

THE INDIAN BOILERS (AMENDMENT) ACT, 1960

No. 18 OF 1960

[6th May, 1960]

An Act further to amend the Indian Boilers Act, 1923

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Indian Boilers (Amendment) Act, 1960. Short title.

~~5 of 1923~~ 2. In section 2 of the Indian Boilers Act, 1923 (hereinafter referred to as the principal Act),— Amendment of Section 2

(a) in clause (b), for the words "five gallons", the figures and word "22.75 litres" shall be substituted;

(b) for clause (c), the following clause shall be substituted, namely:—

'(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;'

(c) for clause (f), the following clause shall be substituted namely:—

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

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

(ii) such pipe exceeds 254 millimetres in internal diameter;

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

Amendment
of section
2B.

3. In section 2B of the principal Act, the words and figures "and section 34" shall be omitted.

Amendment
of section 3.

4. In clause (c) of sub-section (1) of section 3 of the principal Act, for the words "twenty gallons", the words "ninety-one litres" shall be substituted.

Substitution
of new sec-
tion for sec-
tion 5.

5. For section 5 of the principal Act, the following section shall be substituted, namely:—

Chief Inspec-
tor, Deputy
Chief Inspec-
tors and Ins-
pectors.

"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 his powers and perform his duties under this Act.

(3) Every Deputy Chief Inspector may exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act and, in addition thereto, may exercise such powers or perform such duties conferred or imposed on the Chief Inspector by or under this Act, as the State Government may assign to him.

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

(5) Subject to the provisions of this Act, the Deputy Chief Inspectors and Inspectors shall exercise the powers and perform the duties conferred and imposed on them by or under this Act are to be dealt with during the examination 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.

45 of 1860.

(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."

6. In clause (e) of section 6 of the principal Act, for the words "certificates of competency", the words "certificates of proficiency or competency" shall be substituted.

Amendment of section 6.

7. In the proviso to sub-section (5) of section 7 of the principal Act, after the words "of an economiser", the words "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" shall be inserted.

Amendment of section 7.

8. In section 8 of the principal Act,—

Amendment of section 8.

(a) in clause (c) of sub-section (1), for the words "two hundred square feet", the figures and words "18.58 square metres" shall be substituted;

(b) in the proviso to sub-section (3), after the words "an economiser", the words "or an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium" shall be inserted;

(c) for the second proviso to sub-section (4), the following proviso shall be substituted, namely:—

"Provided further that in the case of an economiser or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium, the date fixed for its examination shall be within sixty days from the date of the receipt of the application and the owner shall be given not less than thirty days' notice of the date so fixed.";

(d) in the first proviso to sub-section (5) after the words "of an economiser", the words "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" shall be inserted.

9. In clause (c) of section 11 of the principal Act, for the words "certificates of competency", the words "certificates of proficiency or competency" shall be substituted.

Amendment of section 11

Insertion of new section 20A.

10. After section 20 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to revise order of appellate authority.

“20A. (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.”.

Substitution of new section for section 21.

11. For section 21 of the principal Act, the following section shall be substituted, namely:—

Finality of order.

“21. An order of the Central Government under section 20A and, save as otherwise provided in sections 19, 20 and 20A, an order of an appellate authority, or of the Chief Inspector, or of a Deputy Chief Inspector, or of an Inspector, shall be final and shall not be called in question in any court.”.

Amendment of section 24.

12. In section 24 of the principal Act,—

(a) at the end of clause (e), the word “or” shall be inserted;

(b) after clause (e), the following clause shall be inserted, namely:—

“(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.”.

Amendment of section 26.

13. In section 26 of the principal Act, for the words “six months”, the words “twenty-four months” shall be substituted.

14. In section 27A of the principal Act,—

Amendment
of section
27A.

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

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

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

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

(b) in sub-section (3), the words, brackets, letter and figure “, otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2),” shall be omitted;

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

“(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.”.

15. In clause (c) of section 28 of the principal Act, after the words “prescribing the fees payable therefor”, the words “and for the inspection and examination of boilers or parts thereof” shall be inserted.

Amendment
of section
28.

16. After section 28 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
28A.

“28A. (1) The Central Government may, by notification in the Official Gazette, make rules to provide for—

Power of
Central Gov-
ernment to
make rules.

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

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

(2) Every rule made under sub-section (1) shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, 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."

Amendment
of section 29.

17. In section 29 of the principal Act,—

(a) in clause (a), after the words "Chief Inspector", the words "and of Deputy Chief Inspectors" shall be inserted;

(b) in clause (d); for the words "certificates of competency", the words "certificates of proficiency or competency" shall be substituted;

(c) for clause (f), the following clause shall be substituted, namely:—

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

Amendment
of section 30.

18. In section 30 of the principal Act, for the words "may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees", the words "may direct that a person contravening such regulation or rule shall be punishable, in the case of a first offence, with fine which may extend to one hundred rupees, and in the case of any subsequent offence, with fine which may extend to one thousand rupees" shall be substituted:

Insertion of
new section
31A:
Power of
Central Gov-
ernment to
give direc-
tions.

19. After section 31 of the principal Act, the following section shall be inserted, namely:—

"31A. The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of the provisions of this Act, and the State Government shall comply with such directions."

Amendment
of section 34.

20. In section 34 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) In case of any emergency the State Government may, by general or special order in writing, exempt any boilers or

steam-pipes or any class of boilers or steam-pipes or any boiler or steam-pipe from the operation of all or any of the provisions of this Act.

(3) If the State Government is satisfied that, having regard to the material, design or construction of boilers and to the need for the rapid industrialisation of the country, it is necessary so to do, it may, by notification in the Official Gazette and subject to such conditions and restrictions as may be specified in the notification, exclude any specified class of boilers or steam-pipes in the whole or any part of the State, from the operation of all or any of the provisions of this Act."

21. The members of the Board holding office as such at the commencement of this Act shall continue to hold office until the Board is re-constituted under the principal Act as amended by this Act and on the re-constitution of the Board, shall cease to hold office as such.

Temporary continuance in office of members of existing Board.