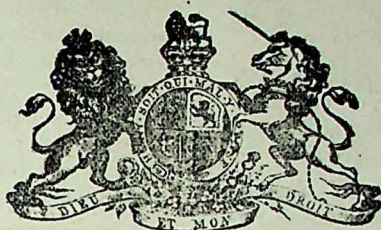


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Bombay Government Gazette.

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Separate paging 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 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 making Laws and Regulations:—

Bill No. 9 of 1878.

A Bill to amend the law for the periodical inspection and the management by competent engineers of steam boilers and prime movers in the Presidency of Bombay.

Whereas it is expedient to amend the law
Preamble. for the inspection and management of steam
boilers, and of prime movers; It is enacted
as follows:—

Preliminary.

1. This Act may be cited as "The
Short Title. Bombay Boiler In-
spection Act, 1878."

It shall come into force at once in the
City of Bombay and
Extent of Act. in such districts or
places as Bombay Act
V of 1873 is at present in force in, and
may be extended from time to time by the
Governor in Council, by notification in the
Bombay Government Gazette, to such other
districts or places in the Presidency of
Bombay as he shall deem fit.

But nothing in this Act shall be deemed
Limitation of appli- to apply to any steam
cation of Act. vessel, or to any loco-
motive engine used
upon any railway.

2. Bombay Act V of 1873 ("The
Bombay Boiler In-
spection Act, 1873")
Repeal of Bombay
Act V. of 1873. is hereby repealed:

Provided that nothing in this Act shall,
except as is herein-
Proviso. after otherwise ex-
pressly provided,
affect the validity, according to its tenor,
of any certificate granted under the said
Bombay Act V of 1873. Except as is here-
inafter provided in section twenty-three,
every such certificate shall, for all the
purposes of this Act, be deemed to have
been granted, and to be in force, under
the corresponding provisions of this Act.

3. In this Act, unless where a contrary intention appears from the context:

- (1) the word "boiler" includes any cylinder or vessel for generating steam under pressure;
 "Boiler."
- (2) the words "prime mover" include any steam engine, fly-wheel, first driving-shaft or pulley attached to any such engine, and all appurtenances necessary for the safe and efficient working of any prime mover;
 "Prime mover."
- (3) the word "owner" includes any agent or hirer using any boiler;
 "Owner."
- (4) the word "Collector" means, within the limits of their respective charges, the Collector of Bombay, and the Collector of any district to which, or to any place in which, this Act may be extended.
 "Collector."

Inspection of Boilers.

4. Government may from time to time appoint one or more Inspectors for the purposes of this Act, who shall be removable at the pleasure of Government.

The local extent of each such Inspector's duties shall be fixed from time to time by Government.

Subject to such rules as may from time to time be framed by Government under section twenty-seven, the Inspectors shall be under the control of the Collector of the place or district in which the boilers to be inspected by such Inspectors are situated.

5. Government shall, as occasion may require, appoint Commissions for hearing appeals preferred by owners under section ten, and for determining questions submitted to them under section twelve. Such Commissions shall consist of such person or persons as the Government shall deem fit to nominate, and their appointment shall endure for such term as shall be prescribed by Government.

Owner not to use a boiler without a certificate.

6. It shall not be lawful for the owner of any boiler:

(a) to use the same or to permit the same to be used unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided; or

(b) to continue to use the same or to permit the use thereof to be continued after the period for which any such certificate shall have been granted has expired; or

(c) to work the same or to permit the same to be worked at a higher pressure than that allowed by such certificate.

7. The owner of any boiler who does not hold in respect thereof a certificate as aforesaid which is at the time in force, shall,

On notice from owner an Inspector to examine boiler.

if such boiler be situate in the City of Bombay, before using or continuing the use of the same, give notice to an Inspector appointed under this Act for the said city of his intention to use or to continue to use the same. The Inspector to whom such notice is given shall appoint a time between sunrise and sunset, and within four days after the receipt of such notice, for the inspection of such boiler, and at such time shall carefully examine such boiler and every appurtenance thereof.

If such boiler be situate elsewhere than in the City of Bombay, the owner shall, before using or continuing the use of the same, give notice to the Collector of the district, of his intention to use or to continue to use the same, and the Collector shall cause an inspection and examination as aforesaid to be made by an Inspector within ten days after the receipt of such notice, and shall inform the owner of the date on which the said inspection will take place.

Necessary information must be furnished by owner, and necessary dispositions made for facilitating examination.

8. The owner or person in charge of any boiler so examined shall:

(1) afford to the Inspector all reasonable facilities for such examination, and all such information as may reasonably be required by him;

(2) previously arrange that,

(a) the boilers shall be empty and cool, and shall be cleaned inside and outside,

(b) fire-flues shall be swept,

(c) fire-bars and fire-bridges shall be removed,

(d) blow-off and other cocks shall be cleared, for the purpose of inspection and examination; and

(3) if required by the Inspector, cause any brick-work or masonry in contact with the boiler to be removed.

9. If the Inspector is satisfied that the boiler and all its necessary appurtenances are in good condition, he shall give to the owner a certificate signed by him to that effect, in the form of Schedule A. The certificate shall state the period for which such boiler may be used, and shall cease to be in force on the expiration of such period.

No such certificate shall be granted for a longer period than six months, but it shall be the duty of the Inspector, from time to time to re-inspect the boiler and all its necessary appurtenances, and on being satisfied that the same are in good condition, from time to time to renew the certificate. Each such renewed certificate shall be granted for such period, not exceeding six months as the Inspector may in his discretion deem fit.

10. If an Inspector refuse to give a certificate or a renewed certificate to the owner of any boiler he shall be bound to give to such owner, within twenty-four hours, his reasons for such refusal, in writing; and any owner aggrieved by the decision of the Inspector, may, within one month from the date of the said refusal, lodge with the Collector an appeal to be heard by a Commission appointed under section five.

11. The owner's petition of appeal shall be forthwith forwarded by the Collector to the Commission and the said Commission shall, within four days after the date of the receipt of the same, if the boiler be situated in the City of Bombay, and within ten days after the date of its receipt if the boiler be situated elsewhere, inquire into and determine such appeal, and shall, if it think fit, grant a certificate.

If the Commission is of opinion that the appeal is unfounded or frivolous, it shall have power to award any sum, not exceeding one hundred and fifty rupees, to be paid by the owner as costs. The inquiry shall be held in public, and the decision of the Commission shall be final, and any sum

awarded by it as costs shall be recoverable by the Collector from the owner as an arrear of land-revenue.

If the Commission finds that the Inspector has refused to give the certificate on frivolous grounds, or has in any way abused his authority, it may direct him to pay a penalty which may extend to Rs. 500, and if Government so directs, the whole or any part of the said penalty may, when recovered, be awarded to the owner as compensation. The penalty so inflicted may be deducted by Government from the salary of the Inspector, and shall also be recoverable from him, if necessary, by the Collector as an arrear of land revenue. The order of the Commission imposing a penalty upon any Inspector shall not be deemed a bar to any proceedings, whether civil or criminal, to which the act complained of may render the said Inspector liable.

12. Any Commission appointed under section five may revoke any certificate granted under section nine or eleven.

(a). If any rate or fee, lawfully due under this Act, shall not be paid after having been duly demanded, or

(b). If there shall be reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or

(c). If there shall be reason to believe that the boiler in respect whereof such certificate has been granted has sustained injury since the granting of such certificate or is not in good condition.

After such revocation, the boiler in respect whereof the certificate has been revoked, shall not again be used until a further inspection shall have been made and a certificate granted by the Inspector with the countersignature of a majority of the said Commission.

13. It shall be lawful for an Inspector, at any time between sunrise and sunset on any day during the period for which a certificate may have been granted under section nine, eleven or twelve, to examine any boiler for which such certificate has been granted, in order to

ascertain whether such boiler is still in good condition, and whether any cause exists for revoking the said certificate.

It shall be the duty of every owner or person in charge of a boiler to report to the Inspector within twelve hours of its occurrence every accident to the boiler or machinery attached to it, which is calculated to weaken the strength of such boiler or render it liable to explode.

14. The owner of any boiler who shall have obtained a certificate therefor, shall at all reasonable times during the period for which such certificate is in force, be bound to produce the same when called upon to do so by any Presidency Magistrate in the City of Bombay, or by the Collector elsewhere, or by any person authorized in writing by such Presidency Magistrate or Collector to demand its production.

Any such owner refusing or neglecting to produce such certificate to such Magistrate or Collector or person authorized as aforesaid shall be deemed to have committed an offence under Section 175 of the Indian Penal Code.

15. The owner of any boiler who shall use the same or permit it to be used, without a certificate duly obtained and in force in respect thereof,

and any such owner or any engineer who shall work the same, or permit it to be worked, at a higher pressure than that allowed by any certificate duly obtained and in force in respect thereof,

shall be punished with fine which may extend to one hundred rupees for every day or part of a day that he shall so use or work the said boiler or permit the same to be so used or worked;

and if the said owner or engineer shall continue so to use, or work the boiler, or to permit the same to be so used or worked 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 which may extend to one hundred rupees for each day or part of a day after the first conviction during which the offence is continued, and in like manner after each subsequent conviction.

Engineers' Certificates.

16. Examinations shall be held periodically, at such intervals and on such dates as Government shall determine, of persons who desire to qualify as engineers for the management of boilers.

17. The Governor in Council shall from time to time nominate one or more competent persons to be examiners at the said examinations.

18. Every applicant for examination who is reported by the examiners to have passed an examination shall receive a certificate of competency in accordance with the examiners' report as to his qualifications, which shall be signed by the examiners and by a Secretary to Government.

Certificates of competency shall be of different classes, and a certificate of each class shall qualify the holder thereof to manage or be in charge of a boiler of which the prime mover is of so many horsepower nominal, as the Governor in Council may from time to time direct in the rules to be framed under section twenty-seven.

19. If any engineer is in possession of a certificate of competency granted by any competent authority in any other part of British India, or in the United Kingdom, or in any British Colony, he shall be entitled to receive a certificate of competency as aforesaid without undergoing examination.

Government may from time to time determine what authorities shall be deemed competent for the purpose of this section.

The certificate granted under this section shall be of such class as the examiners, on a consideration of the nature of the certificate in the engineer's possession, shall recommend.

20. If by means of any inquiry conducted under the provisions of this Act, it shall be established to the satisfaction of the Governor in Council that any engineer possessing a certificate of competency granted under section eighteen or nineteen is incompetent, or is addicted to drunkenness, or has been guilty of any

serious misconduct, or negligence, it shall be lawful for the said Governor in Council to cancel such certificate, or to suspend the same for such time as he shall deem fit.

21. A duplicate of every certificate of competency granted under this Act shall be kept and recorded in such manner as the Governor in Council shall direct; and all orders made under the provisions of the last preceding section for cancelling or suspending any certificate shall be from time to time entered on the record containing such duplicates.

22. Whenever any engineer proves to the satisfaction of the Governor in Council that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act, a duplicate of the certificate to which by the record so kept as aforesaid he appears to be entitled, shall be furnished to him, which shall have for all purposes the same validity as the original certificate.

23. Except as is hereinafter otherwise provided, no person who does not possess a certificate of competency granted under section eighteen, nineteen, or twenty-two shall be deemed a fit and proper person to manage or be in charge of a boiler; and no holder of any such certificate shall be deemed a fit and proper person to manage or be in charge of any boiler except to the extent of his qualification indicated by his said certificate:

Provided that the holder of a certificate of competency granted under the latter part of section seventeen of Bombay Act V of 1873, on the ground of efficient service merely, shall be deemed to be a fit and proper person to manage or to be in charge of any boiler for a period of one year from the date of the publication of the assent of the Governor General to this Act, but for no further period.

24. Any owner of a boiler who knowingly places or permits to be placed in management or charge of a boiler any person who

is not a fit and proper person for the management or charge of the same, shall be punished with fine which may extend to five hundred rupees.

25. No certificate shall be granted under section nine, eleven or twelve for any boiler, unless the owner of the same shall have in his employ as engineer thereof a person who is a fit and proper person to manage or be in charge of the same.

Miscellaneous.

26. No proceeding shall be taken to enforce the penalties mentioned in sections fifteen and twenty-four of this Act, nor shall section twenty-five of this Act take effect in any district or place in which Bombay Act V of 1873 is not now in force, before such day after this Act shall have been extended to such district or place as Government shall fix by notification in the *Bombay Government Gazette*.

27. Government may from time to time frame rules not inconsistent with the provisions of this Act, for

(a) settling the duties and emoluments of Commissions and Inspectors appointed under this Act, and regulating the control to be exercised by Collectors over Inspectors;

(b) determining in what manner the funds necessary for efficiently carrying out the provisions of this Act shall be levied, viz., whether:

(1) by an annual rate payable by the owners of all boilers to which this Act is, or may become, applicable, according to the estimated value of their respective machinery and works; or

(2) by means of fees on the performance of each, or any, of the duties imposed by the said rules, or by this Act, on the Commissions or Inspectors appointed under this Act, or on the Collectors; or

(3) partly by a rate and partly by fees;

(c) fixing the amount of every rate or fee to be so levied, and in case of the levy of an annual rate, prescribing how and by whom such rate shall be

assessed, to what authority an appeal shall lie against such assessment, and when and in what instalments, if any, the same shall be payable,

(d) authorizing Inspectors under certain prescribed conditions to receive consultation fees from owners,

(e) regulating the conduct of the examinations to be held under section sixteen,

(f) prescribing the qualifications to be required of candidates, at the said examinations, the fees to be paid by them, the forms of the certificates to be granted to them, and the kind of boiler of which each such certificate shall qualify the holder thereof to be in charge.

All rules so framed may from time to time be varied, or cancelled by Government, and shall be published in the *Bombay Government Gazette*, and when so published shall, until cancelled or varied, have the force of law.

28. All offences against this Act shall be cognizable in the City of Bombay by a Presidency Magistrate and elsewhere by a Magistrate of the First Class, and the provisions of sections sixty-four to seventy, both inclusive, of the Indian Penal Code shall apply to all fines inflicted by a Magistrate under this Act.

29. All rates, fees, costs and penalties levied under this Act shall be disposed of in such manner as Government shall from time to time direct.

30. No charge shall be brought against any person of any offence made punishable by this Act, except within six months after the commission of the offence, nor shall any such charge be brought except with the sanction or under the direction of the Collector.

31. The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*:
Applicability of certain provisions of this Act to prime movers.

(a) apply so much of this Act as relates to the taking out and grant of certificates for, and the inspection of boilers to prime movers in any place or district in which this Act is at the time in force, and

(b) cancel any such notification.

During such period as any notification under the above clause (a) is in force in any place or district, the provisions of this Act thereby made applicable to prime movers shall be read and understood in such place or district as if the word "boiler" included the words "prime movers" wherever used therein.

SCHEDULE A.—(see Section 9).

Name of owner.	Description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which boiler is to be used, and certificate to be in force, and maximum pressure at which the boiler may be worked.	Remarks.

I, the undersigned, certify that I have examined the above-named boiler, and to the best of my judgment the boiler, as shown in the above statement, and all its necessary appurtenances are in good condition.

A. B., Inspector.

STATEMENT OF OBJECTS AND REASONS.

The fees leviable under Bombay Act V of 1873 are found not to yield sufficient revenue to enable Government to provide efficiently for giving effect to the requirements of the Act, and the scale of fees is stated to work unfairly, because the same charge for inspection is made to the owner of a small concern worked by steam-power as to a company whose property is worth perhaps lacs of rupees.

Again, the absence of any provision in Bombay Act V of 1873 for checking the working of boilers at a higher pressure than that allowed by the Inspector's certificate, is found to be a serious obstacle to the exercise of efficient control over the owners and engineers in charge of such boilers.

Part III. of the Act has also given rise to difficulties. The examiners appointed under Section 16 have considered that alleged efficient service merely, without any personal test of the candidate's qualifications, is not a safe ground upon which to award a certificate of competency as engineer. They have also thought it necessary that certificates of competency should be of different classes, according to the candidates' respective qualifications, which are found to be of very varying degrees.

This Bill proposes to amend Bombay Act V of 1873 so as to remove all the above objections to it.

It is also proposed (1) to extend the provisions of the new Act to all boilers, and not merely to those of which the prime movers are above ten horse-power, to which Act V of 1873 was restricted, and (2) to repeal so much of the latter Act as relates to the inspection of prime movers, but to take power to extend the new Act to prime movers, in any place or district, if at any future period it should be deemed desirable to do so. Provision has also been made to punish abuse of power by an Inspector and to increase the penalty for a frivolous appeal from Rs. 50 to Rs. 150.

The opportunity has been taken of introducing several other minor alterations, and of improving the language and arrangement of the Act.

As the proposed amendments are numerous, it has been thought better to substitute an entirely new Act than to burden the Statute Book with a lengthy amending Act.

(Signed) E. W. RAVENSCROFT.

By order of His Excellency the Honourable the Governor in Council,

JOHN NUGENT,
Under Secretary to Government.

Bombay Castle, 25th November 1878.