

Government of Tripura
Factories & Boilers Organisation
(Labour Department)

Dated, Agartala, the 13th November, 2024.

NOTIFICATION

The following draft rules further to amend the Tripura Boilers Rules, 1983 which the State Government proposes to make in exercise of the powers conferred by Clause (ha) and Clause (hb) of sub-section (1) of section 29 read with sub-section (2) of section 29 and 32 of the Boilers Act, 1923 (Central Act, No. 5 of 1923) in line with the Jan Vishwas (Amendment of Provisions) Act, 2023 (Central Act No. 18 of 2023), are hereby published as required by section 31 of the Boilers Act, 1923 for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules would be taken into consideration after expiry of a period of fifteen days from the date of their publication in the Official Gazette.

Any objection or suggestion which may be received from any person in respect to the said draft rules before expiry of the period as specified above will be considered by the State Government. Such objections and suggestions should be addressed to the Chief Inspector of Factories & Boilers, Tripura, Gorkhabasti, P.N. Complex, Agartala, West Tripura or email cifbtrp@yahoo.co.in.

1. Short Title & commencement –

- (i) These Rules may be called the **‘Tripura Boilers (Third Amendment) Rules, 2024’**;
- (ii) They shall come into force on and from the date of their publication in the Tripura Gazette.



2. Addition of new rules, 51-Adjudication and 52-Appeal. – In the Tripura Boilers Rules, 1983 (hereinafter referred to as the principal Rules), after rule 50, the following rules shall be inserted, namely:-

“51. Adjudication proceedings under section 26A – (1) On receipt of a report from the Inspector, the Chief Inspector shall examine the report according to the applicable provisions of the Act, rules and regulations made there under to decide if the contraventions are liable to penalty under sections 22, 23, sub-section (1) of section 25 or section 30 of the Act.

(2) If the Chief Inspector decides that such contravention is liable to penalty under sections 22, 23, sub-section (1) of section 25 or section 30 of the Act, he shall order and authorise the Inspector to file an application for adjudication before the Adjudicating Officer.

(3) On receipt of the communication from the Chief Inspector authorizing the filing of the adjudication application, the Inspector shall file such application before the Adjudicating Officer authorised by the State Government under section 26A for adjudication of the contravention alleged to have been committed.

(4) On receipt of the application for adjudication from the Inspector, the Adjudicating Officer shall commence the inquiry under section 26A and in the first instance, issue a notice to such owner or person, as the case may be, asking to appear himself or through an authorized representative before the Adjudicating Officer on such date and time, not before thirty days from the date of issuance of the notice, as may be mentioned therein.

(5) Every notice under sub-rule (4) shall indicate the nature of the contravention alleged to have been committed by the owner or such person, as the case may be, and the date of hearing of the matter. A copy of the report of the Inspector shall also be annexed to such notice.

(6) On the date fixed for hearing, the Adjudicating Officer shall explain to the owner, such person or to his authorised representative, the contravention alleged to have been committed by such owner or person, indicating the provision of the Act, rules or regulations in respect of which the contravention is alleged to have taken place.



(7) The Adjudicating Officer shall then give an opportunity to the owner, such person or his authorized representative to produce such documents or evidence as he may consider relevant to the inquiry and if necessary the hearing may be adjourned to a future date.

Provided that the Adjudicating Officer shall pass the final order within 180 days from the date of first hearing mentioned in sub-rule (6) above.

(8) While holding an inquiry under this rule, the Adjudicating Officer shall have the power to summon 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.

(9) The State Government may appoint any officer, prosecutor or an advocate to represent the department in the inquiry.

(10) If the owner or any such person fails, neglects or refuses to appear or produce the documents or evidence, as may be required under sub-rule (6) or (7), as the case may be, 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.

(11) If, upon consideration of the documents or evidence produced before the Adjudicating Officer, the Adjudicating Officer is satisfied that the owner or such person against whom the inquiry has been conducted, is liable for penalty under section 22, 23, sub-section (1) of section 25 or section 30 of the Act, he may, by an order in writing, impose such penalty as he thinks fit in accordance with the provisions of the relevant section or sections of the Act.

(12) If, however, the Adjudicating Officer is satisfied that the contraventions alleged to have been made by the owner or such person against whom the inquiry has been conducted has not been proved beyond doubt, the Adjudicating Officer shall dismiss the case by issuing an appropriate order.

(13) Every order made under sub-rule (11) shall specify the provisions of the Act in respect of which the contravention has taken place and shall contain brief reason



for such decision. While imposing penalty, the Adjudicating Officer shall have due regard to the provisions of section 26A of the Act. Such penalty shall be deposited into the head "0230- Labour & Employment, 103- Fees for Inspection of Steam Boiler" through Treasury Challan or online transfers into the Government account as may be notified time to time.

(14) Every such order shall be dated and signed by the Adjudicating Officer.

(15) The Adjudicating Officer shall send a copy of the order made under sub-rule (11) to the owner or such person against whom the inquiry was conducted and the Inspector who has filed the application for adjudication.

(16) A notice or an order issued under these rules shall be served

(a) upon the owner or person against whom the adjudication proceedings were held or inquiry has been conducted, in any of the following manner:

(i) by delivering or tendering it to that owner or such person or his duly authorised representative, or

(ii) by sending it to the owner or such person by registered post with acknowledgement due 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 clause (i) or (ii), such notice or order may be served by affixing it on the outer door or some other conspicuous part of the premises in which that owner or person resides or is known to have last resided or carried on business or personally works or has worked for gain and written report thereof should be witnessed by two persons.

(b) upon the inspector: by delivering or sending it through the registered post.

52. Appeal under section 26B - (1) An appeal under section 26B of the Act, arising out of a decision of the Adjudicating Officer appointed under section 26A of the Act, shall be filed before the Appellate Authority within a period of sixty days from the



date on which the copy of the order against which the appeal is filed, is received by the appellant.

(2) A memorandum of appeal shall be presented in Form 'E', in triplicate along with the stipulated fees, by any aggrieved person or by his duly authorized agent in writing or by an advocate duly appointed in this behalf before the Appellate Authority specially authorised by the State Government under section 26B or shall be sent by registered post addressed to the Appellate Authority.

(3) An Appeal sent by post shall be deemed to have been presented to the Appellate Authority on the day it is received.

(4) An 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 that period.

(5) Every Appeal filed under this rule shall set forth concisely under distinct heads, the grounds of such Appeal and such grounds shall be numbered consecutively.

(6) Every Appeal presented to the Appellate Authority shall be in English and shall be fairly and legibly type written and duly paginated and indexed.

(7) Every Appeal shall be accompanied by the certified copy of the impugned order.

(8) If on scrutiny, the Appeal is found to be in order, it shall be duly registered and given a serial number and if Appeal is found to be defective, the same shall, after notice to the party, be returned for compliance and if within 21 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 register the Appeal.

(9) A copy of the Appeal shall be served by the Appellate Authority on the respondent as soon as they are registered, by hand delivery or by registered post or Speed Post.



(10) On admission of the Appeal, the Appellate Authority may call for the records relating to the proceedings from the respective Adjudicating Officer and re-transmit the same at the conclusion of the proceedings or thereafter.

(11) Respondent may, within thirty days of service of notice of Appeal, file reply to the Appeal before the Appellate Authority.

(12) A copy of reply and every document annexed to the reply shall be served upon the appellant by the respondent.

(13) Where notice of an Appeal is issued by the Appellate Authority, copies of the same, the Affidavit in support thereof and the copy of other documents filed therewith, if any, shall be served along with the notice to the respondent.

(14) The Appellate Authority may, after giving the parties to the appeal an opportunity of being heard, pass such orders as he may think fit, confirming or setting aside the order appealed against.

(15) The order of the Appellate Authority shall be signed and dated. The Appellate Authority shall have powers to pass interim orders or injunction, subject to reasons to be recorded in writing, which he considers necessary in the interest of justice.

(16) A certified copy of every order passed by the Appellate Authority shall be communicated to the Adjudicating Officer and to the parties."

3. Addition of new Form 'E'- In said rules, after the existing Form 'D', the following new Form 'E' shall be added, namely:

"FORM 'E'
(rule 51 & 52)

Memorandum of Appeal

BEFORE THE APPELLATE AUTHORITY

In the matter of the Boilers Act, 1923 (Central Act, No. 5 of 1923)

AND

**In the matter of Appeal against the order dated _____ passed by the
Adjudicating Officer, _____ (Place)**

APPEAL NO. _____ of _____

... Appellant

Vs

... Respondent

For use in Appellate Authority's office

Date of presentation of Appeal

Date of receipt by

Post Registration No.

Signature

INDEX

(Specimen Index)

Sr. No.	EXHIBIT PARTICULARS No.	Page
1.	Appeal	
2.	Copy of the Show Cause Notice dated ____ issued by the Adjudicating Officer	
3.	Copy of the Reply dated ____ sent by the Appellant to the Show Cause Notice.	
4.	Copy of the impugned order dated _____	

APPEAL

1. Particulars of the Appellant

(i) Name of the Appellant:

(ii) Address of the Appellant:



- (iii) Address for service of all notices
- (iv) Mobile No. of the Appellant
- (v) E-mail address

2. Particulars of the Respondent

- (i) Name of the Respondent:
- (ii) Address of the Respondent
- (iii) Address for service of all notices

3. Jurisdiction of the Appellate Authority

The Appellant declares that the matter of Appeal falls within the jurisdiction of the Appellate Authority.

4. Limitation

The Appellant further declares that the Appeal is within the limitation as specified in section 26B of the Boilers Act, 1923.

5. Facts of the case

Here give a concise statement of facts of the case and grounds of Appeal against the specified order, in a chronological order, each paragraph containing as neatly as possible as separate issue, fact or otherwise)

6. Relief(s) sought

In view of the facts mentioned in paragraph 5 and the grounds on which the impugned order is challenged, the Appellant prays for the following relief(s)

(Here specify the relief(s) sought and the legal provision, if any, relied upon)

7. Interim relief(s) sought (if prayed for)

Pending the final decision in the Appeal, the Appellant seeks the following interim relief(s).

(Here specify the interim relief(s) prayed for and the reason therefore)

8. Matters not pending with any other court

The Appellant further declares that the matter regarding which this Appeal **has been** filed, is not pending before any court of law or any other authority or any other Tribunal.



9. Details of Index

An index containing the details of the documents relied upon is enclosed.

10. List of enclosures.

- i)
- II)
- iii)

VERIFICATION

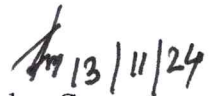
I, _____ son/wife/daughter of Mr. _____ being the Appellant do hereby verify that the contents of paragraphs 1 to 10 are true to my personal knowledge and belief and that I have not suppressed any material fact.

(Signature of the Appellant)

Place:

Date: "

By order of the Governor,

 13/11/24

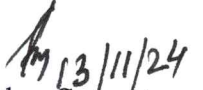
Under Secretary

to the Government of Tripura.

Copy to:-

1. The PS/PA to the Hon'ble Minister, Labour etc. Department, Government of Tripura, Agartala for information of Hon'ble Minister.
2. The PS/PA to the Secretary, Labour Department, Government of Tripura, Agartala for information of the Secretary.
3. The Additional Secretary, General Administration (Confidential & Cabinet) Department, Govt. of Tripura, Agartala. This refers to the Memorandum communicated the decision vide No.F.8(9)-GA(CAB)/2024, dated, 04.11.2024.

4. The Chief Inspector of Factories & Boilers, Government of Tripura, Agartala.
5. The Director, IT Department for uploading in departmental website <https://factory.tripura.gov.in>.
6. The Deputy Secretary, General Administration (Personal & Training) Department, Govt. of Tripura, Agartala.
7. The Manager, Tripura Government Press, Agartala with a request to publish the **NOTIFICATION** in the next issue of Extra Ordinary Issue of Tripura Gazette. 20(twenty) copies of the Notification may kindly be sent to this Department in due course for records.
8. Guard File.


13/11/24
Under Secretary
to the Government of Tripura.
