

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1431

Dated 9th July 1895

INDEXED.

[Despatch Abstract.]

STEAM-BOILER S' AND PRIME-MOVERS' ACT 1893.

Recording, Proceedings, Public Works Department, directing
the publication in the Port St. George Gazette of amended rules in
connection with the----.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	4931		95				

Judicial Dept
CURRENT No. 3115.

GENERAL.
ACCOUNT.

Govt. of {1895} Madras.

PUBLIC WORKS.

80.174/94 origl

to kory: 26 95.

Order
mis d/9th July 1895. No 1431

Recorded.

Dated June, 26th 1-JUL 1895
CHIEF SECRETARY
GOVERNMENT OF MADRAS

Recd.

Encl. 11

G.O., 26th June 1895, No. 1549 W.

MR
27.95.

JUNE.

Steam-boilers and Prime-movers Act, 1893

Directing the publication in the Fort St. George Gazette of amended rules in connection with the —.

Wk 1/7
434/7

W 0

26TH JUNE 1895, No. 1549 W., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Account.

READ—the following papers :—

- From the Accountant-General, Madras, dated 19th February 1895, No. 391.
- „ Sanitary Engineer to Government, dated 23rd February 1895, No. 454.
- Endorsement in the Judicial Department, dated 6th March 1895, No. 488, on letter from the Chairman, Chamber of Commerce, dated 27th February 1895.
- Endorsement in the Judicial Department, dated 28th March 1895, No. 664, on letter from the Government Solicitor, Madras, dated 23rd March 1895, No. 162.
- From the Chief Presidency Magistrate, dated 8th April 1895, No. 92.

ORDER—dated 26th June 1895, No. 1549 W., Public Works.

In G.O. No. 174, dated 25th January 1895, Judicial, suggestions were invited from persons interested, as well as from certain officers of Government in regard to the notifications and orders to be issued under the Steam-boilers and Prime-movers Act, 1893. A draft of the proposed rules has already been published in the *Fort St. George Gazette* of the 5th February 1895. The rules will now be amended in accordance with the orders given below ; and, as thus revised, will be published in the *Fort St. George Gazette* and brought into operation with effect from the date of the publication thereof.

filing
+ signature
25 Jan 95
no. 174

Notification.	Section of Act.	Remarks and suggestions.	Reporting officer.	Remarks by the Chief Engineer.	Orders of Government.
Notifications C and F prescribing a form of register of boilers.	Section 9 ..	Another column to be added headed "Time for which this license is to be in force" in order that it may agree with the form appended to the Act vide (schedule A) and with the license to be granted by a Magistrate under section 12, sub-section 5 of the Act. The revocation here alluded to is apparently one during the continuance of a license. The Sanitary Engineer presumes that no appeal will lie to him from the Inspector's refusal to grant a license after the expiry of a previous license.	The Sanitary Engineer.	....	Approved.
Notification D authorizing the Sanitary Engineer to revoke and suspend licenses.	Section 11 (a) ..	....	Do. ..	....	The Sanitary Engineer's opinion is accepted.
Notification E prescribing the form in which licenses shall be granted by the Chief Presidency Magistrate.	Section 12, sub-section 5.	....	....	The form of license here given might have an extra column provided for the registry number as in the form of license issued under section 7 of the Act. The license changes hands with the boiler under section 9 (2) of the Act, and both should, for convenience of identification, bear the register number. The following words might be added to the Magistrate's certificate, "and to enter this register number under his signature in the column of the license provided for the purpose," a new column being added as column 2.	Approved.
Notification F (rule 10). The Inspector to be subordinate to the Sanitary Engineer.	Sections 11 and 23 (b).	The Sanitary Engineer considers that no power has been given him to enter and inspect boilers. Such a power will be necessary to enable him to exercise his authority to suspend and revoke licenses and generally to supervise the Inspector's doings.	The Sanitary Engineer.	....	The Sanitary Engineer would ordinarily act on reports received from the Inspector. But there seems no reason why that officer should not also be appointed an Inspector under section 3 of the Act. This would enable him to enter and inspect boilers when necessary. The appointment will be notified accordingly. The Accountant-General's presumption is correct.
Notification F (rule 11). The Chief Engineer to depute an officer to inspect the office of the Inspector twice a year.	Section 23 ..	The Accountant-General presumes that the pay abstracts of the establishment will be signed by the Sanitary Engineer. The Sanitary Engineer would desire Government either to delete this rule or to make the Boiler Inspector entirely subordinate to the Chief Engineer. With the powers vested in him by these rules, it is inconsistent that a subordinate of the Chief Engineer should inspect the records of a subordinate of the Sanitary Engineer.	The Accountant-General.	....	Rule 11 will be omitted as suggested by the Sanitary Engineer.
Notification F (c) Examinations of boilers.	Section 23 (c) ..	In the absence of any rule making Sunday a <i>dies non</i> , there is little doubt that many boiler examinations will be required to be made on that day. Would suggest a ruling that where Sunday examinations are required, the fees for such be increased 50 per cent., the Inspector and his staff being allowed 25 per cent. to be divided amongst them in proportion to their pay.	Do. ..	I concur in this view, but would prefer that the ruling should be "Examinations will not be made on Sunday except in cases of a absolute necessity; in such cases the fees may be increased 25 per cent., the Inspector and his staff being allowed to divide the additional fee amongst them in proportion to their pay." The Inspector will decide as to the necessity for Sunday examinations.	The Chief Engineer's suggestion is approved.

Notification F (rule 13). The Inspector to fix the pressure to be allowed on boilers.	Section 23 ..	There may be a difficulty in working this rule. Instead of refusing to license a boiler, the Inspector may give a license at such a low pressure or may reduce the pressure named in a previous license to such a low figure that his action would be tantamount to a refusal, though not legally such. There ought to be some appeal in such cases as a safeguard against any attempt at extortion, &c. Boilers might be made in England, Bombay or Calcutta, so that the Inspector of a boiler under construction may be a servant of some other Government. It must be made clear, therefore, that the Inspector for the town of Madras is not necessarily referred to in this clause. A definite punishment to be added to rule 35 for altering the weight of a safety valve. The offence is a serious one and the temptation to do so is considerable to an idle or a dishonest man. A non-official does not care about being reported to Government, so that a provision that conviction of that offence would render a person liable to imprisonment for, say, a month, without option of a fine would render the risk much less. <i>General.</i> The proposed notifications and orders seem to be sufficient and within the powers conferred by the Act. No opinion can be offered on the rules in Notification F under the head "Iron boilers" as they are of a special character. Provided a thorough competent officer on receipt of an adequate salary is appointed, the Chamber of Commerce has no remarks to offer on the proposed rules, but in order to secure the services of such a thoroughly competent man whose decisions would be respected by the Engineers in the various factories here, some of whom are in receipt of salaries considerably higher than the salary proposed for the Inspector, the Chamber would suggest that the Inspector's salary be fixed at Rs. 500; or as an alternative he be allowed to supplement his official income by undertaking other work unconnected with his business under the Act. The pay proposed for the Inspector will only attract a superior fitter. A man of real knowledge will never care to take up the duties for the pay. Suggests the appointment of a superior man on higher pay to be entrusted with duty of inspecting factories and boilers.	Do. ..	There is force in this objection, but I think such cases are not likely to arise so frequently as to justify a special provision for an appeal. It would cause endless trouble if an appeal were allowed against every act of the Inspector, and something must be left to his honesty and the control of the Sanitary Engineer.	The Government does not consider it desirable to make any alteration at present. No alteration in the working of the rule is considered necessary. The rule will stand as proposed.
Notification F (Boilers, general), rule 29, paragraph 6, clause 1. Inspection by more than one Inspector.	Section 23 ..	The proposed notifications and orders seem to be sufficient and within the powers conferred by the Act. No opinion can be offered on the rules in Notification F under the head "Iron boilers" as they are of a special character. Provided a thorough competent officer on receipt of an adequate salary is appointed, the Chamber of Commerce has no remarks to offer on the proposed rules, but in order to secure the services of such a thoroughly competent man whose decisions would be respected by the Engineers in the various factories here, some of whom are in receipt of salaries considerably higher than the salary proposed for the Inspector, the Chamber would suggest that the Inspector's salary be fixed at Rs. 500; or as an alternative he be allowed to supplement his official income by undertaking other work unconnected with his business under the Act. The pay proposed for the Inspector will only attract a superior fitter. A man of real knowledge will never care to take up the duties for the pay. Suggests the appointment of a superior man on higher pay to be entrusted with duty of inspecting factories and boilers.	The Madras Mail.	This seems unnecessary; the license will fix the pressure and any tampering with the safety valve will be a breach of the terms of the license, and punishable under section 21 of the Act; beyond this the Act gives no power of punishment.	The question of raising the salary will be considered, should any difficulty be experienced in obtaining a competent man for that now offered.
Paragraph 2 of G.O. No. 174, Judicial dated 25th January 1895, fixing the pay of the Inspector at Rs. 250-300.	....	The pay proposed for the Inspector will only attract a superior fitter. A man of real knowledge will never care to take up the duties for the pay. Suggests the appointment of a superior man on higher pay to be entrusted with duty of inspecting factories and boilers.	The Advocate-General.	....	....
Paragraph 4 of G.O. No. 174, Judicial dated 25th January 1895, summing of assessors to assist the Chief Presidency Magistrate in the hearing of appeals.	Section 12 (4).	Suggests the addition of a provision that the opinions of the assessors should be recorded and considered, and that the decision of the appeal should rest with the Magistrate; considers that the opinion of expert witness will be better than that of assessors and that a fee of Rs. 15 should be awarded to the assessors or expert witnesses; and submits draft rules accordingly.	The Chamber of Commerce. The Sanitary Engineer. The Chief Presidency Magistrate.	I do not think it would be at all desirable to omit the provision for summoning assessors, or to substitute expert witnesses for them; the latter will almost always be summoned by the parties, whether assessors are appointed or not. The draft rules suggested by the Chief Presidency Magistrate appear suitable.	The draft rules for the hearing of appeals under section 12 (4) of the Act submitted by the Chief Presidency Magistrate are approved.

Notification.	Section of Act.	Remarks and suggestions.	Reporting officer.	Remarks by the Chief Engineer.	Orders of Government.
		<i>General.</i> The Sanitary Engineer raises the following questions and asks for the early orders of Government thereon (<i>vide</i> paragraphs 10 to 17 of his letter) :— (1) The staff required by the Inspector (paragraph 10). (2) Authority to entertain extra coolies as occasion arises (paragraph 11). (3) Supply before the 1st April 1895 of the tools required by the Inspector (paragraph 12). (4) Books of reference to be supplied to the Inspector (paragraph 13). (5) Office accommodation for the Inspector (paragraph 14). (6) Supply of stationery, books and forms (paragraph 15). (7) The question of sending the Inspector to such stations as may be necessary to be left to the discretion of the Sanitary Engineer and the rate of fees to be recovered from municipalities, to be laid down after 1st April 1896 from the expence gained after a year's working (paragraph 16). (8) Remuneration to the Sanitary Engineer for the additional work thrown upon him (paragraph 17). The Accountant-General suggests that the cost of the establishment and other incidental charges including those that may be incurred under section 12 (5) of the Act should be debited to "20. Police Steam-boller Inspection establishments," except Pleader's fees which should be charged to "Law and Justice," and that the receipts be credited to the Revenue head "XVII Police, Fees, Fines and Forfeitures."	....	....	The appointment of a clerk on Rs. 15 and a peon on Rs. 8 has been sanctioned in paragraph 2 of G.O. (Judicial Department) No. 174 of 25th January 1895; no other permanent staff is at present considered necessary, but such temporary assistance as may be required will be engaged as occasion arises. Separately disposed of by G.O. No. 1252 W., dated 24th May 1895. The Sanitary Engineer will submit definite proposals on this point. Sanctioned as proposed. The Sanitary Engineer's proposals are approved, generally; but the Inspector should begin his motusil inspections as soon as he is through his initial work in Madras, and fees should be recovered at once on the scale already suggested (after communication with Mr. Ellis), or on such other scale as may be approved. The Government is not prepared at present to propose any increase to the Sanitary Engineer's salary. The Accountant-General's suggestions are approved.

(True Extract.)

To all District Magistrates.
 " the Commissioner of Police, Madras.
 " the Sanitary Engineer.
 " the Chief Presidency Magistrate.
 " the Government Solicitor.
 " the Accountant-General.
 " the Chamber of Commerce.
 " the Madras Trades Association.
 " the Local and Municipal Department.
 " the Judicial Department.
 " the Financial "

Exd. T. K. Narayana Aiyangar.
 Spare Copies

Dispatched
 Under Secy. to Govt., P.W.D.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

A A A A A A A

N.B.—

A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only.