

THE BOILER (INQUIRY, ADJUDICATION AND APPEAL) RULES, 2024¹

In exercise of the powers conferred by sub-section (1) and clauses (ca) and (cb) of sub-section (1A) of section 28A of the Boilers Act, 1923 (5 of 1923), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Boiler (Inquiry, Adjudication and Appeal) Rules, 2024.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires, —

- (a) “Act” means the Boilers Act, 1923 (5 of 1923);
- (b) “adjudicating officer” means the District Magistrate or the Additional District Magistrate authorised under sub-section (1) of section 26A of the Act;
- (c) “appellant” means a person aggrieved with an order of adjudicating officer and prefers an appeal before the appellate authority under sub-section (1) of section 26B of the Act;
- (d) “appellate authority” means an officer authorised under sub-section (1) of section 26B of the Act;
- (e) “Form” means a Form appended to these rules;

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

3. Application.—These rules shall apply to all Union territories.

4. Complaint.—Any person including an inspector may file a complaint in Form-I through electronic means or speed post or by hand to the adjudicating officer regarding any contravention committed under section 22, 23, sub-section (1) of section 25 and 30 the Act.

5. Holding of Inquiry.—(1) For the purpose of adjudication under section 26A of the Act whether any person has committed any contravention as specified in that section, the adjudicating officer shall, issue a notice in Form-II to such person requiring him to show cause within such period as may be specified in the notice (being not less than seven days from the date of service thereof) why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.

(3) After considering the cause, if any, shown by such person, the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice

1. *Vide* G.S.R. 339(E), dated 21st June, 2024, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 316, dated 21st June, 2024.

2. Came into force on 21-6-2024.

requiring the appearance of that person personally or through a representative duly authorised by him on such date as may be fixed in the notice.

(4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his authorised representative, the contravention, committed by such person and the provision of the Act, in respect of which contravention is alleged to have been committed.

(5) The adjudicating officer shall, then, give an opportunity to such person to produce such documents or evidence under Form-III as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date and in taking such evidence the adjudicating officer shall not be bound to observe the provisions of the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).

(6) While holding an inquiry under this rule, the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer may be useful for or relevant to the subject matter of the inquiry.

(7) If any person fails, neglects or refuses to appear as required under sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(8) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may by order in writing, impose such penalty under the Act as he considers reasonable.

(9) Every order made under sub-rule (8) shall specify the provision of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

(10) Every order made under sub-rule (8) shall be dated and signed by the adjudicating officer.

(11) A copy of the order made under this rule and all other copies of proceedings shall be supplied free of cost to the complainant and the person against whom the inquiry was held and a copy of the order shall be forwarded to the Chief Inspector.

(12) The adjudicating officer shall complete the proceeding within six months from the issuance of the notice to the opposite party

(13) A notice or an order issued under these rules shall be served on the person against whom an inquiry is held, in any of the following manner:

- (i) by delivering or tendering it to that person or his authorised representative; or
- (ii) by sending it to the person through electronic means or by registered post or speed post to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain; or
- (iii) if it cannot be served in the manner specified under clauses (i) or (ii), by affixing it on the outer door or some other conspicuous part of

the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain.

6. Appeal.—(1) Any person aggrieved by an order of the adjudicating officer under these rules, may prefer an appeal to the appellate authority under section 26B of the Act in Form-IV.

(2) The appeal shall be filed with the appellate authority within a period of sixty days from the date of the order:

Provided that, the appeal may be admitted after the expiry of the period of sixty days, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

(3) The appeal shall be accompanied by a copy of order of adjudicating officer issued under sub-rule (8) of rule 5 and a clear statement of facts appealed against, the grounds for appeal and the relevant section of the Act.

(4) The appeal shall be filed in triplicate by the appellant in person or by his duly authorised representative in writing or by an advocate duly appointed in this behalf, or by registered post or speed post or through electronic means.

(5) The appeal sent by post shall be deemed to have been filed to the appellate authority on the day it is received.

(6) If on scrutiny, the appeal is found to be in order, it shall be admitted and if the appeal is found to be defective, the same shall, after notice to the party, be returned for compliance and if within twenty one days of receipt of such notice or within such extended time as may be granted, the defect is not rectified, the appellate authority, may, for reasons to be recorded in writing, decline to admit the appeal.

(7) A copy of the appeal shall be served by the appellate authority on the respondent, by hand or by registered post or speed post or through electronic means.

(8) Respondent may, within thirty days of service of notice of appeal, file reply to the appellate authority.

(9) The appellate authority may call for the records relating to the proceedings from the respective adjudicating officer.

(10) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such orders as he may consider reasonable.

(11) The appellate authority shall dispose of the appeal within sixty days from the date of admission of appeal.

7. Extension of time.—The adjudicating officer or the appellate authority may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in these rules till such period as he considers reasonable

8. Order and penalties.—(1) Every order under these rules, shall be dated, signed and communicated to all the parties.

(2) All sums realised by way of penalties under these rules shall be credited to the Consolidated Fund of India.

FORM-I

[See rule 4]

To

District / Additional District Magistrate

Subject: Operation of Boiler in contravention of the Boilers Act, 1923.

Sir/Madam,

It has come to the knowledge of the undersigned that contravention has been committed under section ----- of the Boilers Act, 1923 in a boiler having register number Maker No..... owner name----- in the premises of M/s----- at-----
 -----(copy of the information / report(if any) is attached).

2. The above contravention is liable for penalty under the Boilers Act, 1923. Therefore, as per the Boiler (Inquiry, Adjudication and Appeal) Rules, 2024, you are requested to take appropriate action as adjudicating officer as per section 26A of the Boilers Act, 1923 for adjudication of the contravention.

Name and address
of the complainant

Dated:

Place:

FORM-II

[See sub-rule (1) of rule 5]

To

SHOW CAUSE NOTICE**Sub: Operation of Boiler in contravention of the Boilers Act, 1923.**

Sir/Madam,

As per the complaint received in Form-I dated -----(copy enclosed), contravention has been committed under section ----- of the Boilers Act, 1923 in a boiler having register number Maker No..... owner name----- in your premises at -----

2. The above contravention is liable for penalty. Therefore, you are required to show cause within a period of ----- days of service of this notice, why an inquiry should not be initiated against you under section 26A of the Boilers Act, 1923 for imposition of penalty. In case, no reply is received within the given period, the further action shall be taken under the Act.

District / Additional District Magistrate &
Adjudicating Officer

FORM-III Furnishing of document or evidence by or on behalf of the contravener [See sub-rule (5) of rule 5]	
To District / Additional District Magistrate	
1.	I/We, hereby give a counter statement to the complaint made in Form-I The grounds in which the counter statement is made are as follows: -
2.	Complete address including postal index number/code and state along with mobile number and e-mail.
3.	Signature of the contravener or his authorised representative:
4.	Name of the person along with mobile number who has signed

FORM-IV Appeal [See sub-rule (1) of rule 6]	
To Appellate Authority,	
1.	Particular of appellant:
	(i) Name:
	(ii) Address for correspondence:
	(iii) Contact No:
	(iv) Email:
2.	Grounds of appeal: (A copy of order of adjudicating officer to be enclosed)
3.	Date of order of the adjudicating officer:

4.	Statement of facts:	
I/We....., the appellant hereby declare that the facts stated herein above are correct to the best of my/our knowledge, information and belief.		
5.	Signature of appellant and date:	
6.	Name of appellant:	