

**National Tripartite Workshop  
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**Legislative framework  
for OSH in India**

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# LEGISLATIVE FRAMEWORK FOR OSH IN INDIA

- Under the Indian Constitution, labour is in the **concurrent** list of subjects
- MOLE has enacted OSH statutes concerning workers in the **manufacturing, mines, ports construction** sectors
- **Other** Ministries of the Government of India has also enacted certain **statutes** relating to safety aspects of substances, equipment, environment, and operations etc

# SOME OF THE OSH STATUTES OF OUR COUNTRY

- Dealing with Safety, Health and Welfare of Workers at Work places.
- Dealing with Dangerous Substances.
- Dealing with Dangerous Activities/Electrical Energy
- Dealing with Environment.

# Work Places

- Manufacturing - The Factories Act, 1948 and the Rules framed there under by the State Government/Union Territories - *An Act to consolidate and amend the law regulating labour in factories.*
- Mines - The Mines Act, 1952 and the Rules 1955 and The Mines Rescue Rules, 1985 - *An Act to amend and consolidate the law relating to the Regulation of labour and safety in mines*

# Work Places

- Docks/Ports- The Dock Workers (Safety, Health & Welfare) Act, 1986 and Regulations 1990. - *An Act to provide for the safety, health and welfare of dock workers and for matters connected therewith.*
- Construction- The Building and other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 and The Central Rules, 1998 and State Rules - *An Act to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measure and for other matter connected therewith or incidental thereto.*

# Dangerous Substance

- The Explosives Act, 1884 - *An Act to regulate the manufacture, possession, use, sale, transport, import and export of Explosives.*
  - The Explosives Rules 2008, The Static and Mobile Pressure Vessels (Unfired) Rules, 1981 and The Gas Cylinder Rules, 2004
- The Explosive Substances Act, 1908 - *An Act regulate the law relating to explosive substances.*
- The Petroleum Act, 1934 - *An Act to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum*
  - The Petroleum Rules 2002

# Activity/Energy

- The Boilers Act, 1923 - *An Act to consolidate and amend the law relating to steam boilers.*
- The Indian Electricity Act, 2003 - *An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity.*
- The Atomic Energy Act, 1962 - *An Act to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith*

# Environment

- The Water (Prevention and Control of Pollution) Act, 1974 and the Rules 1975. - *An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water*
- The Air (Prevention and Control of Pollution) Act, 1981 and the Rules 1982. - *An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes*



# Environment

- The Environment (Protection) Act, 1986 & the Rules 1986 - *An Act to provide for the protection and improvement of environment and for matters connected there with:*
  - The MSIHC Rules 1989.
  - The Hazardous Wastes (Management, Handling & Tran boundary Movement) Rules, 2008.
  - The Chemical Accidents (Emergency Planning, Preparedness & Response) Rules 1996.
  - The Bio-Medical Waste (Management & Handling) Rules 1998.

# Environment

- The Plastic Manufacture, Sale and Usage Rules 1999.
- The Noise Pollution (Regulation & Control) Rules, 2000.
- The Municipal Solid Waste (Management & Handling) Rules 20003.
- The Batteries (Management & Handling) Rules 2000.
- The Ozone Depleting Substance (Regulation and Control) Rules 2000.
- The Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Micro Organisms/Genetically Engineered organism or all, 1998.

# Administration of the OSH Legislations In India – Manufacturing Sector

Min of Labour & Employment, Government of India

Directorate General Factory Advice Service & Labour Institutes  
(DGFASLI) – Manufacturing and Port Sectors

Coordination with Central and State Governments.

Providing Training & Guidance to States

Creation of OSH Systems, Review

Motivational Schemes

**State Governments** through their Labour Depts/State Factories  
Directorates.

# Statistics - Manufacturing Sector

<b>Statistics of Factories at a Glance: 2014* (Provisional)</b>		
No. of Registered Factories		254723
No. of Working Factories		184308
Employment	Total	14711285
	Men	13136273
	Women	1575012
No. of Inspectors		549 (671)
No. of Safety Officers		2739
No. of Factory Medical Officers		9707
No. of MAH Factories		1494
Total Injuries (Fatal + Non Fatal)		6632
<b>Fatal Injuries</b>		<b>933</b>

Source: Std Ref Note - 2015 of DGFASLI Govt. of India (under preparation)

## REGULATION OF SAFETY AND HEALTH IN FACTORIES

The Factories Act, 1948 is applicable to the premises where

- (i) manufacturing process is carried on with the aid of power employing 10 or more persons;
- (ii) manufacturing process is carried on without the aid of power employing 20 or more persons;
- (iii) notified under Section 85 of the Factories Act, 1948 by the State Governments certain Processes or Activity.

- The **State** Govt. are empowered to **make rules** under the enabling provisions as well as general provision.
- The State Govt. empowered to **appoint inspectors** and the Chief Inspector.
- The State Inspectorates of Factories **enforce** the provisions under the Act and Rules.
- The **uniformity** in States Rules notified by different States / UTs is sought through framing of Model Factories Rules by **DGFASLI**.
- Uniformity in enforcement is achieved through mechanism of the Annual **Conference** of Chief Inspectors of Factories organized by the **DGFASLI**

# REGULATION OF SAFETY AND HEALTH IN MINES

- Mines - The Mines Act, 1952 and the Rules & Regulations framed under the Act namely Coal Mines Regulations, 1957, Metalliferous Mines Regulations, 1961, Oil Mines Regulations, 1984, Mines Rules, 1955, Mines Vocational Training Rules, 1966, Mines Rescue Rules, 1985 and Mines Creche Rules, 1966
- Electricity Act, 2003 - Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010
- Allied Legislations - Factories Act, 1948 - Chapter III & IV and Manufacture, storage & import of Hazardous Chemicals Rules, 1989 under Environmental (Protection) Act, 1986
- Land Acquisition (Mines) Act, 1895
- The Coal Mines (Conservation & Development) Act, 1974

**These Act and Rules are Enforced by DGMS**

# **REGULATION OF SAFETY AND HEALTH IN PORTS**

**The Dock Workers (Safety, Health & Welfare) Act, 1986 is applicable to all Ports in India**

- The Appropriate government in respect of Major Ports is the Central Government and for the other Ports it is the State Government
- **The Dock Workers (Safety, Health & Welfare) Regulations 1990 is enforced by DGFASLI in all the 12 major Ports through the Inspectorates Dock Safety located in the 11 major Ports**
- DG, DGFASLI is the Chief Inspector of Dock Safety.



# REGULATION OF SAFETY AND HEALTH IN CONSTRUCTION

**The Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996; and Central and State Rules**

- The Building & Other Construction Workers' Welfare Cess Act, 1996.
- **The Enforcement of the Act is implemented by CLC in the Central sphere and by State Government in the state sphere.**
- The Welfare part is implemented by the State Governments.

# REGULATION OF SAFETY AND HEALTH IN PLANTATIONS

## PLANTATIONS LABOUR ACT, 1951

- An Act to provide for the welfare of labour, and to regulate the conditions of work, in plantations
- Shall apply to any land used or intended to be used for growing tea, coffee, rubber, cinchona or cardamom which ad measures 5 hectares or more and in which fifteen or more persons are or were employed on any day of preceding twelve months
- For growing any other plant, if after obtaining approval of Central Government, State Government so directs
- **The State Government enforces and are empowered to make rules the provisions of the Act.**

# **REGULATION OF SAFETY AND HEALTH IN AGRICULTURE**

## **The Dangerous Machines (Regulation) Act, 1983**

An Act to control the trade as well as commercial activities and the manufacture, supply, allocation and utilization of commodities of any establishment that manufactures hazardous equipments.

The Act also aims to impose damages to persons who have suffered bodily harm or even death due to the fault of the employees when activating the equipments and also for other issues related with the machines.

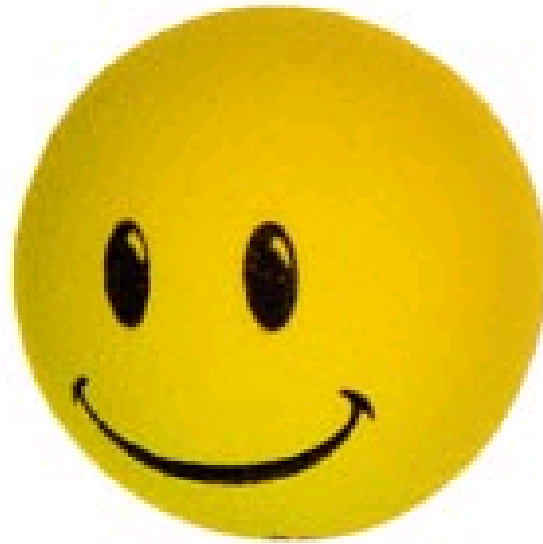
**The State Government are empowered to enforce the Act and Rules Made there under.**

# **REGULATION OF SAFETY AND HEALTH IN AGRICULTURE**

## **The Insecticides Act, 1968**

An Act to regulate the import, manufactures, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals and for matters connected therewith.

**The State Government are empowered to enforce the Act and Rules Made there under.**



**THANK YOU**  
Have a **NICE** and **SAFE** Day  
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