

Ministry of Commerce & Industry

Boilers Bill, 2024 introduced in Rajya Sabha

New Bill to replace a century old law

Boilers Bill to improve trust by decriminalising offences

3 out of 7 offences decriminalised, speedy redressal for all non-criminal offences

Obsolete provisions removed to enhance Ease of Doing Business

New Act to prioritise safety of workers

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The Boilers Bill, 2024 was introduced in Rajya Sabha today by Union Minister for Commerce and Industry Shri Piyush Goyal. It repeals the Boilers Act, 1923 (5 of 1923).

Earlier, the Cabinet chaired by Prime Minister, Shri Narendra Modi on 2nd August, 2024 had approved repealing of the existing Boilers Act, 1923 and introduction of “Boilers Bill, 2024” in the Parliament. The salient features of the Bill are as under:

It has been drafted as per modern drafting practices to give more clarity to the provisions of the Bill. The similar provisions which are at different places in the Boilers Act, 1923 have been grouped together in six chapters for easier reading and understanding of the Act. All the functions/powers of the Central Government, State Governments and Central Boilers Board have been enumerated in detail to avoid any confusion.

For Ease of Doing Business (EoDB), the Bill will benefit boiler users including those in MSME sector as provisions related to the decriminalisation have been incorporated in the Bill. Out of the seven offences, to ensure safety of boilers and personnel dealing with boilers, in four major offences which may result in loss of life and property, criminal penalties are retained. For other offences, provision is being made for fiscal penalty. Moreover, for all non-criminal offences ‘fine’ has been converted into ‘penalty’ to be levied through executive mechanism instead of courts as existed earlier.

The proposed bill will enhance safety as specific provisions have been made in the Bill to ensure the safety of persons working inside a boiler and that repair of boiler is undertaken by qualified and competent persons.

Background

The Government of India is examining all the pre- constitution Acts from the point of view of their suitability and relevance in the current times.

The Boilers Act, 1923, a pre-constitution Act, deals with the safety of life and property. Hence, it is important to continue with the enactment by reviewing the provisions of the existing Act and introduction of a new Boilers Bill, 2024 in Parliament.

The Boilers Act, 1923 was comprehensively amended in the year 2007 by the Indian Boilers (Amendment) Act, 2007 wherein inspection and certification by independent third party inspecting authorities was introduced. However, on further examination of the existing Act, a need has been felt for review of the Act and also to incorporate the decriminalised provisions in consonance with the Jan Vishwas (Amendment of Provisions) Act, 2023.

The existing Act has, accordingly, been reviewed wherein redundant /obsolete provisions have been omitted and certain substantive enabling provisions have been made for the rules and regulations which were not earlier provided. Certain new definitions have also been incorporated and few existing definitions have been amended so as to give more clarity to the provisions of the Bill. (details given in enclosed Annexure)

Annexure

Salient features of the Boilers Bill, 2024

Act has been divided into six chapters and provisions have been rearranged chapter wise. (In existing Act there are no chapters and similar provisions are at different places).

Following redundant/obsolete provisions in the Boilers Act,1923 have been omitted;

Section 1(2): Applicability of Act to the whole of India,

Section 2A: Applicability of Act to feed-pipes, and

Section 2B: Applicability of Act to Economiser.

Following new definitions have been incorporated in the Clause -2 of the Boilers Bill, 2024: 2(k): notification, 2(p): regulations, 2(q): State Government.

Following definitions have been amended in the Clause -2 of the Boilers Bill, 2024 in line with provisions in the Act: 2(d): Boiler component, 2(f): Competent Authority, 2(j): Inspecting Authority.

Decriminalization provisions for the Boilers Act,1923 as contained in the Jan Vishwas (Amendment of Provisions) Bill, have been incorporated in clauses 27, 28, 29, 30, 31, 39 & 42 and two new clauses namely, 35 (Adjudication) & 36 (Appeal) have been incorporated in the Boilers Bill, 2024. Accordingly, for non-criminal offences 'fine' has been converted into 'penalty' (Clauses: 27, 28, 30(1) and 31).

Following provisions have been incorporated in the Bill for making substantive enabling provisions for the rules and regulations existing in the Act: Clauses, 3(7), 5(8), 10(1)(f), 10(2), 11(2), 12(9), 23(4) & 32(2).

Power of Central Government to make rules (clause 39); Power of Board to make regulations (clause 40) and Power of State Government to make rules (clause 42) in the Bill have been enumerated in detail, in line with different provisions in the Bill.

Following new provisions have been incorporated in the Bill:

(i) Clause 43 (Power to remove difficulties): For removal of any difficulty in giving effect to the provisions of the Boilers Act, 2024 within a period of three years

(ii) Clause 44 (Repeal and Saving): For saving different rules, regulations, orders etc. under the Boilers Act,1923 till new rules, regulations, orders etc. are notified under the re-enacted Boilers Act, 2024.

Redrafting of different clauses done as per current drafting practices and referencing of different provisions incorporated.

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