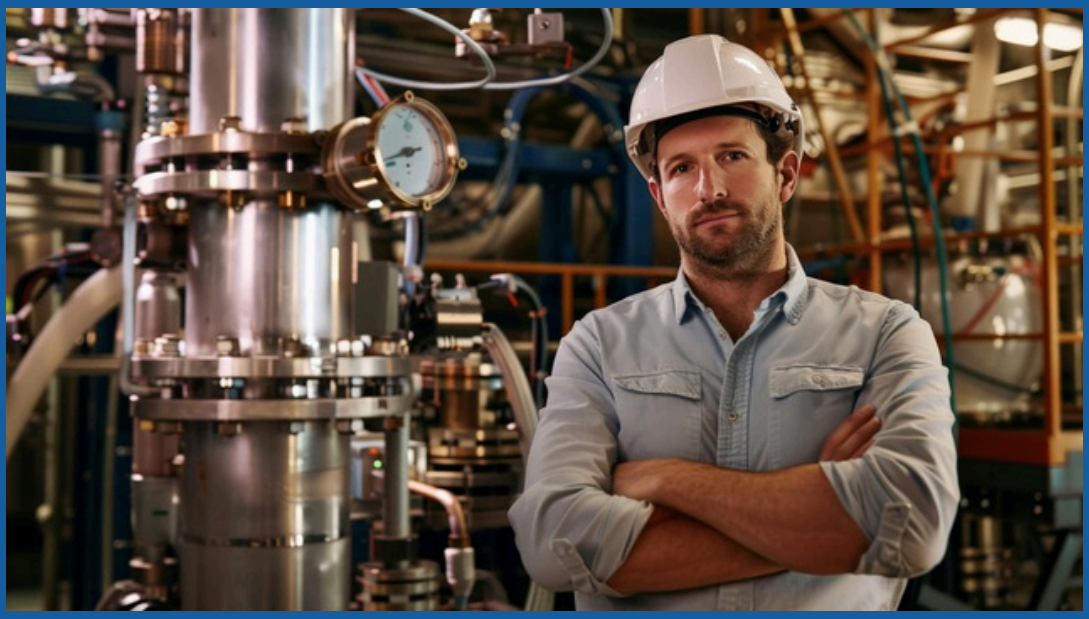
Study Material For Boiler Operation Engineer (BOE) Exams



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

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PROENGR.IN

SUDESH K JAIN

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—25 REGISTERED NO. DL—(N)04/0007/2003—25

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-04042025-262299
CG-DL-E-04042025-262299

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 12] नई दिल्ली, शुक्रवार, अप्रैल 4, 2025/चैत्र 14, 1947 (शक)
No. 12] NEW DELHI, FRIDAY, APRIL 4, 2025/CHAITRA 14, 1947 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 4*th April,* 2025*/Chaitra* 14, 1947 *(Saka)*

The following Act of Parliament received the assent of the President on the 4th April, 2025 and is hereby published for general information:—

THE BOILERS ACT, 2025

No. 12 OF 2025

[4*th April,* 2025.]

An Act to provide for the regulation of boilers, safety of life and property of persons from the danger of explosions of steam-boilers and for uniformity in registration and inspection during manufacture, erection and use of boilers in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, commencement and application.

1. (*1*) This Act may be called the Boilers Act, 2025.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

(*3*) Save as otherwise expressly provided, the provisions of this Act shall apply to all boilers and boiler components including boilers and boiler components belonging to the Central Government and the State Governments.

(*4*) Nothing in this Act shall apply to—

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

(*b*) any boiler or boiler components,—

(*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 or disinfector used in hospitals or nursing homes, if the boiler does not exceed one hundred litres in capacity.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "accident" means an explosion of boiler or boiler components, 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;

(*b*) "Board" means the Central Boilers Board constituted under section 3;

(*c*) "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 twenty-five litres, such capacity being measured from the feed check valve to the main steam stop valve; or

(*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;

(*d*) "boiler components" 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.

Explanation.—For the purposes of this clause, the term "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;

(*e*) "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 section 5;

(*f*) "competent authority" means an institution referred to in sub-section (*1*) of section 6;

(*g*) "competent person" means an inspector or a person recognised in such manner as may be specified by regulations, for inspection and certification of boilers and boiler components during manufacture, erection and use;

(*h*) "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;

(*i*) "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;

(*j*) "inspecting authority" means a chief inspector or an institution recognised in such manner as may be specified by regulations, for the inspection and certification of boilers and boiler components during manufacture and erection;

(*k*) "manufacture" means manufacture, construction and fabrication of boiler or boiler components, or both;

(*l*) "manufacturer" means a person engaged in the manufacture of boiler or boiler components, or both;

(*m*) "notification" means a notification published in the Official Gazette;

(*n*) "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;

(*o*) "prescribed" means prescribed by rules made under this Act;

(*p*) "regulations" means regulations made by the Board under section 40;

(*q*) "State Government'' shall include Union territory administration;

(*r*) "steam-pipe" means any pipe through which steam passes, if—

(*i*) the pressure at which steam passes through such pipe exceeds three and half kilogram per square centimeters above atmospheric pressure; or

(*ii*) such pipe exceeds two hundred fifty-four millimeters in internal diameter and the pressure of steam exceeds one kilogram per square centimeters above the atmospheric pressure,

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

(*s*) "structural alteration, addition or renewal" means,—

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

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

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

(*t*) "Technical Adviser" means the Technical Adviser appointed under sub-section (*1*) of section 4.

CHAPTER II

CENTRAL BOILERS BOARD

Central Boilers Board.

3. (*1*) The Central Government may, by notification, constitute a Board to be called the Central Boilers Board, for the purposes of this Act.

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

(*a*) the Secretary to the Government of India in charge of the Department having administrative control of the Board who shall be the Chairperson, *ex officio*;

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

(*c*) members, equal in number to members nominated under clause (*b*), to be nominated by the Central Government, to represent the following, namely:—

(*i*) the Central Government;

(*ii*) the Bureau of Indian Standards;

(*iii*) boiler and boiler components 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;

(*d*) Technical Adviser, who shall be the Member-Secretary, *ex officio*.

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

(*4*) The Board may determine its own procedure for the conduct of all business to be transacted by it.

(*5*) The Board shall have power to constitute committees and sub-committees from amongst its members and to delegate any of its powers and duties to such committees or sub-committees.

(*6*) The powers of the Board may be exercised notwithstanding any vacancy in the Board.

(*7*) The functions of the Board shall be to regulate the design, manufacture, erection and use of boiler and boiler components to ensure safety of life and property of persons from the danger of explosions of steam-boilers and for uniformity in registration and inspection and for these purposes, make such regulations as it deems fit.

Technical Adviser.

4. (*1*) The Central Government shall, by notification, appoint a Technical Adviser from amongst the persons having such qualifications and experience as may be prescribed by the Central Government.

(*2*) The salary and allowances and other 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 and the rules and regulations made thereunder, exercise such other powers and discharge such functions as the Central Government and the Board may delegate to him.

CHAPTER III

INSPECTION, CERTIFICATION AND REGISTRATION

Chief Inspector, Deputy Chief Inspector and Inspector.

5. (*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 powers and perform duties under this Act.

(*3*) A Deputy Chief Inspector may exercise the powers and perform the duties conferred and imposed on an Inspector 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 the Chief Inspector for the State who may, in addition to the powers and duties conferred and imposed on a 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*) No person shall be appointed as a Chief Inspector, or Deputy Chief Inspectors or Inspectors, unless he possesses such qualifications and experience as may be prescribed by the Central Government.

(*6*) 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.

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

(*8*) The Chief Inspector, Deputy Chief Inspectors and Inspectors shall exercise such other powers and duties as may be prescribed by the State Government.

(*9*) The Chief Inspector, Deputy Chief Inspectors and Inspectors shall be deemed to be public servants within the meaning of clause (*28*) of section 2 of the Bharatiya Nyaya Sanhita, 2023. 45 of 2023.

Competent authority to grant welders certificate.

6. (*1*) The competent authority shall be an institution recognised in such manner as may be specified by regulations, for grant of certificate to the welders for welding of boiler and boiler components.

(*2*) Any person who intends to undertake any welding work connected with or related to a boiler or a boiler component, or both, shall apply to the competent authority for the grant of such welders certificate as may be specified by regulations.

(*3*) On receipt of an application under sub-section (*2*), the competent authority shall follow such procedure for examination and grant of welders certificate as may be specified by regulations.

(*4*) The competent authority may, if satisfied that the person applying for welders certificate under sub-section (*2*) has complied with the conditions for the grant of the welders certificate, grant such certificate, subject to such other conditions and on payment of such fee, as may be specified by regulations:

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

Conditions precedent for manufacture of boiler and boiler components.

7. No person shall manufacture or cause to be manufactured any boiler or boiler components, or both, unless—

(*a*) the premises or precincts wherein boiler or boiler components, or both, are manufactured, have such facilities for design and construction as may be specified by regulations;

(*b*) a certificate for the design and drawings of the boiler and boiler components have been granted by the inspecting authority under clause (*a*) of sub-section (*3*) of section 8;

(*c*) the material, mounting and fitting used in the construction of boiler or boiler components, or both, conform to such specifications as may be specified by regulations; and

(*d*) the person engaged in welding boiler or boiler components hold welders certificate granted by the competent authority under sub-section (*4*) of section 6.

Inspection during manufacture.

8. (*1*) Every manufacturer, before commencing manufacture of a boiler or boiler components, shall engage an inspecting authority for carrying out inspection at such stages of manufacture as may be specified by regulations.

(*2*) The inspecting authority engaged under sub-section (*1*) shall follow such procedure for inspection and certification of boiler or boiler components as may be specified by regulations.

(*3*) Where, after inspection, the inspecting authority—

(*a*) is satisfied that the design and drawings of the boiler or the boiler components conforms to the standards as may be specified by regulations, it shall grant a certificate of inspection and stamp the boiler or boiler components, or both; or

(*b*) is of the opinion that the boiler or boiler components, or both, does not conform to such standards as may be specified by regulations, it may for reasons to be recorded in writing, refuse to grant such certificate:

Provided that no certificate shall be refused unless the inspecting authority has directed the manufacturer of the boiler or boiler components, 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 components, or both, has not carried out the modifications or rectifications.

(*4*) The inspecting authority may, for the purposes of inspection under this section, charge such fee as may be specified by regulations.

Inspection during erection.

9. (*1*) Any owner who intends to register a boiler under section 12, shall engage an inspecting authority for carrying out inspection at the stage of erection of the boiler.

(*2*) The inspecting authority shall follow such procedure for inspection and certification of a boiler or boiler components, or both, as may be specified by regulations.

(*3*) Where, after inspection, the inspecting authority—

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

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

Provided that no such certificate shall be refused unless the inspecting authority has 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 has not carried out the modifications or rectifications.

(*4*) The inspecting authority may, for the purposes of inspection under this section, charge such fee as may be specified by regulations.

Conditions precedent for repairing boiler and boiler components.

10. (*1*) No person shall repair or cause to be repaired boiler or boiler components, or both, unless—

(*a*) the premises or precincts, wherein boiler or boiler components or both, are being used has such facilities for repairs as may be specified by regulations;

(*b*) the design and drawings of the boiler or boiler components conform to such standards, and the material, mounting and fitting used in the repair of boiler or boiler components, conform to such specifications as may be specified by regulations;

(*c*) persons engaged in welding, holds a welders certificate granted by the competent authority under sub-section (*4*) of section 6;

(*d*) the user who does not have the in-house facilities for repair of boiler or boiler components, engages a boiler repairer possessing a boiler repairer certificate;

(*e*) the user engage a competent person for approval of repairs to be carried out in-house or by the repairers;

(*f*) the safety of persons working inside a boiler is ensured, by taking such measures, as may be specified by regulations.

(*2*) A boiler repairer shall obtain such certificate in such manner as may be specified by regulations.

Prohibition of use of unregistered or uncertified boiler.

11. (*1*) 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 or the rules or regulations made thereunder;

(*b*) any boiler which has been transferred from one State to another, until the transfer has been reported in such manner as may be specified by regulations;

(*c*) unless the owner is in possession of the certificate or the provisional order authorising the use of the boiler;

(*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 boiler shall be in the charge of persons holding certificates of proficiency or competency, unless the boiler is in the 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 herebefore repealed, shall be deemed to have been registered or certified, as the case may be, under this Act.

(*2*) The qualification and experience of persons intending to obtain a certificate of proficiency or competency, fee and the procedure for obtaining such certificate, shall be such as may be prescribed by the Central Government.

Registration.

12. (*1*) The owner of a boiler which is not registered under the provisions of this Act shall make an application to the Inspector in such form, along with such drawings, specification, certificate and other documents as may be specified by regulations, to have the boiler registered.

(*2*) Every application for registration under sub-section (*1*) shall be accompanied by such fee as may be prescribed by the State Government.

(*3*) 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 by the State Government, from the date of the receipt of the application, for examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed.

(*4*) On the date so fixed under sub-section (*3*), 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 of manufacture to the site of erection and forward a report of the inspection along with the documents to the Chief Inspector within seven days.

(*5*) The Chief Inspector, on receipt of the report under sub-section (*4*), 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.

(*6*) The Chief Inspector shall, on registration of the boiler, order the grant of a certificate to the owner in such form as may be specified by regulations, 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:

Provided that where an economiser or an unfired boiler forms an integral part of such processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium, the Chief Inspector may authorise the use of such boiler for a period not exceeding twenty-four months.

(*7*) The Inspector shall forthwith convey to the owner of the boiler the order of the Chief Inspector and shall in accordance therewith, grant a certificate to the owner of which such grant has been ordered.

(*8*) On receipt of the boiler registration certificate, the owner shall cause the register number to be permanently marked on the boiler in such manner and within such time as may be specified by regulations.

(*9*) The transfer of boilers from one place to another within a State shall be reported in such manner as may be prescribed by the State Government.

Renewal of certificate.

13. (*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, except a vertical boiler, the heating surface of which is less than twenty square metres, or a portable or vehicular boiler; or

(*d*) save as provided in section 17, when any structural alteration, addition or renewal is made in or to the boiler; or

(*e*) in case 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 the Inspector prohibiting its use on the ground that it or any boiler components attached to it is in a dangerous condition.

(*2*) An order made under clause (*f*) of sub-section (*1*) shall contain the grounds on which the order is made and the same shall be communicated to the owner.

(*3*) When a certificate ceases to be in force, the owner of the boiler may make an application to the competent person for renewal thereof in such form, along with such documents and fee as may be specified 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 specified 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 grant a certificate for such period as may be specified by regulations;

(*b*) of the opinion that the boiler or boiler components, or both, does not conform to the standards as may be specified by regulations, he may, for reasons to be recorded in writing, refuse to grant the certificate:

Provided that no certificate shall be refused unless the inspecting authority had directed the owner of the boiler or the boiler components, 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 components, or both, has not carried out the modifications or rectifications:

Provided further that the competent person shall, within forty-eight hours of making the inspection under sub-section (*4*), inform the owner of the boiler or boiler components, or both, any defect or deficiency in his opinion and the reasons therefor and shall forthwith inform the Chief Inspector about such defect or deficiency.

(*6*) The Chief Inspector, on receipt of an information under sub-section (*5*), may, subject to the provisions of this Act and the regulations made thereunder, order the renewal of the certificate on such terms and conditions as may be specified by regulations or may refuse to renew it:

Provided that where the Chief Inspector refuses to renew a certificate, he shall forthwith communicate his refusal to the owner of the boiler, together with the reasons therefor.

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

Provisional order.

14. (*1*) Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (*4*) of section 12, he may, if the use of such boiler or its components is not prohibited under clause (*f*) of sub-section (*1*) of section 13 as being in a dangerous condition, 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 in accordance with the regulations made under this Act, pending the receipt of the order of the Chief Inspector.

(*2*) Such provisional order shall cease to be in force—

(*i*) on the expiry of six months from the date on which it is granted; or

(*ii*) on receipt of the orders of the Chief Inspector; or

(*iii*) in any of the cases referred to in clauses (*b*), (*c*), (*d*), (*e*) and (*f*) of sub-section (*1*) of section 13,

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

Use of boiler pending grant of certificate.

15. Subject to the provisions of sub-section (*1*) of section 14, when the period of a certificate relating to a boiler has expired, the owner shall, subject to the condition that he has applied for renewal before the expiry of the period for

renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in that certificate pending the issue of orders on the renewal application made under sub-section (*3*) of section 13.

Revocation of certificate or provisional order.

16. 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 obtained fraudulently or has been granted erroneously or without sufficient examination; or

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

(*c*) if the boiler is in the charge of a person not holding the certificate of proficiency or competency referred to in clause (*e*) of sub-section (*1*) of section 11.

Alteration and renewal of boiler.

17. 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 authorised in writing by the Chief Inspector:

Provided that no such authorisation is required where the structural alteration, addition or renewal is made under the supervision of a competent person.

Alteration and renewal of steam-pipe or boiler components.

18. (*1*) Where the owner of any boiler registered under this Act intends to make any structural alteration, addition or renewal in or to any steam-pipe or other boiler components attached to the boiler, he shall submit 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 specified by regulations.

(*2*) Any structural alteration, addition or renewal shall be made by a person possessing a boiler repairer certificate under the supervision of the competent person.

Duty of owner at examination.

19. (*1*) On any date fixed under this Act for the examination of a boiler or boiler components, or both, 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 or boiler components, or both, properly prepared and ready for examination in the such manner as may be specified by regulations; and

(*c*) in case of an application for the registration of a boiler under sub-section (*1*) of section 12, to provide to the competent person such drawing, specification, certificate and other particulars as may be specified by regulations.

(*2*) If the owner fails, without reasonable cause, to comply with the provisions of sub-section (*1*), the competent person may refuse to make the examination and report the matter to the Chief Inspector who shall, unless sufficient cause to the contrary is shown, require the owner to file a fresh application for registration or renewal of certificate for use of boiler and may forbid him to use the boiler.

Production of certificate and provisional order.

20. 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 the District Magistrate, the Commissioner of Police or the Magistrate of the first class, having jurisdiction in the area in which the boiler is for the time being located, or by the Chief Inspector or Inspector or by any Inspector appointed under the Factories Act, 1948 or by any person specially authorised in writing by the District Magistrate or the Commissioner of Police. 63 of 1948.

Transfer of certificate and provisional order.

21. Where any other 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 or his legal heirs shall be bound to make over to him the certificate or provisional order.

Powers of entry of Inspector.

22. An Inspector may, for the purposes of inspecting or examining a boiler or any steam-pipe attached thereto or to ensure the compliance of the provisions of this Act, rules and regulations made thereunder, 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.

Report of accident.

23. (*1*) If any accident occurs to a boiler or boiler components, the owner or person in charge thereof shall within twenty-four hours of the accident, report the same in writing to the Inspector.

(*2*) 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 boiler components or to any person, and be detailed in such manner as to enable the Inspector to judge the gravity of the accident.

(*3*) 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.

(*4*) The inquiry in respect of accident under this Act shall be made in such manner as may be prescribed by the State Government:

Provided that where any death has occurred due to any accident to a boiler or boiler components, an inquiry may be conducted by such person and in such manner as may be prescribed by the Central Government.

CHAPTER IV

APPEAL

Appeal to Chief Inspector.

24. (*1*) Any person aggrieved by,—

(*a*) an order made by an Inspector in exercise of any power conferred by or under this Act; or

(*b*) a refusal by an Inspector to make any order or to grant any certificate which he is required or empowered by or under this Act, to make or grant,

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 made under sub-section (*1*) shall be such as may be prescribed by the State Government.

Appeal to Central Government.

25. (*1*) Any person aggrieved by an order made under section 24 by the Chief Inspector—

(*a*) refusing to register a boiler or to grant or renew a certificate in respect of a boiler;

(*b*) refusing to grant a certificate having validity for the full period applied for;

(*c*) refusing to grant a certificate authorising the use of a boiler at the maximum desired pressure;

(*d*) withdrawing or revoking a certificate or provisional order;

(*e*) reducing the amount of pressure indicated in any certificate or the period for which such certificate has been granted;

(*f*) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe; or

(*g*) refusing sanction to the making of any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe,

may, within thirty days of the communication to him of such order, prefer an appeal to the Central Government in such form and manner, within such time and on payment of such fee as may be prescribed by the Central Government.

(*2*) Any person aggrieved by the refusal of an inspecting authority to grant a certificate of inspection of manufacture or erection may, within thirty days from the date of communication of such refusal, prefer an appeal to the Central Government.

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

Application for revision of order.

26. (*1*) Any person aggrieved by an order of the Central Government made under section 25 may, within sixty days of the communication to him of such order, make an application to the Central Government for a revision of its order.

(*2*) Every application for revision of order under this section shall be made in such form and manner, within such time and on payment of such fee as may be prescribed by the Central Government.

CHAPTER V

OFFENCES AND PENALTIES

Minor penalties.

27. Any owner of a boiler who refuses or without reasonable excuse fails,—

(*i*) to surrender a provisional order as required by sub-section (*2*) of section 14; or

(*ii*) to produce a certificate or provisional order when duly called upon to do so under section 20; or

(*iii*) to make over to the new owner of a boiler a certificate or provisional order as required by section 21; or

(*iv*) to report an accident to a boiler or boiler components when so required under section 23,

shall be liable to penalty which may extend to five thousand rupees.

Penalties for illegal use of boiler.

28. Any owner of a boiler who,—

(*a*) 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, or at a higher pressure than that allowed thereby; or

(*b*) uses or permits to be used a boiler which has been transferred from one State to another without such transfer having been reported as required under clause (*b*) of sub-section (*1*) of section 11; or

(*c*) fails to cause the register number allotted to the boiler under this Act to be permanently marked on the boiler as required under sub-section (*8*) of section 12,

shall be liable to penalty which may extend to one lakh rupees and in the case of a continuing contravention, with an additional penalty which may extend to one thousand rupees for each day after the first day during which the contravention continues.

Punishment for certain offences.

29. Any person who,—

(*a*) makes any structural alteration, addition or renewal in or to a boiler without first obtaining the authorisation of the Chief Inspector when so required by section 17, or to a steam-pipe without first informing the Chief Inspector under section 18; or

(*b*) 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

(*c*) allows another person to go inside a boiler without effectively disconnecting the same from any steam or hot water connection with any other boiler or from fuel mains, in accordance with the regulations made under this Act,

shall be punishable with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

Penalty for tampering with register mark.

30. (*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, shall be liable to penalty which may extend to one lakh rupees.

(*2*) Whoever fraudulently marks upon a boiler a register number which has not been assigned to it under this Act, shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one lakh rupees, or with both.

Penalty for breach of rules or regulations.

31. Any rule or regulation made under this Act may direct that a person contravening such rule or regulation shall be liable, in the case of a first contravention, with penalty which may extend to one thousand rupees and in the case of any subsequent contravention, with penalty which may extend to one lakh rupees.

Recovery of penalties.

32. (*1*) All penalties, fines and costs levied under this Act shall be recoverable as arrears of land-revenue.

(*2*) The penalties, fines and costs levied under this Act shall be utilised in such manner as may be prescribed by the State Government.

Limitation and previous sanction for prosecution.

33. 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.

Trial of offences.

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

Adjudication of penalties.

35. (*1*) The State Government or the Union territory administration may, for the purposes of determining the penalties under sections 27, 28, sub-section (*1*) of section 30 and section 31, authorise the District Magistrate or the Additional District Magistrate having jurisdiction, to be the adjudicating officer to hold an inquiry and impose penalty, in such manner as may be prescribed by the State Government or the Central Government, as the case may be.

(*2*) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject-matter of the inquiry, and if, on such inquiry, he is satisfied that the person concerned has failed to comply with any or all of the provisions of section 27 or section 28 or sub-section (*1*) of section 30 or section 31, he may by an order, impose penalty on such person stating therein the contravention:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

Appeal against orders of adjudicating officer.

36. (*1*) Any person aggrieved by the order passed by the adjudicating officer under section 35, may prefer an appeal to an officer not below the rank of Secretary to the State Government or the Union territory administration specially authorised by that Government or administration in this behalf, to be an appellate authority, within sixty days from the date of receipt of the order, in such form and manner as may be prescribed by the State Government or the Central Government, as the case may be.

(*2*) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(*3*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such order as he may think fit.

(*4*) An appeal under sub-section (*1*) shall be disposed of within sixty days from the date of filing of the appeal.

CHAPTER VI

MISCELLANEOUS

Power of Central Government to give directions.

37. The Central Government may give such directions as it may deem necessary, to a State Government for carrying into effect any of the provisions to this Act and the State Government shall comply with such directions.

Exemptions.

38. (*1*) The State Government may, by notification, exclude any area as may be specified therein, from the operation of all or any of the provisions of this Act.

(*2*) The State Government may, by notification, exempt from the operation of this Act, subject to such conditions and restrictions as it thinks fit, any boiler or class or type of boilers used exclusively for the heating of buildings or the supply of hot water.

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

(*4*) 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 and subject to such conditions as may be specified 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.

Power of Central Government to make rules.

39. (*1*) The Central Government may, by notification, make rules to carry out the provisions of this Act.

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

(*a*) the term of office of the members and the manner of their nomination under sub-section (*3*) of section 3;

(*b*) the qualifications and experience of Technical Adviser under sub-section (*1*) of section 4;

(*c*) the salary and allowances and terms and conditions of service of Technical Adviser under sub-section (*2*) of section 4;

(*d*) the qualifications and experience of Chief Inspector, Deputy Chief Inspectors and Inspectors under sub-section (*5*) of section 5;

(*e*) the boiler which shall be in the charge of persons holding certificate of proficiency or competency under clause (*e*) of sub-section (*1*) of section 11;

(*f*) the qualifications, experience, fee and the procedure for obtaining a certificate of proficiency or competency under sub-section (*2*) of section 11;

(*g*) the person who shall conduct inquiry and the manner of conducting such inquiry into the accident causing death under the proviso to sub-section (*4*) of section 23;

(*h*) the form, manner, time and fee for preferring appeal to the Central Government under sub-section (*1*) of section 25;

(*i*) the procedure for disposing of an appeal under sub-section (*3*) of section 25;

(*j*) the form, manner, time and fee for filing revision application under sub-section (*2*) of section 26;

(*k*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 35;

(*l*) the form and manner of preferring appeal under sub-section (*1*) of section 36.

Power of Board to make regulations.

40. (*1*) The Board may, by notification and subject to the condition of previous publication, make regulations not inconsistent with this Act and the rules made thereunder, to carry out the provisions of this Act.

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

(*a*) the manner of recognition of person as competent person under clause (*g*) of section 2;

(*b*) the manner of recognition of institution as inspecting authority under clause (*j*) of section 2;

(*c*) the manner of recognition of competent authority under sub-section (*1*) of section 6;

(*d*) the welders certificate under sub-section (*2*) of section 6;

(*e*) the procedure for examination and grant of welders certificate under sub-section (*3*) of section 6;

(*f*) the other conditions and fee and for grant of welders certificate under sub-section (*4*) of section 6;

(*g*) the facilities for design and construction of boiler and boiler components under clause (*a*) of section 7;

(*h*) the specifications for material, mounting and fitting used in the construction of boiler or boiler components under clause (*c*) of section 7;

(*i*) the stages of inspection during manufacture of boiler or boiler components by the inspecting authority under sub-section (*1*) of section 8;

(*j*) the procedure for inspection and certification of boiler or boiler components by the inspecting authority under sub-section (*2*) of section 8;

(*k*) the standard for design and drawing of boiler or boiler components under clause (*a*) of sub-section (*3*) of section 8;

(*l*) the fee for inspection of boiler or boiler components during manufacture under sub-section (*4*) of section 8;

(*m*) the procedure for inspection and certification of a boiler or boiler components during erection under sub-section (*2*) of section 9;

(*n*) the standards for erection of a boiler; and the form of certificate of inspection under clause (*a*) of sub-section (*3*) of section 9;

(*o*) the fee payable for inspection during erection under sub-section (*4*) of section 9;

(*p*) the facilities for repairing of boiler and boiler components under clause (*a*) of sub-section (*1*) of section 10;

(*q*) the standards for design and drawings of the boiler or boiler components, and the specifications for material, mounting and fitting used in the repair of the boiler or boiler components, under clause (*b*) of sub-section (*1*) of section 10;

(*r*) the measures for the safety of person working inside a boiler under clause (*f*) of sub-section (*1*) of section 10;

(*s*) the manner of obtaining a certificate under sub-section (*2*) of section 10;

(*t*) the manner of reporting of transfer of boiler under clause (*b*) of sub-section (*1*) of section 11;

(*u*) the form along with the drawings, specification, certificate and other documents for registration under sub-section (*1*) of section 12;

(*v*) the form for grant of certificate to the owner authorising the use of the boiler under sub-section (*6*) of section 12;

(*w*) the manner and time in which the register number shall be marked on the boiler under sub-section (*8*) of section 12;

(*x*) the form, documents and fee for renewal of certificate under sub-section (*3*) of section 13;

(*y*) the manner for inspection of the boiler under sub-section (*4*) of section 13;

(*z*) the validity period of the certificate under clause (*a*) of sub-section (*5*) of section 13;

(*za*) the standards for boiler or boiler components under clause (*b*) of sub-section (*5*) of section 13;

(*zb*) the terms and conditions for the renewal of certificate under sub-section (*6*) of section 13;

(*zc*) the particulars of proposed alteration, addition or renewal of steam-pipe and other boiler components under sub-section (*1*) of section 18;

(*zd*) the manner of preparation of the boiler or boiler components for examination under clause (*b*) of sub-section (*1*) of section 19;

(*ze*) the drawing, specification, certificate and other particulars to be provided to the competent person under clause (*c*) of sub-section (*1*) of section 19;

(*zf*) the manner of disconnecting the boiler under clause (*c*) of section 29;

(*zg*) the conditions for exemption of any boiler or boiler components under sub-section (*4*) of section 38;

(*zh*) for any other matter relating to design, manufacture, erection and use of boiler and boiler components which is to be regulated by the Board.

Rules and regulations to be laid before Parliament.

41. Every rule made by the Central Government under section 39 and every regulation made by the Board under section 40 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 regulation or both Houses agree that the rule or regulation should not be made, the rule or 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 rule or regulation.

Power of State Government to make rules.

42. (*1*) The State Government may, by notification and subject to the condition of previous publication, make rules not inconsistent with this Act and regulations made thereunder for all or any of the following provisions, namely:—

(*a*) the powers and duties of the Chief Inspector, Deputy Chief Inspectors and Inspectors under sub-section (*8*) of section 5;

(*b*) the fee payable for registration of boiler under sub-section (*2*) of section 12;

(*c*) the period within which Inspector shall be required to examine the boiler under sub-section (*3*) of section 12;

(*d*) the manner of reporting transfer of boilers from one place to another within State under sub-section (*9*) of section 12;

(*e*) the manner of inquiry in respect of an accident under sub-section (*4*) of section 23;

(*f*) the manner for making appeals under sub-section (*2*) of section 24;

(*g*) the procedure for disposing of appeals under sub-section (*3*) of section 24;

(*h*) the manner in which the penalties, fines and costs levied under this Act shall be utilised under sub-section (*2*) of section 32;

(*i*) the manner of holding inquiry and imposing penalty under sub-section (*1*) of section 35; and

(*j*) the form and manner of preferring appeal under sub-section (*1*) of section 36.

(*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.

Finality of orders.

43. An order of the Central Government under sections 25 and 26, 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.

Power to remove difficulties.

44. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Repeal and savings.

45. (*1*) The Boilers Act, 1923 is hereby repealed. 5 of 1923.

(*2*) Notwithstanding such repeal,—

(*a*) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under the Act so repealed shall have effect as if it had been issued, made or granted under the provisions of this Act, till new notification, rule, regulation, bye-law, order or exemption is issued, made or granted under this Act;

(*b*) any office established or created, officer appointed and any body constituted under the Act so repealed shall continue and shall be deemed to have been established, created, appointed or constituted under this Act;

(*c*) any document referring to the Act so repealed shall be construed as referring to this Act or to the provision of this Act;

(*d*) any fine or penalty levied under the Act so repealed may be recovered as if it had been levied under this Act;

(*e*) any offence committed under the Act so repealed may be prosecuted and punished as if it had been committed under this Act;

(*f*) any boiler registered under the Act so repealed shall be deemed to have been registered under this Act;

(*g*) any certificate of competency or proficiency, exemption, or any other certificate or document issued, made or granted under the Act so repealed and in force at the commencement of this Act shall be deemed to have been issued, made or granted under this Act and shall, unless cancelled under this Act, continue in force until the date shown in the certificate or document, as the case may be;

(*h*) any proceeding pending before any court under the Act so repealed may be tried or disposed of under the corresponding provisions of this Act;

(*i*) any inspection, investigation or inquiry ordered to be done under the provisions of the Act so repealed shall continue to be proceeded with as if such inspection, investigation or inquiry is ordered to be done under the corresponding provisions of this Act.

(*3*) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals. 10 of 1897.

(*4*) Notwithstanding the repeal of the aforesaid Act, the Board constituted under the Act so repealed shall continue to function till a new Board is constituted under this Act.

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DR. RAJIV MANI,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI–110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI–110054.

MGIPMRND—2GI(S4)—4-4-2025.