

Finin2min

[Labour Publication Series](#)

Labour & Manpower Law Publication Series

OSHC Code, 2020 — Chapter I - Preliminary

OSHC Code, 2020 | Detailed statutory, Rule, compliance, remedy and evidence guide.

Review date: 2026-07-18 Authors: CA Nikhil Gupta & Kajri Singh Sections: 1-2 Central Rules mapped: 3 Local source-hashed Act text + linked Rules and implementation analysis

[Download chapter PDF](#) [Download 1-page summary](#)

On this page

[Finin2min Summary](#) [Section 1](#) [Section 2](#) [Rules/forms](#) [Old law](#) [Case law](#) [State alerts](#) [Q&A](#) [Provision map](#) [Transaction and cross-law controls](#)

OSHC Code, 2020 Preliminary four-step compliance flowchart
Finin2min decision flow — identify the law, complete the statutory process and preserve evidence.

Publication-source status: Every mapped section of the parent Code is embedded locally from the retained official India Code PDF and carries the source SHA-256. Linked 2026 Central Rules, forms, notifications and operational analysis remain subject to the official Gazette and subsequent amendments.

Chapter decision flow

Classify establishment & person → Fix event date → Apply section and Rule → Complete form/record → Retain evidence & remedy file

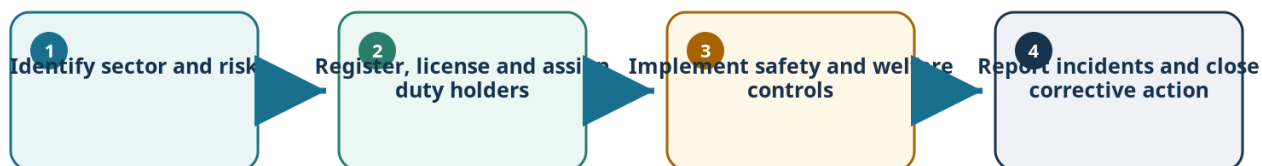
Finin2min Summary - Chapter in 2 Minutes

This chapter turns preliminary into an operational control file. It covers Short title, commencement and application, Definitions; the practical sequence is to classify coverage and event date, apply the provision and mapped Rule, complete the form/register, calculate the entitlement or exposure, and retain evidence for inspection, claim or appeal.

OSHWC Code, 2020 — Chapter I - Preliminary

FININ2MIN LEGAL FLOW

OSHWC Code, 2020 — Preliminary



Law → trigger → procedure → evidence. Confirm the operative Central/State instrument on the event date.

Use this flow with the chapter provision map, implementation controls, evidence checklist, limitation/forum review and remedy framework. Confirm the operative Central and State instruments on the event date.

OSHC Code, 2020 — Chapter I - Preliminary

Finin2min implementation explanation

Maintain a controlled implementation file for OSHWC Code, 2020 — Chapter I - Preliminary: coverage and event date, operative Central/State instrument, responsible owner, approval and authority, form/portal step, due date, calculation basis, supporting evidence, exception, escalation and closure proof. Reconcile payroll, HR, finance, contractor and legal records before sign-off.

Practical example

Classify the worker and establishment, identify the operative provision and notified instrument on the event date, compute the entitlement or exposure from source records, obtain approval, complete the filing/payment/action, and retain evidence. Do not use a portal value or payroll label as a substitute for the statutory test.

Calculation / control template

Control calculation: verified population or transaction base $\times$ applicable notified rate/amount $\times$ eligible period, adjusted for statutory inclusions, exclusions, ceilings, interest, compensation and prior payments. Reperform the calculation from retained source data.

Who is covered

Employers, occupiers, contractors, principal employers, workers and sector-specific establishments must identify the establishment type, worker category and appropriate Government.

Main obligations and rights

- Section 1: Short title, commencement and application
- Section 2: Definitions

Key thresholds and timelines

- Use only the threshold, rate and limitation period effective on the event date; verify the Central/State instrument before acting.

Forms, registers and evidence

- Applicable form/register, calculation file, approval and acknowledgement evidence
- Retain classification, calculation, approval, communication, acknowledgement and payment/filing proof.

Employer risk snapshot

Highest practical risks: misclassification, missed filing/notice, unsupported calculation, incomplete records and use of the wrong Central/State instrument.

Employee/worker remedy snapshot

Core protection: the substantive protection in this chapter, access to the prescribed authority/forum and a documented remedy within limitation. Confirm the authority, limitation and appeal route stated in this chapter.

Old law / transition

Map the event date and savings position against: Factories Act, 1948; Plantations Labour Act, 1951; Mines Act, 1952; Working Journalists laws; Motor Transport Workers Act, 1961.

Five-point professional checklist

1. Freeze the event date, establishment, location and person/worker classification.

2. Identify the controlling section/paragraph, mapped Rule, notification and appropriate Government.
3. Reperform the calculation or decision test and document every exception or approval.
4. Complete the prescribed form/register/portal step and retain acknowledgement, payment and communication evidence.
5. Record the remedy, forum, limitation, appeal path and State variation before sign-off.

Finin2min takeaway: for preliminary, the defensible answer is not a policy label - it is the event-date law, the mapped procedure, the calculation and a complete evidence trail.

[Download one-page Finin2min cheat sheet](#)

Section-by-section provision map

Provision	Subject	Implementation focus
Section 1	Short title, commencement and application	Trigger, linked Rule/form, evidence, consequence and remedy
Section 2	Definitions	Trigger, linked Rule/form, evidence, consequence and remedy

Section 1: Short title, commencement and application

Current statutory text

1. Short title, commencement and application.—(1) This Act may be called the Safety, Health and Working Conditions Code, 2020.

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

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

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

Finin2min clause-by-clause decode

1. This page does not replace the statutory text. It separates the operative legal transaction into controls so that each subsection, proviso, exception and delegated instrument can be checked against the official India Code source before use.
2. Identify the covered establishment, worker category, appropriate Government and event date.
3. Confirm whether the establishment, contractor or premises falls within the relevant threshold and jurisdiction.
4. Convert each statutory condition and proviso into an assigned action with a clear deadline.
5. Use the prescribed electronic form and attach identity, address, constitution and work-order evidence.
6. Map the enabling Rule, form, Schedule, authority and any sector-specific notification.
7. Track completeness, statutory processing period, deemed outcome where expressly provided, and portal acknowledgement.
8. Preserve the decision memo, worker communication, register, portal acknowledgement and payment or inspection evidence.
9. Update material changes within the prescribed period; registration or licence is not transferable unless law says otherwise.
10. Record exceptions, non-compliance consequences, remedy, appeal forum and limitation period.

Applicable Central Rules immediately below the provision

Central Rule 1: Rule 1 — Short title and commencement

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Central Rule 2: Rule 2 — Definitions

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 1, Rule 2 | Official source: [section 1](#).

Section 2: Definitions

Current statutory text

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

(a) “adolescent” shall have the same meaning as assigned to it in c and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 198

(b) “adult” means a person who has completed his eighteenth year of

(c) “agent” when used in relation to a mine, means every person, who, acting or purporting to act on behalf of the owner, takes part in supervision or direction of such mine or of any part thereof;

(d) “appropriate Government” means—

(i) in relation to, establishments [other than those specified under the authority of the Central Government or concerning any such be specified in this behalf by the Central Government or the establishments metro railways, mines, oil field, major ports, air transport service banking company or any insurance company (by whatever name called) e Act or a corporation or other authority established by a Central Act undertaking or subsidiary companies set up by the Central public autonomous bodies owned or controlled by the Central Government, including contractors for the purposes of such establishment, corporation or o sector undertakings, subsidiary companies or autonomous bodies, as t Government:

Provided that in the case of Central Public Sector Undertakings t

shall continue to be the Central Government even if the holding of to less than fifty per cent. equity of the Central Government in the after the commencement of this Code; and

1. 21st day of November, 2025, vide Notifn. No. S.O. 5321 (E), dated 21st Extraordinary, Part II, sec. 3 (ii).

(ii) in relation to a factory, motor transport undertaking, plant and establishment relating to beedi and cigar including the establishment clause (i), the concerned State Government where it is situated.

Explanation.—For the removal of doubts it is hereby clarified that State the appropriate Government in respect of occupational safety, health and factory situated in that State;

(e) “audio-visual production” means audio-visual produced wholly or includes—

(i) animation, cartoon depiction, audio-visual advertisement;

(ii) digital production or any of the activities in respect of making

(iii) features films, non-feature films, television, web-based series and sport shows;

(f) “audio-visual worker” means a person, who is employed, directly or or in connection with the audio-visual production to work as an artist including anchor, news reader, dancer, dubbing artist or stunt person or to do any work manual, supervisory, technical, artistic or otherwise, and his remuneration employment in or in connection with the production of audio-visual does remuneration is by way of monthly wages or where such remuneration is by way case, such amount as may be notified by the Central Government;

(g) “banking company” means a banking company as defined in clause (c) Banking Regulation Act, 1949 (10 of 1949) and includes the Export-Import Bank Industrial Reconstruction Bank of India, the Small Industries Development under section 3 of the Small Industries Development Bank of India Act, 198 Reserve Bank of India, the State Bank of India, a corresponding new bank of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 198 corresponding new bank constituted under section 3 of the Banking Companies Transfer of Undertakings) Act, 1980 (40 of 1980);

(h) “building or other construction work” means the construction, alteration or demolition in relation to buildings, streets, roads, railways, tramways, embankment and navigation works, flood control works (including storm water generation, transmission and distribution of power, water works (including water), oil and gas installations, electric lines, internet towers, wireless telegraph and overseas communications, dams, canals, reservoirs, watercourse viaducts, aqua-ducts, pipelines, towers, cooling towers, transmission towers may be specified in this behalf by the Central Government, by notification building or other construction work which is related to any factory or mine construction work where such work is for own residential purposes of an individual

individuals for their own residence and the total cost of such work does not exceed such higher amount and employing more than such number of workers as may be specified by the appropriate Government;

(i) "building worker" means a person who is employed to do any highly skilled or unskilled, manual, technical or clerical work for hire or reward where such employment is express or implied, in connection with any building or other work, but does not include any such person who is employed mainly in a managerial or administrative capacity;

(j) "cargo" includes anything carried or to be carried in a ship or other conveyance;

(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 investigations done in an establishment having regard to—

(i) the qualifications and experience of the person and facilities available to him;

(ii) the qualifications and experience of the persons employed in the establishment and facilities available therein;

Provided that in case of mines the competent person includes such other person as may be authorised by the manager referred to in section 67 to supervise or personally supervise the operation of machinery, plant or equipment and is responsible for the safety 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 an establishment with the work of an establishment when he is hired in or in connection with the work of a contractor, with or without the knowledge of the principal employer and in connection with the work of a worker but does not include a worker (other than part time employee) who is employed by the contractor for any activity of his establishment and his employment is subject to the accepted standards of the conditions of employment (including engagement or discharge) and gets periodical increment in the pay, social security coverage and other welfare facilities 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 the supply of goods or articles of manufacture to such establishment, through contract labour;

(ii) supplies contract labour for any work of the establishment as specified in the contract; and includes a sub-contractor;

(o) "controlled industry" means any industry the control of which by the 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 includes any activity which is essential or necessary to such activity:

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

(i) sanitation works, including sweeping, cleaning, dusting 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, 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 of buildings;

(viii) gardening and maintenance of lawns and other like activities;

(ix) housekeeping and laundry services, and other like activities which are in the nature of support services of an establishment;

(x) transport services including, ambulance services;

(xi) any activity of intermittent nature even if that constitutes a substantial part of the establishment;

(q) "day" means a period of twenty-four hours beginning at mid-night and ending at mid-night;

(r) "District Magistrate", in relation to any mine, means the District Magistrate or District Commissioner, as the case may be, who is vested with the executive power to issue orders 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 district, the District Magistrate for the purpose shall be the District Magistrate of the district in which the mine is situated, or if the mine is situated in a district under the direct control of the Central Government;

(s) "dock work" means any work in or within the vicinity of any port or wharf, or any other place required for, or incidental to, the loading, unloading, movement or storage of goods, or any 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 departure or of cargoes or leaving port;

(ii) all repairing and maintenance processes connected with a ship or other vessel, or any machinery or any other storage area on board the ship or in the dock;

(iii) chipping, painting or cleaning of any hold, tank, structure or 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 under the Apprentices Act, 1961 (52 of 1961)) employed on wages by an establishment in which he is engaged in semi-skilled, unskilled, manual, operational, supervisory, managerial, clerical or any other work, whether the terms of employment be expressed or implied;

(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, a person who is said to be "employed" in a mine who works as the manager or who works for the owner, agent or manager of the mine or with the knowledge of the owner, agent or manager on wages or not—

(a) in any mining operation (including the concomitant operation of minerals up to the point of dispatch and of gathering sand and gravel);

(b) in operations or services relating to the development of the mine or of plant therein but excluding construction of buildings, roads, wells or other structures directly connected with any existing or future mining operations;

(c) in operating, servicing, maintaining or repairing any part of the mine or about the mine;

(d) in operations, within the premises of the mine, of loading or unloading of minerals;

(e) in any office of mine;

(f) in any welfare, health, sanitary or conservancy services rendered by the Code relating to mine, or watch and ward, within the premises of the mine or area; or

(g) in any kind of work, whatsoever, which is preparatory or incidental to mining operations;

(u) "employer" means a person who employs, whether directly or through an agent, on behalf, or on behalf of any person, one or more employees in his establishment, in which establishment is carried on by any Department of the Central Government or by the authority specified, by the head of such Department, in this behalf specified, the head of the Department and in relation to an establishment, the authority, the Chief Executive of that authority, and includes,—

(i) in relation to an establishment which is a factory, the owner or manager;

(ii) in relation to mine, the owner of the mine, agent or manager;

(iii) in relation to any other establishment, the person having ultimate control over the affairs of the establishment and where 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 other work in which ten or more workers are employed; or

(ii) motor transport undertaking, newspaper establishment and other construction work or plantation, in which ten or more workers are employed;

(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);

(iv) a mine or port or vicinity of port where dock work is carried on;

Provided that in sub-clauses (i) and (ii), the threshold of workers specified shall be applicable in case of such establishment or class of establishment in which life threatening activity is being carried on, as may be notified by the Government.

Provided further that notwithstanding any threshold provided in clause (w), for the purposes of Chapter II, the establishment specified in sub-clause (ii) or sub-clause (iii) shall be deemed to be the establishment specified in 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 at any time during the 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 at any time during the 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,

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

Provided that where under any law for the time being in force in a State at 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 that State shall apply till it is amended by the competent Legislature.

Explanation I.—For computing the number of workers for the purposes of this clause (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

or a Computer Unit is installed in any premises or part thereof, shall not 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 have not completed the age of eighteen years; and

(iii) parents, grand-parents, widowed daughter and widowed worker.

Explanation.—For the purposes of this clause, such dependents shall be, for the time being, getting such income from such sources, as the appropriate Government;

(y) "godown" means any warehouse or other place, by whatever name called, in which any article or substance required for any manufacturing process which may be incidental to, making, finishing or packing or otherwise treating any article for 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 a substance specified in the First Schedule where, unless special care is taken, raw materials, intermediate or finished products, bye-products, hazardous substances, waste, spraying of any pesticides, insecticides or chemicals used therein, as the

(i) cause material impairment to the health of the persons engaged in the process or

(ii) result in the pollution of the general environment;

(zb) "hazardous substance" means any substance or such quantity of the substance prescribed by the appropriate Government or preparation of which by reason of its chemical properties or handling is liable to cause physical or health hazard or cause harm to other living creatures, plants, micro-organisms, property or

(zc) "industrial premises" means any place or premises (not being a private dwelling) including the precincts thereof, in which or in any part of which any industrial occupation or manufacturing is being ordinarily carried on with or without the aid of power includes a godown attached thereto;

(zd) "industry" means any systematic activity carried on by co-operation of one or more workers (whether such worker is employed by such employer directly or by or including a contractor) for the production, supply or distribution of goods or services to satisfy human wants or wishes (not being wants or wishes which are merely domestic in nature), whether or not,—

(i) any capital has been invested for the purpose of carrying

(ii) such activity is carried on with a motive to make any gain but does not include—

(a) institutions owned or managed by organisations wholly or substantially engaged in providing charitable, social or philanthropic services; or

(b) any activity of the appropriate Government relating to the appropriate Government including all the activities carried on by the 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 as defined in sub-section (1) of section 34;

(zf) “inter-State migrant worker” means a person who is employed in an establishment in one State and—

(i) has been recruited directly by the employer or indirectly through an agent for employment in such establishment situated in another State; or

(ii) has come on his own from one State and obtained employment in such establishment in another State (hereinafter called destination State) or has obtained employment in such establishment within the destination State,

under an agreement or other arrangement for such employment and draws wages in excess of rupees eighteen thousand per month or such higher amount as may be notified by the Government from time to time;

(zg) “machinery” means any article or combination of articles assembled or put together and which is used or intended to be used for converting any form of energy into mechanical power, or is used or intended to be used, whether incidental thereto or not, for generating, transforming, transmitting, transferring or controlling power.

(zh) “major port” means a major port as defined in clause (8) of section 3 of the Major Ports Act, 1908 (15 of 1908);

(zi) “manufacturing process” means any process for—

(i) making, altering, repairing, ornamenting, finishing, packing, reworking or otherwise breaking up, demolishing, or otherwise treating or adapting any article or material so as to bring it 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, photolithography, three Dimensional or four Dimensional printing, photography, cinematography, typesetting, or any other process of printing process or book binding; or

(v) constructing, reconstructing, repairing, refitting, finishing 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 section

(zk) "metro railway" means the metro railway as defined in sub-clause (a) of the Metro Railways (Operation and Maintenance) Act, 2002 (60 of 2002)

(zl) "mine" means any excavation where any operation for the purpose of obtaining minerals has been or is being carried on and includes—

(i) all borings, bore holes, oil wells and accessory crude oil pipelines or pipe conveying mineral oil within the oilfields;

(ii) all shafts, in or adjacent to and belonging to a mine, whether or not;

(iii) all levels and inclined planes in the course of being worked;

(iv) all open cast workings;

(v) all conveyors or aerial ropeways provided for bringing in or removing minerals or other articles or for the removal of refuse therefrom;

(vi) all adits, levels, planes, machinery, works, railways, roads, bridges, 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 used primarily for the purposes connected with that mine or mines under the same management;

(ix) all power stations, transformer sub-stations, converter stations, accumulator storage stations for supplying electricity solely or principally for working the mine or a number of mines under the same management;

(x) any premises for the time being used for depositing sand or refuse from a mine or for depositing refuse from a mine or in which any operation of depositing sand or refuse or other material is being carried on, being premises exclusively owned or controlled by the owner of the mine;

(xi) any premises in or adjacent to and belonging to a mine on which the getting, dressing or preparation for sale of minerals or coke is carried on;

(xii) a mine owned by the Government;

(zm) "minerals" means all substances which can be obtained from the earth by drilling, dredging, hydraulic mining, quarrying or by any other operation and natural gas and petroleum);

(zn) "motor transport undertaking" means a motor transport undertaking in which a worker is employed and engaged in carrying passengers or goods or both by road for hire or as 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 motor transport vehicle or to attend the duties in connection with the arrival, departure or maintenance of such transport vehicle and includes a driver, conductor, cleaner, station booking clerk, cash clerk, depot clerk, time-keeper, watchman or attendant or 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 relating to the conditions of service of persons employed in shops or commercial establishments apply;

(zp) "newspaper" means any printed periodical work containing public news and includes such other class of printed periodical work as may be notified in this behalf by the Central Government;

(zq) "newspaper establishment" means an establishment under the control of one or more persons, whether incorporated or not, for the production or publication of 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 or a body of persons, unless it is shown that such spouse is a sole proprietor or partner in the business of the body on the basis of his or her own individual funds;

(iii) two or more newspaper establishments publishing newspapers having a similar title and in the same language in any place in India or bearing the same name 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 a body of persons;

(ii) the newspaper establishments are owned by firms, if a substantial number of common partners;

(iii) the newspaper establishments are owned by bodies corporate, if one of them is a subsidiary of the other body corporate, or both are subsidiaries of the same company or a substantial number of their equity shares are owned by a common group of persons, whether incorporated or not;

(iv) one establishment is owned by a body corporate and the substantial number of partners of the firm together hold a substantial part of the body corporate;

(v) one is owned by a body corporate and the other is owned by a body corporate as its partners if a substantial number of equity shares in the body corporate are owned, directly or indirectly, by the same person or group of persons or not, or

(b) there is functional integrality between concerned news

Explanation 2.—For the purposes of this clause,—

(i) different departments, branches and centres shall be treated as parts thereof;

(ii) a printing press shall be deemed to be a newspaper if its principal business thereof is to print newspaper;

(zr) “notification” means a notification published in the Gazette of India or in the State, as the case may be, and the expression “notify” with its grammatical variations and expressions shall be construed accordingly;

(zs) “occupier” of a factory means the person who has ultimate control over the factory:

Provided that—

(i) in the case of a firm or other association of individuals, the person or persons who are partners or members thereof;

(ii) in the case of a company, any one of the directors, except in the case of a public company, the meaning of sub-section (6) of section 149 of the Companies Act, 1956;

(iii) in the case of a factory owned or controlled by the Central Government, or any local authority, the person or persons appointed to manage the factory by the Central Government, the State Government or the local 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 work is being carried out, in a dry dock which is available for hire, the person or persons who are engaged in the repair or work shall be deemed to be the occupier for all purposes except the matters as may be prescribed by the Government which are directly related to the condition of ship for which the ship is being repaired or work is being carried out, shall be deemed to be the occupier;

(zt) “office of the mine” means an office at the surface of the mine;

(zu) “open cast working” means a quarry, that is to say, an excavation

purpose of searching for or obtaining minerals has been or is being carried out by 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 year obtained by dividing the number of man days worked by the number of working days, rest days and other non-working days;

(zw) "owner", in relation to a mine, means any person who is the immediate occupier of the mine or of any part thereof and in case of a mine the business is carried on by a liquidator or receiver, such liquidator or receiver; but does not include a person who receives a royalty, rent or fine from the mine, or is merely the proprietor of a lease, lease grant or licence for the working thereof, or is merely the owner of the minerals of the mine; but any contractor or sub-lessee for the working of the mine shall be subject to this Code in like manner as if he were an owner but shall not be liable 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, with the approval of the Central Government, the State Government, by notification.

Explanation.—Where any piece of land used for growing any plant referred to in sub-clause (i) admeasures less than five hectares and is contiguous to any other piece of land so used, but capable of being so used, and both such pieces of land are owned by the same employer, then, for the purposes of this sub-clause, the two pieces of land shall be deemed to be a plantation, if the total area of both such pieces of land is five hectares or more; and

(b) any land which the State Government may, by notification, declare to be intended to be used for growing any plant referred to in sub-clause (i) and which 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.

(c) offices, hospitals, dispensaries, schools and any other premises connected with any plantation within the meaning of sub-clause (a) shall not include factory on the premises;

(zy) "prescribed" means prescribed by rules made by the appropriate Government;

(zz) "principal employer", where the contract labour is employed or engaged by the Government,

(i) in relation to any office or Department of the Government,

that office or Department or such other officer as the Government may specify in this behalf;

(ii) in a factory, the owner or occupier of the factory and where there is no owner or occupier, 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 control of the establishment;

(zza) "producer", in relation to audio-visual production, means the company by whom the arrangements necessary for producing such audio-visual (including finances and engaging audio-visual workers for producing audio-visual) are made;

Explanation.—For the purposes of this clause, the expressions "company" and "partnership" 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 the necessary medical qualification as defined in clause (i) of section 2 of the Indian Medical Act, 1913 (102 of 1956) and who is enrolled on a Indian Medical Register as defined in clause (l) of the said section;

(zzc) "railway" means the railway as defined in clause (31) of section 3 of the Railways Act, 1969 (24 of 1969);

(zzd) "relay" means a set of two or more persons carrying out the same work in different periods of the day and each such period is called a "shift";

(zze) "sales promotion employees" means any person by whatever name called who is engaged in any establishment for hire or reward to do any work relating to the promotion of business, or both, but does not include any such person who,—

(i) being employed or engaged in a supervisory capacity, draws a salary exceeding one 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 the circumstances is likely to result in, permanent loss of any part or section of a body or the use of any part or section of a body or permanent loss of or injury to the sight or hearing or any permanent physical disability 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, by the Government;

(zzi) "telecommunication service" means the telecommunication service provided by the Telecom Regulatory Authority of India under sub-section (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997 (14 of 1997);

(zzj) "wages" means all remuneration whether by way of salaries, all expressed in terms of money or capable of being so expressed which would, employment, express or implied, were fulfilled, be payable to a person employed in such 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, the remuneration payable under the terms of employment;

(b) the value of any house-accommodation, or of the supply of food, attendance or other amenity or of any service excluded from the compensation order, general or special order of the appropriate Government;

(c) any contribution paid by the employer to any pension or provident fund, which may have accrued thereon;

(d) any conveyance allowance or the value of any travelling conc

(e) any sum paid to the employed person to defray special expenses of the nature of his employment;

(f) house rent allowance;

(g) remuneration payable under any award or settlement between the parties or by 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 him or any ex gratia payment made to him on the termination of employment:

Provided that, for calculating the wages under this clause, if payment made to the employee under sub-clauses (a) to (i) exceeds one-half, or such percentage as may be notified by the Central Government, of the all remuneration calculated on the basis of the amount which exceeds such one-half, or the percentage so notified, the excess remuneration shall be accordingly added in wages under this clause.

Provided further that for the purpose of equal wages to all employees, the payment of wages, the emoluments specified in sub-clauses (d), (f)

for computation of wages.

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

(zzk) “week” means a period of seven days beginning at midnight on any day of the night as may be approved in writing for a particular area by the Chief Officer;

(zzl) “worker” means any person employed in any establishment to do any skilled, technical, operational, clerical or supervisory work for hire or for the employment be express or implied, and includes working journalists and newspapermen but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950) or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer in the police;

(iii) who is employed mainly in a managerial or administrative capacity;

(iv) who is employed in a supervisory capacity drawing wages exceeding one 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 journalism and who is employed as such, either whole-time or part-time, in, or in relation to, any newspaper, establishment, or other establishment relating to any electronic media, newspaper or radio or other like media and includes an editor, a leader-writer, feature-writer, copytester, reporter, correspondent, cartoonist, news-presenter but does not include any such person who is employed mainly in a managerial or administrative capacity;

(2) For the purposes of this Code, a person working or employed in or in relation 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;

(ii) in any excavation which extends below superjacent ground level;

(b) “above ground” if he is working in an opencast working or in relation to an opencast working in clause (a).

CHAPTER II

REGISTRATION

Finin2min clause-by-clause decode

1. This page does not replace the statutory text. It separates the operative legal transaction into controls so that each subsection, proviso, exception and delegated instrument can be checked against the official India Code source before use.
2. Identify the covered establishment, worker category, appropriate Government and event date.
3. Identify the covered establishment, worker category, appropriate Government and sector-specific overlay.
4. Convert each statutory condition and proviso into an assigned action with a clear deadline.
5. Break the provision into trigger, actor, action, timing, evidence and consequence before configuring the process.
6. Map the enabling Rule, form, Schedule, authority and any sector-specific notification.
7. Read the corresponding Central Rule, prescribed form, Schedule and notified authority together.
8. Preserve the decision memo, worker communication, register, portal acknowledgement and payment or inspection evidence.
9. Create a named control owner and maker-checker evidence trail.
10. Record exceptions, non-compliance consequences, remedy, appeal forum and limitation period.

Applicable Central Rules immediately below the provision

Central Rule 1: Rule 1 — Short title and commencement

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Central Rule 2: Rule 2 — Definitions

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Central Rule 186: Rule 186 — Income from sources and quantity of hazardous substance

Rule mapping is retained; read the official 2026 Gazette for the exact sub-rule text and forms.

Practical example

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

Controls and evidence

- Employer: assign owner, configure system and retain approval/payment proof.
- Employee/worker: retain contract, attendance, wage/benefit proof and communication.
- Professional: reconcile the Act, Rule, notification, form, limitation and State overlay.

Consequence, remedy and limitation

Identify the substantive default first, then separately map arrears or benefit, interest/damages, administrative penalty, prosecution, compounding, company/officer liability, forum, appeal and limitation. Do not infer a remedy from the heading alone.

Mapped Rules: Rule 1, Rule 2, Rule 186 | Official source: [section 2](#).

Rules, forms, registers, portals and due dates

Rule Subject		Text/control status
1	Rule 1 — Short title and commencement	Source-controlled mapping
2	Rule 2 — Definitions	Source-controlled mapping
186	Rule 186 — Income from sources and quantity of hazardous substance	Source-controlled mapping

Forms and registers must be confirmed from the appended 2026 Central Rules and the live portal applicable to the appropriate Government. A form is not treated as current merely because an earlier law used the same number.

Notifications and effective-date history

Control	Required action
Enactment	Record Act number, assent and Gazette publication.

Commencement Codes	Use the provision-specific commencement notification; the four became broadly operative from 21 November 2025 subject to earlier partial commencement and corrigenda.
Central Rules	Read the applicable 2026 Central Rules from their Gazette date and verify subsequent amendments.
State instrument	Check final State Rules, authority notifications, forms and rates where the State is appropriate Government.

Old-law/new-Code concordance

Predecessor law	Transition control
Factories Act, 1948	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Plantations Labour Act, 1951	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Mines Act, 1952	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Working Journalists laws	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Motor Transport Workers Act, 1961	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Beedi and Cigar Workers Act, 1966	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Contract Labour Act, 1970	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Inter-State Migrant Workmen Act, 1979	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Cine-Workers Act, 1981	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.
Dock Workers Act, 1986	Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.

Predecessor law

BOCW Act, 1996

Transition control

Classify the event date, accrued right, saved Rule/ notification and pending proceeding before moving to the Code.

Practical calculations and control file

Calculation sequence

1. Freeze the employee/worker population and event date.
2. Apply the statutory wage/benefit base and notified threshold.
3. Reconcile attendance, service, payroll and contractor records.
4. Calculate principal amount, interest/damages and any statutory compensation separately.
5. Obtain legal/payroll approval and retain the versioned worksheet.

Three-owner sign-off

- **Employer/HR:** facts, classification, communication and workflow.
- **Employee/worker:** notice, records, nomination/claim and acknowledgement.
- **Professional:** source, formula, forum, limitation and evidence reconciliation.

Binding and highly relevant case-law principles

Older cases are included for principles only. Their continued application must be tested against the current Code wording, repeal-and-savings clause and later judgments.

Decision

Consumer Education and Research Centre v. Union of India

J.K. Industries Ltd. v. Chief Inspector of Factories

Vellore Citizens Welfare Forum v. Union of India

Gammon India Ltd. v. Union of India

Principle and present-use caution

Worker health and safety are connected with dignity and life; statutory standards should be treated as minimum controls.

Responsibility attaches to the statutory person in control; internal delegation does not erase legal accountability.

Preventive and precautionary controls are relevant where industrial risk affects workers and surrounding communities.

Construction-worker welfare and cess legislation is beneficial and must be applied consistently with the charging and machinery provisions.

State-law variation alerts

- Confirm whether the Central or State Government is the appropriate Government.
- Central Rules do not automatically displace valid State Rules, rates, registers, authorities or portal procedures.
- Minimum-wage rates, holidays, working-hours permissions, licences and local welfare obligations require State-specific verification.
- Record Gazette number, effective date and supersession status in the location compliance register.

Practical transaction application

Apply the chapter to site acquisition, factory/establishment registration, contractor mobilisation, licence conditions, migrant-worker deployment, construction, hazardous process, working hours, welfare, accident response and shutdown planning.

Authority, consent and execution controls

Identify the employer, occupier, manager, principal employer, contractor, safety officer, medical officer and authorised signatory. Verify licences, appointments, delegations and government approvals before mobilisation; contract allocation does not extinguish statutory responsibility.

Stamp duty and registration alerts

Licences and statutory registrations are distinct from stamping/registration of leases, construction contracts, contractor agreements, security instruments and land documents. Check State stamp and registration law for the underlying transaction while separately completing labour-law approvals.

Evidence and document-retention checklist

Retain the operative law/rule version, classification note, approvals, signed instruments, statutory forms, portal acknowledgements, registers, calculations, bank proof, correspondence, inspection records, service proof, decision and appeal file. Apply the longer of the statutory retention rule, litigation hold, tax/audit need and contractual requirement; restrict access to personal and sensitive data.

Performance, delivery and payment controls

Use pre-mobilisation gates for registration, licence, competency, medical fitness, training, PPE, welfare and emergency readiness. Link contractor invoices to attendance, wage payment, contribution proof, safety records and incident closure.

Breach, loss, mitigation and remedy framework

On detecting a breach, stop continuing exposure, preserve evidence, quantify employee and government dues, identify affected persons, make lawful corrective payment/filing, notify the authorised decision-maker, assess self-disclosure or compounding where available, and reserve contractual recovery against responsible vendors without delaying statutory remediation.

Limitation and forum controls

Route inspection, licence, prohibition, penalty and appeal matters to the prescribed authority and court. Preserve inspection records, sampling chain, accident evidence, notices and appeal clocks; contractual dispute forums do not displace regulatory action.

Arbitration and mediation interface

Arbitration or mediation may resolve employer-contractor allocation and indemnity disputes, but cannot bind inspectors, waive safety duties, suppress accident reporting or replace statutory prosecution/appeal channels.

Company, partnership, GST and tax overlays

For a company, align board/delegation and officer-in-default controls; for an LLP or partnership, identify the designated partner/partner and authorised employer representative. Labour dues can affect transaction price, indemnities, director/partner exposure and insolvency claims. Salary/TDS, perquisite, contractor TDS, GST on outsourced services and accounting provisions must be reconciled without treating tax treatment as proof of labour-law classification.

Finin2min Q&A

Which law and version should be applied?

Use the current text of OSHWC Code, 2020, the commencement notification, the applicable Central or State Rules and any later instrument effective on the event date.

How is the appropriate Government identified?

Classify ownership/control, sector, establishment and contractor relationship before selecting the Central or State authority.

Can a company policy override the statutory protection?

No. A policy may improve a benefit or control, but it cannot contract out of a mandatory statutory floor.

What evidence should be retained?

Retain the classification memo, source instrument, form/portal record, calculation, approval, employee communication, acknowledgement and payment or authority proof.

Do the Central Rules apply to every establishment?

No. They govern the Central sphere. State Rules and State notifications must be checked where the State is the appropriate Government.

How should a historical event be tested?

Apply the law and subordinate instrument effective on the event date, then use the repeal-and-savings provision for pending rights and proceedings.

What happens when portal practice conflicts with the statute?

Record the conflict, follow the higher legal instrument, seek authority clarification where necessary and preserve screenshots and correspondence.

Can criminal and monetary consequences arise together?

They may. Separate wages/benefits, interest, damages, civil penalty, prosecution, compounding and director/officer liability.

Is a contractor arrangement enough to shift liability?

No. Principal-employer and contractor liabilities depend on the specific provision and facts; the contract should allocate evidence and recovery without diluting worker rights.

What is the first professional review step?

Freeze the event date and facts, identify the applicable provision, then map Rules, forms, notification status, authority, limitation and evidence.

What is the operational focus of section 1 - Short title, commencement and application?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 2 - Definitions?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is review control 13 for this chapter?

Confirm source currency, State variation, internal ownership, documentary proof and the next statutory deadline before closing the compliance ticket.

What is review control 14 for this chapter?

Confirm source currency, State variation, internal ownership, documentary proof and the next statutory deadline before closing the compliance ticket.

What is review control 15 for this chapter?

Confirm source currency, State variation, internal ownership, documentary proof and the next statutory deadline before closing the compliance ticket.

[← Previous: Miscellaneous](#)[Next: Registration →](#)

finin2min.com | Labour & Manpower Law Publication Series | Educational and professional reference | Review date 2026-07-18 | Verify event-date law before acting.