

LABOUR DEPARTMENT

NOTIFICATION

No. 978L.W./LW/1R-28/57.—11th April 1958.—In exercise of the power conferred by section 29 of the Indian Boilers Act, 1923 (V of 1923), the Governor is pleased to make the following rules, after previous publication, as required under sub-section (1) of section 31 of the said Act, namely:—

THE WEST BENGAL ECONOMISER RULES, 1958

CHAPTER I

Preliminary

1. *Short title.*—These rules may be called the West Bengal Economiser Rules, 1958.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Indian Boilers Act, 1923 (5 of 1923);
- (b) "Section" means a section of the Act;
- (c) "Regulations" means the Indian Boiler Regulations, 1950, made by the Central Boilers Board under section 28.

3. *Payment of fees, etc.*—All fees payable under the Act or these rules shall be paid in such manner as the State Government may from time to time specify.

4. *Registers.*—(1) The Chief Inspector shall maintain in his office—

- (a) a register as nearly as possible in Form AE of all economisers registered in the State;
- (b) the Registration Books and Memorandum of Inspection Books in respect of all economisers booked in the register referred to in clause (a);
- (c) a register of appeals;
- (d) a register of accidents; and
- (e) a register of fees received for registration and for the issue of renewed certificates.

(2) The register maintained under clause (a) of sub-rule (1) shall consist of two parts. In Part I shall be entered the economisers registered in the State and in Part II shall be entered the economisers transferred from another State.

6. *Procedure on transfers of an economiser unit or part of a unit.*—When an economiser is transferred to the State from another State, the owner shall report the fact to the Chief Inspector of Boilers as soon as possible giving the registered number of the economiser and the name of the State from which it has been transferred.

7. *Entry of transferred economiser unit in register.*—(1) On receipt of the Registration Book and Memorandum of Inspection Book, the Chief Inspector shall enter the economiser unit under its original number in Part II of the register kept for the purpose.

(2) When parts of two or more units are assembled to form one unit the original numbers shall be cancelled and the newly built up unit shall be given a fresh number.

8. *Note of transferred and dismantled economisers.*—Whenever an economiser or part of an economiser has been transferred to another State or broken up, the fact shall be noted in the register. In the case of an economiser which has been condemned, the Registration Book and the Memorandum of Inspection Book shall contain an entry to that effect.

9. *Entries in Certificates.*—In addition to the entries required to be made under regulation 530 in a certificate for an economiser, the Inspector shall state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brickwork or other concealing part for the next inspection to enable the owner to have the same properly prepared at that time. He shall also state in the same place his requirements regarding the repair or renewal of any part that may be considered fit only for the period of the certificate.

In the repairs column shall be entered the year of repair and description of the repair effected. Only important repairs shall be noted.

10. *Engraving of registration number.*—Paper slips of the proper size bearing the registration number allotted for the economiser shall be supplied by the Chief Inspector. The engraving of the registration number shall be made as prescribed in regulation 534.

11. *Issue of certificate and provisional order.*—In cases in which the Inspector is empowered to issue a certificate under section 8 without further reference, the certificate shall ordinarily be issued within 48 hours of the completion of the inspection. Where he proposes to issue a provisional order pending the issue or refusal of the certificate, the Inspector must satisfy himself that the economiser is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of the issue of a provisional order shall be reported immediately to the Chief Inspector.

12. *Forms of provisional orders and certificates.*—Provisional orders and certificates shall as nearly as possible, be in Forms X and XI, respectively, appended to the Regulations.

The period specified in any provisional order or certificate shall begin on the day on which the thorough inspection or hydraulic test is completed. Where a certificate supersedes a provisional order during the period of its currency, the period of the certificate shall be retrospective and shall begin from the same date as that of the provisional order.

13. *Duplicate certificate.* A duplicate of any certificate granted under section 7 or section 8 which for the time being is in force shall be granted by the Chief Inspector on the application of the owner of the economiser if the Chief Inspector is satisfied that the duplicate is required for a *bona fide* purpose.

14. *Fees for issue of renewed certificate.*—The fees payable for the issue of a renewed certificate shall be calculated on the basis of the economiser rating as shown below:—

	Rs.
For an economiser rating not exceeding 500	... 40
For an economiser rating exceeding 500 but not exceeding 1,000	... 50
For an economiser rating exceeding 1,000 but not exceeding 1,500	60
For an economiser rating exceeding 1,500 but not exceeding 2,000	70
For an economiser rating exceeding 2,000 but not exceeding 2,500	80
For an economiser rating exceeding 2,500 but not exceeding 3,000	90
For an economiser rating exceeding 3,000 but not exceeding 3,500	100
For an economiser rating exceeding 3,500 but not exceeding 4,000	110
For an economiser rating exceeding 4,000 but not exceeding 4,500	120
For an economiser rating exceeding 4,500 but not exceeding 5,000	130
For an economiser rating exceeding 5,000	.. 140

Provided that when any owner is willing to accept a renewal certificate for less than 24 months in order to approximate the date of the annual inspection to the date on which other economisers in the locality are inspected, a certificate for such shorter period as may be necessary for such approximation at the rate of one-twenty-fourth of the ordinary fee for each full month, fraction of a month not being reckoned for such calculation.

15. *Special fee for inspection out of season.*—For inspections carried out on application made before the date of expiry of a certificate, no travelling and halting charges of the Inspector and staff shall be leviable. In cases where the owner requires the inspection at any date prior to the expiry of a certificate, the Chief Inspector may, in addition to the inspection fee, charge the travelling and halting charges from the owner of the economiser. If an owner applies for inspection after the expiry of his certificate, he shall be liable to pay the travelling allowance and halting allowance of the Inspector at the discretion of the Chief Inspector.

Further, if the inspection is carried out at the request of the owner on a date other than the one specified by the Inspector, to suit the convenience of the owner, the travelling charges of the Inspector shall be realised from the owner.

16. *Refund of fees.*—Fees paid under rule 14 in excess and fees paid for an inspection which, for any reason not due to any fault or omission on the part of the owner of the economiser, has not been made, shall be refunded or adjusted if applied for within one year from the date of payment.

CHAPTER III

Accidents

17. *Investigation of accidents.*—On the receipt of a report of an accident to an economiser or feedpipe under section 18, the Inspector shall, with the least possible delay, proceed to the place to investigate the accident. If the report is received by the Chief Inspector he shall forward it at once to the Inspector within whose jurisdiction the accident had occurred for necessary action.

18. *Procedure during inquiry.*—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 purposes of his report, as he may deem necessary. He shall inquire 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 the property. The report shall be, as nearly as possible in Form CE and shall be sent forthwith to the Chief Inspector. If the Chief Inspector considers that the investigation has been sufficient, he shall record the facts in the 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 shall, after receipt of the Inspector's report, proceed to investigate the accident personally.

19. *Power to hold inquiry in writing.*—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 sub-section (2) of section 18, the Inspector shall present to the owner or person in charge of the economiser a series of written questions on all points that are material to the inquiry.

20. *Use of economiser after accident.*—The Inspector shall decide whether the use of the economiser 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 shall a provisional order or renewal certificate be issued, until his orders have been carried out.

21. *Reference in Annual Report.*—A brief account of all accidents, their causes and remedial measures taken shall be included in the Chief Inspector's Annual Report.

22. *Unreported accidents.*—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 shall report the facts at once to the Chief Inspector for such action as he deems fit.

CHAPTER IV

Appeals

23. *Filing of appeals.*—Every appeal shall be made in writing either in English or in the regional language.

24. *Presentation of appeal.*—An appeal may be presented either personally or sent by registered post to the Chief Inspector

25. *Form of appeal.*—A 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 section under which the appeal is made.

26. *Fixing date for hearing.*—On receipt of a petition of 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 constituted by the State Government under section 20, obtain a date for the hearing of the appeal from that authority.

27. *Procedure before hearing.*—When the date for 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 authorised agent with his evidence on the date fixed. The notice shall be sent by registered post to such address as is entered in the petition of appeal.

28. (a) *Presence of Inspector.*—In an appeal to the Chief Inspector, the Chief Inspector or the Appellate Authority, as the case may be, shall decide whether the presence of the Inspector is necessary and shall issue orders accordingly.

(b) *Attendance during hearing of appeals.*—When so ordered an Inspector shall attend before the Chief Inspector or the appellate authority as the case may be, during the hearing of an appeal with regard to an economiser under his charge.

29. *Attendance of witnesses.*—The appellate authority shall have power to secure the attendance of witnesses and to make local inquiries and for this purpose shall exercise the powers of a Court under the provisions of the Code of Civil Procedure, 1908 (Act 5 of 1908).

30. *Ex-parte decision.*—In any appeal, if appellant is not present on the date fixed, the appeal may be decided in his absence.

31. *Constitution of appellate authority.*—The State Government shall appoint a person who has exercised the powers of a District Judge or a District Magistrate, to be the appellate authority for such period as it may deem fit.

32. *Panel of assessors.*—The State Government shall constitute a panel of assessors for the purpose of assisting the appellate authority in the hearing of appeals. Such assessors shall be fully qualified mechanical engineers.

33. *Remuneration of assessor.*—An assessor when selected to assist the appellate authority shall be paid—

- (a) such fees as the State Government may, from time to time, determine; and
- (b) subject to the orders issued by the State Government in this behalf, the travelling expenses actually incurred by him for attending an inquiry under these rules.

34. *Attendance of assessors.*—Where a date for an appeal before the appellate authority has been fixed, the Chief Inspector shall, under orders of such appellate authority, arrange for the attendance of at least two members of the panel of assessors to act as assessors.

35. *Costs in appeals.*—(1) Where an appeal is dismissed, the Chief Inspector or the Appellate authority as the case may be, may fix the costs of the appeal which shall be payable by the appellant.

(2) In any appeal where a local inspection is required, the appellant shall deposit in advance the full costs of such inspection as determined by the Chief Inspector or the appellate authority, as the case may be.

36. *Penalty.*—Any contravention of these rules shall be punishable, with fine which may extend to one hundred rupees.

FORM AE

[See rule 4(1)(a)]

.....Economiser Inspection Department

Register of Economisers

(Rules.....)

Registra- tion No.	Type of econo- miser.	Econo- miser rating.	Name of manufac- turer.	Year and place of construc- tion.	Date of registra- tion.	Name of owner.	Place wherein use.	Remarks (transfers, etc.).
1	2	3	4	5	6	7		9

FORM CE

[See rule 18]

Report into the investigation of the Accident to Economiser No.

To

The Chief Inspector of Boilers.

Sir,

In accordance with instructions I have held a preliminary inquiry into the accident and the circumstances attending it, to Economiser No.....and now make the following report:—

- (1) Date and place of accident.
- (2) Date of investigation.
- (3) Name and address of owner(s).
- (4) Persons killed or injured.
- (5) Name of makers of Economiser or Steam Pipe.
- (6) Age of Economiser or Steam Pipe.
- (7) Particulars of previous repairs with dates.
- (8) The Economiser was last inspected on
- (9) Nature of accident.
- (10) Cause of accident.
- (11) General remarks.

by

Date.....

Inspector of Boilers.

Remarks by the Chief Inspector of Boilers.

By order of the Governor:
S. K. BANERJI, Jt. Secy