

PUBLIC WORKS DEPARTMENT.

RULES UNDER SECTION 29 OF THE INDIAN BOILERS ACT, 1923.

No.1

Dated Rangoon, the 3rd January 1924.

[Amendment : 18.06.1989]

No.1.- In exercise of the powers conferred by section 29 of the Indian Boilers Act 1923, and in supersession of all rules made under the Myanmar Steam-boilers and Prime-movers Act, 1910, the Governor in Council is pleased to make the following rules for the purpose of carrying into effect the provisions of the Indian Boilers Act, 1923.

I.-PRELIMINARY.

Definitions.

1. In these rules, unless there is anything repugnant in the subject or context,-

(a) "The Act" means the Indian Boilers Act No. V of 1923.

(b) "Section" means a section of the said Act.

(c) "Regulation" means a regulation framed by the Government of India under section 28 of the said Act.

Payment of fees.

2. All fees payable under the Act shall be deposited by the payer in a Government Treasury or the Imperial Bank of India. Applications under sections 7 and 8 of the Act, to which the treasury or bank receipt for payment is affixed, shall be deemed to be accompanied by the prescribed fee.

II.-DUTIES OF THE CHIEF INSPECTOR.

Control by Development Commissioner.

3. The Chief Inspector shall work under the administrative control of the Development Commissioner and shall submit to him:-

(a) an Annual Report on the administration of the Act;

(b) such other reports and returns as may be called for. Exceptional cases which are not covered by the regulations or rules should be reported to the Development Commissioner.

Duty of general control.

4. The Chief Inspector is vested with all the powers of an Inspector under the Act. His main duty, however, consists in supervising and controlling the work of the Inspector, and he should only actually inspect or examine boilers in exceptional cases, or where he considers that the work of an Inspector requires a personal check.

Specific duties.

5. The Chief Inspector shall:-

- (a) personally check the registration and measurements of all newly registered boilers, for the initial working pressure on the basis of Part I of the Regulations and enter under his own signature all orders required by section 7;
 - (b) enter under his own signature any subsequent entries required in the registration book;
 - (c) obtain from the province of registry the registration book of any boiler the transfer of which is reported under section 6 (b);
 - (d) fix the area under the control of each Inspector;
 - (e) approve the programme of all Inspectors subordinate to him with due regard to the convenience of owners generally;
 - (f) examine and countersign the Inspectors' Memorandum of Inspection Book of each boiler after each inspection;
 - (g) examine and pass orders on the diaries and returns of inspectors;
 - (h) pass orders in all cases in which an inspector proposes to increase or reduce the pressure allowed for any boiler under section 8, or to revoke, cancel or refuse to renew the certificate of a boiler under section 11 or to order important repairs, structural alterations, or renewals in a boiler under section 8;
 - (i) pass orders in all cases in which it is reported that after due notice the boiler has not been properly prepared for inspection;
 - (j) decide all appeals against the order of an Inspector under section 19;
 - (k) sanction prosecutions under the Act;
 - (l) enquire into serious accidents to boilers; and
- shall, before passing orders to the prejudice of any person, ordinarily give such person an opportunity of showing cause against the issue of such orders.

Instructions to owners.

6. It shall be the duty of the Chief Inspector to advise owners as regards the maintenance, working and cleaning of boilers; he should issue a set of instructions on the lines indicated in the Appendix. These instructions should be hung up in each boiler house. One copy of the instructions in English and Myanmar will be supplied to every boiler owner.

<Amendment 18.06.1989>

Registers to be kept.

7. The Chief Inspector shall keep in his office,-

- (a) a Register in Form A of all boilers registered in the province, or the registry of which has been transferred from another province;
- (b) the Registration Book and Memorandum of Inspection book of all boilers borne on his register;
- (c) a Register of Appeals;
- (d) a Register of Accidents.
- (e) a Register of Registration and Inspection Fees received.

Control of bills.

8. The Chief Inspector shall be the controlling or countersigning authority in respect of all contingent bills and of travelling allowance bills of officers subordinate to him.

III.-DUTIES OF INSPECTORS.

Subordinate to Chief Inspector.

9. Inspectors shall be directly subordinate to and under the control of the Chief Inspector; they should ordinarily be appointed to take charge of specific areas.

General duties of Inspectors.

10. The main duties of the Inspector, as laid down in the Act, are the inspection and examination of boilers and steam-pipes. Inspections shall be carried out in accordance with Part II of the Regulations and Parts IV and V of these rules, which must be very closely observed.

Search for unregistered boilers.

11. In addition to the inspection and examination of boilers, it is the duty of Inspectors to search for unregistered or uncertificated boilers within their areas, and to see that certificated boilers are worked in accordance with the terms of their certificates.

Advice to be given to owners.

12. At the time of inspection, Inspectors should advise the owner and the person in charge of the boiler on the management and upkeep of the boiler with special reference to the amount of cleaning required in view of the quality of water used.

Specific duties.

13. Inspectors shall:-

- (a) prepare a programme of inspections with regard to the convenience of owners generally and submit it at such periods as may be prescribed, at least fourteen days before the first date fixed in the programme, to the Chief Inspector for approval;

N.B.-Inspection of boilers in seasonal factories should ordinarily be fixed immediately after the date when work in the factory ceases, and in all cases during the off season.

- (b) maintain a Memorandum of Inspection Book for each boiler under their charge and submit it to the Chief Inspector for examination and countersignature after each inspection;
- (c) keep a diary for weekly submission to the Chief Inspector, showing places visited, boilers registered or inspected with fees paid thereon, variations from the programme and any other important particulars;
- (d) receive applications for registration or inspection under section 7 or 8, proposals for repairs, alterations or renewals under section 12 and reports of accidents under section 18;
- (e) enquire into accidents to boilers or steam-pipes and report to the Chief Inspector;
- (f) report to the Chief Inspector cases of unreported accidents discovered at the time of inspection;
- (g) submit for the orders of the Chief Inspector :-
- (i) the Memorandum of Inspection Books of all boilers proposed for registration under section 7;
 - (ii) proposals for increasing or decreasing the pressure of a boiler after inspection under section 8 ;
 - (iii) proposals for necessary structural alterations or renewals to a boiler under section 8 or 12 ;
 - (iv) proposals for revoking cancelling or refusing to renew a certificate under section 11 or 8 ;
 - (v) report when boilers have not been properly prepared for inspection under section 14;
 - (vi) proposals for prosecutions under the Act.

Inspections at special times.

14. No examination of a boiler shall be made by an Inspector for the purpose of registering or issuing a certificate for a boiler on a public holiday under the Negotiable Instruments Act, 1881, or between the hours of sunset and sunrise without a written application from the boiler owner. The application to be

submitted to the Chief Inspector with the Inspector's diaries, vide Rule 13C in each case. In such cases a double fee may be charged, half of which may be payable to the Inspector.

Attendance during hearing of appeals.

15. Under orders of the Chief Inspector, Inspectors shall attend during the hearing of appeals with regard to boilers under their charge before the Chief Inspector or the Appellate Authority.

Registers to be kept.

16. Every Inspector shall keep in his office:-

- (a) a Register in Form A of all registered boilers situated within his jurisdiction;
- (b) a Register in Accidents;
- (c) a Register of Registration and Inspection fees received.

IV.-ADMINISTRATIVE INSTRUCTIONS FOR REGISTRATION.

Importance of registration.

17. Technical regulations for the registration of boilers and the scale of fees for registration are prescribed in Part II of the Regulations. The details of measurement recorded at the time of registration constitute a permanent record for the boiler and determine the original pressure at which the boiler is allowed to work. It is accordingly essential that the work should be done with the greatest care and precision.

Receipt of applications.

18. Applications for registration shall be made under section 7 (1) either to the Chief Inspector, or to the Inspector of the local area in which the boiler is situated and shall be accompanied under Rule 2 by a receipt for the prescribed fee. No application shall be accepted without the receipt. No boiler shall be registered, if on measurement the fee is found to be deficient, until the deficit has been paid. Any excess payment will be refunded at the time of registration.

Necessity for avoiding delay.

19. It is essential that no delay should occur in registration. In large towns and other easily accessible places, the measurements under section 7 (3) should ordinarily be completed and the report submitted to the Chief Inspector within twelve days of the receipt of the application; in no cases should the interval exceed thirty days. The Chief Inspector should issue his orders under section 7(4) without delay.

Register of registered boilers.

20. The Chief Inspector shall maintain a Register of Registered Boilers in serial order in Form A in two parts; in Part I (Boilers originally registered in the province) the registered number of a boiler shall be the one

immediately following the last serial number in the register. Gap numbers due to boilers being broken up or transferred to another province shall not be filled up. In Part II (Boilers originally registered in other provinces) entries shall be made as prescribed in Rule 22. Inspectors shall keep a similar register for all boilers within their jurisdiction.

Procedure on transfer of a boiler.

21. Whenever a boiler is transferred from one province to another, the owner shall, under section 6 (b), apply to the Chief Inspector of the province to which the boiler is transferred, for the registration of the transfer; the boiler cannot be used until registration has been effected. The Chief Inspector shall then obtain from that province the Registration Book and Memorandum of Inspection Book of the boiler. No fee shall be charged for recording transfers.

Entry of transferred boiler in register.

22. On receipt of the Registration and Memorandum of Inspection Books, the Chief Inspector shall enter the boiler under its original number in Part II of his Register, and shall instruct the Inspector of the local area in which the boiler is situated to enter it similarly in his register. The Registration Book and the Memorandum of Inspection Book shall be kept in the Chief Inspector's office.

Note of transferred and dismantled boilers.

23. Whenever a boiler has been transferred or broken up, the fact shall be noted in the register of the Province from which it has been transferred. In the case of a boiler that has been permanently dismantled the Registration Book and the Memorandum of Inspection Book shall be destroyed.

V.-ADMINISTRATIVE INSTRUCTIONS FOR INSPECTION.

Reference to previous inspections.

24. Detailed instructions for the inspection of boilers are contained in Part II of the Regulations. In making inspections it is important that the Inspector should pay particular attention to entries made in the Memorandum of Inspection Book at the time of the previous inspection.

Procedure during inspection.

25. In arranging for inspections particular attention should be paid to the provisions of Rule 13 (a). The notice required by section 7 (2) shall be sent in Form B. If an hydraulic test is necessary in addition to the ordinary inspection ample notice must be given to the owner. During the inspection of one of a battery of boilers, the Inspector should take the opportunity of examining the other boilers under steam, with special reference to the water gauges, pressure gauge, and safety valves.

Issue of certificates and provisional orders.

26. In cases in which the Inspector is empowered to issue a certificate under section 8 without further reference, the certificate should ordinarily be issued within forty-eight hours of the completion of the inspection. Where he proposes to issue a provisional order, the Inspector must satisfy himself that the boiler is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of issue of a provisional order must be reported immediately to the Chief Inspector.
27. Provisional orders and certificates shall be issued in Forms C and D, respectively.
28. Fees for inspection shall be calculated on the basis of boiler rating, as prescribed in Part II, section I, of the Regulations. The following fees are prescribed:-
- (1) For registration as prescribed in the Regulations.
 - (2) For renewal of certificate or any other inspection, one-half the fees in sub-clause (1) above.

VI. – ACCIDENTS.

Investigation of accidents.

29. On receipt of a report of an accident to a boiler or steam-pipe under section 18, the Inspector should, with the least possible delay, proceed to the place to investigate the accident. If the report is received by the Chief Inspector, he should forward it at once to the Inspector, within whose jurisdiction the accident has occurred, for necessary action.

Procedure during enquiry.

30. The Inspector at his enquiry shall make a careful examination of the damaged parts, and shall take such measurements and make such sketches for the purpose of his report, as he may deem necessary. He shall enquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report should be in the style of the Reports of Preliminary Enquiries under the British Boiler Explosion Acts, 1882 and 1890.

Power to hold enquiry in writing.

31. Inspectors are authorised to take the written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of section 18 (2), the Inspector should present to the owner or person in charge of the boiler a series of written questions on all points that are material to the enquiry.

Use of boiler after accident.

32. The Inspector must decide whether the use of the boiler can be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case should he issue a provisional order or renewal certificate, until his orders have been carried out.

Procedure in case of serious accidents.

33. The report should be sent without delay to the Chief Inspector; if he considers that the investigation has been sufficient, he will record the facts in his Register of Accidents, and enter a brief account of the accident in the Registration Book, a copy being made in the Memorandum of Inspection Book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred, the Chief Inspector should, after receipt of the Inspector's report, proceed to investigate the accident personally or to move the Local Government to appoint a Commission to enquire into the accident. Reports of such enquiries should be recorded as indicated above.

Commissions of enquiry.

34. Commissions appointed under the preceding rule should ordinarily consist of the Chief Inspector and two independent persons.

Reference in Annual Report.

35. A brief account of all accidents and their causes should be included in the Chief Inspector's Annual Report.

36. If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of an accident, but which has not been reported, he should report the facts at once to the Chief Inspector for action under section 24 (d).

VII.-APPEALS.

Filing of appeal.

37. Every petition of appeal shall be made in writing either in English or in the vernacular and shall bear an Eight Anna Court-fee stamp as required by Act VII of 1870.

Presentation of appeal.

38. An appeal may be presented either personally or by registered post to the Chief Inspector.

Form of appeal.

39. The petition of appeal shall be accompanied by the original order, notice or report appealed against, or by a certified copy thereof, or where no such order, notice or report has been made in writing, by a clear statement of the facts appealed against, the grounds of appeal and the referring section of the Act.

Fixing date for hearing.

40. On receipt of an appeal, the Chief Inspector shall, if the appeal is to be heard by himself, at once fix a date for hearing the appeal; and if it is to be heard by the appellate authority, obtain a date for the hearing of the appeal from the President of the Court. It is important that there should be no delay in the decision of appeals, as the stoppage of a boiler is likely to put the owner thereof to great inconvenience. The decision should ordinarily be given within ten days from the receipt of the petition of appeal.

Procedure before hearing.

41. When the date of hearing has been fixed, the Chief Inspector shall at once issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence, he must be present either in person or by authorized agent with his evidence on the date fixed. The notice shall be sent to such address as shall be entered in the petition of appeal.

Presence of Inspector.

42. In all appeals the Chief Inspector shall decide whether the presence of the Inspector is necessary, and shall issue orders accordingly.

Attendance of witnesses.

43. The Appellate Court shall have power to secure the attendance of witnesses and to make local enquiries under the provisions of the Code of Civil Procedure.

Ex-parte decisions.

44. If the appellant is not present on the date fixed, the appeal may be decided in his absence.

President of Appellate Court.

45. The President of the Appellate Court shall be an officer with judicial or magisterial experience appointed by the Local Government for such period as the Local Government shall think fit.

Panel of assessors.

46. The appellate authority shall, in the hearing of every appeal, be assisted by three assessors who shall be fully qualified mechanical engineers and members of a panel of assessors appointed for this purpose by the Local Government.

Constitution of Appellate Court.

47. Whenever the date for an appeal before the Appellate Court has been fixed, the Chief Inspector shall, under the orders of the President of the Court, arrange for the attendance of three members of the panel constituted under the preceding rule to act as assessors.

Costs in appeals.

48. In appeals before the Appellate Court, the President is authorized to fix the costs and recover them from the appellant in any case in which the appeal is dismissed; in all cases of appeal in which a local inspection is required by the appellant he shall deposit in advance the full costs of such inspection.

Fees required for certificates granted on appeal.

49. Any order on appeal authorizing the registering of a boiler or the grant or renewal of a certificate shall be deemed to be subject to the payment of such fees as are prescribed by rules or regulations framed under the Act.

----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 FORM A. BOILER INSPECTION DEPARTMENT. Register of Boilers.

[ATTACH LIST 2] 02 FORM B. Indian Boilers Act, 1923 (Act V of 1923). NOTICE FOR EXAMINATION OF BOILERS UNDER SECTION 7 (2). No. of 192.