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Legislative (1899) Department.

ORDINARY MS.

G.O., No. 110

DATED 23-10-99

INDEXED.

6/4



[Despatch Abstract.]

Referring to the Advocate-General  
for remarks the draft Bill to amend  
the Madras Steam Boilers & Prime-  
movers Act, 1893.

128/16

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O.                    | No. | Department. | Date. | G.O.    | No. | Department. | Date. |
|-------------------------|-----|-------------|-------|---------|-----|-------------|-------|
| 70 M 425 1898 - 20 11 6 |     |             |       | 6-11-99 |     |             |       |

By CURRENT NO. 406

GENERAL.  
ACCOUNT.

## Government {1899} of Madras. PUBLIC WORKS.

Recd. }  
Regd. } 18-10-1899.

Enclosures nil  
Spare copies 6

G.O., No. 2529 W., 28th September 1899.

SEPTEMBER.

### Extension of Steam Boilers and Prime Movers Act

Deciding, with remarks, that the provisions of the Act in regard to the examination and licensing of boilers shall be extended to all parts of the Madras Presidency, and calling on the Sanitary Engineer to submit for approval a draft of the requisite notifications for the extension of the Act.

GOVERNMENT OF MADRAS.  
PUBLIC WORKS DEPARTMENT.

General.  
Account.

READ—the following papers :—

Office-note from the Sanitary Engineer to Government, dated 13th October 1898, No. 1473.  
File of replies from District Magistrates to G.O., No. 2552 W., dated 4th October 1898.  
Office-note from the Sanitary Engineer to Government, dated 24th Feb. 1899, No. 224.  
" " " " " 7th June " " 750.

ORDER—No. 2529 W., dated 28th September 1899.

In G.O., No. 2552 W., dated 4th October 1898, the question of extending to the mofussil those provisions of the Steam Boilers and Prime Movers Act which require the examination and licensing of boilers was reconsidered, and the opinions of District Magistrates were called for, in view of existing conditions.

2. Replies have now been received. District Magistrates propose the introduction of the provisions in question in the following districts :—

| Districts.              | No. of<br>boilers<br>owned by<br>private<br>persons. |
|-------------------------|------------------------------------------------------|
| Tinnevely ...           | 32                                                   |
| Tanjore ...             | 2                                                    |
| Nilgiris ...            | 14                                                   |
| Madura (Town alone) ... | 4                                                    |
| Kistna ...              | 14                                                   |
| Gódvári ...             | 26                                                   |
| Cuddapah ...            | 2                                                    |
| Coimbatore ...          | 15                                                   |
| Chingleput ...          | 1                                                    |
| South Canara ...        | 24                                                   |
| Bellary ...             | 13                                                   |
| South Arcot ...         | 26                                                   |
| North " ...             | 25                                                   |
| Anantapur ...           | 6                                                    |

In Vizagapatam, Malabar and Ganjam there are 20, 29 and 8 boilers, respectively. The District Magistrates do not recommend the extension of the Act to those districts, nor do the District Magistrates of Trichinopoly (only municipal boilers), Salem (no boilers), Nellore (2 boilers) and Kurnool (6 boilers); and the District Magistrate of Madura wishes it extended to the town only, because the boilers worked outside are of small size.

3. As regards the financial aspect of the case, it is observed that there are 276 boilers in the mofussil, the total horse-power of which amounts to 6,872. If the Act be extended to the whole mofussil and fees at the maximum rates be levied, the income will amount to Rs. 6,780 per annum. The raising of the fees to the maximum rates in the mofussil should, it is considered, be followed by a similar enhancement in the city of Madras, where, at present rates, Rs. 2,800 are collected. At maximum rates, the sum would amount to Rs. 3,500, or an increase of Rs. 700.

Note in the Public Works Department.

The conclusion drawn from the remarks of Honourable Members in this case is that the Public Works Department is not to draft bills.

His Excellency says "the Executive Department should give full details of the points to be aimed at in the Bill, and the Legislative Department should then throw these points into the shape of a Bill".

In the present case, all that is required is that the fees in Schedule B of Madras Act III of 1893 shall be raised by 50 per cent; the reason -- being that the present scale of fees is insufficient to meet the expenses incidental to the Examination and licensing of boilers.

*J. H. M.*  
for Secretary to Government.

To

The Legislative Department.

Read the following:--

U. O. Note from the Legislative Department, dated 21st July 1899.

Circulated to

H. E. the Governor  
 The Hon. Mr. Arundel C.S.J.  
 The Hon. Mr. Winderbotham  
 H. E. the Governor - 8 Aug 99.

FOR ORDERS.

In the accompanying note of the Legislative Department, the general question is raised as to whether that Department, or the Executive Department of the Government concerned, -- should draft Bills for the Legislative Council.

2. The Legislative Department is of opinion that it is not its business to do work of this kind; and, in support of its opinion, quotes rule 5 on page 46 of the accompanying pamphlet.

This rule says that the Legislative Department is not an originating or initiating Department, and that its proper function is to clothe with a technical shape projects of law of -- which the policy has been affirmed -- elsewhere.

3. It is submitted that in the present case, the policy of increasing the fees under the Steam Boilers Act having been affirmed in the Public Works Department it would now seem to

be

This Rule sets forth the matter correctly. The Ex. Dept. should furnish details of the points to be aimed at in the Bill and the Leg. Dept. should then throw these points into the shape of a Bill. The best form in which to do this, would be for the Ex. Dept. to put up a full and clear note of the matters upon which legislation is required, with perhaps a rough outline of the general shape which the Bill should take, when the Legislative Dept. should put the notes and rough draft, as supplied, into legal shape. The two Depts. would of course confer, whenever conference would contribute to the end in view. In other Legislatures over which I have presided, the Legal Advisers of the Govt. have always been called in to assist in drafting Bills; but I am not sure whether the

be the duty of the Legislative Department "to clothe with a technical shape" this project of law. This also seems to be the opinion of the Honourable Mr. Arundel as will be seen from his note dated 19th

June 1899; in which, with reference to the proposal in the Public Works Department to take Legislative action, he notes in the following terms:-

"Legislative will have to deal with "the amendment of the Act".

4. The present case happens to be a very simple one, and it is not, therefore, a matter of importance which Department deals with it. But, as a matter of principle is involved, it seems necessary that

the rule quoted by the Legislative Department should have a definite interpretation given to it.

5. It is further submitted that, if the Public Works Department is to draft Bills for the Legislature, the Government is not likely to be as well served as if the

work were taken up in a Department of the Secretariat which should possess special qualification for such work.

(Id) W. B. de W

25-7-99

u.

(True copies)

M. A. Jayarama Mudr

Head Clerk

P. W. Secretariat

the traditions and practice in Madras would justify this proceeding.

(Id) A. E. H.

4-8-99

As far as the P. W. D. is -- concerned there can be no question that the drafting of any Bill --- should be done by Legislative. It would not - as remarked in para 3 of the office note - be wise for Govt. to ask for a draft Bill from a Dept. which does not profess to be acquainted with legal technicalities.

As to the rest I agree with H.E. With regard to H. E's closing remark it is not customary here to ask the Ad. General to draft a Bill, but the draft when prepared is sent to him for opinion, and he is also ordinarily though not necessarily a member of every select Committee.

(Id) A. T. A.

5-8-99

(Id) H. W.

6-8-99

Seen. Hon. Members appear to be in accord with me.

(Id) A. E. H.

10-8-99

4. Municipalities now pay a sum of Rs. 3,300 for the services of the Boiler Inspector in looking after their boilers and engines—duties extra to those contemplated by the Act. If these boilers are now brought under the Act, they would pay—

|                       |     |     |     |     |     |     |     |         |
|-----------------------|-----|-----|-----|-----|-----|-----|-----|---------|
| On account of fees    | ... | ... | ... | ... | ... | ... | ... | Rs. 320 |
| " of extra inspection | ... | ... | ... | ... | ... | ... | ... | 1,650   |
| Total                 | ... | ... | ... | ... | ... | ... | ... | 1,970   |

The sum of Rs. 1,650, or half the present charge, has been fixed by the Sanitary Engineer as a reasonable charge for the services of the Boiler Inspector, after the introduction of the Act into the mofussil. The reduction is apparently proposed on the ground that under the new conditions the Boiler Inspector would have to travel over this ground for the purposes of the Act, and not in the exclusive interest of the municipal engines to be inspected.

5. The total receipts under the new conditions are estimated as follows by the Sanitary Engineer:—

|                                                       |     |     |     |     |     |     |     |           |
|-------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----------|
| Madras at maximum rates                               | ... | ... | ... | ... | ... | ... | ... | Rs. 3,500 |
| Mofussil (the whole) private boilers at maximum rates | ... | ... | ... | ... | ... | ... | ... | 6,780     |
| Municipal boilers                                     | ... | ... | ... | ... | ... | ... | ... | 1,970     |
| Total                                                 | ... | ... | ... | ... | ... | ... | ... | 12,250    |

Against these receipts, the estimated charges amount to Rs. 19,554. The loss would thus be Rs. 7,304 as against a present loss of only Rs. 2,200.

6. In paragraph 8 of his office-note No. 224, dated 24th February 1899, quoted above, the Sanitary Engineer proposes legislation in view to raising the fees prescribed by the Act; but, even after such enhancement, the fees would not, he calculates, pay expenses.

7. His Excellency the Governor in Council, after careful consideration of the whole matter, is pleased to decide that the provisions of the Act in regard to the examination and licensing of boilers shall be extended to all parts of the Presidency, that the fees in schedule B of the Act shall be raised by 50 per cent., and that municipalities shall pay the same amounts as heretofore for the inspection of boilers and engines. The Sanitary Engineer will submit, for the approval of Government, a draft of the requisite notifications for the extension of the Act as now decided, and steps will be taken in the Legislative Department for the amendment of the schedule.

8. On the schedule being thus amended by legislative enactment, the Sanitary Engineer will submit proposals for increasing the staff of Inspectors.

9. The extension of the Act to the mofussil will also be deferred till the enhancement of the fees has been duly legalized.

(True Extract.)

*J. H. M.*  
Under Secretary to Government.

- To the Sanitary Engineer to Government.  
" the Judicial Department.  
" all District Magistrates.  
" the Legislative Department, with a note in the Public Works Department, and copies of note for orders and notes thereon by Honourable Members.  
" the Local and Municipal Department.  
" the Accountant-General.  
" the Financial Department.

Exd T. K. Narayana Aiyangar.

Legis DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. , dated 189 .  
Again G.O., No. , dated 189 .  
Current No. 406 of 1899, dated 28. Sept , from P.W.D.  
" " " 189 , " " "  
" " " 189 , " " "

ORDER.  
mis

no 110 d/23-10-99

The following Bill together with the statement of objects and Reasons, will be forwarded to the Advocate-General for very early remarks.

To the Hon'ble the Advocate General  
with Bill + Statement of objects + Reasons  
Copy of G.O. No 2525 W d/23-10-99

20.10.99

Bill No. of 1899.

A Bill to amend the Madras Steam-Boilers and Prime-Movers Act, 1893..

Whereas it is expedient to amend the Madras Steam-Boilers and Prime-movers Act, 1893; It is hereby enacted as follows:—

1. For Schedule B appended to the said Act the following schedule shall be substituted the Schedule hereto annexed.

Schedule B

(See Section 23(b).)

Maximum rates of fees leviable for Examination of

(1) For the Examination of each boiler not exceeding 10 horse power nominal

Boilers  
Rs. A.  
22-

- 2) For the examination of each boiler exceeding 10 but not exceeding 20 horse power nominal
- 3) Ditto Ditto Ditto 20 Ditto - 30 Ditto
- 4) Ditto Ditto Ditto 30 Ditto - 50 Ditto
- 5) Ditto Ditto Ditto 50 horse power nominal

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then examined

then signed

189

AGAIN G.O., No.  
189

DATED

### Statement of Objects & Reasons.

The present scale of fees being insufficient to meet the expenses incidental to the examination of boilers, it is proposed to enhance it by 50 per cent.

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B. -

A = Copy in full.  
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