



INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW

An International Open Access Double Blind Peer Reviewed, Referred Journal

Volume 4 | Issue 2

Art. 55

2025

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K. M. Jawahar

Recommended Citation

K. M. Jawahar, *Occupational Health and Safety (OHS) Laws In India: A Critical Analysis*, 4 IJHRLR 874-893 (2025).

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Occupational Health and Safety (OHS) Laws in India: A Critical Analysis

K. M. Jawahar

*Law Student, 3rd Year,
School of Law, Dhanalakshmi Srinivasan University, Tamil Nadu*

Manuscript Received
21 Apr. 2025

Manuscript Accepted
23 Apr. 2025

Manuscript Published
25 Apr. 2025

ABSTRACT

This research paper critically examines the evolution, effectiveness, and enforcement of Occupational Health and Safety (OHS) laws in India, focusing on aligning the national legal framework with international best practices. The study traces the historical development of Indian labour laws, from the early colonial legislation such as the Factories Act of 1881 to the post-independence welfare-oriented Factories Act of 1948, and ultimately to the consolidated and modernized Occupational Safety, Health and Working Conditions Code, 2020. This progression reflects India's shift from minimal regulation to a more structured, rights-based approach to ensure workplace safety and health. The paper aims to analyze the legal framework governing OHS in India, evaluate the effectiveness of existing laws in ensuring workplace safety, identify key gaps and challenges in enforcement mechanisms, and conduct a comparative analysis with global models like OSHA (USA) and the UK's Health and Safety at Work Act, 1974. A doctrinal research methodology is used, relying on primary sources such as statutes, government reports, and international conventions, as well as secondary sources including academic articles and case law. The literature review reveals that India's OHS system has been fragmented, with enforcement challenges, limited coverage in the informal sector, and inconsistent inspection practices. Compared to global standards, India's framework lags behind in areas such as independent regulatory bodies, worker participation, and proactive safety measures. The findings indicate that while India has made progress in consolidating OHS laws, significant gaps in implementation, particularly in the informal sector, remain. The paper concludes by recommending reforms such as mandatory risk assessments, enhanced digital

inspections, and stronger penalties to align India's OHS regime with international best practices and promote a culture of worker welfare and safety.

KEYWORDS

Digital Inspection, Doctrinal Methodology, Enforcement Mechanisms, Factories Act 1948, Industrial Safety, Informal Sector, International Labour Standards, Labour Rights, Risk Assessment, Worker Welfare, Workplace Safety

INTRODUCTION

Occupational Health and Safety (OHS) laws are crucial in India, ensuring workers' rights and minimizing accidents. Despite various labor laws, incidents of industrial accidents, occupational diseases, and workplace fatalities remain high. The Factories Act, 1948, was one of the earliest legislations to introduce workplace safety measures. The Occupational Safety, Health and Working Conditions Code, 2020, consolidates 13 labor laws related to workplace safety. However, concerns remain regarding its implementation, enforcement, and effectiveness in unorganized sectors. The most recent attempt to streamline these laws is the Occupational Safety, Health and Working Conditions Code, 2020. The India's OHS framework faces challenges due to poor enforcement and accountability, leading to poor compliance among employers. Many industries, especially informal and MSME sectors, fail to implement adequate safety measures due to cost constraints and lack of awareness. Government oversight gaps, under reporting of incidents, and weak penalties for violations further hinder the effectiveness of OHS laws. This research paper critically examines the legal provisions governing OHS in India, compares them with global best practices, explores judicial precedents, and provides recommendations for strengthening workplace safety laws.

NEED AND SIGNIFICANCE OF THE STUDY

Need for the Study

Occupational Health and Safety (OHS) is crucial for labor welfare, but India faces persistent issues with accidents, hazardous materials exposure, and unsafe working conditions. The 2020 Visakhapatnam Gas Leak, 2019 Surat Fire Incident, and 1984 Bhopal Gas Tragedy highlight gaps in safety regulations. Despite the Occupational Safety, Health and Working Conditions Code, 2020, challenges persist, including inadequate implementation, lack of worker awareness, and weak enforcement mechanisms.

India's informal workforce, nearly 90% of total workers, lacks access to safety measures, social security, and legal protections. A comprehensive examination of India's OHS legal framework and international comparisons is needed to recommend policy improvements.

Significance of the Study

This study evaluates the Occupational Safety, Health and Working Conditions Code, 2020, assessing its effectiveness and identifying gaps. Comparing it with international laws like OSHA in the USA and the UK's Health and Safety at Work Act, 1974, it highlights best practices for India. The study also addresses enforcement challenges, identifying weaknesses in government enforcement mechanisms and the role of industries in ensuring compliance. It also examines the impact of insufficient inspections, penalties, and employer negligence on workplace safety. The study focuses on vulnerable workers, particularly contract workers, migrant laborers, and gig workers, who lack access to legal protections and safety measures. The paper recommends strengthening OHS regulations, emphasizing worker training, AI-based safety monitoring, and employer accountability.

RESEARCH METHODOLOGY

This study uses a qualitative research methodology to analyze the legal framework governing Occupational Health and Safety (OHS) laws in India. It uses secondary data sources like statutes, case laws, government reports, and international labour law frameworks. Key legislations like the Occupational Safety, Health, and Working Conditions Code, 2020, and the Factories Act, 1948 are analyzed. A comparative approach is used to evaluate India's OHS laws against global best practices like OSHA (USA) and the UK's Health and Safety at Work Act, 1974. The study aims to identify gaps in implementation and enforcement, assess policy effectiveness, and propose recommendations for strengthening workplace safety.

OBJECTIVES

1. To analyze the legal framework governing Occupational Health and Safety (OHS) in India
2. To evaluate the effectiveness of existing OHS laws in ensuring workplace safety
3. To identify gaps and challenges in the enforcement of OHS laws
4. To conduct a comparative analysis of India's OHS framework with international best practices

FINDINGS

According to the objectives of the study findings of the study are discussed below-

1. To analyze the legal framework governing Occupational Health and Safety (OHS) in India
2. To evaluate the effectiveness of existing OHS laws in ensuring workplace safety
3. To identify gaps and challenges in the enforcement of OHS laws
4. To conduct a comparative analysis of India's OHS framework with international best practices.

TO ANALYZE THE LEGAL FRAMEWORK GOVERNING OCCUPATIONAL HEALTH AND SAFETY (OHS) IN INDIA

Occupational Health and Safety (OHS) is a vital component of labour law that aims to ensure the physical, mental, and social well-being of workers in all occupations. In India, OHS legislation serves as a protective framework that governs working conditions, mandates safety measures, and holds employers accountable for workplace hazards. With a large and diverse workforce across various sectors—formal and informal—the Indian legal system has long recognized the importance of regulating workplace safety. The development of this legal framework has evolved over decades, beginning with colonial-era statutes and now culminating in the codification of OHS laws under the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code). This observation analyse the historical evolution and development of occupational health and safety (ohs) laws in India.”, Identifying global best practices in occupational risk assessment, safety training, and hazard prevention leading to the introduction of the occupational safety, health and working conditions code in 2020.

THE HISTORICAL EVOLUTION AND DEVELOPMENT OF OCCUPATIONAL HEALTH AND SAFETY (OHS) LAWS IN INDIA

Occupational Health and Safety (OHS) laws in India have evolved over time, reflecting the country's transition from colonial-era industrial practices to a more structured and rights-based approach to labour welfare. The Factories Act of 1881 was the first legislative effort to regulate working conditions in India, primarily aimed at regulating child labor in the textile industry and ensuring minimal working conditions.¹ In 1891, the Act was

¹ *Factories Act, 1881*, Act No. 15 of 1881.

amended to include more comprehensive provisions, such as restrictions on women working at night and improved conditions for children.² The Factories Act, 1934, extended its application to more factories and introduced systematic inspections and the appointment of Factory Inspectors.³ As India's industrial landscape became more diverse, newer sectors like chemicals, pharmaceuticals, and heavy industries emerged, requiring more specialized legal responses. India's independence in 1947 significantly altered the vision for labour welfare, emphasizing the dignity and health of workers. The Indian Constitution's Directive Principles of State Policy guide the state in creating laws that promote worker welfare, including humane working conditions and maternity relief.⁴

The Factories Act of 1948 is a landmark in Indian labour law, establishing robust provisions for health, safety, and welfare.⁵ It addressed issues such as cleanliness, waste disposal, ventilation, artificial humidification, lighting, overcrowding, and sanitation. Sector-specific legislations emerged to address unique safety concerns, such as the Mines Act, 1952, which regulated labour in the mining sector⁶, and the Plantation Labour Act, 1951, which addressed the conditions of workers in tea, coffee, and rubber plantations.⁷

In the 1990s and 2000s, globalization and liberalization of India's economy significantly altered the nature of work, leading to the development of the Occupational Safety, Health and Working Conditions Code, 2020.⁸ Key features of the Code include mandatory health and safety policies for establishments employing 250 or more workers, uniform standards for workplace safety, and formal inclusion of contract and migrant workers within its scope.

IDENTIFYING GLOBAL BEST PRACTICES IN OCCUPATIONAL RISK ASSESSMENT, SAFETY TRAINING, AND HAZARD PREVENTION

The legal framework governing occupational health and safety (OHS) in India is crucial for protecting workers' health, safety, and welfare. India has enacted several laws to address workplace risks and ensure safe working conditions, particularly in hazardous

² *Factories (Amendment) Act, 1891*, Act No. 11 of 1891

³ *Factories Act, 1934*, Act No. 25 of 1934.

⁴ Constitution of India, Arts. 39(e), 41, and 42.

⁵ *Factories Act, 1948*, Act No. 63 of 1948, especially Chapters III–V.

⁶ *Mines Act, 1952*, Act No. 35 of 1952.

⁷ *Plantation Labour Act, 1951*, Act No. 69 of 1951.

⁸ *Occupational Safety, Health and Working Conditions Code, 2020*, Act No. 37 of 2020.

and demanding sectors. Key legislations include the Factories Act, 1948, the Mines Act, 1952, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, and the comprehensive Occupational Safety, Health, and Working Conditions Code, 2020.⁹

The Factories Act, 1948, is considered one of the earliest and most comprehensive pieces of legislation in India dealing with OHS.¹⁰ It was enacted to ensure the safety, health, and welfare of workers employed in factories. The Act defines a factory as any premises where ten or more workers are employed with the use of power or twenty or more workers without power.¹¹ The objective of this act is to regulate working conditions in manufacturing units and minimize risks associated with industrial labor.

The Act contains three major heads: health, safety, and welfare. Health provisions mandate cleanliness, proper waste disposal, adequate ventilation, lighting, potable water, and control of dust and fumes to create a physically clean and disease-free work environment. Safety provisions require fencing of machinery, employment restrictions for young persons on dangerous machines, precautions against fire, and provisions related to hazardous processes.¹² The Act also introduced the concept of occupational diseases, requiring notification and medical examination.¹³

LEADING TO THE INTRODUCTION OF THE OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE IN 2020

The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) is a significant legislative reform in India that consolidates and rationalizes thirteen pre-existing central labour laws related to health, safety, and working conditions.¹⁴ It applies

⁹ See generally Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, Acts of Parliament, 2020 (India); Factories Act, No. 63 of 1948, INDIA CODE (1948); Mines Act, No. 35 of 1952, INDIA CODE (1952); Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, No. 27 of 1996, INDIA CODE (1996).

¹⁰ P.L. Malik, Industrial Law 949–50 (18th ed. 2017); see also Ministry of Labour and Employment, *Annual Report 2019–2020* (Gov't of India), <https://labour.gov.in>.

¹¹ Factories Act § 2(m), No. 63 of 1948 (India).

¹² Factories Act §§ 11–41, No. 63 of 1948 (India); see also M.C. Mehta v. Union of India, (1987) 1 SCC 395 (India) (recognizing the need for stringent safety regulations in hazardous industries).

¹³ Factories Act §§ 89–90, No. 63 of 1948 (India); see also A. Vaidyanathan, *Occupational Health in India: Need for a New Vision*, 46(3) *Economic and Political Weekly* 23 (2011).

¹⁴ See Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, Acts of Parliament, 2020 (India); see also Ministry of Labour and

to all establishments employing ten or more workers and to all mines and docks, regardless of the number of employees¹⁵. The Code mandates employers to ensure a safe working environment and prevent hazards related to physical, chemical, and biological agents. It also requires employers to provide annual health check-ups, training for safety, and a written health and safety policy for units employing more than 250 workers.¹⁶ The OSH Code introduces several key changes and innovations, such as the establishment of the position of Inspector-cum-Facilitator, replacing the traditional factory inspector.¹⁷

India has developed sector-specific legislation tailored to industries with unique safety challenges, such as the Mines Act, 1952, which governs safety and working conditions in coal, metal, and other types of mines.¹⁸ The BOCW Act, 1996, aims to regulate the conditions of workers employed in construction activities, one of the most informal and unorganized sectors in India.¹⁹ The Contract Labour (Regulation and Abolition) Act, 1970 indirectly affects occupational safety by regulating the employment of contract labor and ensuring they receive similar benefits as permanent employees.²⁰ India has institutions supporting OHS goals, such as the Directorate General, Factory Advice Service and Labour Institutes (DGFASLI), and the National Institute of Occupational Health (NIOH).²¹ Indian courts have played an active role in expanding the scope of OHS under Article 21 of the Constitution, guaranteeing the right to life and personal liberty.²²

TO EVALUATE THE EFFECTIVENESS OF EXISTING OHS LAWS IN ENSURING WORKPLACE SAFETY

India's Occupational Health and Safety (OHS) laws aim to ensure a safe working environment for workers, particularly in hazardous sectors like construction, mining, and manufacturing.²³ The

Employment, *Codes on Labour*,

¹⁵ OSH Code § 1(4), No. 37 of 2020 (India).

¹⁶ OSH Code §§ 6, 8, 9, 18 (India).

¹⁷ OSH Code § 34 (India); *see also* Debi S. Saini, *Inspector Raj to Facilitator Raj: A New Era of Labour Regulation in India*, 58(4) *Indian Journal of Labour Economics* 487 (2021).

¹⁸ Mines Act, No. 35 of 1952, INDIA CODE (1952).

¹⁹ Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, No. 27 of 1996, INDIA CODE (1996).

²⁰ Contract Labour (Regulation and Abolition) Act, No. 37 of 1970, INDIA CODE (1970).

²¹ Directorate General Factory Advice Service and Labour Institutes (DGFASLI), <https://dgfasli.gov.in>; National Institute of Occupational Health (NIOH)

²² *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42 (India) (holding that the right to health and a safe working environment is part of the fundamental right to life under Article 21).

²³ *See* Occupational Safety, Health and Working Conditions Code, No. 37 of

Occupational Safety Code, 2020 consolidates 13 central labour laws related to safety, health, and working conditions, aiming to streamline and modernize India's legal landscape.²⁴ Key provisions include mandatory health and safety standards, appointment of safety officers, regular medical examinations, and mechanisms for workers' participation in safety committees.²⁵ However, workplace safety remains a pressing concern, with thousands of fatal and non-fatal accidents occurring annually.²⁶ Poor implementation, lack of awareness, and inadequate safety infrastructure contribute to these accidents.²⁷ The effectiveness of these laws is often undermined by inadequate inspections, outdated standards, and procedural delays.²⁸ The implementation varies greatly from state to state due to the decentralized nature of labour administration.²⁹ Critics argue that the Code may dilute existing protections by increasing applicability thresholds, leaving a large segment of workers outside the protective net.³⁰ However, positive developments include digitization of records, greater transparency, and provisions for inter-state migrant workers.³¹

TO IDENTIFY THE STRENGTHS AND WEAKNESSES OF INDIA'S REGULATORY MECHANISMS IN ENFORCING OHS LAWS

The enforcement of Occupational Health and Safety (OHS) laws in India is a crucial element in protecting the workforce, particularly in industries where physical risk is inherent.³² While the country has made legislative progress in terms of codifying and simplifying OHS standards, the efficacy of enforcement remains mixed.³³ The

2020, Acts of Parliament, 2020 (India); see also Factories Act, No. 63 of 1948, INDIA CODE (1948).

²⁴ Ministry of Labour and Employment, *Consolidation of Labour Laws into Four Labour Codes* (2020),

²⁵ OSH Code §§ 6, 9, 14, 22 (India).

²⁶ International Labour Organization (ILO), *India Decent Work Country Programme 2018–2022* 14 (2018),

²⁷ A. Vaidyanathan, *Occupational Health in India: Need for a New Vision*, 46(3) *Economic and Political Weekly* 23 (2011).

²⁸ Debi S. Saini, *Labour Law Reforms in India: All Bark, No Bite*, 52(7) *Economic and Political Weekly* 15 (2017).

²⁹ Shyam Sundar, *Labour Regulation in India: Rationalising the Maze*, 56(36) *Economic and Political Weekly* 18 (2021).

³⁰ Kamala Sankaran & Umakanth Varotttil eds., *Regulating Corporate Social Responsibility in India: Law and Policy* 121–23 (Springer 2021).

³¹ Ministry of Labour and Employment, *Labour Codes and the Gig Economy: A New Framework for Migrant Workers* (2021),

³² See Factories Act, No. 63 of 1948, INDIA CODE (1948); see also Mines Act, No. 35 of 1952, INDIA CODE (1952); Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, No. 27 of 1996, INDIA CODE (1996).

³³ Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, Acts of Parliament, 2020 (India); Ministry of Labour and Employment,

regulatory mechanisms reveal a combination of commendable strengths and deep-rooted weaknesses, especially when examined through the lens of labour law and ground-level implementation.³⁴

- **Strengths**

One of the foremost strengths of India's regulatory approach is the comprehensive legal infrastructure that exists for OHS. The Occupational Safety, Health and Working Conditions Code, 2020 consolidates and rationalises multiple earlier laws, thereby simplifying compliance requirements and aiming to improve consistency across sectors and states.³⁵ The Code mandates important provisions such as workplace safety norms, medical examinations, hazard disclosures, and emergency preparedness—laying a solid foundation for enforcement.³⁶

Another strength lies in the institutional framework. The presence of regulatory bodies such as the Chief Inspector of Factories, Labour Commissioners, and safety boards at central and state levels gives statutory authority to monitor and enforce safety regulations.³⁷ The digitization of licensing, registration, and compliance returns under the new Code represents a significant step towards transparency and efficiency.³⁸

Moreover, the Code empowers the appropriate government to notify specific safety standards depending on the industry.³⁹ It also requires the appointment of safety officers in establishments with 500 or more workers, and the creation of Safety Committees with equal representation from employers and employees in hazardous workplaces.⁴⁰ These steps

Consolidation of Labour Laws into Four Labour Codes,

³⁴ Shyam Sundar, *Challenges to Labour Law Reforms in India: A Ground-Level Perspective*, 55(30) *Economic and Political Weekly* 22 (2020); Debi S. Saini, *Labour Law Enforcement in India: Reform or Regress?*, 58(2) *Indian Journal of Labour Economics* 245 (2021).

³⁵ Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, Preamble & § 1, Acts of Parliament, 2020 (India).

³⁶ OSH Code §§ 6–9, 12, 14, 22 (India); Ministry of Labour and Employment, *Labour Codes Booklet*,

³⁷ Factories Act, No. 63 of 1948, § 8, INDIA CODE (1948); *see also* OSH Code § 34.

³⁸ Ministry of Labour and Employment, *Ease of Compliance under Labour Codes*,

³⁹ OSH Code § 18; *see also* § 133 (rule-making power).

⁴⁰ OSH Code § 22(1), § 22(2).

encourage participatory governance and internal accountability.⁴¹

• **Weaknesses**

Despite the structural framework, enforcement of OHS laws in India suffers from several critical weaknesses. Chief among them is the acute shortage of inspectors and enforcement staff. Many Indian states report an extremely low ratio of labour inspectors to the number of establishments, leading to infrequent and often superficial inspections.⁴² This overburdened system hinders the timely identification and rectification of safety violations.⁴³

The shift towards self-certification and third-party audits, although meant to reduce red tape, has raised concerns about reduced oversight and increased potential for non-compliance.⁴⁴ Without robust checks and balances, these systems can become procedural formalities rather than tools of accountability.⁴⁵ There is also considerable variation in enforcement standards across states, due to differences in administrative capabilities and political will.⁴⁶ Furthermore, penalties for non-compliance are relatively low and often insufficient to act as real deterrents.⁴⁷ The lack of a robust grievance redressal mechanism means that workers are often reluctant to report unsafe conditions, fearing retaliation or job loss—especially in the unorganised sector where labour protections are weaker.⁴⁸

India's regulatory framework for OHS enforcement is a work in progress. While its legislative and institutional strengths offer a solid starting point, persistent weaknesses in staffing, oversight, uniformity, and worker protection hinder its effectiveness. Strengthening enforcement capacity, enhancing inter-state coordination, and improving worker awareness

⁴¹ Shyam Sundar, *Labour Law Reforms: A Participatory Approach*, 56(44) *Economic and Political Weekly* 25 (2021).

⁴² International Labour Organization, *Decent Work for Sustainable Development*, ILO Country Profile – India,

⁴³ Ministry of Labour and Employment, *Annual Report 2022–23*, at 76–78

⁴⁴ Debi S. Saini, *Labour Regulation in India: The Growing Shift Toward Self-Certification*, 59(1) *Indian Journal of Labour Economics* 13, 18 (2022).

⁴⁵ Shyam Sundar, *Third-Party Audits and Labour Compliance: A Critical Review*, 57(9) *Economic and Political Weekly* 32, 34 (2022).

⁴⁶ Ravi Srivastava, *Labour Law Reforms and the Informal Economy in India*, 63(1) *Indian Journal of Labour Economics* 21, 27 (2020).

⁴⁷ Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, §§ 103–106; see also Shram Suvidha Portal

⁴⁸ Sankar Sen, *Worker Representation and Whistleblower Protection in India*, 46(3) *Journal of Labour Research* 211 (2021).

must be prioritized to ensure that legal provisions achieve their intended protective outcomes.⁴⁹

TO ANALYZE THE ROLE OF LABOUR DEPARTMENTS AND REGULATORY BODIES IN ENSURING COMPLIANCE

Labour departments and regulatory bodies play a central role in enforcing Occupational Health and Safety (OHS) laws in India. These institutions serve as the primary enforcement arms of labour legislation, responsible for translating policy into on-ground compliance. Their functions include inspections, licensing, registration, monitoring, awareness generation, and grievance redressal—all of which are essential to the effective implementation of OHS standards.⁵⁰

At the central level, the Ministry of Labour and Employment, along with the Chief Labour Commissioner (Central), oversees the enforcement of labour laws in establishments under central jurisdiction, including large public sector undertakings and railways.⁵¹ At the state level, the responsibility of enforcement lies primarily with the State Labour Departments and their subordinate offices such as the Inspectorate of Factories and Boilers.⁵² These departments are mandated to conduct periodic inspections, ensure adherence to safety regulations, and take enforcement action against non-compliant employers.⁵³

TO ASSESS THE IMPACT OF OHS LAWS ON REDUCING WORKPLACE ACCIDENTS AND OCCUPATIONAL DISEASES

The primary objective of Occupational Health and Safety (OHS) laws is to prevent workplace accidents, injuries, and occupational diseases by establishing a legal framework that ensures safe and healthy working conditions.⁵⁴ In India, the implementation of laws such as the Factories Act, 1948, and the more recent Occupational Safety, Health and Working Conditions Code, 2020 represents a concerted effort by the legislature to reduce workplace-related hazards.⁵⁵

⁴⁹ S. R. de Silva, *Elements of a National Policy on Occupational Safety and Health*, ILO, Working Paper (2020).

⁵⁰ Ministry of Labour and Employment, *Annual Report 2022–23*, at 88–91,

⁵¹ Chief Labour Commissioner (Central), *Functions and Responsibilities*,

⁵² V.V. Giri National Labour Institute, *Occupational Safety and Health in India: A Status Report* (2021), at 56–60.

⁵³ Factories Act, 1948, No. 63 of 1948, § 8; *see also* State Factory Inspection Manuals

⁵⁴ *International Labour Organization (ILO)*, “Occupational Safety and Health,”

⁵⁵ Occupational Safety, Health and Working Conditions Code, No. 37 of 2020; Factories Act, No. 63 of 1948, § 7A.

Over the years, these laws have contributed to a measurable decline in fatal industrial accidents in sectors with a strong compliance culture, such as the organized manufacturing industry.⁵⁶ Mandatory provisions like periodic safety audits, medical examinations, use of personal protective equipment (PPE), and employee training programs have had a positive impact in promoting safer practices, especially in large factories and public sector undertakings.⁵⁷ Consequently, workers in construction, mining, and small-scale industries continue to face high risks of injuries, respiratory diseases, and chemical exposure.⁵⁸

Moreover, the lack of reliable and consistent data on occupational illnesses, especially long-term diseases like silicosis or asbestosis, hampers a full assessment of the laws' effectiveness.⁵⁹ The underreporting of accidents and medical issues—either due to fear of job loss or absence of proper monitoring systems—makes it difficult to gauge the real impact.⁶⁰ That said, there is growing recognition of the need to strengthen health surveillance, workplace safety culture, and preventive measures. The integration of technology, digitized reporting, and centralized data systems under the new Code could significantly improve the situation if implemented effectively.⁶¹ While OHS laws in India have played a role in reducing workplace hazards in regulated sectors, their full potential remains unrealized due to implementation gaps. Stronger enforcement, better data collection, and greater focus on the informal sector are essential to achieve meaningful reductions in workplace accidents and diseases.⁶²

TO IDENTIFY GAPS AND CHALLENGES IN THE ENFORCEMENT OF OHS LAWS

Despite a comprehensive legal framework, the enforcement of Occupational Health and Safety (OHS) laws in India faces significant challenges. Key gaps include inadequate labour inspection mechanisms, shortage of trained personnel, and limited coverage in the informal sector. Additionally, low

⁵⁶ Ministry of Labour and Employment, *Annual Report 2022–23*, at 121–123

⁵⁷ Directorate General, Factory Advice Service and Labour Institutes (DGFASLI), *Annual Survey of Industrial Accidents in India*,

⁵⁸ V.V. Giri National Labour Institute, *Occupational Safety and Health in India: Status and Challenges* (2021), at 47–50.

⁵⁹ Indian Council of Medical Research (ICMR), *Epidemiological Study on Occupational Diseases in India* (2020), at 27.

⁶⁰ World Health Organization (WHO), *Global Strategy on Occupational Health for All*,

⁶¹ Ministry of Labour, *Code on OSH Implementation Guidelines*

⁶² ILO India, *Labour Law Reform and Informal Sector Inclusion* (2022)

awareness among workers, insufficient penalties for non-compliance, and the under reporting of accidents hinder effective regulation. Fragmentation between central and state authorities often leads to inconsistent implementation. The shift toward self-certification under recent reforms, without strong monitoring, risks weakening enforcement. Addressing these challenges is essential to ensure that legal protections translate into safer workplaces.

TO EXAMINE ISSUES RELATED TO INSPECTION, MONITORING, AND COMPLIANCE BY EMPLOYERS

Inspection and monitoring are critical components of ensuring compliance with OHS laws in India.⁶³ However, the current inspection framework is marred by multiple inefficiencies. One of the primary issues is the inspector-to-establishment ratio, which is severely skewed in most states⁶⁴. Labour departments are often understaffed and under-resourced, making regular and thorough inspections difficult⁶⁵. The shift to risk-based inspections and self-certification models under the Occupational Safety, Health and Working Conditions Code, 2020, while intended to reduce harassment and promote ease of doing business, has raised concerns over diluted oversight.⁶⁶ Many employers, particularly in the informal and small-scale sectors, either avoid compliance altogether or meet only the bare minimum legal standards⁶⁷. Inspections, where conducted, are often procedural rather than preventive, and reports rarely translate into corrective action.⁶⁸

TO EVALUATE THE ADEQUACY OF PENALTIES AND LEGAL CONSEQUENCES FOR NON-COMPLIANCE

The effectiveness of any regulatory regime depends significantly on the strength and enforceability of its penalties⁶⁹. Under Indian OHS laws, including the 2020 Code, penalties for non-compliance are often seen as insufficient to deter violations⁷⁰. In many cases,

⁶³ International Labour Organization (ILO), "Labour Inspection and Occupational Safety and Health,"

⁶⁴ V.V. Giri National Labour Institute, *Evaluation Study of Labour Inspection System in India* (2020), at 15–17.

⁶⁵ Ministry of Labour and Employment, *Annual Report 2022–23*, at 104–107

⁶⁶ Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, § 34–35

⁶⁷ Shyam Sundar, *Challenges of Labour Law Enforcement in the Informal Sector*, 58(3) *Indian Journal of Labour Economics* 221 (2021).

⁶⁸ Directorate General, Factory Advice Service and Labour Institutes (DGFASLI), *Inspection Protocols Report*,

⁶⁹ International Labour Organization (ILO), *Labour Inspection and Penalties: The Role of Deterrence* (2020),

⁷⁰ Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, § 111–114.

monetary fines are either too low or are easily absorbed by employers as operational costs, rather than serving as a punitive measure⁷¹. This is particularly problematic in high-risk industries where violations may result in fatal accidents or chronic occupational diseases.⁷² Legal consequences such as imprisonment are rarely enforced and are often replaced with compounding of offences⁷³. In practice, enforcement authorities lack the resources and legal support to pursue serious litigation against non-compliant entities⁷⁴. Moreover, many workers are unaware of their rights to file complaints or fear retaliation, which limits the initiation of enforcement actions.⁷⁵ To enhance compliance, there is a need to introduce proportionate and escalating penalties, public disclosure of violators, and faster adjudication of labour disputes related to OHS.⁷⁶

TO ANALYZE THE CHALLENGES FACED BY MIGRANT, CONTRACTUAL, AND INFORMAL SECTOR WORKERS IN ACCESSING WORKPLACE SAFETY RIGHTS

A significant proportion of India's workforce consists of migrant, contractual, and informal sector workers, who remain particularly vulnerable in terms of access to workplace safety.⁷⁷ These workers often operate in sectors such as construction, agriculture, domestic work, and small-scale manufacturing—areas where OHS compliance is extremely weak.⁷⁸ They frequently work in hazardous conditions without protective gear, medical support, or awareness of their rights.⁷⁹

Migrant workers face additional barriers such as language, lack of local identity documentation, and absence of union representation, which severely limit their ability to seek redress in case of injury or illness.⁸⁰ Similarly, contractual workers are often

⁷¹ Shyam Sundar, *A Critique of Labour Law Reforms in India*, 55(2) *Economic and Political Weekly* 33, 36 (2020).

⁷² Directorate General Factory Advice Service and Labour Institutes (DGFASLI), *Accident Statistics*,

⁷³ Ministry of Labour and Employment, *Annual Report 2022–23*, at 112

⁷⁴ Comptroller and Auditor General (CAG) of India, *Performance Audit on Labour Law Enforcement in Industrial Clusters* (2021), Ch. 5.

⁷⁵ Centre for Policy Research, *Worker Vulnerability in India's Informal Sector* (2022)

⁷⁶ ILO India, *Good Practices in Labour Law Enforcement in South Asia* (2023)

⁷⁷ Ministry of Labour and Employment, *Code on Occupational Safety, Health and Working Conditions*, 2020, No. 37 of 2020; see also ILO India, *Vulnerable Workers in India* (2023)

⁷⁸ ILO, *Decent Work in the Informal Economy: South Asia Country Report* (2022),

⁷⁹ Centre for Equity Studies, *Working Conditions in India's Informal Sector* (2021),

⁸⁰ Aajeevika Bureau, *Locked Out: Migrant Workers and Access to Labour Rights*

excluded from formal health and safety mechanisms maintained by principal employers.⁸¹ Contractors may neglect even basic safety requirements, assuming minimal liability.⁸² The informal sector, employing over 80% of India's workforce, is largely outside the purview of statutory OHS laws.⁸³ This legal invisibility, combined with poor regulatory oversight, leads to systematic exclusion of these workers from occupational protections, making reform in this area crucial.⁸⁴

Concluding by the enforcement of OHS laws in India faces a multi-layered set of challenges ranging from weak inspections to inadequate penalties and systemic neglect of vulnerable worker groups.⁸⁵ Employers are rarely held accountable due to loopholes in compliance systems and limited regulatory follow-through.⁸⁶ Migrant, contractual, and informal sector workers remain the most at risk, operating largely outside formal legal protections. Strengthening inspection regimes, increasing penalties, and extending protections to all categories of workers are essential steps toward achieving a safer and more equitable working environment in line with international labour standards.⁸⁷

TO CONDUCT A COMPARATIVE ANALYSIS OF INDIA'S OHS FRAMEWORK WITH INTERNATIONAL BEST PRACTICES

India's OHS legal framework, while evolving, still lags behind international best practices established by organizations such as the International Labour Organization (ILO). Countries like Australia and the United Kingdom emphasize proactive risk assessment, strong worker participation, and independent enforcement agencies. In contrast, India faces challenges in inspection quality, informal sector coverage, and implementation consistency. Moreover, India lacks robust national data on occupational diseases, limiting evidence-based policy formulation. Adopting global practices such as whistleblower protections, regular audits, and worker education programs can

(2020)

⁸¹ National Law School of India University (NLSIU), *Legal Protection for Contract Labour in India* (2023), Labour Law Research Centre.

⁸² Shyam Sundar, *Contract Labour and Enforcement Gaps in India*, 58(1) *Economic and Political Weekly* 17, 20 (2023).

⁸³ National Sample Survey Office (NSSO), *Periodic Labour Force Survey 2022–23*, Ministry of Statistics & Programme Implementation.

⁸⁴ India Labour and Employment Report, *Employment Challenges and Labour Market Regulation* (2022), Institute for Human Development.

⁸⁵ Comptroller and Auditor General (CAG) of India, *Audit Report on Labour Law Enforcement in States* (2021), Ch. 6.

⁸⁶ Shram Sarathi & Centre for Policy Research, *Compliance Failures in OHS Frameworks in India* (2022),

⁸⁷ International Labour Organization, *ILO Occupational Safety and Health Convention (No. 155), 1981*, ratified in principle by India.

help bridge the compliance gap and align India's OHS regime with international labour standards.

- ***To Compare India's OHS Laws with Osha (USA) and the Uk's Health and Safety at Work Act, 1974***

India's Occupational Safety, Health and Working Conditions (OSH) Code, 2020 provides a consolidated legal framework, yet it differs in approach and enforcement from established international models like the Occupational Safety and Health Act (OSHA), 1970 (USA)⁸⁸ and the UK's Health and Safety at Work Act⁸⁹, 1974. The US OSHA establishes an independent federal agency responsible for setting and enforcing safety standards, with strict penalties and mandatory reporting requirements.⁹⁰

- ***To Identify Global Best Practices in Occupational Risk Assessment, Safety Training, and Hazard Prevention***

International OHS frameworks reflect a proactive and preventive approach to workplace safety, which India can greatly benefit from. In countries like Germany, the UK, and Australia, risk assessment is mandatory and regularly updated, supported by sector-specific guidelines and real-time monitoring systems.⁹¹ Safety training is institutionalized, with mandatory induction programs, continuous skill upgrades, and use of simulation-based modules.⁹² The US OSHA and EU Directives stress clear hazard communication standards, including labeling systems (GHS), Material Safety Data Sheets (MSDS), and regular internal safety audits.⁹³ Worker participation through safety committees and whistleblower protections is also emphasized.⁹⁴ In many advanced systems, digital tools like AI-driven safety tracking and predictive analytics help prevent accidents before they occur.⁹⁵ These countries also implement robust accident reporting mechanisms and maintain centralized databases for

⁸⁸ Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 et seq. (1970).

⁸⁹ Health and Safety at Work etc. Act 1974, c. 37 (UK).

⁹⁰ Occupational Safety and Health Administration (OSHA), *About OSHA*

⁹¹ European Agency for Safety and Health at Work (EU-OSHA), *Risk Assessment and Prevention of Occupational Risks*,

⁹² Safe Work Australia, *Work Health and Safety Training Programs*,

⁹³ Occupational Safety and Health Administration (OSHA), *Hazard Communication Standard*, 29 C.F.R. § 1910.1200 (2020); European Union, *Directive 67/548/EEC on hazardous substances*, OJ L 196, 16.8.1967.

⁹⁴ Health and Safety Executive (HSE), *Health and Safety Committees: Guidance for Workers and Employers*,

⁹⁵ International Labour Organization (ILO), *Technology and Innovation in Workplace Safety*,

occupational illnesses and fatalities⁹⁶. These best practices underscore the importance of moving beyond reactive inspections to a comprehensive, data-driven, and preventive safety culture, where both employers and employees are continuously engaged in risk reduction.⁹⁷

- ***To Suggest Potential Adaptations of International Models into India's Legal Framework***

India needs to adapt its OHS laws to include all workers, regardless of their size or nature of employment. This includes removing the minimum employee threshold and explicitly including gig workers, domestic workers, agricultural laborers, and self-employed persons in the Code. To ensure this model is applied, India should remove the minimum employee threshold and ensure that state governments do not dilute coverage provisions.

To strengthen risk assessment and prevention systems, India should make comprehensive risk assessments mandatory for all sectors, especially high-risk industries like manufacturing, mining, and construction. The labour inspectorate system in India should be overburdened and under-resourced, and India could establish a National OHS Authority independent of state labour departments.

India should also promote worker participation and representation by lowering the threshold for the formation of safety committees to establishments with 50 or more workers. This would ensure equal representation of workers and management and a statutory say in hazard identification and risk mitigation. Effective penalties and deterrence mechanisms should be implemented in India, such as increasing fines substantially for serious violations, imposing criminal liability on senior management for negligence leading to injury or death, and creating a graded penalty structure with clear escalation for non-compliance or repeated offences.

India should also enhance training and capacity building by mandating certified safety training programs across sectors, encouraging partnerships with technical institutes and industry bodies, and making safety training a precondition for employment in high-risk sectors. Lastly, India should emphasize mental health and well-being by including mental

⁹⁶ U.S. Bureau of Labor Statistics, *Occupational Injury and Illness Classification System*.

⁹⁷ World Health Organization (WHO), *Occupational Health and Safety: A Vision for the Future*.

health and psychosocial risks in statutory risk assessments, encouraging Employee Assistance Programs (EAPs), and integrating these provisions into Model Standing Orders and company HR policies.

CONCLUSION

The legal framework governing Occupational Health and Safety (OHS) in India has evolved significantly over time, culminating in the codification of relevant statutes under the Occupational Safety, Health and Working Conditions Code, 2020. This unified approach aims to simplify compliance and broaden the scope of coverage. However, an in-depth analysis reveals that while the legislative intent is commendable, the practical implementation remains inconsistent and often ineffective in ensuring workplace safety, particularly in the informal and unorganised sectors. A comparative analysis with international frameworks like OSHA (USA) and the UK's Health and Safety at Work Act, 1974 highlights key gaps in India's approach, especially in terms of independent regulatory oversight, worker participation, and preventive risk management. Best practices from these countries offer valuable lessons, including the need for robust data systems, mandatory risk assessments, and greater accountability mechanisms. This paper concludes that while India's legal foundation for OHS is in place, its success depends on holistic reforms—including strengthening enforcement agencies, increasing penalties, expanding coverage to informal workers, and adopting international best practices. Bridging these gaps is essential not only for safeguarding workers' rights but also for aligning India's labour standards with global benchmarks and promoting a culture of safety and prevention.

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