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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the Conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for the purpose of making Laws and Regulations:—

Bill No. 1 of 1873.

A Bill to provide for the periodical Inspection of Steam Boilers, and Prime Movers attached thereto, situate within certain Districts in the Presidency of Bombay.

WHEREAS it is expedient to provide for the inspection by competent Inspectors of Steam Boilers, and Prime Movers attached thereto, situate in certain Districts within the Presidency of Bombay, with a view to the security of persons and property; It is enacted as follows:—

I. It shall be lawful for the Governor in Council to declare from time to time, by notification in the *Government Gazette*, to what Districts within the Presidency of Bombay the provisions of this Act shall be applicable.

II. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless where a contrary intention shall appear from the context; that is to say—

v.—51

The word "Boiler" shall include any cylinder or vessel for generating steam under pressure.

The words "Prime Mover" shall include any steam engine, fly-wheel, first driving shaft, and pulley attached to any such engine.

The word "owner" shall include any agent or hirer using any Boiler or Prime Mover.

III. The Government shall be empowered from time to time to appoint one or more Inspectors for the purposes of this Act, and from time to time to remove the same or any of them. It shall be the duty of the Inspectors to inspect all Boilers, and Prime

Movers attached thereto, in the Districts assigned to them, in the manner herein-after provided. Subject to such rules as may from time to time be framed by Government, the Inspectors appointed under this Act shall be under the control of the Collector of the District assigned to such Inspectors, and it shall be lawful for the Collector of any District, from time to time, as he shall think fit, to apply to Government and require the appointment of a Commission for the revocation of any certificate on all or any of the grounds mentioned in Section IX. of this Act.

IV. It shall not be lawful for the owner of any such Boiler or Prime Mover as aforesaid to use the same unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided, and it shall not be lawful for such owner to continue to use such Boiler or Prime Mover after the period for which such certificate shall have been granted.

V. The owner of any such Boiler or Prime Mover as aforesaid, in respect whereof a certificate shall not be in force in manner hereinafter described, shall, before using the same, give notice to an Inspector appointed under this Act for the District in which the said Boiler or Prime Mover is situate, of his intention to use or continue to use the same. The Inspector to whom such notice shall be given shall appoint a time between sun-rise and sun-set, and within four days after the receipt of such notice, for the inspection of such Boiler or Prime Mover, and at such time shall carefully examine such Boiler or Prime Mover and every part thereof, and the owner or person in charge thereof shall afford to such Inspector all reasonable facilities for such examination, and all such information as may reasonably be required.

VI. An Inspector making an inspection under this Act of any such Boiler or Prime Mover as aforesaid, if he be satisfied that such Boiler or Prime Mover is in good condition, shall, on payment by the owner or person in charge thereof of such fees as shall be fixed in the rules hereinafter mentioned, give to the owner a certificate signed by him to that effect, in the form in the schedule to this Act annexed,

and such certificate shall state the period for which such Boiler or Prime Mover may be used, and shall cease to be in force on the expiration of such period.

VII. Government shall from time to time appoint a Commission for hearing any appeal preferred by any owner as provided by this Act, or for conducting an inquiry on an application made by a Collector under Section III. of this Act. And such Commission shall consist of such persons as the Government from time to time shall nominate, and every Commissioner shall be removable at the pleasure of Government.

VIII. If an Inspector refuse to give a certificate to the owner of any Boiler or Prime Mover under Section VI. of this Act, he shall be bound to give to such owner, in writing, his reasons for such refusal, and any owner aggrieved by the decision of the Inspector may, within one month from the date of the said refusal, appeal to Government and require the appointment of a Commission under Section VII. of this Act. The Commission shall, as soon as may be possible after appointment, inquire into and determine such appeal, and shall, if it think fit, grant a certificate. If the Commission is of opinion that any appeal is unfounded or frivolous, it shall have the power of awarding any sum not exceeding Rs. 50 as costs to be paid by the owner, and the same shall be recoverable by distraint and sale of the owner's goods by a warrant under the hands of the Commission. The costs when recovered shall be disposed of as directed by Section XIV. of this Act. The inquiry shall be held in public, and the decision of the Commission shall be final.

IX. Any Commission appointed under this Act may revoke any certificate granted under this Act in any case in which the fees for inspection, periodical or otherwise, shall not be paid after having been duly demanded, or in any case in which there shall be reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or in case there shall be reason to believe that the Boiler or Prime Mover in respect whereof such certificate shall have been granted since the granting such certificate has sustained injury or is not

in good condition. After such revocation the Boiler or Prime Mover in respect whereof a certificate has been revoked shall not again be used until a further inspection shall have been made as required by this Act, and until a certificate shall have been granted by the Inspector, with the countersignature of a majority of the said Commission.

X. Government shall from time to time Rules to be made. framerulesregulating the fees payable for certificates, and the duties of any Commission and of Inspectors appointed under this Act. Such rules shall not have effect until they shall have been published in the *Bombay Government Gazette* for a period of six weeks, and shall not be inconsistent with the provisions of this Act.

XI. The owner of any such Boiler or Prime Mover as aforesaid, who shall have obtained a certificate for the same, shall at all reasonable times, during the period for which the same may be in force, be bound to produce such certificate when called upon to do so by the Collector of a District in which this Act is made applicable and such Boiler or Prime Mover is situate, or by any person authorized in writing by such Collector to demand its production.

XII. The owner of any such Boiler or Prime Mover as aforesaid, who shall use the same without a certificate duly obtained and in force in respect thereof under this Act, shall be punished with a fine not exceeding five hundred Rupees, and if the said owner shall continue to use the same Boiler or Prime Mover as aforesaid after such fine shall have been imposed, he shall be held

to have committed a separate offence, and shall be punished with a further fine not exceeding five hundred Rupees. No proceeding shall be taken to enforce this penalty before such day after this Act shall have been declared applicable to any District as Government shall fix by notification in the *Bombay Government Gazette*.

XIII. This Act shall not apply to any Locomotive Engine used upon any Railway in any District to which this Act is made applicable, nor to any Steam Vessel in any Port or River situate within any such District.

XIV. All offences against this Act may be tried by any Magistrate with powers not inferior to those of a Magistrate of the Second Class, and the provisions of Sections 63 to 70, both inclusive, of the Indian Penal Code, and of Section 307 of the Code of Criminal Procedure, shall apply to all fines imposed under the authority of this Act. All fines and costs to be levied under this Act shall be disposed of in such manner as Government from time to time shall direct.

XV. No charge shall be brought against any person Charges within what for the recovery of period to be brought. any fine under this Act, except within six months after the commission of the offence, nor shall such charge be brought except with the sanction or under the direction of the Collector of the District in which the offence is laid.

XVI. This Act may be cited as "The Mofussil Boiler Inspection Act, 1873."

Short Title.

SCHEDULE.

Form of Inspector's Certificate.

NAME OF OWNER.	Description of Boiler, and age.	Description of Prime Mover, and age.	Power.	When and where made.	When and where last repaired.	Time for which Boiler or Prime Mover is to be used and Certificate to be in force.	REMARKS.

I, the undersigned, certify that I have examined the abovenamed Boiler (or Prime Mover), and to the best of my judgment the Boiler (or Prime Mover), as shown in the above statement, is in good condition.

A. B., Inspector.

STATEMENT OF OBJECTS AND REASONS.

Owing chiefly to the extension of steam machinery to the ginning and pressing of cotton of late years in the Mofussil, a great number of factories worked by steam power has started up in different parts of the country. These factories are managed in a great measure by men who have but a very slight acquaintance with the nature and management of steam machinery, and the consequent danger to human life has become a matter for serious consideration. One accident attended with loss of life has already occurred at Ahmadabad. Act VI. of 1869, which provides for the inspection of Steam Boilers and Prime Movers attached thereto in the city of Bombay, contains no clause by which its operation can be extended to the Mofussil, and it has therefore been found advisable to draft a new Act for the latter, based on the provisions of Act VI. of 1869.

(Signed) A. ROGERS.

29th March 1873.

By order of His Excellency the Governor in Council,

J. M. CAMPBELL,

Offg. Under-Secretary to Government.

Bombay Castle, 29th March 1873.