the State, from the operation of all or any of the provisions of this Act.]

1. The original section 34 was re-numbered as sub-section (2) and sub-section (1) was inserted by the Indian Boilers (Amendment) Act, 1929 (9 of 1929). S. 3.

2. Substituted by A. L. O. 1950.

4. Sub-section (2) substituted by the Indian Boilers (Amendment) Act, 1960(18 of 1960), S. 34 (6-5-1960).

35. Repeal of enactments :-

Repealed by the Repealing Act, 1927 (12 of 1927), S.2 and Schedule.]

SCHEDULE 1

Enactments repealed

.- [Repealed by the Repealing Act, 1927(12 of 1927). S. 2 and Schedule.]
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