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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **FROM WELFARE TO RIGHTS: CHANGING PARADIGMS IN OCCUPATIONAL HEALTH AND SAFETY LEGISLATION IN INDIA**

AUTHORED BY – YUVASHREE. K & CHYRIL KUMAR. MP

II Year, LLM,

School Of Excellence In Law,

The Tamilnadu Dr. Ambedkar Law University, Chennai.

## **ABSTRACT:**

Occupational health and safety (OHS) have emerged as a vital element of labour law, ensuring not only productivity but also the dignity and well-being of workers. In India, OHS regulation has evolved from a welfare-oriented model under statutes like the Factories Act and Mines Act to a rights-based approach shaped by constitutional guarantees. Early legislations focused on welfare facilities such as canteens and crèches, but their effectiveness was limited as they relied heavily on employer compliance. The constitutional framework, particularly Articles 21, 23, and 24 along with Directive Principles, linked safe working conditions to fundamental rights, while judicial pronouncements expanded occupational health as part of the right to life. The Occupational Safety, Health and Working Conditions Code, 2020 marks a significant reform by consolidating thirteen laws into a single framework. It introduces progressive measures such as an eight-hour workday, weekly rest provisions, reduced thresholds for welfare facilities, digital registration, and expanded opportunities for women and migrant workers. At the same time, the Code empowers the government to respond during epidemics and establishes a National Advisory Board for policy guidance. Despite these advances, challenges remain. The exclusion of informal and gig workers, threshold-based coverage, weak enforcement mechanisms, and limited recognition of occupational diseases restrict its transformative impact. To fully realise its potential, the framework must strengthen employer accountability, extend protections universally, provide gender-sensitive infrastructure, and establish clearer safeguards during disasters. In conclusion, the OSH Code 2020 reflects India's shift from welfare to rights in workplace regulation, but stronger implementation and inclusivity are essential to secure safe and dignified conditions for all workers.

## KEYWORDS:

Occupational Health and Safety, Labour Law, OSH Code 2020, Worker's Rights, Constitutional Framework, Informal Sector.

## INTRODUCTION:

Occupational health and safety (OHS) occupy a central place in labour law because the nature of working conditions directly influences not only the health and dignity of workers but also industrial productivity and social harmony. The International Labour Organization (ILO) has consistently recognised that the right to safe and healthy working environment is a fundamental principle and right to work<sup>1</sup>. In India, the rapid pace of industrialisation has historically been accompanied by unsafe and exploitative working environments, making the protection of workers an urgent concern. The legal framework has gradually evolved from colonial laws that provided only minimal welfare safeguards to post-independence measures that attempted to strike a balance between economic growth and the protection of labour. In recent decades, constitutional interpretation and judicial activism have gone further, placing workplace safety within the ambit of the fundamental right to life under Article 21<sup>2</sup>. The early statutes, including the Factories Act, 1948, the Mines Act, 1952, and the Plantation Labour Act, 1951, were designed to ensure certain welfare facilities such as canteens, crèches, sanitation, and housing. While these provisions improved working conditions to some extent, they were framed in a paternalistic manner. Workers were viewed as passive beneficiaries of welfare schemes rather than as rights-holders capable of asserting enforceable claims. This welfare model was reflective of the socio-economic realities of the time, with hierarchical industrial relations and the state functioning as a protective regulator. However, such an approach often resulted in weak enforcement, limited accountability, and inadequate protection for workers in the vast informal sector.

With the Constitution of India, dignity, equality, and justice became cornerstone principles guiding governance, redefining the existing framework. Provisions in Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) provided the foundation for recognising OHS as a legal right rather than a matter of benevolence. Judicial interpretation

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<sup>1</sup> International Labour Organization, "Occupational Safety and Health: Fundamental Principles and Rights at Work" (ILO, Geneva, 2023), available at: <https://www.ilo.org/global/topics/safety-and-health-at-work/lang-en/index.htm> (last visited on Sept 10, 2025).

<sup>2</sup> Consumer Education and Research Centre v. Union of India, (1995) 3 SCC 42.

gave these provisions a transformative role: Article 21 has been read to include the right to health and safe working conditions, while Articles 23 and 24 prohibit forced and child labour in hazardous occupations<sup>3</sup>. Similarly, the Directive Principles in Articles 39, 42, and 43 emphasise humane conditions of work, maternity relief, and living wages. Through a series of landmark rulings, the judiciary converted welfare obligations into enforceable rights, thereby ushering labour law into a rights-based paradigm. Nevertheless, India's OHS framework still exhibits tension between these two approaches. The OSH Code<sup>4</sup>, 2020, which consolidates thirteen separate statutes, is presented as a modernising reform. It does introduce positive elements such as wider definitions and gender-sensitive provisions. Yet, issues remain with its reliance on threshold-based coverage, reduced penalties, and wide executive discretion. This raises the central question: has India truly transitioned from a welfare-oriented system to a rights-based framework in occupational health and safety, or does the present regime still reflect a hybrid model?

## **THE EVOLUTION OF OCCUPATIONAL HEALTH AND SAFETY (OHS) LEGISLATION IN INDIA:**

The development of occupational health and safety (OHS) laws in India reflects the country's broader industrial and socio-political transformation. Initially introduced during colonial rule, these regulations were designed more to preserve industrial efficiency than to protect the rights and well-being of workers. Over time, however, these early welfare-oriented approaches evolved into a more rights-focused legal framework, gradually recognizing the worker as a central figure deserving of dignity and protection in the workplace. This evolution spans from the first colonial-era statutes to post-independence reforms and the influence of global labour standards. The industrial revolution in Europe laid the groundwork for India's occupational health and safety legislation. As large factories and mechanised systems spread, so did exploitative working conditions, including long hours, dangerous machinery, and the abuse of women and children in the workforce. In Britain, such issues led to early reforms like the Factory Acts of 1833 and 1844. When industrialization extended to colonial India, similar challenges arose, particularly in textile mills in Bombay and jute factories in Bengal. These concerns, alongside growing criticism from British trade unions about exploitative practices, led the colonial authorities to introduce regulatory measures, marking the start of factory

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<sup>3</sup> Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802

<sup>4</sup> The Occupational Safety, Health and Working Conditions Code, 2020 (Act 37 of 2020)

legislation in India.

One of the earliest legislative efforts came with the *Factories Act 1881*, which represented the British colonial government's first attempt to regulate working conditions in India. However, this law was quite limited in scope. The legislation applied to large factories (over 100 workers) employing mechanical power, prioritizing restrictions on child labour. It set a minimum working age of seven and limited children's working hours to nine per day. While the act included basic provisions like rest breaks, it was paternalistic in nature and did not establish any legal rights for workers. Its intent was more about appeasing humanitarian concerns and foreign pressure than empowering Indian labourers. After independence, India took a more comprehensive approach to labour regulation with the Factories Act of 1948, which replaced earlier legislation and introduced broader standards. This act addressed several aspects of worker welfare, including health, safety, working hours, and the employment conditions of women and young people. It mandated the provision of facilities such as canteens, first-aid boxes, and protective equipment. Despite these improvements, the framework still leaned heavily on welfare and lacked a clear, enforceable rights-based orientation. Workers were largely seen as passive recipients of employer-provided benefits, and there was minimal worker involvement in ensuring compliance.

Mining, being inherently hazardous, required specific legislative attention. The Mines Act<sup>5</sup> was an early effort to address safety in the mining sector, covering issues such as work hours, child labour, and rudimentary health protections. This law was later expanded through the Mines Act<sup>6</sup>, which introduced more robust safety measures, including safety committees, regular medical check-ups, and restrictions on underground employment of women and children. Yet, even these laws reflected a welfare-driven mindset, with the state and employers assuming responsibility without significantly empowering workers to claim or enforce their rights. India's long-standing association with the International Labour Organization (ILO), which began in 1919, also played a crucial role in shaping its labour laws. Although India has ratified only a limited number of OHS-specific ILO conventions, the organization's influence is evident in the framing of labour standards. The ILO's focus on "decent work" and worker rights contributed to a gradual shift in India's legal narrative from employer-led welfare policies to a more balanced approach that recognizes workers as rights-bearing individuals. This shift

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<sup>5</sup> The Mines Act, 1923 (Act 4 of 1923)

<sup>6</sup> The Mines Act, 1952 (Act 35 of 1952)

helped lay the foundation for integrating safety and health into broader discussions about constitutional rights and human dignity.

Following independence, India embraced a welfare state model influenced by socialist ideals. Labour laws became instruments of social justice, aimed at protecting vulnerable workers and ensuring equitable industrial relations. Numerous laws were introduced across sectors such as manufacturing, mining, construction, plantations, and ports. These laws obligated employers to provide medical care, sanitary facilities, safety equipment, and other welfare measures. However, the enforcement mechanisms often lacked worker participation and did not provide legal avenues for workers to assert their rights independently. The prevailing legal culture was more protective than participatory, reflecting a top-down model of governance. It was only through subsequent constitutional developments and judicial interpretations that occupational health and safety began to be recognized as intrinsic to the right to life and dignity<sup>7</sup>. Judicial activism played a significant role in expanding the meaning of this article, enabling courts to interpret safe working conditions as part of a broader human rights framework. This milestone signalled a crucial change in India's OHS strategy, moving from welfare-oriented provisions to enforcing rights-based protections.

In short, the trajectory of OHS legislation in India reveals a gradual but significant evolution. During the colonial period, regulations were minimal and primarily focused on maintaining productivity while deflecting foreign criticism. In the post-independence era, India adopted a welfare-oriented approach, expanding legal protections without fully establishing worker rights. The influence of international standards, particularly those of the ILO, contributed to a slow but steady shift toward recognizing workplace safety and health as fundamental rights. Today, while the foundation for occupational safety exists in India's legal system, the true transformation has come through constitutional interpretation and the growing acknowledgment of the worker's right to a safe and dignified work environment.

## **CONSTITUTIONAL FOUNDATIONS OF RIGHTS-BASED APPROACH:**

The Constitution of India marked a fundamental departure from the colonial model of labour welfare. It provided a framework where the dignity, safety, and well-being of workers were no

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<sup>7</sup> The Constitution of India, art.21.

longer matters of state benevolence but were recognised as enforceable rights. The Constitution clearly mentioned that social and economic justice should prevail through the Preamble, Fundamental Rights (Part III), and Directive Principles of State Policy (Part IV) which are foundational to the concept of labour rights<sup>8</sup>. Occupational health and safety (OSH) thus gradually became embedded in the broader discourse of fundamental rights and directive principles, with the judiciary playing a crucial role in interpreting these guarantees.

### **FUNDAMENTAL RIGHTS AND OCCUPATIONAL SAFETY:**

**Right to Life and Dignity**<sup>9</sup> - The Supreme Court has read Article 21's right to life and liberty to encompass essential elements, including dignity, health, and humane work conditions. Workplace safety hazards, exposure to occupational diseases, and unsafe conditions have all been judicially read into violations of Article 21. For instance, in *Consumer Education and Research Centre v. Union of India*<sup>10</sup>, the Court held that the right to health and medical care is a fundamental right under Article 21, especially for workers exposed to hazardous employment.

**Protection against Exploitation**<sup>11</sup> - These Articles supplement this rights-based approach by prohibiting forced labour and the employment of children in hazardous industries. Article 24 specifically bans the employment of children below 14 years in factories, mines, and other dangerous occupations directly linking OSH to the prevention of exploitation and ensuring basic safety standards.

### **DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP):**

Though non-justiciable, the Directive Principles of the Constitution provide guiding principles for labour legislation and policy. They reinforce the state's obligation to secure safe and humane conditions of work, *Article 39* calls upon the state to ensure adequate means of livelihood, distribution of resources for the common good, and protection of workers' health and strength. *Article 42* directs the state to make provision for just and humane working conditions and maternity relief, which directly connects with OSH measures.

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<sup>8</sup> Piyush Pandey & Vaishali Choudhary, et.al., "Labour Rights under Constitutional Law and their Influence on Industrial Relations" 8 IJLMH 1523 (2025).

<sup>9</sup> The Constitution of India, art.21.

<sup>10</sup> Consumer Education and Research Centre v. Union of India, (1995) 3 SCC 42.

<sup>11</sup> The Constitution of India, art.23, 24.

Worker welfare is central to economic justice, according to *Article 43*, which advocates for a living wage and decent working conditions. Over time, these provisions have served as constitutional justifications for expanding workers' rights through legislation and judicial interpretation.

### **FROM WELFARE MEASURES TO RIGHTS-BASED PROTECTION:**

In India's labour history, occupational health and safety (OSH) laws initially emerged as welfare measures, where the state and employers were seen as benevolent guardians of workers' well-being. Over time, however, the focus shifted towards a rights-based framework, in which safe and humane working conditions became recognised as enforceable entitlements. This chapter examines that transformation, beginning with early welfare-oriented laws, followed by the constitutional and judicial shift, the influence of labour movements and international standards, and the gradual evolution of rights-based legislation.

#### **The Welfare-Oriented Approach in Early Legislation:**

The earliest labour statutes in India reflected a paternalistic orientation rather than a recognition of worker rights. The Factories Act of 1881, the first factory law in colonial India, introduced only minimal safeguards for children, mainly to regulate working hours for economic efficiency rather than for the protection of workers. The Act underwent significant changes in 1891, incorporating broader provisions like night work restrictions for women and enhanced protections for children. Subsequent legislation, the Factories Act of 1934, broadened coverage to additional factories, introduced regular inspections, and established the role of Factory Inspectors.

After independence, the Factories Act of 1948 replaced earlier legislation with more comprehensive provisions. It mandated employers to provide facilities such as canteens, crèches, restrooms, and to appoint welfare officers in larger factories. While these measures improved the quality of working life, they were still structured as employer obligations rather than rights that workers could claim. Similarly, the *Mines Act of 1952* regulated health, sanitation, and working hours in mining, but compliance depended largely on inspections and administrative oversight. The *Plantation Labour Act of 1951* required employers to provide housing, medical care, and education for workers, while the *Beedi and Cigar Workers (Conditions of Employment) Act, 1966* introduced welfare fund contributions and health schemes. These measures, however, reinforced the idea of OSH as employer-provided welfare,

leaving workers in the position of passive beneficiaries rather than active rights-holders.

### **The Constitutional and Judicial Shift Towards Rights:**

The adoption of the Constitution in 1950 fundamentally changed the legal landscape by embedding human dignity and social justice as core values. Under the Fundamental Rights, Article 21 was expansively interpreted by the judiciary to include the right to health, dignity, and safe working conditions. Articles 23 and 24 further strengthened this rights framework by prohibiting forced labour and banning child labour in hazardous industries. The Directive Principles of State Policy (DPSPs) reinforced these commitments. Article 39 called for protection of workers' health and adequate livelihood; Article 42 mandated humane working conditions and maternity relief; and Article 43 directed the state to secure decent wages and working conditions. Although non-justiciable, these principles informed judicial interpretations and legislative policies.

The judiciary played a transformative role in this shift in *M.C. Mehta v. Union of India*<sup>12</sup>, the Supreme Court established the doctrine of absolute liability for hazardous industries, holding them strictly responsible for harm caused to workers and the community. This landmark principle went beyond welfare obligations, directly linking workplace safety with the constitutional right to life. The judgment in *Consumer Education and Research Centre v. Union of India*,<sup>13</sup> established the right to health and medical care for workers in hazardous industries as a fundamental right under Article 21. The judgment obligated employers and the state to ensure occupational health protections, particularly for asbestos workers, and made OSH an enforceable right.

Similarly, in *Bandhua Mukti Morcha v. Union of India*<sup>14</sup>, the Supreme Court recognised that the right to live with dignity includes humane working conditions, health care, and protection from exploitation. The Court held that bonded labourers were entitled to safe and healthy working environments, thus reinforcing OSH as part of fundamental rights. *People's Union for Democratic Rights v. Union of India*<sup>15</sup> marked a significant milestone in protecting workers' rights. The Court ruled that employing workers in hazardous conditions without fair wages contravened Articles 21, 23, and 24, ensuring constitutional protections for contract and

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<sup>12</sup> AIR 1987 SC 1086

<sup>13</sup> (1995) 3 SCC 42.

<sup>14</sup> AIR 1984 SC 802.

<sup>15</sup> AIR 1982 SC 1473

casual workers.

In *Occupational Health and Safety Association v. Union of India*<sup>16</sup>, the Court addressed unsafe practices in hazardous industries and emphasised the need for strict enforcement of safety regulations. The judgment reiterated that industrial employers have a constitutional duty to protect workers' health and safety.

Other cases also contributed to this jurisprudence. In *Kirloskar Brothers Ltd. v. Employees' State Insurance Corporation*<sup>17</sup>, the Court acknowledged the importance of employer responsibility in providing medical benefits under social security legislation. Through these decisions, the judiciary transformed welfare-based obligations into constitutionally enforceable rights, recognising that workplace safety is an integral part of the right to life, dignity, and equality. This judicial activism effectively bridged the gap between welfare measures in legislation and the rights-based guarantees of the Constitution.

#### **Labour Movements and International Influence:**

Alongside constitutional jurisprudence, labour movements and trade unions played a crucial role in demanding that workplace safety be treated as a right rather than charity. Collective bargaining, strikes, and protests during the 1960s–80s strengthened the case for stronger OSH protections. Internationally, the International Labour Organization (ILO) provided significant influence. Its conventions, particularly *Convention No. 155*<sup>18</sup> and *Convention No. 161*<sup>19</sup>, underscored that OSH is a human right. While India has not ratified all major OSH conventions, the global discourse shaped Indian legal thought and inspired judicial activism, pushing the shift from welfare to rights.

The evolution from welfare provisions to rights-based protection in India's occupational health and safety framework marks a significant shift in labour jurisprudence. In the earlier phase, worker safety was seen largely as a matter of employer generosity or state paternalism. Over time, however, constitutional principles and international labour norms reshaped the discourse,

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<sup>16</sup> AIR 2014 SC 1469

<sup>17</sup> (1996) 2 SCC 682.

<sup>18</sup> International Labour Organization, Convention concerning Occupational Safety and Health and the Working Environment (Convention No. 155), 1981.

<sup>19</sup> International Labour Organization, Convention concerning Occupational Health Services (Convention No.161), 1985.

establishing health and safety at work as essential and inalienable rights of employees. Despite this progress, the Occupational Safety, Health and Working Conditions Code, 2020, reflects a mixed picture: although it introduces forward-looking reforms, its threshold exclusions and weak enforcement mechanisms raise concerns of a return to a welfare-style approach. Therefore, the transition from welfare to rights remains a continuing and unfinished process irreversible in constitutional terms, yet still awaiting full realisation in practice.

## **OCCUPATIONAL SAFETY HEALTH AND WORKING CONDITIONS CODE:**

The Industrial Revolution in the 18th and 19th centuries marked a transformation from agricultural work to large-scale factory production and many machines were introduced. While it accelerated economic growth, it replaced humans and it also exposed workers to harsh and unsafe environments. Long hours, hazardous machines, poor ventilation, mine accidents, and the extensive use of women and child labour created serious health and safety risks. These conditions generated public debate and reformist movements, which gradually pushed governments to introduce protective legislation such as the Factory Acts and Mines Act in Britain and under British colonial rule, factories act, 1881 was introduced in India and many other acts were also introduced. The recognition of occupational risks during this period laid the groundwork for modern labour rights, shifting the responsibility of workplace safety from being an employer's discretion to a legal and social obligation, and ultimately shaping the principles behind contemporary occupational safety and health laws.

The *International Labour Organization (ILO)*, established in 1919 under the Treaty of Versailles following World War I, was founded on the principle that "labour is not a commodity"<sup>20</sup> and that lasting peace requires social justice. A central objective of the ILO has always been to promote safe, humane, and fair working conditions around the world, with occupational safety and health (OSH) being a core concern from its inception. The ILO is crucial for OSH because unsafe working conditions transcend national borders, making them a global issue. Through its conventions and recommendations, the organization establishes minimum international standards to protect workers everywhere. Since its creation the ILO has been promoting occupational safety and health, and over the years has adopted about 40

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<sup>20</sup> International Labour Organisation, "Declaration Concerning the Aims and Purposes of the International Labour Organisation (Declaration of Philadelphia)", 15 U.N.T.S. 29, Preamble (May 10, 1944).

Conventions and Recommendations specifically dealing with these issues.

After attaining independence, our constitution guarantees the right to health, safe working conditions of work, many indirect legislations were there for OSH. The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) is part of India's recent labour law consolidation project, through which the government merged twenty-nine central labour laws into four broad labour codes. Enacted with the aim of streamlining the legal framework on workplace safety and employee welfare, the OSH Code brings together thirteen separate legislations that previously governed occupational safety, health, and working conditions across different industries such as factories, mines, plantations, construction, and transport.

The earlier laws were sector-specific, often overlapping and inconsistent, which made compliance difficult for employers and left many workers outside the scope of legal protection. By creating a unified statute, the OSH Code seeks to simplify regulation, widen the coverage of labour protections, and introduce modern mechanisms for enforcement, while also aligning Indian labour standards with global practices.

### **COMPARISON BETWEEN EXISTING LABOUR LAWS AND THE OSH CODE, 2020:**

The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) marks a major shift from the previous framework of labour legislation in India. Before this Code, there were 13 different central laws such as the Factories Act, 1948, the Mines Act, 1952, the Dock Workers Act, 1986, the Contract Labour Act, 1970, and others. These laws were introduced at different points of time to regulate specific industries or categories of workers. While they did provide important safeguards, they also led to overlaps, inconsistencies, and a complicated system of compliance.

A first area of reform is the uniformity of definitions and applicability. Under the earlier Acts, each law defined "worker," "employee," or "workman" differently, and the number of workers required for the law to apply also varied. This created uncertainty and excluded many workers from protection. The OSH Code resolves this by adopting a common definition of worker and employee, and by applying the Code generally to establishments with at least ten workers, or to any workplace involving hazardous activity, regardless of workforce size. This has the effect

of broadening coverage while reducing confusion. Another change is the simplification of registration and records. Previously, establishments had to secure separate registrations under different statutes, such as the Factories Act or the Contract Labour Act. Now, the OSH Code requires only one registration for compliance across all sectors. It also permits the use of digital registers and online filing, which modernises the system and reduces unnecessary paperwork.

The OSH Code also introduces more inclusive provisions for women workers. Earlier laws placed restrictions on women working at night or in hazardous occupations, especially under the Factories Act and Mines Act. The new Code allows women to be employed in all types of work and even in night shifts, subject to their consent and the provision of adequate safety arrangements. This reflects a progressive approach and moves closer to international labour standards on gender equality. Another area where the Code makes a notable difference is in the treatment of inter-state migrant workers. The 1979 law covered only those who were recruited through contractors, leaving out many workers who migrated independently. The OSH Code expands this category by covering anyone earning up to ₹18,000 per month who moves across states for employment, whether directly or through contractors. This ensures greater protection for one of the most vulnerable groups in the workforce.

Provisions relating to contract labour have also been consolidated. Instead of a separate statute, the OSH Code incorporates these rules and requires contractors employing fifty or more workers to be registered. Importantly, the principal employer remains responsible for ensuring welfare facilities for such workers, which strengthens accountability and protection. In the earlier legislations, welfare facilities were fragmented provisions such as canteens, crèches, medical aid, or first-aid rooms were required only in certain sectors or under specific Acts. The OSH Code, however, brings these benefits under a common framework, extending them more widely and making it compulsory for establishments to provide essential health and welfare measures. It also places emphasis on regular medical examinations and the adoption of formal workplace safety policies.

Another significant reform relates to inspection and monitoring. The old system was often criticised for allowing excessive discretion to inspectors, which at times led to misuse of authority. To address this, the OSH Code establishes a digital and randomised inspection mechanism, ensuring greater transparency, objectivity, and fairness in enforcement. Lastly, the Code revises the penalty system. Under the older Acts, penalties varied widely and were often

too low to act as a real deterrent. The OSH Code increases fines for violations that compromise worker safety and provides for imprisonment in cases of grave misconduct. At the same time, it allows minor offences to be settled through compounding, reducing the load on courts.

The existing framework of 13 separate legislations created confusion, duplication, and uneven protection for workers. The OSH Code, 2020 brings these laws together into a single, simplified, and updated statute that provides wider coverage, better welfare standards, and improved enforcement mechanisms. It represents an attempt to create a balanced framework that protects the rights of workers while making compliance easier for employers.

### **PERSISTENT CHALLENGES IN THE FRAMEWORK OF THE OSH CODE, 2020:**

Although the OSH Code 2020 is a major step forward, it has not been able to resolve all the challenges in occupational safety and health. The biggest concern is that a large proportion of India's workforce is employed in the informal sector, and many of these workers still fall outside the effective coverage of the Code. While thresholds for welfare facilities have been reduced, they still leave out smaller establishments, which means that large numbers of workers continue to work without access to crèches, canteens, or welfare officers. Another challenge relates to the gig and platform economy. With the growing presence of delivery workers, drivers, and online service providers, the workplace has changed significantly. However, the Code does not fully extend its safety and health protections to gig workers, leaving them vulnerable to poor working conditions and lack of social security.

The implementation gap also remains a serious issue. While the Code provides progressive rules on paper, their enforcement depends heavily on state governments and inspection mechanisms. The new "inspector-cum-facilitator" model is intended to reduce harassment, but critics argue it may weaken strict monitoring, allowing violations to go unchecked in many industries. The Code has also permitted women to work at night and in hazardous operations, but in practice, this provision may not translate into real opportunities. Many employers might avoid hiring women in such jobs because of the additional responsibility of ensuring safety measures, thus indirectly continuing the exclusion of women.

The provisions for pandemics and disasters give the central government wide powers to issue

safety regulations, but there are no clear standards on what minimum protections such as paid leave, medical support, or protective equipment workers will receive during such emergencies. This makes the safeguard somewhat uncertain. Lastly, while the Code refers to occupational diseases, the system for identifying, reporting, and compensating such diseases is still underdeveloped. Workers in industries exposed to risks like silicosis, asbestosis, or chemical poisoning may continue to struggle for adequate recognition and compensation. The Code is a big reform, but problems like informal sector exclusion, gig worker vulnerability, weak enforcement, practical barriers for women, vague pandemic rules, and poor occupational disease coverage are still unsolved.

### **CONCLUSION AND SUGGESTIONS:**

The Occupational Safety, Health and Working Conditions Code, 2020 marks a significant milestone in India's labour law history. It reflects a clear shift from the earlier welfare-based approach, which often depended on the goodwill of employers and was scattered across several sector-specific legislations, to a rights-oriented framework that seeks to guarantee uniform protections for workers. By consolidating thirteen different Acts into a single Code, the law has attempted to remove confusion, reduce multiplicity of definitions and authorities, and establish a more coherent system of occupational safety. It has introduced several progressive measures such as a uniform eight-hour work day, weekly rest provisions, lower thresholds for canteens and welfare officers, inclusion of self-migrant workers, and the empowerment of women to work in all establishments including night shifts and hazardous processes subject to safeguards. The implementation of digital registration and the establishment of a National Occupational Safety and Health Advisory Board underscore efforts to modernize labour governance, promoting transparency and responsiveness.

Yet, despite its progressive outlook, the Code is not free from shortcomings. A major challenge is that India's labour force continues to be dominated by informal and unorganised sector workers, many of whom remain outside the practical reach of the legislation. The exclusion of gig and platform workers is another serious limitation, especially in the context of a rapidly expanding digital economy. The new inspector-cum-facilitator model, although intended to reduce corruption and harassment, risks diluting the rigour of enforcement, as it shifts the focus away from strict inspections to a more advisory role. Moreover, while the law allows women to work at night and in hazardous industries, employers may still hesitate to hire them due to the cost of additional safety requirements, making the reform more symbolic than real unless

backed by strong implementation and monitoring. The provisions empowering the government to issue regulations during pandemics or disasters are a welcome step, but the absence of clear minimum standards of worker protection during such emergencies makes them vague and potentially ineffective. The issue of occupational diseases, too, has not been addressed in a comprehensive way, and workers suffering from long-term health conditions caused by unsafe environments may still find it difficult to claim recognition or compensation.

To address these gaps, certain suggestions may be put forward. First, the coverage of the Code should be expanded to explicitly include informal workers, contract labourers, and gig workers so that protection becomes universal in nature. Second, the enforcement mechanism needs to be strengthened to ensure that compliance is real and not merely on paper, with accountability placed squarely on employers for lapses in safety and health standards. Third, a robust framework for the prevention, reporting, and compensation of occupational diseases must be developed so that workers in hazardous industries are not left to suffer without redress. Fourth, gender-sensitive workplace infrastructure, including safe transport, childcare support, and secure night shift arrangements, should be made mandatory to make women's participation in all kinds of employment truly practical. Finally, detailed and binding guidelines must be framed for worker protection during epidemics and disasters, including guaranteed paid leave, medical assistance, and protective equipment, so that future crises do not once again expose the vulnerabilities of the workforce.

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