

Government of Jharkhand
Labour Employment Training and Skill Development Department
(Office of Labour Commissioner, Doranda, Ranchi, Email ID-jlcran721@gmail.com)
File No.-02/shrama. Ka.(Boiler)(Jan Vishwas)-02/2024 L&E...1.4.23

Notification

Ranchi, Dated. 24-07-2024

The attached Draft rules further to amend the Jharkhand Boilers Rules, 1950 which the state government propose to make in exercise of the powers conferred by section 29 of the Boilers Act, 1923(Central Act No.5 of 1923) as amended by the Jan Vishwas (Amendment of Provisions) Act, 2023,(Central Act No.18 of 2023), are hereby published as required by section 31 of the Boilers Act, 1923 for information of all person likely to be affected thereby and notice is hereby given that the said draft would be taken into consideration after the expiry of period of 45 days from the date of their publication in the Official Gazette.

Any objection and suggestion which may be received from any person is respect to the said draft rules before expiry of the period as specified above will be considered by the state government. Such objections and suggestions should be addressed to the Chief Inspector of Boilers, Jharkhand, Bartand, Dhanbad-826001. Or email to – cibjharkhand@gmail.com.

By the order of Governor

Rc.
24/07/2024
Under Secretary
Office of Labour Commissioner,
Jharkhand.

DRAFT

THE JHARKHAND BOILER RULES 2024

In exercise of powers conferred under clause 29(1) (ha), 29(1)(hb), 29 (2), 31 and 32 of the Boilers Act, 1923, The State Govt. hereby makes the following rules:-

Chapter I

Preliminary

- 1 **Short Title & Commencement:** These rules will be called "The Jharkhand Boiler (Amendment) Rules.2024"
- 2 They shall come into force from the date of publication in the official Gazette.
- 3 **Definitions:** In these rules unless otherwise stated, the definitions will be as per Section 2 of the Boilers Act 1923 as amended from time to time.

Exemptions: Exemptions from these rules will be admissible only as permitted in the Boilers Act 1923 as amended from time to time.

Chapter-II

4. Quantum of Penalties:

(1) Minor Penalties:

Any owner of a boiler who refuses or without reasonable excuse neglects—

- (i) to surrender a provisional order as required by section 9; or
- (ii) to produce a certificate or provisional order when duly called upon to do so under section 15; or
- (iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 16; [or]
- (iv) to report an accident to a boiler or boiler component when so required under section 18, shall be liable to penalty which may extend to five thousand rupees. [Boiler Act 1923, section 22]

(2) Penalties for illegal use of boiler:

[Any owner of a boiler who,

(a) in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby,

(b) uses or permits to be used a boiler which has been transferred from one State to another without such transfer having been reported as required under clause (b) of section 6; or

(c) fails to cause the register number allotted to the boiler under this Act to be permanently marked on the boiler as required under sub-section (6) of section 7,

shall be liable to penalty which may extend to one lakh rupees, and in the case of a continuing contravention or failure, with an additional penalty which may extend to one thousand rupees for every day during which such contravention or failure continues. {Boiler Act 1923, section 23}

(3) Penalty for tampering with register mark:

Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act or any Act repealed hereby, shall be liable to penalty which may extend to one lakh rupees.

(4) Penalty for breach of Rules:

Any regulation or rule made under section 28 or section 29 may direct that a person contravening

Form -A
(See Rule -5)

To

Deputy Commissiponer

Subject: Operation of Boiler in violation of the Boiler Act, 1923

It has come to the knowledge of this office that a boiler having Registration No...../Maker No..... is running in violation of the provision of Boiler Act, 1923 in the premises of M/s _____ at _____ (copy of the information / field report is attached).

The following violations have been found in the operation of aforesaid Boiler:

1. Boiler not registered under Rule 7 of the boilers act 1923
2. Boiler not inspected annually/periodically since _____ .
3. Boiler license lapsed its validity.
4. Boiler not inspected after transfer from other state to your premises.
5. Structural Alteration/modification done as _____
6. Any other observation.

The above violation/s attracts penalties in accordance with the Jharkhand Boilers Rules, 2024 framed under the Boiler Act, 1923. Therefore, as per clause 5 (2) of the these rules, you are kindly requested to take appropriate action as adjudicating officer as per section 26A of The Indian Boilers act, 1923 and as per Jharkhand Boilers Rules, 2024 by sending notice to the aforesaid unit and hold a inquiry, if deemed necessary to impose penalties as per the said Act /Rule.

Chief Inspector of Boiler, Jharkhand .Dhanbad

NOTICE P-I
(see Rule 5)

No.
Dated:

To

Sub: Operation of Boiler in Violation of the Boiler Act, 1923

As per the report received from Chief Inspector of Boiler, Jharkhand, Dhanbad in Form -A vide letter No. _____ dated _____ (copy attached) you are running boiler bearing Registration NO. ____/Maker No. _____ in your factory premises at _____ Since _____ in violation of the provisions of The Boiler Act 1923.

The following violations have been informed by Chief Inspector of Boiler, Jharkhand :-

1. Boiler not registered under Rule 7 of the boilers act 1923
2. Boiler not inspected annually/periodically since _____ .
3. Boiler license lapsed its validity.
4. Boiler not inspected after transfer from other state to your premises.
5. Structural Alteration/modification done as _____
6. Any other observation.

Above violations attract penalties, in accordance with Rule 23, 24 & 25 of the Boiler Act 1923 and Jharkhand Boilers Rules, 2024.

Through this notice, an opportunity is given to you to explain your position in this regard along with supporting document within 30 days from the receipt of this notice. In case, no reply is received within 30 days, the further action shall be taken to impose the penalty as per aforesaid Act and the Rules.

Deputy Commissioner of the Jurisdiction

No.

Dated:

A copy of the above notice is sent to Chief Inspector of Boiler, Jharkhand w.r.t. your letter No. ____ dated _____.

Deputy Commissioner of The Jurisdiction

NOTICE P-2

(see Rule 5)

No.

Dated:

To

M/s -----

Sub: Operation of Boiler in Violation of the Boiler Act, 1923

You were issued a notice vide No. _____ dated _____ to explain your position for the **Operation of Boiler bearing Registration No. _____/ Maker No. _____ in Violation of the Boiler Act, 1923.**

However, no reply have been received in this office after the expiry of given 30 days.

OR

The explanation given by you along with documentary evidence have been considered and you are thus found liable to pay penalty for illegal boiler use/violation of provisions of the act.

You are hereby directed to pay a sum of Rs. _____ only into Govt. Treasury on or before _____ and to produce a copy of relevant treasury receipt. In case of failure to deposit the amount in time, the amount will be recovered from you as arrears of land revenue. The Boiler is prohibited from further use until approved/ allowed by Chief Inspector of Boiler, Jharkhand under the Boiler Act, 1923.

commissioner of The Jurisdiction

Deputy

**NOTICE FROM P-3,
RECOVERY CERTIFICATE**

Office of The Chief Inspector Of Boiler, Jharkhand, Dhanbad

No. JH/DNB/PENALTY/

Dated:

M/s. _____ was issued a Notice from P-1 (No. _____ dated _____) for illegal use of Boiler/other offences viz _____ by the Deputy Commissioner of the Jurisdiction in accordance with the Indian Boilers act, 1923 and as per Jharkhand Boilers Rules, 2024 as adjudicating officer.

The reply of the unit was not received/ considered by the adjudicating officer and a notice was issued (Notice P-2) to deposit a penal amount of Rs. _____ in Govt. accounts by _____. The unit has failed to deposit this amount in Govt. accounts.

Therefore, in exercise of Powers conferred by Rule 5 of the Jharkhand Boilers Operations Penalty Rule, 2024. it is hereby certified that a sum of Rs. _____ is recoverable as arrears of land revenue from M/s _____ on account of Illegal Boilers Operation. The amount may be deposited in the prescribed receipt head in the system

Chief Inspector of Boilers, Jharkhand, Dhanbad