

THE INDIAN BOILERS ACT, 1923
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THE INDIAN BOILERS ACT 1923

INTRODUCTION

Regulation of boilers was a provisional subject. There were seven Provincial Boiler Acts. Some of them were enacted several years earlier and they were out of date, and all of them were inconsistent with each other. To secure uniformity throughout India in all technical matters connected with boiler regulations the Indian Boilers Bill was introduced in the Legislature.

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 There are at present seven Provincial Boiler Acts; some of them were framed many years ago and are out of date, and all of them are inconsistent with each other.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.

The 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 if 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 Government including those now insisting on certificates have unanimously agreed.

ACT 5 OF 1923

The Indian Boilers Bill having been passed by the Legislature was assented, on 23rd February, 1923. It came on the Statute Book as THE INDIAN BOILERS ACT, 1923 (5 of 1923).

LIST OF AMENDING ACTS AND ADAPTATION ORDERS

1. The Repealing Act, 1927 (12 of 1927).
2. The Indian Boilers (Amendment) Act, 1929 (9 of 1929).
3. The Government of India (Adaptation of Indian Laws) Order, 1937.

4. The Indian Boilers (Amendment) Act, 1937 (11 of 1937).
5. The Repealing and Amending Act, 1939 (34 of 1939).
6. The Indian Boilers (Amendment) Act, 1942 (5 of 1942).
7. The Indian Boilers (Amendment) Act, 1943 (17 of 1943).
8. The Indian Boilers (Amendment) Act, 1947 (34 of 1947).
9. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
10. The Adaptation of Laws Order, 1950.
11. The Part B States (Laws) Act, 1951 (3 of 1951).
12. The Indian Boilers (Amendment) Act, 1951 (38 of 1951).
13. The Indian Boilers (Amendment) Act, 1952 (25 of 1952).
14. The Repealing and Amending Act, 1952 (48 of 1952).
15. The Adaptation of Laws (No.3) Order, 1956.
16. The Indian Boilers (Amendment) Act, 1960 (18 of 1960).
17. The Pondicherry (Extension of Laws) Act, 1968 (26 of 1968).
18. The Delegated Legislation Provisions (Amendment) Act, 1985 (4 of 1986).

THE INDIAN BOILERS ACT 1923

(5 of 1923)¹

[23rd February, 1923]

An Act 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. Short title, extent and commencement.-(1) This Act may be called the Indian Boilers Act, 1923.

²[(2) It extends to the whole of India ³[except the State of Jammu and Kashmir].]

(3) It shall come into force on such date⁴ 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;

⁵[(aa) "Board" means the Central Boilers Board constituted under section 27A;]

(b) "boiler" means any closed vessel exceeding ⁶[22.75 litres] in capacity which is used expressly for generating steam under pressure ⁷[* * *] and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure when is shut off;

⁸[(C) "Chief Inspector", "Deputy Chief Inspector", and "Inspector" mean, respectively, a person appointed to be a Chief Inspector, a Deputy Chief Inspector and an Inspector under this Act;]

⁹[(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

1.	For Statement of Objects and Reasons, see Gazette of India, 1923, Pt. V, p. 249; and for Report of Joint Committee, see Gazette of India, 1923, Pt. V, p. 15.
	This Act has been extended to Berar by Act 4 of 1941; to Goa, Daman and Diu by Reg. 12 of 1962, sec. 3 and Sch.; to Dadra and Nagar Haveli by Reg. 6 of 1963, sec. 2 and Sch. I; to Laccadive, Minicoy and Amindivi Islands by Reg. 8 of 1965, sec. 3 and Sch. and to Pondicherry by Act 26 of 1968, sec. 3 and Sch.
2.	Subs. by the A.O. 1950, for the former sub-section (2).
3.	Subs. by the Act 3 of 1951, sec. 3 and Sch., for "except Part B States".
4.	Came into force on 1-1-1921, vide Notification No. A-61, dated 4th December, 1923, see Gazette of India, 1923, Pt. I, p. 1695.
5.	Ins. by Act 11 of 1937, sec. 3
6.	Subs. by Act 18 of 1960, sec. 2, for "five gallons".
7.	The words "for use outside such vessel" omitted by Act 9 of 1929, sec. 2.
8.	Subs. by Act 18 of 1960, sec. 2, for clause (c).
9.	Subs. by Act 34 of 1947, sec. 2, as amended by Act 40 of 1949, sec. 3 and Sch. II, for the former claus. (cc) which was ins. by Act 17 of 1943, sec. 2.

through which feed water passes directly to a boiler and 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;

¹[(f) "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 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 of 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.

COMMENTS

(i) The meaning of the definition of "boiler" in section 2 (b) is that the definite and clear object of the contrivance should be to generate steam under pressure. The fact that in a particular contrivance though steam is generated under pressure, the steam is used only for sterilising some vessels, cannot take it away from the definition of a "boiler" for the use to which the steam is ultimately put, is quite irrelevant to the issue; A.S. Agarwal v. *Emperor* AIR 1939 All 697: 1939 ALJ 806.

(ii) A Company is a legal entity and is included in the definition of "owner"; B.N. Mehrotra v. State. AIR 1956 Cal 137: 60 Cal W.N. 305.

(iii) The word "owner" as defined extends its dictionary meaning. Even an agent using the boiler on behalf of the absentee owner though not owner in the ordinary terms is nevertheless deemed to be the owner for the purposes of the Act; Lakhan Sahu v. Shyam Sundar. AIR 1937 Pat 509: 38 CLJ 1054.

²[**2A. Application of Act to feed pipes.**-Every reference in this Act [except where the word "steam-pipe" is used in clause (f) of section 2] to a steam-pipe or steam-pipes shall be deemed to include also a reference to a feed-pipe or feed-pipes, respectively.]

³[**28. Application of Act to economisers.**-Every reference in this Act to a boiler or boilers [except in clause (ccc) of section 2, ⁴[***] ⁵[***]] shall be deemed to include also a reference to an economiser or economisers, respectively.]

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

(a) in any steam-pipe as defined in section 3 of the ⁶Indian Steam-ships Act, 1884 (7 of 1884), or in any steam-vessel as defined in section 2 of the Inland Steam-vessels Act, 1917 (1 of 1917); or

⁷[(b) belonging to, or under the control of, the Army, Navy or Air Force; or]

1.	Subs. by Act 18 of 1960, sec. 2, for clause (f).
2.	Ins. by Act 17 of 1943, sec. 3.
3.	Ins. By Act 34 of 1947, sec. 3.
4.	The words, "clause (e) of section 6., clauses (c) and (d) of section 11, clause (d) of section 29" omitted by Act 25 of 1952, sec. 2.
5.	The words and figures "and section 34" omitted by Act 18 of 1960, sec. 3.
6.	See now the Indian Merchant Shipping Act, 1923 (21 of 1923), sec. 2.
7.	Subs. by Act 38 of 1951, sec. 2, for the former clause.

¹[(c) appertaining to a sterilizer or disinfecter of a type such as is commonly used in hospitals, if the boiler does not exceed ²[ninety-one litres] in capacity.]

(2) The ³[Central Government] may, by notification in the Official Gazette, declare that the provisions of this Act shall not apply in the case of boilers or steam-pipes, or any specified class of boilers or steam-pipes, belonging to or under the control of any railway administered ⁴[by the ⁵[Central Government] or by any State Government] or by any railway company as defined in clause (5) of section 3 of the Indian Railways Act, 1890 (9 of 1890).

⁶[***]

COMMENTS

Clause (5) or section 3 of the Indian Railways Act, 1890 (9 of 1890) is reproduced below:-

"Railway Company" includes any persons, whether incorporated or not, who are owners or lessees of a Railway or parties to an agreement for working a railway.

4. Power to limit extent.-The ⁷[Central Government] may, by notification in the Official Gazette, exclude any specified area from the operation of all or any specified provisions of this Act.

⁸[5. Chief Inspector, Deputy Chief Inspector and Inspector .-(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 so 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 Inspectors, Deputy Chief Inspectors and Inspectors may offer such advice as they think fit to owners regarding the proper maintenance and safe working of boilers.

1.	Added by Act 5 of 1942, sec. 2.
2.	Subs. by Act 18 of 1960, sec. 4, for "twenty gallons".
3.	Subs. by the A.O. 1948, for "Safety Controlling Authority".
4.	Subs. by the A.O. 1937, for "by the Government".
5.	Subs. by the A.O. 1948, for "Federal Railway Authority".
6.	Certain word" rep. by the A.O. 1948.
7.	The words "G.G. in C." have been successively amended by the A.O.1937 and the A.O. 1950 to read the above.

(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 (45 of 1860).]

COMMENTS

Section 21 of the Indian Penal Code (45 of 1860) is reproduced below:-

21. "Public servant".- The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely:-
[***]

Second.-Every Commissioned Officer in the Military Naval or Air Forces of India;

Third.-Every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory function;

Fourth.-Every officer of a Court of Justice (including a liquidator, receiver or commissioner) whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

Fifty.-Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth.-Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh.-Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth.-Every officer of the Government whose duty it is as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth.-Every officer whose duty it is, as such officer, to take, receive, keep or extend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any, law for the protection of the pecuniary interests of the Government.

Tenth.-Every officer whose duty it is, as such officer, to take, receive, keep or expand any property, to make any surveyor assessment or to levy any rate or tax for any secular common purpose of any village, town or district or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

Eleventh.-Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

Twelfth.-Every person-

(a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).

Illustration

A Municipal Commissioner is a public servant.

Explanation 1.-Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2:-Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

[Explanation 3:-The word "election denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method, of selection to which is by, or under, any law prescribed as by election.

6. Prohibition of use of unregistered or uncertificated 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 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 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.

²[***]

COMMENTS

Where a complaint made for violation of clauses (a) and (c) of section 6 was dismissed as its copy was not served on the accused with the summons, it was held that it did not amount to an acquittal and did not constitute a bar against revival of the complaint, Md. Aslano v. State. 1966 Cr LJ 1231 (Cal).

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 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 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

1.	Subs. by Act 18 of 1960, sec. 6, for "certificate of competency"
2.	Proviso omitted by Act 34 of 1939, sec. 3 and Sch. II.

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.

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 ³[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:

⁴[Provided that where the certificate relates to an economiser ⁵[or an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the

1.	Added by Act 34 of 1947, sec. 4.
2.	Ins. by Act 18 of 1960, sec.7.
3.	Subs. by Act 18 of 1960, sec. 8, for "two hundred square feet".

4.	Added by Act 34 of 1947, sec. 5.
5.	Ins. by Act 18 of 1960, sec. 8.

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 of any fee:

¹[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 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:

²[Provided that 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 heating medium] may authorise its use for a period not exceeding twenty-four months:]

Provided ²[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 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 .

1.	Subs. by Act 18 of 1960, sec. 8, for the second proviso which was ins. by Act 34 of 1947, sec. 5.
2.	Added by Act 34 of 1947, sec. 5.
3.	Ins. by Act 18 of 1960, sec. 8.

(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. 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 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 so ceasing to be in force shall be surrendered to the Inspector.

10. Use of boiler pending grant of certificate.-(1) Notwithstanding anything herein-before 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; 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 State Government has made rules requiring that boilers shall be in charge of persons holding ¹[certificates of proficiency or 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. Alterations and renewals to boilers.-No structural alteration, addition or

1.	Subs. by Act 18 of 1960, sec. 9, for "certificates of competency"
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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. Alterations and renewals to steam-pipes.-Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or 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 purposed 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 (7), 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 the Indian Factories Act, 1911 (12 of 1911)¹, 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.-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.

1.	See now the Factories Act, 1948 (63 of 1948).
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(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 State Government under this Act

¹**[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 variations from the regulations made under this Act are to be dealt with during the examination of the boiler.]

²**[21. Finality of orders.**-An order of the Central Government under section 20A and,

1.	Inc. Act 18 of 1960, sec. 10.
2.	Subs. Act 18 of 1960, sec. 11, for section 21.

save as otherwise provided in sections 19, 20 and 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 punished 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.

COMMENTS

An 'owner' need not be a natural person and would include a company under section 3 (42) of the General Clauses Act, 1897. The Company is liable to be prosecuted for violation of the provisions of the Act and even if Directors are so liable if it is shown that they were involved in the actual use of the boiler; *B.N. Mehrotra v. State*, AIR 1956 Cal 137; 1956 Cr LJ 529.

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

¹[(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.	Ins. by Act 18 of 1960, sec. 12.
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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.

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 or a Magistrate of the first class.

²**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.

³[(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 ⁴[***] shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

⁵[(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.]

28. Power to make regulations.-⁶[(1)] The ⁷[Board] may, by notification in the ⁸Gazette of India, make regulations consistent with this Act for all or any of the following purposes, namely:-

1.	Subs. by Act 18 of 1960 sec. 13, for "six months"
2.	Ins. by Act 11 of 1937, sec. 4.
3.	Subs. by Act 18 of 1960, sec. 14, for sub-section (2).
4.	Certain words, omitted by Act 18 of 1960, sec. 14,
5.	Subs. by Act 18 of 1960, sec. 14, for sub-section (4).
6.	Section 28 renumbered as sub-section (1) thereof by Act 40 of 1986, sec. 2 and Sch. (w.e.f. 15-5-1986).
7.	Subs. by Act 11 of 1937, sec. 5. for "G.G. in C."
8.	The words "Gazette of India" stand unmodified by the A.O. 1937.

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

¹[(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 ²[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 ³[Board], a matter of merely local or State importance.

⁴[(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.]

⁵**[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) of 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 ⁶[in two or more successive sessions, and if, before the

1.	Ins. by Act 11 of 1937, sec. 5.
2.	Ins. by Act 18 of 1960, sec.15.
3.	Subs. by Act 11 of 1937, sec. 5, for "G.G. in C."
4.	Ins. by Act 4 of 1986, sec. 2 and Sch. (w.e.f. 15-5-1986).
5.	Ins. by Act 18 of 1960, sec. 16.
6.	Subs. by Act 4 of 1986, sec. 2 and Sch., for certain words (w .e.f. 15-5-1986).

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 without prejudice to the validity of anything previously done under that rule.]

29. Power to make rules.¹[(1)] The State Government may, by notification in the 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 of, ²[of Deputy Chief Inspectors] and of Inspectors ³[* * *] 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 ⁴[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 boiler under section 7 or section 8;
- ⁵[(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 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 State Government, a matter of merely local importance in the State;

⁶[***]

⁷[(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 renumbered as sub-section (1) thereof by Act 4 of 1986, sec. 2 and Sch. (w.e.f. 15-5-1986).
2.	Ins. by Act 18 of 1960, sec. 17.
3.	The words "for regulating their salary, allowances and conditions of service" omitted by the A.O. 1937.
4.	Subs. by Act 18 of 1960, sec. 17, for "certificates of competency".
5.	Subs. by Act 18 of 1960, sec. 17, for clause (f).
6.	Proviso omitted by the A.O. 1937.
7.	Ins. by Act 4 of 1986, sec. 2 and Sch. (w.e.f. 15-5-1986).

30. Penalty for breach of rules.-Any regulation or rule made under section 28 or section 29¹[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 thousand rupees].

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

²[(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.]

³[**31 A. 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 to 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 Government.

34. Exemptions.⁴[(1) The State Government may, by notification in the 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.]

⁴⁵[(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.]

35.Repeal of enactments:-[Rep. by the Repealing Act, 1927 (12 of 1927), sec. 2 and Sch.]

THE SCHEDULE.-Enactments repealed.-[Rep. by the Repealing Act, 1927 (12 of 1927), sec. 2 and Sch.]

1.	Subs. by Act 18 of 1960, sec. 18, for certain words.
2.	Sub-section (2) stands unmodified by the A.O. 1937.
3.	Ins. by Act 18 of 1960, sec. 19.
4.	Section 34 re-numbered as sub-section (2) of that section, and sub-section (1) ins. by Act. 9 of 1929, sec. 3.
5.	Subs. by Act 18 of 1960, sec. 20, for sub-section (2).