

JOINT SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1923

The Indian Boilers Bill

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1923.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Cotton Transport Bill.	15.1.23.	} Reports of the Joint Committees
2.	The Cantonment (House Accommodation) Amendment Bill.	15.1.23.	
3.	The Indian Boilers Bill.	15.1.23.	
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7.	The Married Women's Property Bill by Mr. B.S. Kamet.	8.2.23.	
8.	The Indian Penal Code (Amendment) Bill (White Slave Traffic)	8.2.23.	
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10.	The Code of Civil Procedure (Amendment) Bill by Dr. Hari Singh Gour.	20.2.23.	
11.	The Hindu Law of Inheritance (Amendment) Bill by Mr. T.V. Seshagiri Ayyar.	14.3.23.	No Copy avail
12.	The Exclusion from Inheritance Bill by Mr. T.V. Seshagiri Ayyar.	14.3.23.	
13.	The Code of Criminal Procedure (Amendment) Bill (Sec. 4) By Mr. Abul Kasem.	14. 3.23.	
14.	The Civil Marriage (Amendment) Bill by Dr. Hari Singh Gour.	14. 3.23.	
15.	The Mussalman Wakf Registration Bill by Mr. Abul Kasem.	15.3.23.	
16.	The Abolition of Transportation Bill.	3. 7.23.	
17.	The Indian Stamp (Amendment) Bill.	10.7.23.	
18.	The Indian Naturalization Bill.	10.7.23.	
19.	The Land Acquisition (Amendment) Bill.	16.7.23.	
20.	The Cantonments Bill.	18.7.23.	
21.	The Code of Civil Procedure (Amendment) Bill by Lala Girdhari Lal Aggarwal.	24.7.23.	
22.	The Legal Practitioners Bill by Mr. K.C. Neogy.	24.7.23.	
23.	The Illegitimate Sons' Rights Bill by Mr. V.K. Reddi Garu.	27.7.23.	

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Joint Committee to which the Bill to consolidate and amend the law relating to steam-boilers 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.

The Committee elected the Honorable Mr. Innes as Chairman. One of the Members resigned his seat on the Legislature after the Committee was appointed; five others, by various reasons, were prevented from attending.

Clause 1.—We note that there is local objection to the operation of the Bill being extended to British Baluchistan. Having regard to the objects with which the Bill was introduced, we should prefer not to exclude British Baluchistan by Statute. Should the Act prove unworkable there, the powers of exemption provided by clause 4 can be brought into operation.

Clause 2 (a).—We consider that the definition of "accident" includes all accidents which need be brought within the scope of the Bill. We have therefore altered the word "includes" to "means", and we have made one other small change to restrict what we consider to be the unnecessarily wide scope of a portion of the definition.

Clause 2 (b).—Suggestions have been made that super-heaters should be brought within the Bill. After listening to expert evidence on this point, we are of opinion that super-heaters are not likely to be the frequent cause of serious accidents, and we have not therefore given effect to this suggestion.

Clause 2 (f).—After considerable discussion we have come to the conclusion that the provisions of the Bill relating to steam-pipes go unnecessarily far, and we have made a number of alterations in the Bill in this respect to which, we think, it is convenient to refer at this point. In the first place, we have, in the definition, excluded from the Bill steam-pipes not exceeding three inches in internal diameter. Expert advice satisfies us that serious accidents are not likely to occur in steam-pipes of smaller diameter. We think that hardship and inconvenience might be caused if the law should lay down, as proposed in clause 8, that an accident to or an alteration, addition or renewal in or to a steam-pipe should automatically invalidate the boiler certificate. So far as an accident to a steam-pipe is concerned, we propose that it should be reported as laid down in clause 17 (now clause 18) of the Bill. On receipt of the report, the Inspector can make an inspection if he thinks proper. By the alteration we have made in clause 8 (1) (e) [now clause 8 (1) (f)], the Chief Inspector or Inspector will be able to annul the certificate by issuing an order prohibiting the use of the boiler on the ground that a steam-pipe attached thereto is in a dangerous condition. We think that this is sufficient in regard to accidents to steam-pipes. As regards alterations and renewals, we have confined the operation of clause 12 of the Bill to boilers and we have introduced a new clause immediately following to deal with steam-pipes. We do not think that previous sanction to an alteration or renewal should always be necessary, but we provide that previous intimation with prescribed particulars is to be given in writing to the Chief Inspector. An inspection can then be made. The boiler certificate will meanwhile remain in force, but we give the Chief Inspector power to direct that it shall cease to be in force if he so thinks fit. [See clause 8 (1) (e).] We do not propose any change in the provisions of clause 8 (4) (b), now clause 8 (5) (b).

Clause 3 (2).—We have not given effect to the suggestion that railways should be automatically excluded from the operation of the Bill. We think this will be going too far and that the power to exempt is sufficient.

Clause 4.—We have considered the suggestion of the Burma Government that the power to limit the operation of the Bill affected by this clause should be vested in the Local

Governments. We think this is inadvisable. We understand that some time will elapse after the passing of the Bill before it is brought into operation, and in the interval Local Governments will have ample opportunity to consider their position and to make proposals to the Government of India for the exclusion of particular areas.

Clause 6.—We refer to the addition made to this clause in our remarks on clause 11.

Clause 7.—We have given effect to a suggestion that where the Chief Inspector refuses to register a boiler, he should communicate his reasons in writing to the owner. We think also there is some force in the suggestion of the Bombay Government that there should be a power to issue a provisional order pending the giving of a final certificate or the refusal thereof. We think, however, that it would be more suitable that the provisional order should be issued by the Inspector, and we have provided for this by a small alteration in clause 9.

Clause 8.—We have already referred to some of the changes we have made in this clause. With regard to sub-clause (1) (c), doubts have been expressed as to whether small vertical boilers are excluded from the operation of the clause. We have made an amendment in the sub-clause which, we think, will make the matter clear. We have added a sub-clause after sub-clause (1) providing that the reasons for the making of an order under (1) (c), now (1) (f), are to be communicated to the owner.

We think that the provisions of clause 8 (2) are in some respects unsatisfactory. Reading the sub-clause with clause 10 of the Bill, we note that there may be a short period between the expiry of the certificate and the making of the application during which the use of the boiler is unauthorised and illegal. We do not think there is any point in laying down a limit of forty-eight hours within which an application for renewal is to be made. It may take an owner longer than this to make up his mind whether in the case of an accident he desires to renew the certificate for the boiler or not. We therefore think that in the general case the making of an application for renewal should be in the discretion of the owner and, in the case where the certificate is lapsing by reason of the expiry of the period for which it was granted, we would merely penalise the owner by the application of clause 10 if he does not apply for renewal before the certificate lapses.

We have provided here again that the Chief Inspector shall communicate in writing to the owner his reasons for refusing to renew a certificate.

Clause 9.—In our remarks on clause 2 (f) and clause 7, we have already explained two of the alterations made in this clause. We have made an addition to provide that the pressure entered in a provisional order is to be in accordance with regulations made under the Act, as in the case of a certificate issued under clauses 7 and 8. We also think that there is no harm in allowing a provisional order to be issued in cases where a renewal of the certificate is rendered necessary by an accident; we have accordingly omitted the words that prevented this.

Clause 11.—The Bill excluded altogether the provisions of several local Acts which provide for a system of certificates of competency for boiler attendants. We realise that some of the Local Governments may prefer to adhere to their present practice. By an addition to clause 28 (now clause 29) we have enabled Local Governments to make rules on this point, and in clause 11 we provide that in areas where such rules have been made a certificate may be revoked if the boiler is in charge of a person who does not hold a certificate of competency required by the rules. We have also in clause 6 made an addition prohibiting the use of a boiler in similar circumstances. We have provided here also that where a certificate is revoked in any province where a system of certificates of competency for boiler attendants is not in force on the ground that the person in charge is not, in the opinion of the Chief Inspector, having regard to the condition of the boiler, competent to have charge thereof, the Chief Inspector shall communicate his reasons in writing to the owner.

Clause 12 and new clause 13.—We have explained the changes we have made here in our remarks on clause 8. We would only add that in clause 19 (now clause 20), we have provided for an appeal against a refusal by the Chief Inspector of sanction to structural alterations, additions or renewals in or to a boiler.

Clause 23 (now 24).—We note that though the Bill requires the person in charge of a boiler as well as the owner to report accidents, yet this clause only penalises the owner. We have therefore re-drafted the clause, and in sub-clause (e) we have made it clear that tampering with a safety valve is an offence when it renders it inoperative at the maximum pressure entered in the certificate.

Clause 25 (now 26).—The drafting of this clause has been criticised, and we have therefore put it into a form which follows precedents. We have reduced to six months the period within which a prosecution under the Act must be instituted.

2. The Bill was published in the Gazette of India dated the 9th September, 1922.

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.

C. A. INNES.

T. V. SESHAGIRI AYYAR.

LALUBHAI SAMALDAS.

RAMSARAN DAS.

A. C. CHATTERJEE.

A. H. FROOM.

H. MONCRIEFF SMITH.

WAJIHUDDIN.

DELHI :

The 15th January, 1923.

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

A
BILL

TO

Consolidate and amend the law relating to steam-boilers.

WHEREAS it is expedient to consolidate and amend the law relating to steam-boilers; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian
Short title, extent Boilers Act, 192 .
and commencement.

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

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

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

- (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;
- (b) "boiler" means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure for use outside such vessel, and includes any mounting or other fitting attached to such vessel which is wholly or partly under pressure when steam is shut off;
- (c) "Chief Inspector" and "Inspector" mean, respectively, a person appointed to be a Chief Inspector and an Inspector under this Act;
- (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) "steam-pipe" means any main pipe exceeding three inches in internal diameter through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connected fitting of a steam-pipe; and
- (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.

3. (1) Nothing in this Act shall apply in the case of any boiler or steam pipe—
 Limitation of application.

(a) in any steam-ship as defined in section 3 of the Indian Steam-ships Act, 1884, VII of 1884, or in any steam-vessel as defined in section 2 of the Inland Steam-vessels Act, 1917; or I of 1917.

(b) belonging to or under the control of His Majesty's Navy or the Royal Indian Marine Service.

(2) The Governor General in Council may, by notification in the Gazette of India, 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 railway administered by the Government or by any railway company as defined in clause (5) of section 3 of the Indian Railways Act, 1900. IX of 1890.

4. The Governor General in Council may, by notification in the Gazette of India, exclude any specified area from the operation of all or any specified provisions of this Act.
 Power to limit extent.

5. (1) The Local Government may appoint such persons as it thinks fit to be Chief Inspectors and Inspectors for the province 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.
 Appointment of persons as it thinks fit to be Chief Inspectors and Inspectors for the purposes of this Act.

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

(3) Every Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

6. Save as otherwise expressly provided in this Act, no owner of a boiler unregistered or uncertificated boiler shall use the boiler or permit it to be used—
 Prohibition of use of Act, no owner of a boiler unregistered or uncertificated 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 province 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 Local Government has made rules requiring that boilers shall be in charge of persons holding certificates of 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 :

Provided, further, that, until the expiration of twelve months from the commencement of this Act, nothing in this section shall be deemed to prohibit the use of any boiler in any local area in which the registration of, or a certificate or licence for the use of, a boiler was not previously required by law.

7. (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 subsection (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 and 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.

(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.

8. (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 two hundred square feet, 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.

(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 of any fee.

(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:

Provided 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 the boiler is not fit for use,

the Inspector shall, within forty-eight 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.

9. 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 this 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 section 8,

and on ceasing to be in force shall be surrendered to the Inspector.

10. (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. 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; or

- (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 Local Government has made rules requiring that boilers shall be in charge of persons holding certificates of competency, if the boiler is in charge of a person not holding the certificate required by such rules; 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 or 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.

12. 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. Before the owner of any boiler registered under this Act makes any alterations and renewals to steam-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. (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. 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 the Indian Factories Act, 1911, or by any person specially authorised in writing by a District Magistrate or Commissioner of Police. XII of 1911.

16. 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.

Transfer of certificates, etc.

17. 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.

Powers of entry.

18. (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.

Report of accidents.

(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. Any person considering himself aggrieved by—
Appeals to Chief Inspector.

- (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. Any person considering himself aggrieved by an original or appellate order of the Chief Inspector—
Appeals to appellate authority.

- (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 Local Government under this Act.

21. An order of an appellate authority under section 20 and, save as otherwise provided in sections 19 and 20, an order of the Chief Inspector or of an Inspector shall be final and shall not be called in question in any Court.

22. 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. 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. Any person who—

Other penalties

- (a) uses or permits to be used a boiler of which he is the owner and which has been transferred from one province 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 register 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,

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

25. (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. No prosecution for an offence made punishable by or under this Act shall be instituted except within six 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.

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

28. The Governor General in Council may, by notification in the Gazette of India, make regulations consistent 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 ;
- (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, 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 Governor General in Council, a matter of merely local or provincial importance.

29. The Local Government may, by notification in the local 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 and of Inspectors, for regulating their salary, allowances and conditions of service, 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 holding certificates of 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 5 ;
- (f) for prescribing the fees payable for the issue of renewed certificates and 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 Local Government, a matter of merely local importance in the province :

Provided that the previous sanction of the Governor General in Council shall be required to the making of any rule under clause (j).

30. Any regulation or rule made under section 28 or section 29 may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

31. (1) The power to make regulations and rules conferred by sections 28 and 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.

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

33. Save as otherwise expressly provided, this Act shall apply to boilers and steam-pipes belonging to the Crown.

34. In case of any emergency, the Local Government may, by general or special order in writing, exempt any boiler or steam-pipe from the operation of all or any of the provisions of this Act.

35. On and from the commencement of this Act, the enactments mentioned in the Schedule shall be repealed to the extent specified in the fourth column thereof :

Provided that any Chief Inspector or Inspector appointed under any Act so repealed shall be deemed to have been appointed under this Act.

THE SCHEDULE.

(See section 35.)

ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
		<i>Acts of the Governor General in Council.</i>	
1903	I	The Amending Act, 1903.	So much of the First Schedule as relates to the Bengal Steam-boilers and Prime-movers Act, 1879.
1920	XXXVIII	The Devolution Act, 1920	So much of the First Schedule as relates to the Bengal Steam-boilers and Prime-movers Act, 1879.
		<i>Madras Acts.</i>	
1893	III	The Madras Steam-boilers and Prime-movers Act, 1893.	The whole.
1904	I	The Madras Steam-boilers and Prime-movers (Amendment) Act, 1904.	The whole.
1909	VII	The Madras Steam-boilers and Prime-movers (Amendment) Act, 1909.	The whole.
		<i>Bombay Acts.</i>	
1917	V	The Bombay Boiler Inspection Act, 1917.	The whole.
1920	X	The Bombay Boiler Inspection (Amendment) Act, 1920.	The whole.
		<i>Bengal Acts.</i>	
1879	III	The Bengal Steam-boilers and Prime-movers Act, 1879.	The whole.
1915	II	The Bengal Steam-boilers and Prime-movers (Amendment) Act, 1915.	The whole.
		<i>United Provinces Act.</i>	
1915	III	The United Provinces Steam-boilers Act, 1915.	The whole.

Year.	No.	Short title.	Extent of repeal.
		<i>Punjab Act.</i>	
1902	II	The Punjab Steam-boilers and Prime-movers Act, 1902.	The whole.
		<i>Central Provinces Acts.</i>	
1907	II	The Central Provinces Boiler Inspection Act, 1907.	The whole.
1919	IV	The Central Provinces Boiler Inspection (Amendment) Act, 1919.	The whole.
		<i>Burma Act.</i>	
1910	II	The Burma Steam-boilers and Prime-movers Act, 1910.	The whole.

[As amended by the Joint Committee.]

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Report of the Joint Committee on
Bill to consolidate and amend the
relating to steam-boilers, with
Bill as amended.