

THE OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020

(No. 37 of 2020, dt. 29-9-2020, w.e.f. 21-11-2025)

An act to consolidate and amend the laws regulating the occupational safety, health and working conditions of the persons employed in an establishment and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, commencement and application

(1) This Act may be called the Occupational Safety, Health and Working Conditions Code, 2020.

(2) It shall come into force on such date¹ as the Central Government may, by notification appoint; and different dates may be appointed for different provisions of this Code and any reference in any such provision to the commencement of this Code shall be construed as a reference to the coming into force of that provision.

(3) It shall not apply to the offices of the Central Government, offices of the State Government and any ship of war of any nationality:

PROVIDED that the Code shall apply in case of contract labour employed through contractor in the offices of the Central Government or in the offices of the State Government, where, the Central Government or, as the case may be, the State Government is the principal employer.

2. Definitions

(1) In this Code, unless the context otherwise requires,—

- (a) “adolescent” shall have the same meaning as assigned to it in clause (i) of section 2 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986);
- (b) “adult” means a person who has completed his eighteenth year of age;
- (c) “agent” when used in relation to a mine, means every person, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the management, control, supervision or direction of such mine or of any part thereof;
- (d) “appropriate Government” means—
 - (i) in relation to, establishments [other than those specified in sub-clause (ii)] carried on by or under the authority of the Central Government or concerning any such controlled industry as may be specified in this

¹ Enforced w.e.f. 21-11-2025 vide SO 5321(E), dt. 21-11-2025.

behalf by the Central Government or the establishment of railways including metro railways, mines, oil field, major ports, air transport service or telecommunication service, banking company or any insurance company (by whatever name called) established by a Central Act or a corporation or other authority established by a Central Act or a Central public sector undertaking or subsidiary companies set up by the Central public sector undertakings or autonomous bodies owned or controlled by the Central Government, including establishment of contractors for the purposes of such establishment, corporation or other authority, Central public sector undertakings, subsidiary companies or autonomous bodies, as the case may be, the Central Government:

PROVIDED that in the case of Central Public Sector Undertakings the appropriate Government shall continue to be the Central Government even if the holding of the Central Government reduces to less than fifty per cent. equity of the Central Government in that Public Sector Undertakings after the commencement of this Code; and

- (ii) in relation to a factory, motor transport undertaking, plantation, newspaper establishment and establishment relating to beedi and cigar including the establishments not specified in clause (i), the concerned State Government where it is situated.

Explanation : For the removal of doubts, it is hereby clarified that State Government shall be the appropriate Government in respect of occupational safety, health and working conditions in a factory situated in that State;

- (e) "audio-visual production" means audio-visual produced wholly or partly in India and includes—
 - (i) animation, cartoon depiction, audio-visual advertisement;
 - (ii) digital production or any of the activities in respect of making thereof; and
 - (iii) features films, non-feature films, television, web-based serials, talk shows, reality shows and sport shows;
- (f) "audio-visual worker" means a person, who is employed, directly or through any contractor, in or in connection with the audio-visual production to work as an artist including actor, musician, singer, anchor, news reader, dancer, dubbing artist or stunt person or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise, and his remuneration with respect to such employment in or in connection with the production of audio-visual does not exceed, where remuneration is by way of monthly wages or where such remuneration is by way of lump sum, in each case, such amount as may be notified by the Central Government;
- (g) "banking company" means a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949) and includes the Export-Import Bank of India, the Industrial Reconstruction Bank of India, the Small Industries Development Bank of India established under section 3 of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Reserve Bank of India, the State Bank of India, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), a corresponding new

bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);

- (h) "building or other construction work" means the construction, alteration, repairs, maintenance or demolition in relation to buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distribution of water), oil and gas installations, electric lines, internet towers, wireless, radio, television, telephone, telegraph and overseas communications, dams, canals, reservoirs, watercourses, tunnels, bridges, viaducts, aqua-ducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the Central Government, by notification, but does not include building or other construction work which is related to any factory or mine and the building or other construction work where such work is for own residential purposes of an individual or group of individuals for their own residence and the total cost of such work does not exceed rupees fifty lakhs or such higher amount and employing more than such number of workers as may be notified by the appropriate Government;
- (i) "building worker" means a person who is employed to do any highly skilled, skilled, semi-skilled or unskilled, manual, technical or clerical work for hire or reward, whether the terms of such employment are express or implied, in connection with any building or other construction work, but does not include any such person who is employed mainly in a managerial or supervisory or administrative capacity;
- (j) "cargo" includes anything carried or to be carried in a ship or other vessel, or vehicle;
- (k) "Chief Inspector-cum-Facilitator" means a Chief Inspector-cum-Facilitator appointed under sub-section (5) of section 34;
- (l) "competent person", means a person or an institution recognised as such by the Chief Inspector-cum-Facilitator for the purposes of carrying out tests, examinations and inspections required to be done in an establishment having regard to—
 - (i) the qualifications and experience of the person and facilities available at his disposal; or
 - (ii) the qualifications and experience of the persons employed in such institution and facilities available therein:

PROVIDED that in case of mines the competent person includes such other person who is authorised by the manager referred to in section 67 to supervise or perform any work, or to supervise the operation of machinery, plant or equipment and is responsible for such duties assigned to him and also includes a shot firer or blaster;
- (m) "contract labour" means a worker who shall be deemed to be employed in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer and includes inter-State migrant worker but does not include a worker (other than part time employee) who is regularly employed by the contractor for any activity of his establishment

and his employment is governed by mutually accepted standards of the conditions of employment (including engagement on permanent basis), and gets periodical increment in the pay, social security coverage and other welfare benefits in accordance with the law for the time being in force in such employment;

- (n) "contractor", in relation to an establishment, means a person, who—
- (i) undertakes to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, through contract labour; or
 - (ii) supplies contract labour for any work of the establishment as mere human resource, and includes a sub-contractor;
- (o) "controlled industry" means any industry the control of which by the Central Government has been declared under any Central Act in the public interest;
- (p) "core activity of an establishment" means any activity for which the establishment is set up and includes any activity which is essential or necessary to such activity:

PROVIDED that the following shall not be considered as essential or necessary activity, if the establishment is not set up for such activity, namely:—

- (i) sanitation works, including sweeping, cleaning, dusting and collection and disposal of all kinds of waste;
 - (ii) watch and ward services including security services;
 - (iii) canteen and catering services;
 - (iv) loading and unloading operations;
 - (v) running of hospitals, educational and training Institutions, guest houses, clubs and the like where they are in the nature of support services of an establishment;
 - (vi) courier services which are in nature of support services of an establishment;
 - (vii) civil and other constructional works, including maintenance;
 - (viii) gardening and maintenance of lawns and other like activities;
 - (ix) housekeeping and laundry services, and other like activities, where these are in nature of support services of an establishment;
 - (x) transport services including, ambulance services;
 - (xi) any activity of intermittent nature even if that constitutes a core activity of an establishment;
- (q) "day" means a period of twenty-four hours beginning at mid-night;
- (r) "District Magistrate", in relation to any mine, means the District Magistrate or the Deputy Commissioner, as the case may be, who is vested with the executive powers of maintaining law and order in the revenue district in which the mine is situated:

PROVIDED that in case of a mine, which is situated partly in one district and partly in another, the District Magistrate for the purpose shall be the District Magistrate authorised in this behalf by the Central Government;

- (s) “dock work” means any work in or within the vicinity of any port in connection with, or required for, or incidental to, the loading, unloading, movement or storage of cargoes into or from ship or other vessel, port, dock, storage place or landing place, and includes—
- (i) work in connection with the preparation of ships or other vessels for receipt or discharge of cargoes or leaving port;
 - (ii) all repairing and maintenance processes connected with any hold, tank structure or lifting machinery or any other storage area on board the ship or in the docks; and
 - (iii) chipping, painting or cleaning of any hold, tank, structure or lifting machinery or any other storage area on board the ship or in the docks;
- (t) “employee” means,—
- (i) in respect of an establishment, a person (other than an apprentice engaged under the Apprentices Act, 1961) (52 of 1961), employed on wages by an establishment to do any skilled, semi-skilled, unskilled, manual, operational, supervisory, managerial, administrative, technical, clerical or any other work, whether the terms of employment be express or implied; and
 - (ii) a person declared to be an employee by the appropriate Government, but does not include any member of the Armed Forces of the Union:
PROVIDED that notwithstanding anything contained in this clause, in case of a mine a person is said to be “employed” in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with the knowledge of the manager, whether for wages or not—
- (a) in any mining operation (including the concomitant operations of handling and transport of minerals upto the point of dispatch and of gathering sand and transport thereof to the mine);
 - (b) in operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations;
 - (c) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;
 - (d) in operations, within the premises of the mine, of loading for dispatch of minerals;
 - (e) in any office of mine;
 - (f) in any welfare, health, sanitary or conservancy services required to be provided under this Code relating to mine, or watch and ward, within the premises of the mine excluding residential area; or
 - (g) in any kind of work, whatsoever, which is preparatory or incidental to, or connected with, mining operations;
- (u) “employer” means a person who employs, whether directly or through any person, or on his behalf, or on behalf of any person, one or more employees in his establishment and where the establishment is carried on by any Department of the Central Government or the State Government, the authority specified, by the head of such Department, in this behalf or where

no authority, is so specified, the head of the Department and in relation to an establishment carried on by a local authority, the Chief Executive of that authority, and includes,—

- (i) in relation to an establishment which is a factory, the occupier of the factory;
 - (ii) in relation to mine, the owner of the mine, agent or manager referred to in section 67;
 - (iii) in relation to any other establishment, the person who, or the authority which has ultimate control over the affairs of the establishment and where said affairs are entrusted to a manager or managing director, such manager or managing director;
 - (iv) contractor; and
 - (v) legal representative of a deceased employer;
- (v) “establishment” means—
- (i) a place where any industry, trade, business, manufacturing or occupation is carried on in which ten or more workers are employed; or
 - (ii) motor transport undertaking, newspaper establishment, audio-video production, building and other construction work or plantation, in which ten or more workers are employed; or
 - (iii) factory, for the purpose of Chapter II, in which ten or more workers are employed, notwithstanding the threshold of workers provided in clause (w); or
 - (iv) a mine or port or vicinity of port where dock work is carried out:
 PROVIDED that in sub-clauses (i) and (ii), the threshold of worker specified therein shall not be applicable in case of such establishment or class of establishments, in which such hazardous or life threatening activity is being carried on, as may be notified by the Central Government:
 PROVIDED FURTHER that notwithstanding any threshold provided in the definition of factory in clause (w), for the purposes of Chapter II, the establishment specified in sub-clause (i) or sub-clause (ii) or sub-clause (iii) shall be deemed to be the establishment within the meaning of this clause though the number of employees employed are ten or more;
- (w) “factory” means any premises including the precincts thereof—
- (i) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on; or
 - (ii) whereon forty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,

but does not include a mobile unit belonging to the armed forces of the Union, railways running shed or a hotel, restaurant or eating place:

PROVIDED that where under any law for the time being in force in a State immediately before the commencement of this Code, the number of workers specified is more or less than the number specified in clause (i) or clause (ii), then, the number specified under the law of the State shall prevail in that State till it is amended by the competent Legislature.

Explanation I : For computing the number of workers for the purposes of this clause all the workers (in different groups and relays) in a day shall be taken into account.

Explanation II : For the purposes of this clause, the mere fact that an Electronic Data Processing Unit or a Computer Unit is installed in any premises or part thereof, shall not be construed as factory if no manufacturing process is being carried on in such premises or part thereof;

- (x) "family", when used in relation to a worker, means—
- (i) spouse;
 - (ii) children including adopted children of the worker who are dependent upon him and have not completed the age of eighteen years; and
 - (iii) parents, grand-parents, widowed daughter and widowed sister dependent upon such worker.

Explanation : For the purposes of this clause, such dependents shall not be included who are, for the time being, getting such income from such sources, as may be prescribed by the appropriate Government;

- (y) "godown" means any warehouse or other place, by whatever name called, used for the storage of any article or substance required for any manufacturing process which means any process for, or incidental to, making, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal as finished products;
- (z) "hazardous" means involving danger or potential danger;
- (za) "hazardous process" means any process or activity in relation to an industry or plantation specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, hazardous substances, wastes or effluents thereof or spraying of any pesticides, insecticides or chemicals used therein, as the case may be, would—
- (i) cause material impairment to the health of the persons engaged in or connected therewith, or
 - (ii) result in the pollution of the general environment;
- (zb) "hazardous substance" means any substance or such quantity of the substance as may be prescribed by the appropriate Government or preparation of which by reason of its chemical or physio-chemical properties or handling is liable to cause physical or health hazards to human being or may cause harm to other living creatures, plants, micro-organisms, property or the environment;
- (zc) "industrial premises" means any place or premises (not being a private dwelling house), including the precincts thereof, in which or in any part of which any industry, trade, business, occupation or manufacturing is being

ordinarily carried on with or without the aid of power and includes a godown attached thereto;

- (zd) "industry" means any systematic activity carried on by co-operation between an employer and worker (whether such worker is employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not,—
- (i) any capital has been invested for the purpose of carrying on such activity; or
 - (ii) such activity is carried on with a motive to make any gain or profit,
- but does not include—
- (a) institutions owned or managed by organisations wholly or substantially engaged in any charitable, social or philanthropic services; or
 - (b) any activity of the appropriate Government relating to the sovereign functions of the appropriate Government including all the activities carried on by the Departments of the Central Government dealing with defence research, atomic energy and space; or
 - (c) any domestic service; or
 - (d) any other activity as may be notified by the Central Government;
- (ze) "Inspector-cum-Facilitator" means an Inspector-cum-Facilitator appointed under sub-section (1) of section 34;
- (zf) "inter-State migrant worker" means a person who is employed in an establishment and who—
- (i) has been recruited directly by the employer or indirectly through contractor in one State for employment in such establishment situated in another State; or
 - (ii) has come on his own from one State and obtained employment in an establishment of another State (hereinafter called destination State) or has subsequently changed the establishment within the destination State,

under an agreement or other arrangement for such employment and draws wages not exceeding the amount of rupees eighteen thousand per month or such higher amount as may be notified by the Central Government from time to time;

- (zg) "machinery" means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to perform work, or which is used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy;
- (zh) "major port" means a major port as defined in clause (8) of section 3 of the Indian Ports Act, 1908 (15 of 1908);

- (zi) “manufacturing process” means any process for—
- (i) making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal; or
 - (ii) pumping oil, water, sewage or any other substance; or
 - (iii) generating, transforming or transmitting power; or
 - (iv) composing, printing, printing by letter press, lithography, offset, photogravure screen printing, three Dimensional or four Dimensional printing, prototyping, flexography or other types of printing process or book binding; or
 - (v) constructing, reconstructing, repairing, refitting, finishing, or breaking up ships or vessels; or
 - (vi) preserving or storing any article in cold storage; or
 - (vii) such other processes as the Central Government may notify;
- (zj) “medical officer” means the medical officer appointed under sub-section (1) of section 42;
- (zk) “metro railway” means the metro railway as defined in sub-clause (i) of clause (1) of section 2 of the Metro Railways (Operation and Maintenance) Act, 2002 (60 of 2002);
- (zl) “mine” means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes—
- (i) all borings, bore holes, oil wells and accessory crude conditioning plants, including the pipe conveying mineral oil within the oilfields;
 - (ii) all shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;
 - (iii) all levels and inclined planes in the course of being driven;
 - (iv) all open cast workings;
 - (v) all conveyors or aerial ropeways provided for bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;
 - (vi) all adits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belonging to a mine;
 - (vii) all protective works being carried out in or adjacent to a mine;
 - (viii) all workshops and stores situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;
 - (ix) all power stations, transformer sub-stations, converter stations, rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;
 - (x) any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such sand refuse or other

- material is being carried on, being premises exclusively occupied by the owner of the mine;
- (xi) any premises in or adjacent to and belonging to a mine on which any process ancillary to the getting, dressing or preparation for sale of minerals or coke is being carried on;
 - (xii) a mine owned by the Government;
- (zm) “minerals” means all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulic, quarrying, or by any other operation and includes mineral oils (such as natural gas and petroleum);
- (zn) “motor transport undertaking” means a motor transport undertaking employing motor transport worker and engaged in carrying passengers or goods or both by road for hire or reward, and includes a private carrier;
- (zo) “motor transport worker” means a person who is employed in a motor transport undertaking directly or through an agency, whether for wages or not, to work in a professional capacity on a transport vehicle or to attend the duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk, time-keeper, watchman or attendant, but does not include any such person—
- (i) who is employed in a factory;
 - (ii) to whom the provisions of any other law for the time being in force regulating the conditions of service of persons employed in shops or commercial establishments apply;
- (zp) “newspaper” means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government;
- (zq) “newspaper establishment” means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate and includes following newspaper establishments which shall be deemed to be one establishment, namely:—
- (i) two or more newspaper establishments under common control;
 - (ii) two or more newspaper establishments owned by an individual and his or her spouse unless it is shown that such spouse is a sole proprietor or partner or a shareholder of a corporate body on the basis of his or her own individual funds;
 - (iii) two or more newspaper establishments publishing newspapers bearing the same or similar title and in the same language in any place in India or bearing the same or similar title but in different languages in the same State or Union territory.

Explanation 1 : For the purposes of sub-clause (i) two or more establishments shall be deemed to be under common control where—

- (a) (i) the newspaper establishments are owned by a common individual or individuals;

- (ii) the newspaper establishments are owned by firms, if such firms have a substantial number of common partners;
 - (iii) the newspaper establishments are owned by bodies corporate, if one body corporate is a subsidiary of the other body corporate, or both are subsidiaries of a common holding company or a substantial number of their equity shares are owned by the same person or group of persons, whether incorporated or not;
 - (iv) one establishment is owned by a body corporate and the other is owned by a firm, if a substantial number of partners of the firm together hold a substantial number of equity shares of the body corporate;
 - (v) one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners if a substantial number of equity shares of such bodies corporate are owned, directly or indirectly, by the same person or group of persons, whether incorporated or not, or
- (b) there is functional integrality between concerned newspaper establishments.

Explanation 2 : For the purposes of this clause,—

- (i) different departments, branches and centres of newspaper establishments shall be treated as parts thereof;
 - (ii) a printing press shall be deemed to be a newspaper establishment if the principal business thereof is to print newspaper;
- (zr) “notification” means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression “notify” with its grammatical variations and cognate expressions shall be construed accordingly;
- (zs) “occupier” of a factory means the person who has ultimate control over the affairs of the factory:

PROVIDED that—

- (i) in the case of a firm or other association of individuals, any one of the individual partners or members thereof;
- (ii) in the case of a company, any one of the directors, except any independent director within the meaning of sub-section (6) of section 149 of the Companies Act, 2013 (18 of 2013);
- (iii) in the case of a factory owned or controlled by the Central Government or any State Government, or any local authority, the person or persons appointed to manage the affairs of the factory by the Central Government, the State Government or the local authority or such other authority as may be prescribed by the Central Government,

shall be deemed to be the occupier:

PROVIDED FURTHER that in the case of a ship which is being repaired, or on which maintenance work is being carried out, in a dry dock which is available for hire, the owner of the dock shall be deemed to be the occupier for all purposes except the matters as may be prescribed by the Central Government which are directly related to

the condition of ship for which the owner of ship shall be deemed to be the occupier;

- (zt) "office of the mine" means an office at the surface of the mine concerned;
- (zu) "open cast working" means a quarry, that is to say, an excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, not being a shaft or an excavation which extends below superjacent ground;
- (zv) "ordinarily employed" with reference to any establishment or part thereof, means the average number of persons employed per day in the establishment or part thereof during the preceding calendar year obtained by dividing the number of man days worked by the number of working days excluding rest days and other non-working days;
- (zw) "owner", in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof and in case of a mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver; but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine, subject to any lease grant or licence for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor or sub-lessee for the working of a mine or any part thereof shall be subject to this Code in like manner as if he were an owner but not so as to exempt the former from any liability;
- (zx) "plantation" means—
 - (a) any land used or intended to be used for—
 - (i) growing tea, coffee, rubber, cinchona or cardamom which admeasures five hectares or more;
 - (ii) growing any other plant, which admeasures five hectares or more and in which persons are employed or were employed on any day of the preceding twelve months, if, after obtaining the approval of the Central Government, the State Government, by notification, so directs.

Explanation : Where any piece of land used for growing any plant referred to in this sub-clause admeasures less than five hectares and is contiguous to any other piece of land not being so used, but capable of being so used, and both such pieces of land are under the management of the same employer, then, for the purposes of this sub-clause, the former piece of land shall be deemed to be a plantation, if the total area of both such pieces of land admeasures five hectares or more; and
 - (b) any land which the State Government may, by notification, declare and which is used or intended to be used for growing any plant referred to in sub-clause (a), notwithstanding that it admeasures less than five hectares:

PROVIDED that no such declaration shall be made in respect of such land which admeasures less than five hectares immediately before the commencement of this Code; and
 - (c) offices, hospitals, dispensaries, schools and any other premises used for any purpose connected with any plantation within the meaning of

- sub-clause (a) and sub-clause (b); but does not include factory on the premises;
- (zy) “prescribed” means prescribed by rules made by the appropriate Government under this Code;
- (zz) “principal employer”, where the contract labour is employed or engaged, means—
- (i) in relation to any office or Department of the Government or a local authority, the head of that office or Department or such other officer as the Government or the local authority, may specify in this behalf;
 - (ii) in a factory, the owner or occupier of the factory and where a person has been named as the manager of the factory, the person so named;
 - (iii) in a mine, the owner or agent of the mine;
 - (iv) in relation to any other establishment, any person responsible for the supervision and control of the establishment;
- (zza) “producer”, in relation to audio-visual production, means the company, firm or other person by whom the arrangements necessary for producing such audio-visual (including the raising of finances and engaging audio-visual workers for producing audio-visual) are undertaken.
- Explanation* : For the purposes of this clause, the expressions “company” and “firm” have the same meaning as respectively assigned to them in the Companies Act, 2013 (18 of 2013) and the Indian Partnership Act, 1932 (9 of 1932);
- (zzb) “qualified medical practitioner” means a medical practitioner who possesses any recognised medical qualification as defined in clause (i) of section 2 of the Indian Medical Council Act, 1956 (102 of 1956) and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (l) of the said section;
- (zzc) “railway” means the railway as defined in clause (31) of section 2 of the Railways Act, 1989 (24 of 1989);
- (zzd) “relay” means a set of two or more persons carrying out the same kind of work during different periods of the day and each such period is called a “shift”;
- (zze) “sales promotion employees” means any person by whatever name called employed or engaged in any establishment for hire or reward to do any work relating to promotion of sales or business, or both, but does not include any such person who,—
- (i) being employed or engaged in a supervisory capacity, draws wages exceeding eighteen thousand rupees per mensem or an amount as may be notified by the Central Government from time to time; or
 - (ii) is employed or engaged mainly in a managerial or administrative capacity.
- (zzf) “Schedule” means the Schedule appended to this Code;
- (zzg) “serious bodily injury” means any injury which involves, or in all probability will involve, the permanent loss of any part or section of a body or the use of any part or section of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or one or more joints or bones of any phalanges of hand or foot;

- (zzh) “standards”, “regulations”, “rules”, “bye-laws” and “orders” respectively means standards, regulations, rules, bye-laws and orders made or declared, as the case may be, under this Code;
- (zzi) “telecommunication service” means the telecommunication service as defined in clause (k) of sub-section (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);
- (zzj) “wages” means all remuneration whether by way of salaries, allowances or otherwise, expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes,—
- (i) basic pay;
 - (ii) dearness allowance; and
 - (iii) retaining allowance, if any,

but does not include—

- (a) any bonus payable under any law for the time being in force, which does not form part of the remuneration payable under the terms of employment;
- (b) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the appropriate Government;
- (c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;
- (d) any conveyance allowance or the value of any travelling concession;
- (e) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment;
- (f) house rent allowance;
- (g) remuneration payable under any award or settlement between the parties or order of a court or Tribunal;
- (h) any overtime allowance;
- (i) any commission payable to the employee;
- (j) any gratuity payable on the termination of employment;
- (k) any retrenchment compensation or other retirement benefit payable to the employee or any *ex gratia* payment made to him on the termination of employment:

PROVIDED that, for calculating the wages under this clause, if payments made by the employer to the employee under sub-clauses (a) to (i) exceeds one-half, or such other per cent. as may be notified by the Central Government, of the all remuneration calculated under this clause, the amount which exceeds such one-half, or the per cent. so notified, shall be deemed as remuneration and shall be accordingly added in wages under this clause:

PROVIDED FURTHER that for the purpose of equal wages to all genders and for the purpose of payment of wages, the emoluments specified in sub-clauses (d), (f), (g) and (h) shall be taken for computation of wages.

Explanation : Where an employee is given in lieu of the whole or part of the wages payable to him, any remuneration in kind by his employer, the value of such remuneration in kind which does not exceed fifteen per cent. of the total wages payable to him, shall be deemed to form part of the wages of such employee;

- (zzk) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector-cum-Facilitator;
- (zzl) "worker" means any person employed in any establishment to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and includes working journalists and sales promotion employees, but does not include any such person—
- (i) who is subject to the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957); or
 - (ii) who is employed in the police service or as an officer or other employee of a prison; or
 - (iii) who is employed mainly in a managerial or administrative capacity; or
 - (iv) who is employed in a supervisory capacity drawing wage exceeding eighteen thousand rupees per month or an amount as may be notified by the Central Government from time to time;
- (zzm) "Working Journalist" means a person whose principal avocation is that of a journalist and who is employed as such, either whole-time or part-time, in, or in relation to, one or more newspaper establishment, or other establishment relating to any electronic media or digital media such as newspaper or radio or other likemedia and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copytester, reporter, correspondent, cartoonist, news-photographer and proof-reader, but does not include any such person who is employed mainly in a managerial, supervisory or administrative capacity;
- (2) For the purposes of this Code, a person working or employed in or in connection with mine is said to be working or employed—
- (a) "below ground" if he is working or employed—
 - (i) in a shaft which has been or is in the course being sunk; or
 - (ii) in any excavation which extends below superjacent ground; and
 - (b) "above ground" if he is working in an opencast working or in any other manner not specified in clause (a).

COMMENTS

This section defines certain expressions used in the Code, such as "adolescent", "adult", "agent", "appropriate Government", "audio-visual production", "audio-visual worker", "banking company", "building or other construction work", "building worker", "cargo", "Chief Inspector-cum-Facilitator", "Competent Person", "Contract labour", "Contractor", "Controlled

industry", "core activity of an establishment", "block work", "employer", "employee", "establishment", "factory", "hazardous process", "industry", "manufacturing process", "mine", "occupier", "open cast working", "ordinarily employed", "plantation", "wages", working journalist", etc.

CHAPTER II REGISTRATION

3. Registration of certain establishments

(1) Every employer of any establishment,—

- (a) which comes into existence after the commencement of this Code; and
- (b) to which this Code shall apply,

shall, within sixty days from the date of such applicability of this Code, make an application electronically to the registering officer appointed by the appropriate Government (hereinafter referred to as the registering officer) for the registration of such establishment:

PROVIDED that the registering officer may entertain any such application for registration after the expiry of such period on payment of such late fees as may be prescribed by the appropriate Government.

(2) Every application under sub-section (1) shall be submitted to the registering officer in such manner, in such form, containing such particulars including the information relating to the employment of inter-State migrant workers and shall be accompanied by such fees as may be prescribed by the appropriate Government.

(3) After the receipt of an application under sub-section (1), the registering officer shall register the establishment and issue a certificate of registration electronically to the employer thereof in such form and within such time and subject to such conditions as may be prescribed by the Central Government:

PROVIDED that if the registering officer fails to register an establishment under the application so made or to entertain the application within the prescribed period, then, such establishment shall be deemed to have been registered under this Code immediately on the expiration of such period and the electronic certificate of registration shall be auto generated and the responsibility of such failure shall be on the registering officer.

(4) Any change in the ownership or management or in any particulars referred to in sub-section (2) which occurs after the registration of an establishment under this Code, shall be intimated by the employer electronically to the registering officer within thirty days of such change in such form as may be prescribed by the Central Government and thereafter the registering officer shall make amendment in the certificate of registration electronically in such manner as may be prescribed by the Central Government.

(5) The employer of an establishment shall, within thirty days of the closing of the establishment—

- (a) inform the closing of such establishment; and
- (b) certify payment of all dues to the workers employed in such establishment,

to the registering officer in such manner as may be prescribed by the Central Government and the registering officer shall, on receiving such information and certificate remove such establishment from the register of establishments maintained by him and cancel the registration certificate of the establishment within sixty days from the receipt of such information:

PROVIDED that if the registering officer fails to cancel the registration certification of the establishment under this sub-section within such sixty days, then, the registration certificate of such establishment shall be deemed to have been cancelled under this Code immediately on the expiration of such period of sixty days and the cancellation of registration certificate shall be auto generated and the responsibility of such failure shall be on the registering officer.

(6) If an employer of an establishment—

- (a) has obtained the registration of his establishment by misrepresentation or suppression of any material fact, or
- (b) has obtained the registration of his establishment so fraudulently or otherwise that the registration has become useless or ineffective to run the establishment,

then, in case of clause (a) such misrepresentation or suppression of any material fact shall be deemed to be the contravention of the provisions of this Code for prosecution of the employer under section 94 without affecting the registration and running of the establishment and in case of clause (b) the registering officer may, after giving an opportunity to the employer of the establishment to be heard, revoke the registration and such process for revocation shall be completed by the registering officer within sixty days from coming into his notice the facts specified in clause (b).

(7) No employer of an establishment who—

- (a) has not registered the establishment under this section; or
- (b) has not preferred appeal under section 4 against the cancellation of the registration certificate of the establishment under sub-section (5) or revocation of the registration of the establishment under sub-section (6) or the appeal so preferred has been dismissed,

shall employ any employee in the establishment.

(8) Notwithstanding anything contained in this Code, where any establishment, to which this Code applies, has already been registered under any—

- (a) Central Labour law; or
- (b) any other law which may be notified by the Central Government and which applies to the establishment which is in existence at the time of the commencement of this Code,

shall be deemed to have been registered under the provisions of this Code, subject to the condition that the registration holder provides the details of registration to the concerned registering officer within such time and in such form as may be prescribed.

COMMENTS

This section relates to the registration of establishments and specifies the procedure for such registration. Under this section, every employer of an establishment shall make an application electronically within 60 days to the registering officer from the date of applicability of this Code for the registration of such establishment in the manner as prescribed.

4. Appeal

(1) Any person aggrieved by an order made under section 3 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to an appellate officer who shall be a person notified in this behalf by the appropriate Government:

PROVIDED that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving the appellant an opportunity of being heard, dispose of the appeal within a period of thirty days from the date of receipt of such appeal.

COMMENTS

This section contains the provisions of appeal against the order of the registering officer under section 3. The Appellate officer may entertain the appeal after the period of 30 days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

5. Notice by employer of commencement and cessation of operation

(1) No employer of an establishment being factory or mine or relating to contract labour or building or other construction work shall use such establishment to commence the operation of any industry, trade, business, manufacturing or occupation thereon without sending notice of such purpose in such form and manner and to such authority and within such time as may be prescribed and shall also intimate the cessation thereof to the said authority in such manner as may be prescribed by the appropriate Government.

(2) The notice or intimation under sub-section (1) shall be given electronically.

COMMENTS

This section deals with notice by employer relating to the factory, mine, contract labour or building or other construction work before the commencement of the operation of any industry, trade, business, manufacture or occupation in the concerned establishment and shall also intimate the cessation thereof.

CHAPTER III

DUTIES OF EMPLOYER AND EMPLOYEES, ETC.

6. Duties of employer

(1) Every employer shall,—

- (a) ensure that work place is free from hazards which cause or are likely to cause injury or occupational disease to the employees;
- (b) comply with the occupational safety and health standards declared under section 18 or the regulations, rules, bye-laws or orders made under this Code;
- (c) provide such annual health examination or test free of costs to such employees of such age or such class of employees or establishments or such class of establishments, as may be prescribed by the appropriate Government;
- (d) provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of the employees;
- (e) ensure the disposal of hazardous and toxic waste including disposal of e-waste;
- (f) issue a letter of appointment to every employee on his appointment in the establishment, with such information and in such form as may be prescribed by the appropriate Government and where an employee has not been issued such appointment letter on or before the commencement of this Code, he shall, within three months of such commencement, be issued such appointment letter;

- (g) ensure that no charge is levied on any employee, in respect of anything done or provided for maintenance of safety and health at work place including conduct of medical examination and investigation for the purpose of detecting occupational diseases;
- (h) relating to factory, mine, dock work, building or other construction work or plantation, ensure and be responsible for the safety and health of employees, workers and other persons who are on the work premises of the employer, with or without his knowledge, as the case may be.

(2) Without prejudice to the generality of the provisions of sub-section (1), the duties of an employer shall particularly in respect of factory, mines, dock, building and other construction work or plantation include—

- (a) the provision and maintenance of plant and systems of work in the workplace that are safe and without risk to health;
- (b) the arrangements in the workplace for ensuring safety and absence of risk to health in connection with the use, handling, storage and transport of articles and substances;
- (c) the provision of such information, instruction, training and supervision as are necessary to ensure the health and safety of all employees at work;
- (d) the maintenance of all places of work in the workplace in a condition that is safe and without risk to health and the provision and maintenance of such means of access to, and egress from, such places as are safe and without such risk;
- (e) the provision, maintenance or monitoring of such working environment in the workplace for the employees that is safe, without risk to health as regards facilities and arrangements for their welfare at work.

COMMENTS

This section deals with the duties of employer in respect of workplace, occupational safety and health standards, health examination, appointment letter etc.

7. Duties and responsibilities of owner, agent and manager in relation to mine

(1) The owner and agent of every mine shall jointly and severally be responsible for making financial and other provisions and for taking such other steps as may be necessary for compliance with the provisions of this Code and the regulations, rules, bye-laws and orders made thereunder, relating to mine.

(2) In the event of any contravention by any person whosoever of any of the provisions of this Code or of the rules, regulations, bye-laws or orders made thereunder, relating to mine, except those which specifically require any person to do any act or thing or prohibit any person from doing an act or thing, besides the person who contravenes, then, each of the following persons shall also be deemed to be guilty of such contravention unless he proves that he had used due diligence to secure compliance with the provisions and had taken reasonable means to prevent such contravention, namely:—

- (a) the official or officials appointed to perform duties of supervision in respect of the provisions contravened;
- (b) the manager of the mine;
- (c) the owner and agent of the mine;
- (d) the person appointed, if any, to carry out the responsibility under section 24.

(3) It shall not be a defence in any proceedings brought against the owner or agent of a mine under this section that the manager and other officials have been appointed in accordance with the provisions of this Code or that a person to carry the responsibility under section 24 has been appointed.

COMMENTS

This section deals with the duties and responsibilities of owner, agent and manager in relation to mine. The responsibilities of the owner and agent are joint and several.

8. Duties of designers, manufacturers, importers or suppliers

(1) Every person who designs, manufactures, imports or supplies any article for use in any establishment shall—

- (a) ensure so far as is reasonably practicable, that the article is so designed and constructed in the establishment as to be safe and without risk to the health of the workers when properly used;
- (b) carry out or arrange for the carrying out of such tests and examination in the establishment as may be considered necessary for the effective implementation of the provisions of clause (a);
- (c) take steps as may be necessary to ensure that adequate information will be available—
 - (i) in connection with the use of the article in any establishment;
 - (ii) about the use for which such article is designed and tested; and
 - (iii) about any conditions necessary to ensure that the article, when put to such use, shall be safe, and without risk to the health of the workers:

PROVIDED that where an article is designed or manufactured outside India, then it shall be obligatory on the part of the importer to see—

- (A) that the article conforms to the same standards of such article manufactured in India; or
- (B) if the standards adopted in the country outside India for the manufacture of such article is above the standards adopted in India, that the article conforms to such standards in such country;
- (C) if there is no standard of such article in India, then, the article conforms to the standard adopted in the country from where it is imported at its national level.

(2) The designer, manufacturer, importer or supplier shall also comply with such duties as the Central Government may, in consultation with the National Occupational Safety and Health Advisory Board referred to in sub-section (1) of section 16, by regulations specify.

(3) Every person, who undertakes to design or manufacture any article and substance for use in any factory, may carry out or arrange for the carrying out of necessary research with a view to the discovery and, so far as is reasonably, practicable, the elimination or minimisation of any risks to the health or safety of the workers to which the design or manufacture of article and substance may give rise to such risk.

(4) Nothing contained in sub-sections (1) and (2) shall be construed to require a person to repeat the testing, examination or research which has been carried out otherwise than by him or at his instance insofar as it is reasonable for him to rely on the results thereof for the purposes of the said sub-sections.

(5) Any duty imposed on any person by sub-sections (1) and (2) shall extend only to things done in the course of business carried on by him and to matters within his control.

(6) Every person,—

- (a) who erects or installs any article for use in a factory, shall ensure, so far as practicable, that such article so erected or installed does not make it unsafe or a risk to health when that article is used by the persons in such factory;
- (b) who manufactures, imports or supplies any substance for use in any factory shall—
 - (i) ensure, so far as practicable, that such substance when used in the factory does not make it unsafe or a risk to health of persons working in such factory;
 - (ii) carry out or arrange for carrying out of such tests and examination in relation to such substance as may be necessary;
 - (iii) take such steps as are necessary to secure that the information about the results of tests carried out in connection with the use of the substance as referred to in sub-clause (ii) is available in a factory along with conditions necessary to ensure its safe use and no risks to health;
- (c) who undertakes the manufacture of any substance for use in any factory shall carry out or arrange for carrying out of any necessary research with a view to discover and, so far as practicable, to ensure the elimination or minimisation of any risks to health or safety to which the substance may give rise out of such manufacture or research.

(7) For the purposes of this section, an article and substance is not to be regarded as properly used, if they are used without regard to any information or advice relating to their use which has been made available by the person who has designed, manufactured, imported or supplied the article and substance.

Explanation : For the purpose of this section—

- (a) “article” shall include plant and machinery;
- (b) “substance” means any natural or artificial substance whether in a solid or liquid form or in the form of a gas or vapour; and
- (c) “substance for use in any factory” means such substance, whether or not intended for use by persons working in a factory.

COMMENTS

This section deals with the duties of designers, manufacturers, importers or suppliers of any article for use in any establishment, to avoid risk and to ensure safety.

9. Duties of architect, project engineers and designers

(1) It shall be the duty of the architect, project engineer or designer responsible for any building or other construction work or the design of any project or part thereof relating to such building or other construction work to ensure that, at the planning stage, due consideration is given to the safety and health aspects of the building workers and employees who are employed in the erection, operation and execution of such projects and structures, as the case may be.

(2) Adequate care shall be taken by the architect, project engineer and other professionals involved in the project referred to in sub-section (1), not to include anything in the design which would involve the use of dangerous structures or other