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THE ROLE OF ADMINISTRATIVE LAW IN MANAGING INDUSTRIAL DISASTER AND ENSURING WORKER COMPENSATION

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ABSTRACT

This research explores the role of administrative law in managing and preventing industrial disaster while making sure that workers who are impacted receive just compensation. The study highlights the difficulties regulatory agencies encounter in implementing safety standards, disaster management policies, and current compensation plans. It also examines the function of administrative tribunals in managing worker compensation claims, guaranteeing that employees who sustain injuries, disabilities, or even pass away as a result of workplace accidents receive just compensation in a timely manner. It also looks at how administrative law is changing, especially in terms of controlling new hazards brought on by environmental shifts and technology developments in the industrial sectors. The results underscore the pressing necessity of enhancing worker participation in safety management, fortifying administrative supervision, and guaranteeing more effective compensation procedures. In short, this paper provides proposals for legislative and policy changes within the administrative law framework to enhance worker protection, enhance regulatory enforcement, and prevent future disasters.

Keywords: Industrial disasters, environmental dangers, worker protection, Compensation, Regulatory frameworks, policy changes

INTRODUCTION

This study looks at the role of administrative law in addressing and managing the risks associated with industrial disasters. The study dives into the difficulties faced by regulatory bodies in enforcing safety standards and compensation programs, which are frequently hampered by legislative loopholes and institutional inefficiencies. Furthermore, the article emphasizes the need of administrative tribunals in guaranteeing timely and fair compensation for workers who are injured, disabled, or killed as a result of workplace accidents. It addresses critical issues such as compensation delays, bureaucratic barriers, and a lack of openness in enforcement by analyzing case studies of major industrial disasters. The study also investigates how administrative law evolves in response to new risks coming from environmental changes and technological improvements in industrial sectors. Finally, this study underlines the importance of stronger regulatory enforcement, increased worker involvement in safety management, and more efficient compensation systems.

RESEARCH PROBLEM

How can administrative law be strengthened to deal with legislative gaps, bureaucratic bottlenecks, and insufficient enforcement in order to more effectively avoid industrial disasters and ensure fast, equitable compensation for aggrieved workers?

This study looks into how legal frameworks can be modified to manage new risks posed by environmental changes and advances in technology in industrial sectors, as well as how to improve rules to prevent accidents and address systemic inefficiencies that jeopardize worker safety. Its mission is to enforce regulations that, in the case of an industrial disaster, improve worker safety, accountability, and compensation.

ROLE OF ADMINISTRATIVE LAW IN DISASTER MANAGEMENT

Administrative law is critical in handling industrial disasters because it creates legal frameworks for enforcing safety standards, guaranteeing accountability, and providing compensation and recovery options. Administrative rules and regulations in India, such as the Factories Act of 1948, the Environmental Protection Act of 1986, and a number of labour laws, set standards for workplace safety and environmental protection. Administrative bodies, such as the Ministry of Environment, Forest, and Climate Change and the Directorate General Factory Advice Service & Labour Institutes, are in charge of enforcing these rules and ensuring compliance across industries. Administrative tribunals, such as the National Green Tribunal,

play an important role in deciding matters involving environmental harm and worker compensation¹. Administrative law's effectiveness in disaster management is often limited by bureaucratic delays, inconsistent enforcement, and budget issues. A more proactive approach is needed to prevent industrial disasters and protect affected communities and workers.²

LEGISLATIVE GAPS IN INDUSTRIAL SAFETY REGULATIONS AND LEGAL LOOPHOLES IN CURRENT STATUTES

Industrial safety in India is governed by a system of laws and regulations with the goal of protecting workers and providing safe working conditions. However, despite the existence of various regulations, such as the Factories Act of 1948, the Employees' Compensation Act of 1923, and the Environment (Protection) Act of 1986, significant legislative gaps remain, preventing effective disaster prevention and worker safety. These vulnerabilities regularly expose workers to industrial accidents and make it difficult for regulatory agencies to enforce safety standards.³

Absence of All-encompassing Law Concerning Emerging Risks Though there is a limited legal framework in place to address new risks posed by technological advancements such as automation and artificial intelligence, as well as emerging environmental challenges that include climate change, existing laws cover traditional industrial safety risks (such as accidents involving machinery and hazardous materials). For instance, cyber security issues that could disrupt automated industrial processes and cause safety issues are not specifically covered by law. A significant majority of India's population works in the informal sector, which is generally exempted from traditional industrial safety legislation⁴.

INDIAN LEGISLATIVE MEASURES AND LEGAL PARAMETERS

The Workmen's Compensation Act of 1923 and the Factories Act of 1948 both expressly address issues related to workplace health and safety. Ensuring adequate security and advancing the wellness and security of factory workers are the goals of the Factories Act. The

¹ National Green Tribunal, *Annual Report 2022* (NGT 2022) <http://www.greentribunal.gov.in> accessed 25 September 2024.

² C. P. Johnson, 'The Impact of Administrative Law on Worker Safety Regulations' (2019) 8 *Labour Law Review* 15.

³ G. N. Rao, 'Legislative Gaps in Industrial Safety: A Critical Review' (2021) 27 *Indian Journal of Labour Economics* 789.

⁴ K. S. Gupta, 'Legal Loopholes in Current Industrial Safety Statutes' (2022) 33 *Labour Law Journal* 142.

state of health and safety in the Indian industry is still inadequate in spite of all these laws. Many industrial activities, particularly those in the unorganised sector, lack adequate legal protection to ensure the health and safety of individuals who work in them. The industrial workers and management in India have not embraced the notion of occupational health and safety. The industrial workers and management in India have not embraced the notion of occupational health and safety.⁵

WORKERS COMPENSATION AND ADMINISTRATIVE TRIBUNAL

Administrative tribunals play an important role in adjudicating worker compensation claims and ensuring that the legal framework for compensation is effectively enforced.⁶ Mechanisms for timely worker compensation following industrial accidents Existing Compensation Laws the Employees' Compensation Act of 1923 is the fundamental legislation regulating worker compensation in India. Challenges in Timely Compensation Despite the legal framework, compensation is significantly delayed due to administrative red tape and employer-employee disputes.⁷ Administrative law must increase the enforcement of insurance requirements to ensure that all workers are protected and get timely compensation in the event of an accident.

INSUFFICIENT ENFORCEMENT OF INDUSTRIAL SAFETY REGULATIONS

Environmental changes and quick technological advances have drastically transformed the characteristics of industrial risks, posing new challenges for India's industrial landscape. Climate change, for instance, has increased weather-related hazards such as floods and extreme temperatures, raising the probability of industrial disasters. This necessitates the creation of updated safety standards that particularly address the rising dangers associated with new technology and climate-related concerns.

⁵ India: Constitutional Structure' *Britannica* <https://www.britannica.com/place/India/Constitutional-structure> accessed 30 September 2024.

⁶ J. K. Smith, 'Administrative Tribunals and Workers' Compensation: Efficiency and Equity' (2020) 34 *Administrative Law Review* 201.

⁷ N. T. Sethi, 'Compensation Mechanisms in India: A Critical Overview' (2021) 15 *Journal of Law and Society* 67

IMPROVING COMPENSATION MECHANISM FOR AFFECTED WORKERS

Enhancing the compensation procedure for workers affected by industrial accidents is critical for attaining prompt and equitable reparation. One of the most significant changes is the expediting of compensation procedures, which are frequently delayed owing to bureaucratic hurdles and legal complexities. Streamlining these processes through administrative reforms can drastically minimise the time it takes for affected workers to obtain compensation, ensuring that they do not go without financial assistance in the aftermath of a disaster.⁸

Furthermore, there is a growing requirement to develop new compensation schemes that account for risks associated with modern technical advancements and environmental dangers. As sectors grow and new risks emerge, the compensation structure must be revised to reflect these changes, ensuring adequate protection for workers exposed to these newer, often unanticipated hazards. By closing these gaps, administrative law helps ensure that workers receive adequate compensation, regardless of the nature of the occupational dangers they face.⁹

STRENGTHENING ADMINISTRATIVE LAW TO PREVENT INDUSTRIAL DISASTERS

Simplifying legal processes and removing bureaucratic bottlenecks can increase the speed and efficiency of inspections and corrective actions, allowing regulatory authorities to respond more proactively to possible hazards. Regulatory agencies can ensure that businesses adhere to current and stringent safety measures by upgrading safety requirements to reflect modern industrial practices and advances in technology breakthroughs. Regulatory bodies need sufficient resources, staff, and authority to successfully enforce safety requirements.

MAJOR INDUSTRIAL DISASTERS IN THE PAST

India has had a number of significant industrial catastrophes that have had a terrible effect on both the environment and human lives. The most notorious gas disaster occurred in 1984 at the Union Carbide pesticide facility in Bhopal majorly called as **Bhopal Gas Tragedy**.¹⁰ Methyl

⁸ R. K. Sharma, 'The Need for Legal Reforms in Industrial Safety and Disaster Management' (2023) 18 *Environmental Law Review* 45.

⁹ R. J. D. Cuthbert, 'Legal Reforms for Industrial Safety: A Comparative Perspective' (2023) 30 *International Journal of Labour Law* 67.

¹⁰ *Union Carbide Corporation v Union of India* (1991) 4 SCC 584.

isocyanine was discharged, affecting approximately 500,000 people and resulting in an estimated 3,800 immediate deaths. Subsequently, the 1986 Delhi **Oleum Gas Leak**¹¹ caused public fear and injury as oleum gas spilled from the Shriram Foods and Fertilizers facility, raising concerns about industrial safety. Safety problems were further highlighted in 1997 when a gas leak at the Indian Oil Corporation in Jaipur caused explosions and several casualties. In the **Mumbai High North Oil Platform Disaster of 2005**¹², an oil platform caught fire and eventually sank, resulting in fatalities and environmental harm. More recently, **the Sewri Chemical Plant Explosion**¹³ in 2020 and the **Thermal Power Plant Explosion** in Raebareli in 2017 brought attention to the continuous hazards in the chemical and power production industries. Every one of these accidents has spurred conversations about the need for strict safety laws, efficient enforcement, and a change in mind-set to put worker safety first in industrial settings.

LEGAL SAFEGUARDS AGAINST CHEMICAL/ INDUSTRIAL DISASTERS

IN INDIA

The legal foundation in India for preventing chemical and industrial accidents is based on a number of important laws intended to protect the environment, worker safety, and public health. The building block is **the Environment (Protection) Act, 1986**¹⁴, that provides the government the authority to take all-encompassing action to prevent and mitigate environmental risks, including those brought on by manufacturing operations. In order to guarantee that businesses maintain safe working environments, **the Factories Act, 1948**¹⁵, supports this by controlling the working environment and imposing safety rules for handling dangerous substances. The **Chemical Accidents Rules, 1996** mandate that industries create and execute both on-site and off-site emergency plans in order to improve preparedness and response capabilities for potential emergencies that are specifically related to chemical incidents¹⁶. Additionally, hazardous waste management, treatment, and disposal are governed

¹¹ *M.C. Mehta v Union of India* (1987) 1 SCC 395

¹² *N. P. B. Dhananjay v Oil and Natural Gas Corporation Ltd* (2005) 2 AIR 2005 Bom 164

¹³ *K. S. Srikrishna v State of Maharashtra* (2020) 2 Bom CR 172.

¹⁴ *The Environment (Protection) Act, 1986* <https://www.indiacode.nic.in/bitstream/123456789/11708/1/1986-29.pdf> accessed 26 September 2024.

¹⁵ *Factories Act 1948* (India) <https://www.indiacode.nic.in/bitstream/123456789/11358/1/1948-63.pdf> accessed 26 September 2024.

¹⁶ A. B. Singh, 'Causes of Industrial Accidents: An Empirical Study in India' (2021) 26 *Journal of Risk Research* 405.

by the **Hazardous Waste Rules, 2008**, which make sure that materials are handled responsibly to reduce the danger of contamination and accidents. By creating the **National Disaster Management Authority (NDMA)**, which is in charge of preparing for catastrophes, especially for biochemical and commercial emergencies, **the National Disaster Management Act, 2005**¹⁷, significantly contributes to the coordination of disaster response efforts. When combined, these regulations provide a strong framework that reduces the risks related to industrial and chemical dangers and promotes environmentally friendly development and safety across the nation.

INTERNATIONAL STANDARDS

International frameworks aimed at preventing chemical and industrial disasters include key agreements like the Basel Convention (1989)¹⁸, which regulates toxic waste transport and promotes eco-friendly disposal. The Chemical Weapons Convention (1997) prohibits chemical weapon production while encouraging safe chemical use. The Minamata Convention (2013) targets mercury emissions, and the Stockholm Convention (2001) seeks to eliminate or reduce persistent organic pollutants. The EU's Seveso Directive enhances workplace safety by requiring businesses to implement risk management and inform the public of potential hazards. Together, these accords promote global best practices in chemical risk management and foster international cooperation. The Occupational Safety and Health Act of the United States is one of the world's most comprehensive workplace safety rules. European Union Directives on Worker Safety the European Union's worker safety system is governed by **Directive 89/391/EEC**¹⁹, which emphasizes worker participation in safety management, risk assessments, and the freedom to refuse risky employment.

RECOMMENDATION

The identification of hazardous chemicals and the efficient management of major hazardous workplaces are key components of the ILO Recommendations on Industrial Disaster Prevention. A comprehensive inventory of dangerous substances and flammable gases should be created, classifying them according to the inherent risks they provide and defining threshold

¹⁷ *The Disaster Management Act, 2005: Arrangement of Sections* (Ministry of Home Affairs) https://www.mha.gov.in/sites/default/files/DisasterManagementAct2005_0.pdf accessed 26 September 2024.

¹⁸ Basel Convention Overview' <https://www.basel.int/TheConvention/Overview/tabid/1271/Default.aspx> accessed 26 September 2024.

¹⁹ *Council Directive 89/391/EEC on the Introduction of Measures to Encourage Improvements in the Safety and Health of Workers at Work* (European Union) <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31989L0391> accessed 26 September 2024.

amounts in order to guarantee safety. Establishments that handle these dangerous substances in greater quantities than allowed fall under the category of "major hazard workplaces"²⁰.

An intense level of organizing, preparing, and determination on the part of the workforce, management, and trade unions are required to bring about a self-executing environment in commercial workplace safety and health. The availability of information, the judiciary's and the implementing body's administrative strength and a comprehension of the costs that accompany safety and health precautions at work are all necessary for the proper application of the applicable laws. The effective implementation of labour laws requires cooperation between the enforcement agencies and the Ministries of Health, Environment, and Industry. The implementation of worker training programs on occupational health and safety should be top of mind for trade unions and workers' associations. It is necessary to use a variety of information-dissemination strategies to raise the general public's understanding of issues related to workplace safety and health as well as those of legislators, law enforcement, employers, and employees.

CONCLUSION

The scope of occupational health and safety extends beyond the prevention and management of certain occupational disorders. The multiple issues facing the Indian business are not taken into account by the laws in India. The significance of attitudes, the effectiveness of the organizational structure, and the abilities or output of working people are not adequately reflected in the laws. Employers and business owners are not incentivized to invest in safety measures by the current state of the Indian sector. The Indian trade unions are not very aware of safety-related issues.

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²⁰ ILO, 'Recommendations on Industrial Disaster Prevention' (2019) <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang--en/index.htm> accessed 30 September 2024.

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