

Legislative Brief

The Boilers Bill, 2024

The Bill was introduced in Rajya Sabha on August 8, 2024.

Highlights of the Bill

- ◆ The Boilers Bill, 2024 seeks to replace the Boilers Act, 1923. It retains most of the provisions of the Boilers Act, 1923.
- ◆ Boiler manufacturers must get design of boilers and boiler components certified. Manufacturing and erection of a boiler will be subject to inspection and certification.
- ◆ Boiler must be registered before starting operation, and registration must be renewed for continued operation. Alterations and repair can be undertaken only after obtaining prior approval. All accidents must be reported within 24 hours.
- ◆ For issuing certificates, state government will appoint Inspectors. Certain third parties may also be authorised to undertake inspection. The central government will constitute the Central Boilers Board to frame regulations.

Key Issues and Analysis

- ◆ The need for a separate law for regulating boilers is not clear. Countries such as United Kingdom and South Africa have repealed laws specific to boilers and instead regulate boilers under broader law on occupational health and safety.
- ◆ The Bill empowers the state government to exempt an area from the application of the Bill. This raises the question whether safety may be ensured where a blanket exemption is provided.
- ◆ The Bill disallows judicial recourse against the decisions of the central government, and inspectors appointed by the state government. The only option available to aggrieved individuals will be to file a writ petition in the High Court.
- ◆ The Bill empowers Inspectors to enter premises. However, it does not specify safeguards against such actions.

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PART A: HIGHLIGHTS OF THE BILL

Context

Boilers fall under the concurrent list of the Constitution.¹ This implies that both Parliament and State Assemblies may make laws on it. The Boilers Act, 1923 regulates manufacturing, installation, operation, alterations, and repair of steam boilers to ensure safe operation.² A boiler refers to a vessel in which steam is generated under pressure. As of 2024, there are about 40 lakh steam boilers in the country.³ The Act empowers state governments to appoint inspectors to carry out inspections and certifications for boilers. The Act was amended in 2007 to allow inspection and certification by independent third parties.⁴ The Jan Vishwas (Amendment of Provisions) Act, 2023 amended the Act to decriminalise certain offences.⁵

The Boilers Bill, 2024 was introduced in Rajya Sabha on August 8, 2024. The Bill replaces the Boilers Act, 1923. It retains most of the earlier provisions.⁴

Key Features

- **Regulation of activities related to boilers:** The Act regulates the manufacturing, installation, operation, alterations, and repair of boilers and boiler components to ensure safe operation. Registration of boilers is mandatory before starting operation. Registration is granted for up to 12 months at a time, and must be renewed to continue operation. The Act empowers the central government to constitute the Central Boilers Board to make regulations. It empowers state governments to appoint inspectors for inspection and certification of boilers. Other private persons may also be recognised for undertaking inspection and certification. It also specifies a mechanism for appeals against the decisions of the inspectors and adjudication of penalties. The Bill retains these provisions of the Act.

Table 1: Key compliance requirements under the Boilers Bill, 2024

| Stage | Compliances | Approving authority |
|----------------------------|--|--|
| Manufacturing | ▪ Certification of design: Inspection and certification for the design and drawings of the boiler and boiler components before starting manufacturing | Chief Inspector or other recognised institutions |
| | ▪ Inspection during manufacturing: Inspection at manufacturing stages as may be specified by regulations | |
| Installation and operation | ▪ Inspection during erection: Inspection and certification during erection of a boiler | Chief Inspector or other recognised institutions |
| | ▪ Registration: A boiler must be registered before starting operation; registration is granted for up to 12 months at a time | Chief Inspector |
| | ▪ Renewal of registration: Registration certificate must be renewed to continue operations | Inspector or other authorised individuals |
| | ▪ Authorisation of alterations: Structural alteration, addition, or renewal must be authorised | Chief Inspector |
| | ▪ Approval for repair: Repair of a boiler must be approved | Inspector or other authorised individuals |
| | ▪ Reporting of accidents: All accidents must be reported to the Inspector within 24 hours | — |

Sources: The Boilers Bill 2024; PRS.

- **Exemptions:** The Act does not apply to boilers with: (i) capacity below 25 litres, (ii) pressure under one kg/cm², and (iii) water heating below 100 degree Celsius. The Act also does not apply to steam engines and boilers used by armed forces. The Act empowers the state government to exempt an area from the application of certain or all provisions. It also empowers state government to exempt boilers: (i) for supply of hot water and heating of buildings, and (ii) in case of emergency. It may also exempt boilers where it identifies the need to support rapid industrial growth and is satisfied with the material, design, or construction of boilers. The Bill retains these provisions.
- **Offences and Penalties:** The Act specifies several offences and penalties. Certain offences are punishable with imprisonment up to two years, a fine up to one lakh rupees, or both. These include: (i) making any changes to boilers or components without approval and (ii) tampering with safety-valve. Following offences are punishable with a penalty up to one lakh rupees: (i) tampering with registration number, and (ii) contravening rules or regulations. Offences such as failing to produce required certificates or failing to report an accident attract a penalty of up to five thousand rupees. The Bill retains these provisions.

PART B: KEY ISSUES AND ANALYSIS

Need for the Bill

The Boilers Act, 1923 was enacted to provide for the safety of life and property of persons from the dangers of explosions of steam boilers.² It sought to achieve uniformity in the registration and inspection during operation and maintenance of boilers across India. It also sought to address the risks associated with steam boilers explosions due to design limitations, wear, and improper handling.² The 2024 Bill retains most of the provisions of the 1923 Act. The rationale for having a separate law in 2024 to regulate the design, manufacture and operations of boilers, which are just another industrial equipment, is unclear.

South Africa and United Kingdom had also enacted specific laws on boilers.^{6,7} Subsequently, these laws have been repealed with boiler regulation incorporated into broader occupational health and safety laws. Countries such as Japan and Germany also regulate boilers under broader occupational health and safety laws.^{8,9} Safety concerns exist in various spaces such as factories, manufacturing sites, mines, dockyard, and construction sites and specific laws regulate them. For example, the Factories Act, 1948 contains a whole chapter specifying safety norms for items such as machinery, hoists and lifts, explosive or inflammable gas, and pressure plants, and requires employment of safety officers.¹⁰ Parliament has passed the Occupational Safety, Health, and Working Conditions Code, 2020 which will replace these laws.¹¹ This Code has not been implemented yet.¹²

Whether power to exempt an area in entirety is appropriate

Act: Section 4, 34 Under the Act, state governments may exempt areas from the application of certain or all provisions. The Bill retains this provision. The Bill seeks to ensure safety in boiler operations. This raises the question whether safety may be ensured where blanket exemption from the Act is provided. Some other exemptions under the Bill are based on assessment of risks to safety.

Bill: Clause 38 The Bill empowers state governments to exempt boilers: (i) for specified use cases — supply of hot water and heating of buildings, and (ii) in case of emergency. Further, state may also exempt boilers where it identifies the need to support rapid industrial growth and is satisfied with the material, design, and construction of boilers. For exemption on this ground, conditions may be specified under regulations.

The Boiler Laws Committee (1921) had observed that the boiler law should apply uniformly across the country without exemptions. The recommendations of this Committee formed the basis for the 1923 Act.¹³ It noted that only rationale for exemption could be practical challenges in enforcement such as prohibitive inspection costs in remote areas.¹³ It observed that such conditions are rare and not applicable to most parts of India (except Burma). It proposed the powers for the government to exempt an area to address such exceptional cases.¹³

Lack of Appellate Mechanism

Bar on judicial recourse against the decisions of the government

Act: Section 21 The Act states that orders of the central government, Chief Inspectors, Deputy Chief Inspectors, and Inspectors will be final and cannot be called in question in any Court. These could pertain to refusal of: (i) inspection certificate needed to start manufacturing, (ii) registration certificate needed before starting operation of a boiler, (iii) renewal of registration certificate, and (iv) approvals needed to carry out alterations and repair. The Bill retains these provisions. Thus, an aggrieved individual will not have judicial recourse against a decision of the government. The only option available to them is to directly file a writ petition before the High Court under Article 226 of the Constitution.

Bill: Clause 43

No mechanism for appeal against original orders of Chief Inspector

Act: Section 20 The Bill provides a mechanism for appeals against the decisions of Inspectors. An appeal may be filed before the Chief Inspector. The Bill further provides that a person aggrieved by the decision of the Chief Inspector in case of an appeal can file a second appeal before the central government. Under the Bill, the Chief Inspector may also pass orders such as those regarding registration and renewal of registration. However, the Bill does not specify a mechanism for appeal against these orders. This differs from the Boilers Act, 1923. Section 20 of the Act, which is similar to Clause 25 of the Bill, states that appeal against “an original or appellate order of the Chief Inspector” will lie before the central government.

Bill: Clauses 24, 25

Safeguards against powers to entry for inspectors not specified

Act: Section 17 Under the Act, an inspector has powers to enter a premise to check and ensure the compliance with the Act. The Bill retains this provision. Laws with similar provisions have certain safeguards against such actions. Such safeguards are absent from the Bill.

Bill: Clause 22 The Food Safety and Standards Act, 2006 provides that the Bharatiya Nagarik Suraksha Sanhita, 2023 will apply to the powers of Food Safety Officers to enter and inspect.^{14,15} Safeguards include: (i) recording in writing the grounds of belief for undertaking action, (ii) recording search through electronic means, and (iii) calling two or more persons from neighbourhood as witnesses.¹⁵ The 2006 Act also penalises officers who vexatiously and without any reasonable ground seize any article.¹⁴ The Occupational Safety, Health, and Working Conditions Code, 2020 also applies safeguards under BNSS to inspectors' powers to search and seizure. The Supreme Court (1959) had observed that as search is an exceedingly arbitrary process in character, stringent conditions have been imposed on them under laws.¹⁶

Simplification of compliances

Self-certification: To ease compliance and reduce the need for inspection, multiple states have allowed self-certification of boilers in certain cases.¹⁷ These include Karnataka, Odisha, Punjab, and Uttar Pradesh.¹⁷ In Goa, Gujarat, and Tamil Nadu, self-certification has been introduced for all boilers.^{18,19,20} This option has been introduced using the powers of the state government to exempt certain boilers. This is where the state government has identified a need for rapid industrialisation, and is satisfied with the material, design, or construction of boilers. While the Bill retains these powers to exempt, it does not incorporate self-certification as a feature under the law. It continues to retain the framework for inspection and certification by authorities which are either state inspectors or certain authorised private entities.

Time limits for approvals: The Ministry of Commerce and Industry (2019) recognised the importance of time limits for compliances for improving ease of doing business.¹⁷ The Business Reform Action Plan (2024) prepared by the central government suggests states to introduce timelines for all compliances under the Act.²¹

Under the Bill, timeline has been specified for some activities such as registration, renewal of registration, and appeals. However, no timeline has been specified for completing inspections for manufacturing and erection of boilers, and approvals for alterations and repair. The Bill does not specifically provide that timelines for these will be specified through rules or regulations. Thus, it leaves timelines for these to administrative discretion.

Consultation on rules framed by central government not required

Bill:
Clause 39

The Bill provides that regulations made by the Central Boilers Board and rules made by state governments will be finalised after publication for public consultation. However, the Bill does not require public consultation for rules framed by the Central Government. This is different from other laws such as the four labour codes.²²

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2. The Boilers Act, 1923, https://www.indiacode.nic.in/bitstream/123456789/9322/1/boileract_1923.pdf.
3. Guidelines on Community Boiler for Cluster of Small-Scale Industries, Central Pollution Control Board, March 2024, <https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS80MDdfMTcwOTYzNjMzNV9tZWV9YXBob3RvMjc4OTEucGRm>.
4. “Boilers Bill, 2024 introduced in Rajya Sabha”, Press Information Bureau, Ministry of Commerce & Industry, August 8, 2024, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2043249>.
5. Section 2, The Jan Vishwas (Amendment of Provisions) Act, 2023, <https://egazette.gov.in/WriteReadData/2023/248047.pdf>.
6. Section 1, Occupational Health and Safety Act, 1993, South Africa, https://www.gov.za/sites/default/files/gcis_document/201409/34995rg9672gon79.pdf.
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8. Section 45, Industrial Safety and Health Act, 1972, Japan, <https://www.cas.go.jp/jp/seisaku/hourei/data/isha.pdf>.
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10. Chapter IV, The Factories Act, 1948, https://labour.gov.in/sites/default/files/factories_act_1948.pdf.
11. The Occupational Safety, Health and Working Conditions Code, Ministry of Law and Justice, 2020, https://dglasli.gov.in/public/Admin/Cms/AllPdf/OSH_Gazette.pdf.
12. Unstarred Question No. 29, Lok Sabha, Ministry of Labour and Employment, November 25, 2024, https://sansad.in/getFile/loksabhaquestions/annex/183/AU29_XEfiFT.pdf?source=pqals.
13. Report of the Boilers Law Committee, 1920-21, <https://ia902900.us.archive.org/22/items/dli.csl.1870/1870.pdf>.
14. Section 38, Food Safety and Standards Act, Ministry of Law and Justice, August 23, 2006, <https://fssai.gov.in/upload/uploadfiles/files/FOOD-ACT.pdf>.
15. Chapter VII, The Bharatiya Nagarik Suraksha Sanhita, 2023, https://prsindia.org/files/bills_acts/bills_parliament/2023/Bharatiya_Nagarik_Suraksha_Sanhita_2023.pdf.
16. AIR 1960 SC210, The State of Rajasthan vs Rehman, October 14, 1959.
17. “Stakeholder Consultation held for reforms in administration of Boilers”, Press Information Bureau, February 19, 2020, Ministry of Commerce & Industry, <https://pib.gov.in/PressReleaseDetail.aspx?PRID=1603744®=3&lang=1>.
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