



Bombay Government Gazette.

Published by Authority.

THURSDAY, 21st AUGUST 1873.

 Separate pricing is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay, on the "Bill to provide for the periodical inspection and the management by competent Engineers of Steam Boilers, and Prime Movers attached thereto, in the City of Bombay and within certain Districts in the Presidency of Bombay," and the Bill as amended by the Committee are, in accordance with Rule 25 of the Rules for the Conduct of Business at Meetings of the Council, published for general information:—

Report of the Select Committee appointed to consider the "Bill to provide for the periodical inspection and the management by competent Engineers of Steam Boilers, and Prime Movers attached thereto, in the City of Bombay and within certain Districts in the Presidency of Bombay."

The Select Committee appointed to consider and report on Bill No. 7 of 1873 (a Bill to provide for the periodical inspection and the management by competent Engineers of Steam Boilers and Prime Movers attached thereto, in the City of Bombay and within certain Districts in the Presidency of Bombay) beg to state that they approve of the principle of the Bill as amended by them.

The select Committee are of opinion that it is not expedient to enforce the inspection of all Steam Boilers and Prime Movers, irrespective of their size, situated in the City of Bombay or in the other portions of the Presidency to which the provisions of the Bill may be extended. To do so would, the Committee think, be to impose a restriction on commercial and industrial enterprise. Some cases do already exist, and their number may hereafter be greatly increased, in which small steam engines are employed for agricultural or manufacturing purposes, *e. g.*, for steam pumps or in small ginning factories: these engines are of comparatively small value, are employed, at first at least, merely experimentally, and the profit derived from their use is not large. If they are to be inspected, and fees are to be charged for their examination, the cost to the owners of such inspection will probably consume so considerable a portion of the profits derived from their working as to induce the owners to discontinue their use, and would deter other small capitalists

from setting up steam machinery to assist or to supersede manual labour. Further, the Bill as introduced would necessitate the inspection of such implements as steam cranes, steam ploughs, traction engines, &c., at a material expense to their owners. This appears to the Committee to be unnecessary and undesirable. The Committee have, therefore, suggested, to obviate these difficulties, that all Steam Boilers attached to Prime Movers of not more than ten-horse power nominal should be exempted from the operation of the provisions of this Bill.

By Bombay Act VI. of 1869 it was left to Government to fix, by the Rules to be prepared under Section IX. of that Act, the fees to be paid for certificates granted after the inspection of Boilers or Prime Movers. The Select Committee, however, deem it advisable to prescribe by law the maximum rate of fees leviable, and have, in order to accomplish this object, prepared and annexed to the Bill a schedule of maximum fees leviable, on a graduated scale according to the nominal horse power of the Prime Mover to which the Boiler or Boilers inspected are attached. The highest fee leviable is Rs. 30 per Boiler. At present it would appear that this is the fee levied for the grant of any certificate irrespective of the size of the Boiler to which it relates.

In Section 2 and elsewhere through the Bill the words "or places" have been inserted after "Districts," as it may hereafter be found advisable to extend the operation of the provisions of the Bill only to a certain place or to certain places in a District instead of to the whole of the District in which such place or places are situated.

Section 6 has been considerably modified by the Select Committee. In the Bill as introduced the notice to be given by the owner of a Boiler situated in the Mofussil of his intention to use the Boiler was to be given to the Inspector of the District in which the Boiler was situated, and the Inspector was then bound, within four days after the receipt of such notice, to inspect the Boiler. The Committee, however, consider that this would be in some cases impracticable. The number of Inspectors will probably be very small. It is almost certain that a separate Inspector will not be appointed for each District, and it is not unlikely that it may be found necessary to appoint special Inspectors for special occasions.

It would also in some instances be an absolute impossibility for an Inspector to examine a Boiler within four days after the receipt of a notice calling upon him to inspect it. Under these circumstances the Committee propose that the notice shall be given by the owner of the Boiler to the Collector of the District in which the Boiler is situated, and that then the Collector shall cause the required examination to be made by an Inspector within 15 days.

In Section 24 the Committee recommend that all offences under the Bill should be triable only by Magistrates of the First Class, as many of the cases arising under the Bill might require for their proper decision greater magisterial experience and more legal knowledge than are usually found in Second Class Magistrates.

Two verbal alterations of slight importance have been made in Section 4.

The Honourable Messrs. Bythell and Narayan Vasudew are inclined to oppose those provisions of the Bill which relate to the examination, &c., of Engineers, and render it penal to employ an uncertificated person to manage or be in charge of a Steam Boiler or Prime Mover. These provisions might, they consider, in certain contingencies prove sources of much hardship and inconvenience to owners of steam factories, and would not, in their opinion, tend to prevent the occurrence of boiler explosions and other accidents. The other Members of the Committee, however, bearing in mind the facts brought to light during the investigations as to the causes of the recent Boiler explosions at Broach and Ahmedabad, think the retention of these provisions desirable, and are of opinion that, though they may not render accidents of a like nature impossible in future, they will at all events make their occurrence less likely.

This report is not signed by the Honourable Mr. Bythell, as he left Poona before it was agreed upon.

(Signed)	A. ROGERS.
"	M. K. KENNEDY.
"	NARAYAN VASUDEO.

19th August 1873.

Bill No. 7 of 1873.

A Bill to provide for the periodical inspection and the management by competent Engineers of Steam Boilers, and Prime Movers attached thereto, in the City of Bombay and within certain Districts in the Presidency of Bombay.

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

I. Bombay Act No. VI. of 1869 ("The Repeal of Bombay Act VI. of 1869. Bombay Boiler Inspection Act, 1869") is hereby repealed.

II. The provisions of this Act shall apply to the City of Bombay and to such Districts, or places within the Presidency of Bombay as the Governor in Council shall from time to time declare them to be applicable by notification in the *Government Gazette*.

III. 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—

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.

IV. 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 City of Bombay or in the Districts or places of the Presidency of Bombay assigned to them, in the manner hereinafter 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 Bombay or of the Collector of the District in which the Boilers and Prime Movers to be inspected by such Inspectors are situated, and it shall be lawful for the Collector of Bombay or for the Collector of any District as aforesaid, 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 X. of this Act.

V. 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.

VI. 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, if such Boiler or Prime Mover be situate in the City of Bombay, before using the same, give notice to an Inspector appointed under this Act for the City of Bombay of his intention to use or continue to use the same, and 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, or if such Boiler or Prime Mover be situate in any District or place to which the provisions of this Act have been made applicable, the owner shall, before using the same, give notice to the Collector of the District in which the said Boiler or Prime Mover is situate of his intention to use or continue to use the same, and the Collector shall cause an inspection and examination as aforesaid to be made by an Inspector appointed under this Act within 15 days after the receipt of such notice. The owner or person in charge of any Boiler or Prime Mover examined by

an Inspector under the provisions of this Section shall afford to such Inspector all reasonable facilities for such examination, and all such information as may reasonably be required.

VII. 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 fees not exceeding those prescribed in Schedule A. hereunto annexed, give to the owner a certificate signed by him to that effect, in the form in Schedule B. 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.

VIII. 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 IV. of this Act, and also, under such rules as may from time to time be framed by Government, for controlling the Inspectors appointed under 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.

IX. If an Inspector refuse to give a certificate to the owner of any Boiler or Prime Mover under Section VII. 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 the Commission appointed under Section VIII. of this Act. The Commission shall, as soon as may be possible, 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. The costs when recovered shall be disposed of as directed by Section XXIV. of this Act. The inquiry shall be held in public, and the decision of the Commission shall be final.

X. 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.

XI. Government shall from time to time frame and publish in the *Bombay Government Gazette* rules in conformity with the provisions of this Act regulating the fees payable for certificates and the duties of any Commission and of Inspectors appointed under this Act.

XII. 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 any Magistrate having jurisdiction within the City of Bombay if such Boiler or Prime Mover be situate in the said City, or if such Boiler or Prime Mover be situate in any District or place to which this Act is made applicable when called upon to do so by the Collector of the District or by any person authorized in writing by such Magistrate or Collector to demand its production. And any such owner refusing or neglecting to produce such certificate shall be liable on conviction to a penalty not exceeding one hundred Rupees.

XIII. 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.

XIV. Examinations shall be instituted for persons who intend to become Engineers for the management of Boilers and Prime Movers, or who wish to procure certificates of competency as hereinafter mentioned.

XV. The Governor of Bombay in Council, or any Commission appointed under Section VIII. of this Act duly authorized by him in that behalf, shall from time to time nominate two or more competent persons for the purpose of examining the qualifications of applicants for examination, and may make rules for the conduct of such examination and as to the qualifications to be required and the fees to be paid by all applicants for examination.

XVI. The Governor of Bombay in Council, or such Commission as aforesaid, shall deliver to every applicant who is reported by the examiners to have passed the examination a certificate of competency to the effect that he is competent to act as Engineer.

XVII. It shall be lawful for the Governor of Bombay in Council, or Commission as aforesaid, in case of the misconduct, negligence, or incompetency of any Engineer possessing a certificate of competency, to cancel such certificate, or to suspend the same for such time as to him or them shall seem fit.

XVIII. Every Engineer's certificate of competency which may be granted by any competent authority in the United Kingdom shall have in all respects the same validity and effect as if the same had been granted under the provisions of this Act.

XIX. All certificates of competency which may be granted under this Act shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as

the Governor in Council shall direct. All orders made for cancelling, suspending, altering, or otherwise affecting any certificate, in pursuance of the powers herein contained, shall be entered on the record of certificates.

XX. Whenever any Engineer proves to the satisfaction of the Governor in Council, or of such Commission as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled, shall be delivered to him, and shall have all the effect of the original certificate.

XXI. No person who does not possess a certificate of competency granted under Section XVI., Section XVIII., or Section XX. of this Act shall be deemed a fit and proper person to manage or be in charge of a Steam Boiler or Prime Mover situate in the City of Bombay or in a District or place to which the provisions of this Act are made applicable; and if any owner of any Steam Boiler or Prime Mover as aforesaid knowingly places or permits to be placed in management or charge of such Steam Boiler or Prime Mover any person who does not possess a certificate of competency as aforesaid, such owner shall be liable to a fine not exceeding five hundred Rupees, and, in default of payment of fine, to imprisonment of either description for a term not exceeding three months.

XXII. No certificate under Section VII. or Section IX. of this Act shall be granted for any Steam Boiler or Prime Mover, unless the owner thereof shall have in his employ as Engineer thereof a person possessing a certificate of competency under Section XVI. or Section XVIII. or Section XX. of this Act.

XXIII. No proceeding shall be taken to enforce the penalties mentioned in Sections XIII. and XXI. of this Act, nor shall Section XXII. of this Act take effect before such day after this Act shall have come into operation, or shall have been declared applicable to any District or place as Government shall fix by notification in the *Bombay Government Gazette*.

XXVI. This Act shall only apply to Steam Boilers of which the Prime Movers are of more than ten-horse power nominal, and shall not apply to any Locomotive Engine used upon any Railway in the City of Bombay or in any District to which this Act is made applicable, nor to any Steam Vessel in the Port of Bombay or in any Port or River situate within any District to which this Act is made applicable.

XXVII. This Act may be cited as
Short Title. "The Boiler In-
spection Act, 1873."

Maximum Rate of Fees leviable under Section VII.

- | | | |
|------|---|--------|
| (1). | For inspecting every Steam Boiler attached to a Prime Mover exceeding ten but not exceeding 15 horse power nominal... | Rs. 10 |
| (2). | For inspecting every Steam Boiler attached to a Prime Mover exceeding fifteen but not exceeding 20 horse power nominal. | „ 15 |
| (3). | For inspecting every Steam Boiler attached to a Prime Mover exceeding twenty but not exceeding 30 horse power nominal. | „ 20 |
| (4). | For inspecting every Steam Boiler attached to a Prime Mover exceeding thirty but not exceeding 50 horse power nominal. | „ 25 |
| (5). | For inspecting every Steam Boiler attached to a Prime Mover exceeding fifty horse power nominal..... | „ 30 |

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.

By order of His Excellency the Governor in Council,

JOHN NUGENT,

JOHN NUGENT,
Acting Under Secretary to Government.

Poona, 19th August 1873.