

Finin2min

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Labour & Manpower Law Publication Series

# Chapter IX - Inspector and authority

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

Review date: 2026-07-18 Authors: CA Nikhil Gupta & Kajri Singh Sections: 34-42 Central Rules mapped: 6 Local source-hashed Act text + linked Rules and implementation analysis

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OSHC Code, 2020 Inspector and authority 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

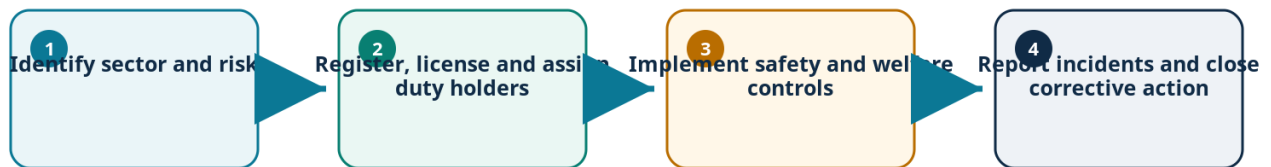
## Finin2min Summary - Chapter in 2 Minutes

This chapter turns inspector and authority into an operational control file. It covers Appointment of Inspector-cum-Facilitators, Powers of Inspector-cum-Facilitators, Powers and duties of District Magistrate, Third party audit and certification; 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.

## Chapter IX - Inspector and authority

### FININ2MIN LEGAL FLOW

#### OSHWC Code, 2020 — Inspector and authority



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.

## Chapter IX - Inspector and authority

### Finin2min implementation explanation

Maintain a controlled implementation file for Chapter IX - Inspector and authority: 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.

Current-law control: verify the operative Central/State instrument, notification, form, portal and binding judgment on the event date. Numerical amounts in examples are illustrative unless expressly sourced.

## **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 34: Appointment of Inspector-cum-Facilitators
- Section 35: Powers of Inspector-cum-Facilitators
- Section 36: Powers and duties of District Magistrate
- Section 37: Third party audit and certification
- Section 38: Special powers of Inspector-cum-Facilitator in respect of factory, mines, dock work and building or other construction work
- Section 39: Secrecy of information by Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator, etc.

## **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 inspector and authority, 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 34 Appointment of Inspector-cum-Facilitators

Trigger, linked Rule/form, evidence, consequence and remedy

Section 35 Powers of Inspector-cum-Facilitators

Trigger, linked Rule/form, evidence, consequence and remedy

Section 36 Powers and duties of District Magistrate

Trigger, linked Rule/form, evidence, consequence and remedy

Section 37 Third party audit and certification

Trigger, linked Rule/form, evidence, consequence and remedy

Section 38 Special powers of Inspector-cum-Facilitator in respect of factory, mines, dock work and building or other construction work

Trigger, linked Rule/form, evidence, consequence and remedy

Section 39 Secrecy of information by Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator, etc.

Trigger, linked Rule/form, evidence, consequence and remedy

Section 40 Facilities to be afforded to Inspector-cum-Facilitator

**Provision Subject****Implementation focus**

Section 41 Powers of special officer to enter, measure, etc., in relation to mine

Trigger, linked Rule/form, evidence, consequence and remedy

Trigger, linked Rule/form, evidence, consequence and remedy

Section 42 Medical officer

Trigger, linked Rule/form, evidence, consequence and remedy

## **Section 34: Appointment of Inspector-cum-Facilitators**

### **Current statutory text**

34. Appointment of Inspector-cum-Facilitators.—(1) The appropriate Government, after consulting the Commission, may, by notification, appoint Inspector-cum-Facilitators for the purposes of this Code and confer on them such powers as may be conferred on them under this Code throughout their respective jurisdictions.

(2) The Inspector-cum-Facilitators appointed under sub-section (1) shall, in addition to the powers conferred on them under this Code, conduct such inspections as specified in the notification.

(3) The appropriate Government may—

(i) for the purposes of inspection referred to in sub-section (1), provide for the generation of web-based information under this Code, electronically and such scheme shall, in addition to the powers conferred on them under this Code, cater to special circumstances for assigning inspection and establishment or any other person besides web-based inspections; and

(ii) without prejudice to the provisions of sub-section (2), provide for the randomised selection of establishment and the Inspector-cum-Facilitator for inspection.

(4) Without prejudice to the powers of the appropriate Government under this Code, the scheme referred to in sub-section (3) may be designed taking into account, the following factors, namely:—

(a) assignment of unique number, to each establishment (which will be a number allotted to the establishment registered under section 3), unique number to each Inspector-cum-Facilitator and to each inspection in such manner as may be notified by the appropriate Government;

(b) timely uploading of inspection reports in such manner and subject to such conditions as may be notified in the scheme;

(c) provisions for special inspections based on such parameters as appropriate Government; and

(d) the characteristics of employment, the nature of work, and character based on such parameters as may be notified by the appropriate Government

(5) The appropriate Government may, by notification, appoint any person possessing prescribed qualifications and experience to be Chief Inspector-cum-Facilitator of establishments or class of establishments and for such local limits of jurisdiction as may be notified by the notification:

Provided that a Chief Inspector-cum-Facilitator may be appointed for the whole of the State or for the purposes of the whole of the Country.

(6) The appropriate Government may, by notification, appoint for the purpose of the notification, as many Additional Chief Inspector-cum-Facilitators and Deputy Chief Inspector-cum-Facilitators or other officers of such designation as it thinks appropriate, to exercise such powers of the Chief Inspector-cum-Facilitator within his jurisdiction, as may be specified in the notification.

(7) Every Additional Chief Inspector-cum-Facilitator, Joint Chief Inspector-cum-Facilitator and every other officer appointed under such notification shall exercise to the powers of a Chief Inspector-cum-Facilitator specified in the notification. Every officer appointed, exercise the powers of an Inspector-cum-Facilitator within such local limits as may be specified in the notification.

(8) No person shall be appointed under this section or having been so appointed, who is, or who becomes, directly or indirectly interested in a work, trade, or business process or business carried on in any workplace or in any plant or machine.

(9) The appropriate Government may also, by notification, appoint such persons to be Inspector-cum-Facilitators in addition to existing Inspector-cum-Facilitators and discharging the duties of Inspector-cum-Facilitator for all or part of the State or within such local limits as may be specified in such notification.

(10) Without prejudice to the other functions of the Inspector-cum-Facilitator, the Chief Inspector-cum-Facilitator may in respect of any establishment or class of establishments or areas of his jurisdiction where the Chief Inspector-cum-Facilitator with the approval of the Government and subject to such restrictions or conditions as he may think fit, by writing authorise the Inspector-cum-Facilitator to exercise such of the powers of the Chief Inspector-cum-Facilitator as may be specified in such order:

Provided that the Chief Inspector-cum-Facilitator, with the approval of the Government, may by order in writing, prohibit the exercise, by any Inspector-cum-Facilitator or Inspector-cum-Facilitators specified in such order, of any such power by such Inspector-cum-Facilitator or Inspector-cum-Facilitators.

(11) Every Chief Inspector-cum-Facilitator, Additional Chief Inspector-cum-Facilitator, Deputy Chief Inspector-cum-Facilitator, Inspector-cum-Facilitator or other officer appointed under this section shall be deemed to be a public servant.

section 21 of the Indian Penal Code (45 of 1860), and shall be officially the appropriate Government may specify in this behalf.

## **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. Verify appointment, territorial/subject jurisdiction and the statutory power relied on by the Inspector-cum-Facilitator.
3. Verify the officer's jurisdiction, appointment and the statutory purpose of the visit, sample, survey or inquiry.
4. Nominate an authorised response owner without obstructing lawful entry, examination, sampling or document access.
5. Nominate an authorised site contact while preserving worker access and non-retaliation rights.
6. Index the requested registers, licences, worker records, contractor files and electronic data before production.
7. Provide accurate documents and facilities; record items taken, samples sealed and statements made.
8. Record every item supplied, statement made, sample taken, direction issued and corrective action closed.
9. Assess improvement, prohibition or inquiry directions immediately and diarise appeal or compliance periods.
10. Escalate privilege, confidentiality, self-incrimination, appeal and prosecution issues through the proper legal channel.

## **Applicable Central Rules immediately below the provision**

### **Central Rule 78: Rule 78 — Powers and duties of Inspector-cum-Facilitator**

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 78 | Official source: [section 34](#).

## Section 35: Powers of Inspector-cum-Facilitators

### Current statutory text

35. Powers of Inspector-cum-Facilitators.—(1) Subject to any rules made in this behalf by the State Government, the Inspector-cum-Facilitator may—

(i) enter, with such assistance of persons, being persons in the service of the local or other public authority, or with an expert, as he thinks fit, a place which he has reason to believe, is used as a work place;

(ii) inspect and examine the establishment, any premises, plant, machinery or any relevant material;

(iii) inquire into any accident or dangerous occurrence, whether resulting in injury or death or not and take on the spot or otherwise statement of any person which may be necessary for such inquiry;

(iv) subject to any rules made by the State Government in this behalf, examine the crops grown in any plantation or any worker employed therein and maintain of any register or other document maintained in pursuance of this Code, or take or otherwise statement of any person which he may consider necessary for or in connection with this Code relating to plantation;

(v) supply information and sensitise the employers and workers regarding the provisions of this Code and compliance thereof;

(vi) require the production of any register or any other document maintained in connection with any activity;

(vii) search or seize, or take copies of, any register, record or thereof, as he may consider necessary in respect of any offence under to believe, has been committed;

(viii) direct the concerned occupier or employer that any premises lying therein, shall be left undisturbed (whether generally or in part) necessary for the purpose of any inspection or inquiry;

(ix) take measurements, photographs and videographs and make such necessary for the purpose of any examination or inquiry;

(x) take samples of any articles or substances found in any establishment has power to enter and of the air of the atmosphere in or in the vicinity premises in such manner as may be prescribed by the appropriate Government;

(xi) in case of any article or substance found in any establishment substance which appears to him as having caused or is likely to cause damage of the employees, direct it to be dismantled or subject it to any process or destroy it unless the same is, in the circumstances necessary, for the provision of this Code) and take possession of any such article or substance detain it for so long as is necessary for such examination;

(xii) issue show cause notice relating to safety, health and welfare Code, rules, regulations and bye-laws made thereunder;

(xiii) prosecute, conduct or defend before any court any complaint under this Code, the rules and regulations made thereunder; and

(xiv) exercise such other powers and perform such other duties as may appropriate Government.

(2) Any person required to produce any document or to give any information cum-Facilitator under sub-section (1) shall be deemed to be legally bound by section 175 and section 176 of the Indian Penal Code (45 of 1860).

(3) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), to such search or seizure under sub-section (1) as they apply to any search authority of a warrant issued under section 94 of the said Code.

## **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. Verify appointment, territorial/subject jurisdiction and the statutory power relied on by the Inspector-cum-Facilitator.
3. Verify the officer's jurisdiction, appointment and the statutory purpose of the visit, sample, survey or inquiry.

4. Nominate an authorised response owner without obstructing lawful entry, examination, sampling or document access.
5. Nominate an authorised site contact while preserving worker access and non-retaliation rights.
6. Index the requested registers, licences, worker records, contractor files and electronic data before production.
7. Provide accurate documents and facilities; record items taken, samples sealed and statements made.
8. Record every item supplied, statement made, sample taken, direction issued and corrective action closed.
9. Assess improvement, prohibition or inquiry directions immediately and diarise appeal or compliance periods.
10. Escalate privilege, confidentiality, self-incrimination, appeal and prosecution issues through the proper legal channel.

## **Applicable Central Rules immediately below the provision**

### **Central Rule 77: Rule 77 — Power to take samples of any articles or substances**

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

### **Central Rule 78: Rule 78 — Powers and duties of Inspector-cum-Facilitator**

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 77, Rule 78 | Official source: [section 35](#).

## Section 36: Powers and duties of District Magistrate

### Current statutory text

36. Powers and duties of District Magistrate.—The District Magistrate shall of his jurisdiction, exercise such powers and duties of the Inspector-cum- may be prescribed by the Central Government.

### 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. Verify the officer's jurisdiction, appointment and the statutory purpose of the visit, sample, survey or inquiry.
4. Convert each statutory condition and proviso into an assigned action with a clear deadline.
5. Nominate an authorised site contact while preserving worker access and non-retaliation rights.
6. Map the enabling Rule, form, Schedule, authority and any sector-specific notification.
7. Provide accurate documents and facilities; record items taken, samples sealed and statements made.
8. Preserve the decision memo, worker communication, register, portal acknowledgement and payment or inspection evidence.
9. Assess improvement, prohibition or inquiry directions immediately and diarise appeal or compliance periods.
10. Record exceptions, non-compliance consequences, remedy, appeal forum and limitation period.

## **Applicable Central Rules immediately below the provision**

### **Central Rule 79: Rule 79 — Powers and Duties of District Magistrate**

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 79 | Official source: [section 36](#).

## **Section 37: Third party audit and certification**

### **Current statutory text**

37. Third party audit and certification.—(1) The appropriate Government may formulate a scheme to empanel experts possessing such qualifications and prescribed for the purpose of such start-up establishments or class of establishments in the notification.

(2) The experts empanelled under sub-section (1), shall,—

(a) be assigned the third party audit and certification in a random Government through a web-based scheme;

(b) carry out the audit and certification in the manner and for the referred to in sub-section (1);

(c) perform such duties as may be specified in such scheme and subm employer and to the Inspector-cum-Facilitator.

## **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 80: Rule 80 — Qualifications and experiences, duties and responsibilities of experts**

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 80 | Official source: [section 37](#).

## **Section 38: Special powers of Inspector-cum-Facilitator in respect of factory, mines, dock work and building or other construction work**

### Current statutory text

38. Special powers of Inspector-cum-Facilitator in respect of factory, mine or building or other construction work.—(1) Without prejudice to the other powers of the Inspector-cum-Facilitator in this Code, an Inspector-cum-Facilitator,—

(A) shall have the following special powers in respect of a factor

(a) where it appears to the Inspector-cum-Facilitator that conditions of the factory or part thereof are such that they may cause serious hazard or imminent death to the persons employed therein or to the general public in the neighbourhood, the Inspector-cum-Facilitator, in writing to the occupier of the factory, state the particulars of the defect or defect in the factory or part thereof to be the cause of such serious hazard or imminent death, and require the occupier to remove such defect or defect from the factory or any part thereof, and to employ a minimum number of persons necessary to attend to the minimum tasks required for the removal of such defect or defect; and

(b) any order issued by the Inspector-cum-Facilitator under s for a period of three days until extended by the Chief Inspector order;

(c) any person aggrieved by an order of the Inspector-cum-Facilitator and the Chief Inspector-cum-Facilitator under sub-clause (b), shall be entitled to file an appeal with the High Court;

(d) any person whose employment has been affected by an order shall, without prejudice to the rights of the parties under the 1947), be entitled to wages and other benefits and it shall be the alternative employment to him wherever possible in such manner as appropriate Government;

(B) shall have the following special powers in respect of mines,

(a) if, in respect of any matter for which no express provision is made in the Code, it appears to the Chief Inspector-cum-Facilitator or an Inspector-cum-Facilitator that any mine or part thereof or any matter, thing or practice in or about the mine with the control, supervision, management or direction thereof is dangerous or safety or is defective so as to threaten or tend to cause, the Chief Inspector-cum-Facilitator may give notice in writing thereof to the employer of the mine stating the reasons in respect of which he considers the mine or part thereof or

dangerous or defective and require the same to be remedied within such time as may be specified in the manner as he may specify in the notice;

(b) where the employer of a mine fails to comply with the terms of a notice issued under sub-clause (a) within the period specified therein, the Chief Inspector-cum-Facilitator may, by order in writing, prohibit the employment of any person in the mine or any part thereof of any person whose employment is not in his opinion necessary for securing compliance with the terms of the notice;

(c) without prejudice to the provisions contained in sub-clause (a), the Chief Inspector-cum-Facilitator or the Inspector-cum-Facilitator may, by order in writing, prohibit the employer of a mine, prohibit the extraction or reduction of pillars or blocks of minerals or the premature collapse of any part of the working of the mine or part thereof, if, in his opinion, such operation is likely to cause or blocks of minerals or the premature collapse of any part of the working of the mine or the life or safety of persons employed therein or if, in his opinion, adequate provision against the outbreak of fire or flooding has not been made for the sealing off and isolation of the part of the mine in which such operation is contemplated and for restricting the area that might be affected by fire or

(d) if the Chief Inspector-cum-Facilitator or an Inspector-cum-Facilitator is satisfied that there is urgent and immediate danger to the life or safety of any person employed in the mine or part thereof, he may, by order in writing containing a statement of his opinion, prohibit until he is satisfied that the danger is removed, the employment of any person in the mine or any part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger;

(e) every person whose employment is prohibited under sub-clause (b) or (d) shall be entitled to payment of full wages for the period for which he would have been employed but for the prohibition, in employment and the employer shall be liable for payment of wages of that person:

Provided that the employer may instead of paying such full wages provide the person with an alternative employment at the same wages which such person was receiving

employment which was prohibited;

(f) where a notice has been given under sub-clause (a) or an order is clause (b) or sub-clause (c) or sub-clause (d) by an Inspector-cumFacilitator the mine may, within ten days after the receipt of the notice or order, as appeal against the same to the Chief Inspector-cum-Facilitator who may cancel the notice or order;

(g) the Chief Inspector-cum-Facilitator or the Inspector-cum-Facilitator under sub-clause (a) or making an order under sub-clause (b) or sub-clause (d) and the Chief Inspector-cum-Facilitator making an order (other than an cancellation in appeal) under sub-clause (f) shall forthwith report the same to the Government;

(h) if the employer of the mine objects to a notice sent under sub-clause (a) or to an order made by the Inspector-cum-Facilitator or to an order made by the Inspector-cum-Facilitator under sub-clause (c) or sub-clause (d) or sub-clause (f), as the case may be, he may, within ten days after the receipt of the notice containing the requisition or of the order or after the receipt of the decision on appeal, as the case may be, send his objection in writing stating the grounds thereof to the Central Government which shall, ordinarily within a period of thirty days from the date of receipt of the objection, decide the matter;

(i) every notice under sub-clause (a), or order under sub-clause (b) or sub-clause (d) or sub-clause (f), to which objection is made under sub-clause (h) shall not be complied with, pending the objection with the concerned Chief Inspector-cum-Facilitator of the mine, for the decision of the Central Government.

Provided that the Central Government may, on the application of the employer, suspend the operation of a notice under sub-clause (a), pending its decision on the objection.

(j) nothing in this section shall affect the powers of a magistrate under the Code of Criminal Procedure, 1973 (2 of 1974.);

(k) where in respect of any matter relating to safety of mine for which a notice is made by or under this Code, the employer of a mine fails to comply with such notice, the Chief Inspector-cum-Facilitator may give notice in writing requiring the employer to comply with such notice within such time as he may specify in the notice or within such extension of time as he may, from time to time, specify thereafter;

(l) where the employer fails to comply with the terms of a notice issued under sub-clause (k) within the period specified in such notice or within the extension of time specified under that sub-clause, the Chief Inspector-cum-Facilitator may, by writing, prohibit the employment, in or about the mine or any part thereof, of any person whose employment is not, in his opinion, reasonably necessary for securing the terms of the notice;

(m) every person whose employment is prohibited under sub-clause (l), shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition, in employment, and the owner, agent or manager referred to in sub-clause (l) shall be liable for payment of such full wages of that person:

Provided that the employer may, instead of paying such full wages, provide for the person concerned, such other arrangements as may be necessary for his support.

with an alternative employment at the same wages which such person was receiving in the employment which was prohibited under sub-clause (l);

(n) the provisions of sub-clauses (g), (h) and (i) shall apply in relation to any order made under sub-clause (k) or an order made under sub-clause (l) as they apply in relation to notice or an order under sub-clause (b);

(o) the Chief Inspector-cum-Facilitator may, for reasons to be recorded in writing, reverse or modify any order passed by him under this Code or under any regulation, rule or bye-laws made thereunder in relation to mine;

(p) no order prejudicial to the owner, agent or manager of a mine shall be made under this section unless such owner, agent or manager has been given a reasonable opportunity of making representation;

(q) the Central Government may reverse or modify any order passed by the Chief Inspector-cum-Facilitator under this Code or under any regulation, rule or bye-laws made thereunder in relation to mine;

(C) shall have the following special powers in respect of dock work namely:

(a) if it appears to an Inspector-cum-Facilitator that any place where any work is being carried on is in such a condition that it is dangerous to life, safety or health of any person employed in dock work, he may, in writing, serve on the employer, an order prohibiting the carrying of dock work, in such place, until measures have been taken to remove the cause of danger to his satisfaction;

(b) an Inspector-cum-Facilitator after serving an order under clause (a) shall send a copy thereof to the Chief Inspector-cum-Facilitator who may modify or cancel the order without waiting for an appeal;

(c) any person aggrieved by an order under clause (a) or clause (b) may, within sixty days from the date on which the order is communicated to him, prefer an appeal to the Chief Inspector-cum-Facilitator or where such order is by the Chief Inspector-cum-Facilitator to the Central Government and the Chief Inspector-cum-Facilitator or the Central Government shall, after giving the appellant an opportunity of being heard, dispose of the appeal within sixty days:

Provided that the Chief Inspector-cum-Facilitator or the Central Government may entertain the appeal after the expiry of the said period of sixty days if it is found that the appellant was prevented by sufficient cause from filing the appeal within the said period;

Provided further that an order under clause (a) or an order under clause (b) shall be complied with, pending the decision of the Chief Inspector-cum-Facilitator or the Central Government.

(2) Without prejudice to the other powers of an Inspector-cum-Facilitator:

(a) if it appears to the Chief Inspector-cum-Facilitator or the Central Government that any building or other construction work is being carried on at any site or place at which any building or other construction work is being carried on in such a condition that it is dangerous to life, safety or health of any person employed in such work, he may, in writing, serve on the employer, an order prohibiting the carrying of such work, in such place, until measures have been taken to remove the cause of danger to his satisfaction;

he may, in writing serve, on the employer of building workers work on the employer of the establishment in which such site or place is in charge of such site or place, an order prohibiting any building or work on such site or place until measures have been taken to remove the cause of the complaint to the satisfaction;

(b) an Inspector-cum-Facilitator serving an order under clause (a) of sub-section (2) of section 20 to the Chief Inspector-cum-Facilitator;

(c) such prohibition order made by the Inspector-cum-Facilitator under clause (b) of sub-section (2) of section 20 to the employer forthwith.

(3) Any person aggrieved by an order under clause (a) of sub-section (2) of section 20 from the date on which the order is communicated to him, prefer an appeal to the Chief Inspector-cum-Facilitator or where such order is by the Chief Inspector-cum-Facilitator to the Government and the Chief Inspector-cum-Facilitator or the appropriate Government, shall, after giving the appellant an opportunity of being heard, dispose of the appeal within fifteen days:

Provided that the Chief Inspector-cum-Facilitator or the appropriate Government may extend the period of fifteen days if it is satisfied that the appellant is prevented by sufficient cause from filing the appeal in time:

Provided further that the order under clause (a) of sub-section (2) of section 20 shall be subject to the decision of the Chief Inspector-cum-Facilitator or the appropriate Government.

## **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. Verify appointment, territorial/subject jurisdiction and the statutory power relied on by the Inspector-cum-Facilitator.
3. Verify the officer's jurisdiction, appointment and the statutory purpose of the visit, sample, survey or inquiry.
4. Nominate an authorised response owner without obstructing lawful entry, examination, sampling or document access.
5. Nominate an authorised site contact while preserving worker access and non-retaliation rights.
6. Index the requested registers, licences, worker records, contractor files and electronic data before production.
7. Provide accurate documents and facilities; record items taken, samples sealed and statements made.
8. Record every item supplied, statement made, sample taken, direction issued and corrective action closed.

9. Assess improvement, prohibition or inquiry directions immediately and diarise appeal or compliance periods.
10. Escalate privilege, confidentiality, self-incrimination, appeal and prosecution issues through the proper legal channel.

## **Applicable Central Rules immediately below the provision**

### **Central Rule 77: Rule 77 — Power to take samples of any articles or substances**

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

### **Central Rule 78: Rule 78 — Powers and duties of Inspector-cum-Facilitator**

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

### **Central Rule 79: Rule 79 — Powers and Duties of District Magistrate**

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

### **Central Rule 80: Rule 80 — Qualifications and experiences, duties and responsibilities of experts**

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

### **Central Rule 81: Rule 81 — Appointment of Medical officer**

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

### **Central Rule 82: Rule 82 — Duties of medical officer**

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

## **Practical example**

Following a workplace event, the incident controller first protects life and the site, then completes statutory reporting, evidence preservation, medical

documentation, contractor allocation and root-cause action without waiting for a compensation dispute.

## **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 77, Rule 78, Rule 79, Rule 80, Rule 81, Rule 82 | Official source: [section 38](#).

## **Section 39: Secrecy of information by Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator, etc.**

### **Current statutory text**

39. Secrecy of information by Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator, etc.—(1) All copies of, and extracts from, registers or other records pertaining to all other information relating to any manufacturing or commercial business acquired by the Chief Inspector-cum-Facilitator or an Inspector-cum-Facilitator, or by him, in the course of the inspection or survey of any establishment under his authority, or by an officer authorised under section 20 in the exercise of his duties thereunder, shall be confidential and shall not, while in service or after leaving the service, be disclosed to any authority unless the Chief Inspector-cum-Facilitator or the Inspector-cum-Facilitator is satisfied that it is necessary to ensure the health, safety or welfare of any person employed in the establishment.

(2) Nothing in sub-section (1) shall apply to the disclosure of any information to—

(a) any court;

(b) any Committee or Board constituted under this Code;

(c) an official superior or the employer of the establishment concerned.

(d) a Commissioner for employees' compensation appointed Compensation Act, 1923 (8 of 1923);

(e) the Controller, Indian Bureau of Mines; and

(f) any such officer, authority or authorised person as may be appropriate Government.

(3) Notwithstanding anything contained in the Right to Information Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator shall complaint, made to him regarding the contravention of the provisions of of the complainant and shall also not while making an inspection under complaint, disclose to the employer concerned or any of his representatives made in pursuance of such complaint.

## **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. Verify appointment, territorial/subject jurisdiction and the statutory power relied on by the Inspector-cum-Facilitator.
3. Verify the officer's jurisdiction, appointment and the statutory purpose of the visit, sample, survey or inquiry.
4. Nominate an authorised response owner without obstructing lawful entry, examination, sampling or document access.
5. Nominate an authorised site contact while preserving worker access and non-retaliation rights.
6. Index the requested registers, licences, worker records, contractor files and electronic data before production.
7. Provide accurate documents and facilities; record items taken, samples sealed and statements made.
8. Record every item supplied, statement made, sample taken, direction issued and corrective action closed.
9. Assess improvement, prohibition or inquiry directions immediately and diarise appeal or compliance periods.
10. Escalate privilege, confidentiality, self-incrimination, appeal and prosecution issues through the proper legal channel.

## **Applicable Central Rules immediately below the provision**

### **Central Rule 77: Rule 77 — Power to take samples of any articles or substances**

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

### **Central Rule 78: Rule 78 — Powers and duties of Inspector-cum-Facilitator**

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

### **Central Rule 79: Rule 79 — Powers and Duties of District Magistrate**

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

### **Central Rule 80: Rule 80 — Qualifications and experiences, duties and responsibilities of experts**

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

### **Central Rule 81: Rule 81 — Appointment of Medical officer**

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

### **Central Rule 82: Rule 82 — Duties of medical officer**

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 77, Rule 78, Rule 79, Rule 80, Rule 81, Rule 82 | Official source: [section 39](#).

## Section 40: Facilities to be afforded to Inspector-cum-Facilitator

### Current statutory text

40. Facilities to be afforded to Inspector-cum-Facilitator.—Every employer shall afford the Chief Inspector-cum-Facilitator and every Inspector-cum-Facilitator every person authorised by the Chief Inspector-cum-Facilitator all reasonable entry, inspection, survey, measurement, examination or inquiry under this

### 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. Verify appointment, territorial/subject jurisdiction and the statutory power relied on by the Inspector-cum-Facilitator.
3. Verify the officer's jurisdiction, appointment and the statutory purpose of the visit, sample, survey or inquiry.
4. Nominate an authorised response owner without obstructing lawful entry, examination, sampling or document access.
5. Nominate an authorised site contact while preserving worker access and non-retaliation rights.

6. Index the requested registers, licences, worker records, contractor files and electronic data before production.
7. Provide accurate documents and facilities; record items taken, samples sealed and statements made.
8. Record every item supplied, statement made, sample taken, direction issued and corrective action closed.
9. Assess improvement, prohibition or inquiry directions immediately and diarise appeal or compliance periods.
10. Escalate privilege, confidentiality, self-incrimination, appeal and prosecution issues through the proper legal channel.

## **Applicable Central Rules immediately below the provision**

### **Central Rule 77: Rule 77 — Power to take samples of any articles or substances**

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

### **Central Rule 78: Rule 78 — Powers and duties of Inspector-cum-Facilitator**

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

### **Central Rule 79: Rule 79 — Powers and Duties of District Magistrate**

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

### **Central Rule 80: Rule 80 — Qualifications and experiences, duties and responsibilities of experts**

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

### **Central Rule 81: Rule 81 — Appointment of Medical officer**

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

### **Central Rule 82: Rule 82 — Duties of medical officer**

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 77, Rule 78, Rule 79, Rule 80, Rule 81, Rule 82 | Official source: [section 40](#).

## Section 41: Powers of special officer to enter, measure, etc., in relation to mine

### Current statutory text

41. Powers of special officer to enter, measure, etc., in relation to mine  
service of the Government duly authorised in this behalf by a special order  
Inspector-cum-Facilitator or of an Inspector-cum-Facilitator may, for the  
or measuring any mine or any output therefrom, after giving not less than  
manager of such mine, enter the mine and may survey, level or measure the  
any output therefrom at any time by day or night:

Provided that, where in the opinion of the Chief Inspector-cum-Facilitator an emergency exists, he may, by order in writing, authorise an  
for any of the aforesaid purposes without giving any such notice.

## **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. Confirm the sector definition, premises, process and statutory person in ultimate control.
3. Establish whether the mine, person and operation fall within the Code and Central rules or a valid exemption.
4. Map the sector-specific registration, manager/agent/occupier appointment, technical standard and welfare duty.
5. Appoint qualified statutory personnel and maintain current competency, medical and training records.
6. Maintain shift, competence, medical, machinery, inspection and contractor records required for the activity.
7. Provide rescue station/room coverage, tested breathing apparatus, communication, tracings and emergency teams.
8. Integrate emergency, accident-reporting and worker-participation controls into site operations.
9. Run initial, refresher, special and post-absence training before assigning hazardous work.
10. Test closure, prohibition, improvement direction, appeal and offence exposure against the current Rules and Schedules.

## **Applicable Central Rules immediately below the provision**

### **Central Rule 77: Rule 77 — Power to take samples of any articles or substances**

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

### **Central Rule 78: Rule 78 — Powers and duties of Inspector-cum-Facilitator**

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

### **Central Rule 79: Rule 79 — Powers and Duties of District Magistrate**

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

## **Central Rule 80: Rule 80 — Qualifications and experiences, duties and responsibilities of experts**

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

## **Central Rule 81: Rule 81 — Appointment of Medical officer**

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

## **Central Rule 82: Rule 82 — Duties of medical officer**

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

## **Practical example**

Following a workplace event, the incident controller first protects life and the site, then completes statutory reporting, evidence preservation, medical documentation, contractor allocation and root-cause action without waiting for a compensation dispute.

## **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 77, Rule 78, Rule 79, Rule 80, Rule 81, Rule 82 | Official source: [section 41](#).

## Section 42: Medical officer

### Current statutory text

42. Medical officer.—(1) The appropriate Government may appoint medical personnel of prescribed qualification to be medical officers for the purposes of this Code in any plantation, motor transport undertakings and in any other establishment as may be prescribed.

Provided that the medical officers so appointed shall before entering into the service of the appropriate Government their interest in the concerned establishment.

(2) The medical officer shall perform the following duties, namely:—

(a) the examination and certification of workers in a mine or factory or other establishment engaged in such dangerous occupations or processes as may be prescribed by the appropriate Government;

(b) the exercise of such medical supervision for any factory, mines or other establishment undertaking and for such other establishment as may be prescribed by the appropriate Government where cases of illness have occurred which it is reasonable to believe are due to the process carried on or other conditions of work prevailing in such establishment;

(c) the examination and certification of adolescent for the purpose of employment in factory, plantation, motor transport undertakings and in any other establishment as may be prescribed by the appropriate Government in any work which is likely to be injurious to health.

### CHAPTER X

#### SPECIAL PROVISION RELATING TO EMPLOYMENT OF WOMEN

### 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. Verify the officer's jurisdiction, appointment and the statutory purpose of the visit, sample, survey or inquiry.
4. Convert each statutory condition and proviso into an assigned action with a clear deadline.
5. Nominate an authorised site contact while preserving worker access and non-retaliation rights.
6. Map the enabling Rule, form, Schedule, authority and any sector-specific notification.

7. Provide accurate documents and facilities; record items taken, samples sealed and statements made.
8. Preserve the decision memo, worker communication, register, portal acknowledgement and payment or inspection evidence.
9. Assess improvement, prohibition or inquiry directions immediately and diarise appeal or compliance periods.
10. Record exceptions, non-compliance consequences, remedy, appeal forum and limitation period.

## **Applicable Central Rules immediately below the provision**

### **Central Rule 81: Rule 81 — Appointment of Medical officer**

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

### **Central Rule 82: Rule 82 — Duties of medical officer**

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 81, Rule 82 | Official source: [section 42](#).

## Rules, forms, registers, portals and due dates

| Rule | Subject                                                                          | Text/control status       |
|------|----------------------------------------------------------------------------------|---------------------------|
| 78   | Rule 78 — Powers and duties of Inspector-cum-Facilitator                         | Source-controlled mapping |
| 77   | Rule 77 — Power to take samples of any articles or substances                    | Source-controlled mapping |
| 79   | Rule 79 — Powers and Duties of District Magistrate                               | Source-controlled mapping |
| 80   | Rule 80 — Qualifications and experiences, duties and responsibilities of experts | Source-controlled mapping |
| 81   | Rule 81 — Appointment of Medical officer                                         | Source-controlled mapping |
| 82   | Rule 82 — Duties of medical officer                                              | 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     | Use the provision-specific commencement notification; the four Codes 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 |                                                                                                                    |

## **Predecessor law**

## **Transition control**

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.

BOCW Act, 1996

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

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                                                 | Principle and present-use caution                                                                                                           |
|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Consumer Education and Research Centre v. Union of India | Worker health and safety are connected with dignity and life; statutory standards should be treated as minimum controls.                    |
| J.K. Industries Ltd. v. Chief Inspector of Factories     | Responsibility attaches to the statutory person in control; internal delegation does not erase legal accountability.                        |
| Vellore Citizens Welfare Forum v. Union of India         | Preventive and precautionary controls are relevant where industrial risk affects workers and surrounding communities.                       |
| Gammon India Ltd. v. Union of India                      | 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 34 - Appointment of Inspector-cum-Facilitators?

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 35 - Powers of Inspector-cum-Facilitators?

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 36 - Powers and duties of District Magistrate?

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 37 - Third party audit and certification?

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 38 - Special powers of Inspector-cum-Facilitator in respect of factory, mines, dock work and building or other construction work?

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 39 - Secrecy of information by Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator, etc.?

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 40 - Facilities to be afforded to Inspector-cum-Facilitator?

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 41 - Powers of special officer to enter, measure, etc., in relation to mine?

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.

[← Previous: Registers and returns](#)[Next: Employment of women →](#)

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