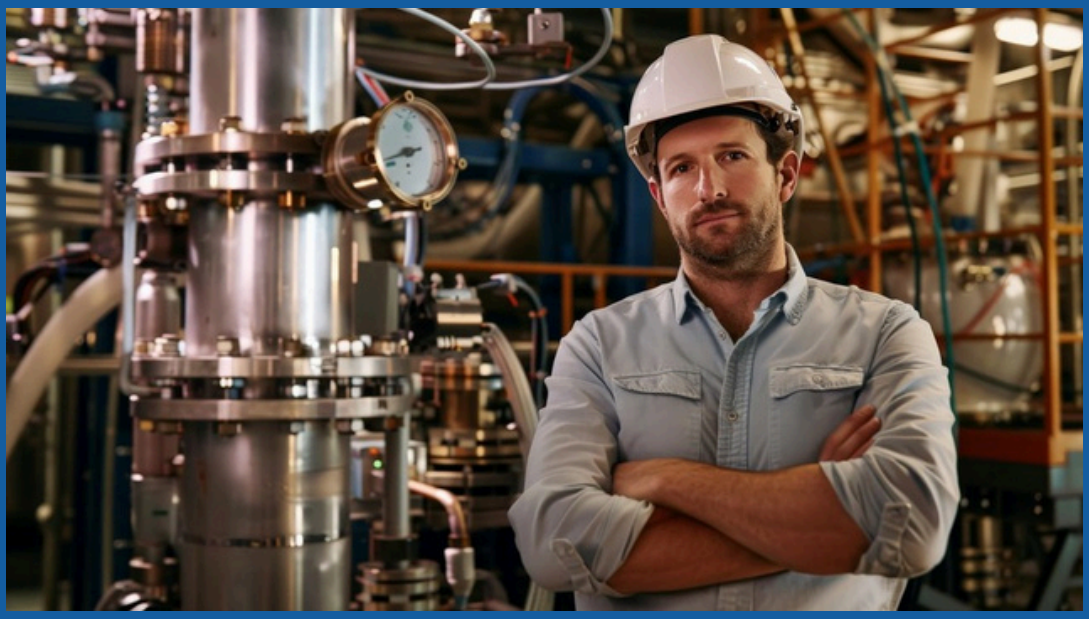
Study Material For Boiler Operation Engineer (BOE) Exams



Theory, Numerical Problems, MCQs and Boiler Drawing Problems from BOE Exams

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THE BOILERS ACT, 1923

(5 of 1923)

[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 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 date5 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 boiler, or boiler component, which is calculated to weaken the strength or an uncontrolled release of water or steam therefrom, liable to cause death or injury to any person or damage to any property;]

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

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

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

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

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

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

[(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;]

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

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

3[(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 which does not form an integral part thereof;]

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

[(cce) “manufacture” means manufacture, construction and fabrication of boiler or boiler component, or both;]

[(ccf) “manufacture” means a person engaged in the manufacture;]

(d) “owner” [includes any person possessing or] 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 pipe through which steam passes if—

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

(ii) such pipe exceeds 254 millimetres in internal diameter and the pressure of steam exceeds kilogram per square centimetres above the atmospheric pressure,

and includes in either case any connected fitting of a steam-pipe;]

[(g) "Structural alteration, addition or renewal" means,—

(i) any change in the design of a boiler or boiler component;

(ii) replacement of any part of boiler or boiler component by a part which does not conform to the same specification; or

(iii) any addition to any part of a boiler or boiler component;

(h) "superheater" means any equipment which is partly or wholly exposed to flue gases for the purpose of raising the temperature of steam beyond the saturation temperature at that pressure and includes a re-heater;

(i) "Technical Adviser" means the Technical Adviser appointed under sub-section (1) of section 4A.]

[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.]

[2B. Application of Act to economizers:

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

[3. Limitation of application:

Nothing in this Act shall apply to—

(a) locomotive boilers belonging to or under the control of the railways;

(b) any boiler or boiler component,—

(i) in any vessel propelled wholly or in part by the agency of steam;

(ii) belonging to, or under the control of, the Army, Navy or Air Force; or

(iii) appertaining to a sterilizer disinfector used in hospitals or nursing homes, if the boiler does not exceed one hundred litres in capacity.]

4. Power to limit extent:

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

[4A. Technical Adviser:

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

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

(3) The Technical Adviser shall, in addition to exercising the powers and discharging the functions assigned to him under this Act or rules or regulations made thereunder, exercise such other powers and discharge such functions as the Central Government and the Board may delegate to him.]

[**4B. Welders certificate:**

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

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

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

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

[4C. Conditions precedent for manufacture of boiler and boiler component:

(1) No person shall manufacture or cause to be manufactured any boiler or boiler component, or both unless—

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

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

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

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

[4D. Inspection during manufacture:

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

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

(a) satisfied that the boiler or the boiler component conforms to the standards prescribed by regulations, it shall issue a certificate of inspection and stamp the boiler, or boiler component, or both; or

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

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

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

[4E. Inspection during erection:

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

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

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

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

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

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

[4F. Conditions precedent for repairing boiler and boiler component:

No person shall repair or cause to be repaired any boiler or boiler component or both, unless—

(a) he has provided in the premises or precincts, where in such boiler or boiler component or both are being used, such facilities for repairs as may be prescribed by regulations;

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

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

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

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

[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 so conferred or imposed on Deputy Chief Inspectors or Inspectors.

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

(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 (45 of I860).]

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 [Central Government] has made rules requiring that boilers shall be in charge of persons holding [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.

7. Registration:

(1) The owner of any boiler which is not registered under the provisions of this Act [may apply to the Inspector along with such other documents as may be prescribed by regulations 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 inspect the boiler with a view to satisfying himself that the boiler has not suffered any damage during its transit from the place or manufacture to the site of erection and forward a report of the inspection along with the documents to the Chief Inspector within seven days.]

(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:

[Provided that a certificate issued under this sub-section in respect 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] 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 [20] square metres], or a portable or vehicular boiler; or

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

(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 boiler component] 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 Competent Person for renewal thereof for such period as may be prescribed by regulations.]

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

[(5) If the Competent Person is—

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

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

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

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

[(5A) The Competent Person may for the purpose of inspection under this section charge such fee as may be prescribed by regulations.]

(6) The Chief Inspector, on receipt of a report under sub-section (5), may subject to the provisions of this Act and for the regulations made there under, 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 reason 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. Provisional orders:

Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (3) of section 7 , 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 subsection (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 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; 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 [Central Government] has made rules requiring that boilers shall be in charge of persons holding 3[certificates of proficiency or competency], if the boiler is in charge of a person not holding the certificate required by such rules; or

[***]

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:

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

[13. Alteration or renewal of boiler component:

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

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

14. 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 [Competent Person] 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 [manner prescribed by regulations]; 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 5[be prescribed by regulations].

(2) If the owner fails, without reasonable cause to comply with the provisions of sub-section (1), the [Competent Person] 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 Factories Act, 1948 (63 of 1948)], 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 [boiler component], 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 2[boiler component] 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.

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

19. Appeals to Chief Inspector:

[(1)] 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.

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

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

20. Appeals to appellate authority:

[(1)] 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) rendering 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, [prefer an appeal to the Central Government].

[(2) Any person considering himself aggrieved by the refusal of an Inspecting Authority to grant a certificate of inspection of manufacture or erection, as the case may be, may within thirty days from the date of communication of such refusal, prefer an appeal to the Central Government.]

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

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

[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.]

[21. Finality of orders:

[An order of the Central Government under sections 20 and 20A], or of the Chief Inspector, or of a Deputy Chief Inspector, or of an Inspector, shall be final and shall riot 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 3[five thousand 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 4[one lakh rupees], and, in the case of a continuing offence, with an additional fine which may extend to 5[one thousand 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 [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) 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, [or]

[(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 imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both].

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 [one lakh 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 1[fine which may extend to one lakh rupees, 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 [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.

[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.

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

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

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

(c) equal number of other persons as in sub-section (b) above to represent—
(i) Central Government,
(ii) the Bureau of Indian Standards,
(iii) boiler and boiler component manufactures,
(iv) National laboratories,
(v) engineering consultancy agencies,
(vi) users of boilers, and

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

to be nominated by the Central Government;

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

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

[(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:

[(1)] The [Board] 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, construction, erection, operation and maintenance which shall be required for the purposes of enabling the registration and certification of boilers, boiler components, boiler mountings and fittings under this Act;]

[(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 [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 ^boiler components, boiler mountings and fittings], and prescribing forms of certificates therefor;

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

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

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

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

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

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

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

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

[(ei) the manner of inspection of boilers;]

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

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

[(el) the manner and the form in which a Repairer's certificate shall be issued;]

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

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

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

[(ep) the manner in which disputes between the States with respect to registration of boilers shall be resolved;]

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

[(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.]

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

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

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

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

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

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

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

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

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

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

(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 [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.]

29. Power to make rules:

[(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) the powers and duties of the Chief Inspector, Deputy Chief Inspectors and Inspectors;]

(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;

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

[(f) fee payable for registration of boilers;]

(g) for regulating inquiries into accidents;

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

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

[(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.]

30. Penalty for breach of rules:

Any regulation or rule made under section 28 or section 29 4[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 5[one thousand rupees], and in the case of any subsequent offence, with fine which may extend to [one lakh 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) 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 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 9[boiler components] belonging to Government.

34. Exemptions:

[(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.]

[(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 as may be prescribed by regulations, exempt any boiler or boiler components in the whole or any part of the State from the operation of all or any of the provisions of this Act.]

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].