THE Governor is pleased to order the publication of the following English translation of notification no. 11/2017/545/XXXVI-03–2017-29(Sa)-14T.C., dated June 16, 2017 for general information:

No. 11/2017/545/XXXVI-03–2017-29(Sa)-14T.C.

Dated Lucknow, June 16, 2017

WHEREAS the State Government having regard to the material, design or construction of the boilers and to the need of rapid industrialization of the state, is satisfied that it is necessary so to do;

NOW, THEREFORE in exercise of the powers conferred by sub-section (3) of section 34 of the Boilers Act, 1923 (Act no.5 of 1923) the State Government hereby exempts all such boilers having the safe guard system for protection against over pressure, low water level, flame failure *etc.* to prevent the accidents of boilers as per the provisions of the Act, Rules and Regulations framed thereunder in the whole of the state from the operation of the provision of sub-section (5) of section 8, sub section (1) of section 10, section 12, section 13 of the said Act, subject to conditions and restrictions, specified in the Schedule below.

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SCHEDULE

1. The boiler and the Boiler Component shall be inspected every Year by the owner as per the technical provisions of the Indian Boiler Regulations, 1950 by Third Party Inspection Agency authorized by Central Boiler Board Government of India, Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Udyog Bhavan, New Delhi.

The objective of this self-Certification/Third Party Inspection system is to enhance "ease of doing business"without compromising on the safety, health, social security and welfare of the workers under Indian Boilers Act, 1923.

(a) This Self-Certification/Third Party Inspection shall be optional and any employer/entrepreneur can opt for this Self-Certification/Third Party Inspection by applying online to the Director of Boilers, U.P. in the prescribed proforma given in Annexure-I along with details as per Annexure-II and an Undertaking as prescribed in Annexure-III. Any discrepancy in the application or enclosures shall be communicated to the applicant within 30 days from the receipt of the application in the office of Director of Boilers, U.P. In case no discrepancy is so communicated, the applicant shall deem to have been enrolled under the above Self-Certification/Third Party Inspection.

(b) After being enrolled for the said Self-Certification/Third Party Inspection, the concerned employer/entrepreneur shall file the Self-Certification Return in the proforma given in Annexure-IV along with the required documents and information. The return shall be filed online within 30 days of the Boiler inspection.

(c) Factual information given in the prescribed return shall be the same as on the date of filing the Return. The undertaking to abide by all the laws as applicable to the employer/entrepreneur shall be valid for a period of next one year.

Once opted for the Self-Certification/Third Party Inspection, the same shall be valid for five years and the employer/entrepreneur shall file annual return as prescribed. After the successful compliance under the Self-Certification/Third Party Inspection for five years, the employer/entrepreneur shall have option either to remain covered under the Self-Certification/ Third Party Inspection or opt out of this. The option must be exercised in writing to be made before the Director of Boilers, U.P.

(d) In case any entrepreneur or employer withdraws prematurely from the Self-Certification/Third Party Inspection *i.e.* before 5 Years or fails to follow the terms and conditions of the Self-Certification/ Third Party Inspection or fails to file return in time under this Self-Certification/Third Party Inspection or fails to abide by any undertaking given by him or violation of any law is detected further necessary action as per the law will be initiated and he will cease to continue under the Self-Certification/Third Party Inspection. However, there will be no bar on fresh inclusion in the Self-Certification/Third Party Inspection if applied afresh. In case the return is not filed within 30 days of boiler inspection, by the boiler owner then a show cause will be sent by *e-mail* to boiler owner on the registered *e-mail* address thereof to furnish return within the extended of 30 days with a late payment of Rs. 5000/- to be paid by the Government Treasury Challan. After expiry of this extended period it will be deemed to have opted out of Self-Certification/ Third Party Inspection.

(e) Under the above Self-Certification/Third Party Inspection, the application for inclusion under the Self-Certification/Third Party Inspection shall be made in triplicate as per Annexure-I addressed to the Director of Boilers, U.P., with a copy to concerned Assistant/Dy. Director of Boiler, similarly, the return to be filed in Annexure-IV shall also be filed in triplicate complete in all respect of which two copies shall be sent to the Director of Boiler along with relevant documents and a copy of the same shall also be sent to the Assistant/Dy. Director of Boiler concerned.

(f) The inspection of the boiler and the boiler components shall be carried out as per the provisions of the said Act, Rules and Regulations framed there under by the competent person as defined under clause (cb) of section 2 of the Indian Boiler Act, 1923, recognized from time to time under Regulation 4J of the Indian Boiler Regulation, 1950.

(g) Boiler Owner (after receipt of inspection report) and competent person shall submit inspection report carried out by them to the Director of Boilers Uttar Pradesh within fifteen days of the date of inspection as per provision of the said Act, rules and regulations framed there under and preferably on their *web-site*. It is clarified that on receipt of inspection report, it will be duly pasted in Memorandum of Inspection Book by the competent person.

(h) Not more than 20 percent of the units covered under this System shall be picked up randomly for inspection in a year which shall be carried out only once regarding the implementation of all the laws to which this Scheme applies. Once inspected, the same unit is not likely to be inspected in the same year or in the remaining period of Self-Certification/Third Party Inspection provided that no specific violation of terms, conditions, undertaking given and laws by the employer/entrepreneur is brought to notice.However, on specific complaint, only the Director of Boiler himself/herself shall be competent to order inspection at any time.

A random inspection list of units shall be prepared by Director of Boilers, U.P. and normally the inspection of those units will take place in a year where specifically ordered by the Director of Boilers himself/herself.

2. The Competent Person and Boiler Owner shall follow instructions and guidelines of the Director of Boilers, U.P. and shall be liable to punishment and responsible for any act omission or commission committed against the provisions of the said Act, Rules and Regulations framed there under.

3. Report of daily chemical analysis for feed water and blow down water should be submitted online monthly to the competent person for scrutiny and to the Director of Boilers, U.P. for information.

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4. Working pressure of the boiler shall not exceed to that as specified in the last certificate issued or allotted by Director of Boilers, U.P. as per the provisions of the said Act, Rules and Regulations framed thereunder.

5. The boiler shall be stopped immediately if any accident occure to the boiler or boiler component during the use and the Director of Boilers, U.P. shall be informed immediately as per the provisions of the said Act, Rules and Regulations framed thereunder.

6. The Boiler Owner will comply with the provisions laid down in said Act. Rules, regulations framed there under if any repair, addition, alteration or renewal in any Boiler or Boiler components needed.

7. The Boiler shall be attended compulsorily by qualified Boiler Operation Engineer (s) and/or Boiler Attendant (s) in each shift as per the provisions of the said Act, Rules and Regulations framed thereunder.

8. This notification shall be applicable to such boilers having the safe guard system for protection against over pressure, low water level, flame failure *etc.* for prevention of accidents of boilers as per the provisions of the said Act, Rules and Regulations framed thereunder and the provisions of these safe guards shall have to be certified by the owner of the boiler and the Competent person.

The State Government may, at any time, modify or withdraw this notification.

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By order,
RAJENDRA KUMAR TIWARI,
Upper Mukhya Sachiv.

128 R.P.H. Shram-3 data-6 2017

(ACCOMPANIMENT OF GOVERNMENT NOTIFICATION NO ----------

Dated ----------of Labour Department)

ANNEXURE-I

from

M/s ----------

To,

The Director of Boilers

Sarvodaynagar, G.T. Road,

Knapur, Uttar Pradesh.

Website-www.uplabour.gov.in

Subject : Application for permission to be covered under Self-Certification/Third Party Inspection for Boiller Registry No.....Under Indian Boiler Act. 1923

Sir,

Reference Govt. of U.P. Labour Department Notification No.....Dated..... regarding Self Certification/Third Party Inspection of Department of Labour, U. P.

I/We have gone through the above said Self-Certification/Third Party Inspection and have understood the same. I/We wish to be covered under the said Self-Certification/Third Party Inspection. As such I/We request you kindly issue me/us necessary approval for the same. The necessary information and other documents as required under the Self-Certification/Third Party Inspection are enclosed. I/We undertake to abide by all terms and conditions of the Self-certification/Third Party Inspection. It is also certified that I/We am/are competent & duly authorized to make any statement or provide any information to any Central/State Government agency on behalf of this establisment/ enterprise.

Kindly issue the necessary approval at the earliest.

Yours faithfully,

(Name, Signature & Address of the Boiler Owner)

Reg.-E-Mail Address.....

Reg. Mobile Number .....

Enc: (1) Annexure II (List of documents)

(2) Annexure III (Undertaking)

Acknowledgement Slip

This is to acknowlege that an application regarding Self-Certification/Third Party Inspection under Indian Act, 1923 has been received by the undersigned from M/s ..... (Full address in capital and the same has been entered in the office receipt register at Sr. No.....Dt.....any further correspondence in future in this regard may be done by stating this Sr. No.....

Authorized Signatory

For Director of Boilers, Uttar Prades,

Kanpur.

(ACCOMPANIMENT OF GOVERNMENT NOTIFICATION NO ----------

Dated ----------of Labour Department)

ANNEXURE-II

LIST OF DOCUMENTS TO BE ATTACHED WITH ANNEXURE

1	Name & Address of Boiler Owner :-	:	
2	Boiler Registration Number :-	:	
3	Date on which Boiler certificate expires (Attach copy):-	:	
4	Brief description of Boilers:- Date of registration:- Boiler Heating Surface Area (m^2) : Boiler Working Pressure (kg/cm^2):	:	
5	Uses of Boiler/day whether Continuous (24 hrs)/non continuous, please specify:-	:	
6	Whether Boiler operated by qualified Boiler Attendants/Boiler Operation Engineers or not (Attach Photocoy of Boiler Attendants/Boiler Operration Engineers Certificate):-	:	
7	Details of repair/Addtion/alteration, If any:-	:	
8	Details of Boiler accidents whichever took place in the past, If any:-	:	
9	Whether safety valves are blowing satisfactorily at or below design pressure:-	:	
10	Whether high and low water level alarm is in good condition:-	:	
11	When Boiler was last opened for internal and/or external cleaning (give detail):-	:	
12	Please specify Quality of Boiler feed water, give recent test result:-	:	
13	Whether Remnant Life Assessment (RLA) Test is required or not, if required, date on which last RLA Test was carried out (give delails) :-	:	
14	Details of Inspection Fee deposited by Treasury Challan (Attach photo copy):-	:	
15	Whether last certificate was carrying any remark (Please Specify):-	:	
16	Desired Date for inspection, if any:-	:	
17	Whether 10 Days' Notice is needed, if not how many days' notice is needed :-	:	

NOTE : In case any of the above is not being attached/provided, Pleacse give specific reason Incomplete application will not be considered.

(Name, Signature, Contact no. & E-Mail ID of Boiler Owner)

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(ACCOMPANIMENT OF GOVERNMENT NOTIFICATION NO ----------
Dated ----------of Labour Department)

ANNEXURE-III

Undertaking

(To be filled by the Boiler Owner on a Non-Judicial Stamp Paper of Rs 20/-)

I..... S/Shri.....
R/o .....and Owner of Boiler Registry No. of
M/s.....hereby states as under:

That I have applied for grant of coverage of unit by the name of..... situated at (complete address of the unit).....under the Self-Certification/Third Party Inspection of Labour Department, Government of Uttar Pradesh as notified *vide* Notification No.....Dated.....

1. That I have gone through the Scheme and have fully understood the contents of this Self-Certification/Third Party Inspection and undertake to abide by name.
2. That it is declared that I/we are complying and will continue to comply with all provisions if Indian Boiler Act, 1923, Rules & Regulations framed thereunder which are covered under this Self-Certification/Third Party Inspection.
3. That I agree to accept the penalty prescribed under law in case of violation detected in the unit under any labour law covered under the Self-Certification/Third Party Inspection after filing of the return under the Self-Certification/Third Party Inspection.

PLACE :

DATE :

DEPONENT

VERIFICATION

I/We the above named deponent/s do hereby further solemnly affirm that the contents given above are true and correct to my knowledge.

PLACE :

DATE :

DEPONENT

ANNEXURE-IV

FORM FOR SELF CERTIFICATION AND CONSOLIDATED ANNUAL RETURN TO BE SUBMITTED BY AN EMPLOYER FOR COMPLIANCE OF INDIAN BOILER ACT, 1923

(To be submitted on the stamp paper of Rs. 20/-)

I, Mr./Mrs/Miss.....hereby certify that I am Boiler Owner of Boiler Registry No.....of the factory/establishment whose identification and general details are as follows. I, hereby certify that the status of comliance of following Indian Boiler Act, 1923 and annual informations of my enterprise during the year.....is as under :--

Exemption/Self Certification under The Indian Boilers Act, 1923

A Registry number of the Boiler/Economiser :

B Name of owner :

Address where Boiler/Economiser installed :

C Information of Competent Person reporting fitness of Boiler/Economiser :

Full Name

Address:

Tel No.: Fax No. E-Mail ID :

Competent Person certificate No.:-

No. & date & validity of certificate of Issuing Authority :

Details of endorsement of Uttat Pradesh Boiler Directorate (if any)

D Detail of modification/repair/alteration (if any)

E Certificate of Competent Person :

I have inspected the above Boiler/Economiser as per provision of Indian Boiler Act, 1923 and Rules & Regulations framed thereunder on .....at the request of Boiler owner as required under Notification No. ..... dated .....of Government of Uttar Pradesh. I hereby certify that the Boiler/ Economiser registry no..... is fit for further use at the pressure .....kg/cm^2 approved by the Director of Boilers, U.P. for 12 months *i.e.* from .....to.....

Name & Signature of Boiler Owner Name & Signature of Competent Person

पी0एस0यू0पी0–ए0पी0 128 राजपत्र–2017–(445)–599 प्रतियां (क0/टी0/ऑफसेट)।
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