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INDIAN OSH LEGISLATIONS

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The constitution of India enshrines detailed provisions for the rights of the citizens and other persons and for the principles in the governance of the country labelled as "Directive Principles of State Policy".

These Directive Principles provide for securing the health and strength of employees, men and women, that the tender age of children are not abused, that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength (Article 39), just and humane conditions of work and maternity relief are provided (Article 42), that the Government shall take steps, by suitable legislation or in any other way, to secure the participation of employee in the management of undertakings, establishments or other organizations engaged in any industry (Article 43A), for ensuring that no child below the age of 14 is employed to work in any factory or mine or engaged in any other hazardous employment (Article 24).

There is no comprehensive legislation for occupational health and safety, covering all the workers in all economic sectors. Safety and health statutes for regulating Occupational Safety and Health (OSH) of persons at work exist in four sectors, namely mining, manufacturing, ports, and construction. A number of OSH legislations and regulations are applicable in a fragmented manner and the regulations have very specific objectives to cover the problems of safety and health to a limited extent.

On the basis of these Directive Principles and international instruments, the Government of India declares its policy, priorities, strategies and purposes through the exercise of its power and has enacted a number of Safety and health legislations to provide for Safety and Health of the workers.

Though the welfare facilities in most of these legislations are similar, the safety and the health norms are designed depending on the nature of work done and the risk of health hazards to these respective workers.

THE INDIAN FACTORIES ACT, 1948

This act consolidates and amends the law regulating labour in factories. It extends to the whole of India. It came into force on the 1st day of April 1949.

The Factories Act, 1948 is applicable to those units where manufacturing process is carried out employing 10 or more worker with the aid of power or 20 or more workers are employed without the aid of power or where the state government is of the opinion that the manufacturing process or operations carried out exposes any person employed in it to a serious risk of bodily injury, poisoning or disease.

This act was last amended in 1987. The third chapter includes provisions for the health and fourth chapter is for the safety of the workers. The salient features of these provisions are:

HEALTH PROVISIONS

Section 11: Cleanliness

Every factory shall be kept clean and free from effluvial arising from any drain, privy or other nuisance.

Section 13: Ventilation and temperature

Effect and suitable provisions shall be made in every factory for securing and maintaining, in every workroom, adequate ventilation by the circulation of fresh air, and such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

Section 14: Dust and fume

In every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein, or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and accumulation in any workroom, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

Section 16: Overcrowding

There shall be in every workroom of a factory in existence on the date of commencement of this Act at least 9.9m³ and of a factory built after the commencement of this Act at least 14.2m³ of space for every worker employed therein, and for the purposes of this sub-section no account shall be taken of any space which is more than 4.2 metres above the level of the floor of the room.

Section 18: Drinking water

In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water and such points shall be legibly marked "drinking water" in a language understood by a majority of the workers.

SAFETY PROVISIONS

Section 40B: Safety Officers

In every factory where in one thousand or more workers are ordinarily employed, or wherein, in the opinion of the State Government, any manufacturing process or operation is carried on, which process or operation involves any risk of bodily injury, poisoning or disease or any other hazard to health, to the person employed in the factory, the occupier shall, if so required by the State Government by notification in Official Gazette, employ such number of Safety Officers as may be specified in that notification.

Other safety provisions under this act includes provisions regarding fencing of machinery (Section 21), employment of young person on dangerous machines (Section 23), hoist and lift (Section 28), lifting machines, chains, ropes and lifting tackles (Section 29), revolving machinery (Section 30), pressure plant (Section 31), floors, stairs and means of access (Section 32), pits, sumps, openings in floors, etc.(Section 33), excessive weights (Section 34), protection of eyes (Section 35), precautions against dangerous fumes, gases, etc.(Section 36), precautions regarding the use of portable electric light (Section 36A), explosive or inflammable dust, gas, etc. (Section 37), precautions in case of fire (Section 38), power to require specifications of defective parts or tests of stability (Section 39), safety of buildings and machinery(Section 40) and maintenance of buildings (Section 40A).

WELFARE PROVISIONS

The provision for the welfare of workers of a factory includes provision for washing facilities (Section 42), facilities for storing and drying clothing (Section 43), facilities for sitting (Section 44), canteens (Section 46), shelters, rest-rooms and lunch-rooms (Section 47), creches (Section 48) and Welfare Officers (Section 49)

Section 45: First-aid-appliances

There shall, in every factory, be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents, and the number of such boxes or cupboards to be provided and maintained shall not be less than one for

every 150 workers ordinarily employed at any one time in the factory.

In every factory wherein more than 500 workers are ordinarily employed there shall be provided and maintained an ambulance room.

OTHER PROVISIONS

Section 41B: Compulsory disclosure of information by the occupier

The occupier of every factory involving a hazardous process shall disclose in the manner prescribed, all informations regarding dangers including health hazards and the measures to overcome such hazards arising from the exposure to or handling of the materials or substances in the manufacture, transportation, storage and other processes, to the workers employed in the factory, the Chief Inspector, the local authority, within whose jurisdiction the factory is situate, and the general public in the vicinity.

Section 51: Weekly hours

No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.

Section 67: Prohibition of employment of young children

No child who has not completed his 14th year shall be required or allowed to work in any factory.

Section 89: Notice of certain diseases

Where any worker in a factory contacts any disease specified in the Third Schedule (29 diseases) the manager or the attending medical practitioner of the factory shall without delay send a report in writing to the office of the Chief Inspector stating -

- (a) The name and full postal address of the patient,
- (b) The disease from which he believes the patient to be suffering, and
- (c) The name and address of the factory in which the patient is, or was last employed.

http://www.labourandemployment.gov.in/idmis/download-pdf/acts-rules/fact_act.pdf

THE MINES ACT, 1952

This Act extends to whole of India and came into force not later than 31st December, 1953. All the workers working in mine comes under the jurisdiction of this Act. According to this act "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes -

- i. all borings, bore holes, oil wells and accessory crude

conditioning plants, including the pipe conveying mineral oil within the oilfields:

- ii. all shafts, in or adjacent to and belonging to a mine, where in the course of being sunk or not;
- iii. all levels and inclined planes in the course of being driven;
- iv. all opencast workings;
- v. all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse there from;
- vi. all adits, levels, planes, machinery works, railways, tramways and sidings in or adjacent to and belonging to a mine;
- vii. all protective works being carried out in or adjacent to a mine;
- viii. all workshop and store situated within the precincts of a mine and the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;
- ix. all power stations, transformer sub-stations converter stations: rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;
- x. any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such and refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine;
- xi. any premises in or adjacent to and belonging to a mine or which any process ancillary to the getting, dressing or operation for sale of minerals or of coke is being carried on.

HEALTH AND SAFETY PROVISIONS

Notice to be given of accidents

Whenever there occurs in or about a mine:-

- a. an accident causing loss of life or serious bodily injury, or
- b. an explosion, ignition, spontaneous heating, outbreak of fire or irruption or inrush of water or other liquid matter, or
- c. an influx of inflammable or noxious gases, or
- d. a breakage of ropes, chains or other gear by which persons or materials are lowered or raised in a shaft or an incline, or
- e. an over winding of cages or other means of conveyance in any shaft while persons or materials are being lowered or raised, or
- f. a premature collapse of any part of the workings, or

- g. any other accident which may be prescribed, the owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice-board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than fourteen days from the date of such posting.

Hours of work below grounds

No person employed below ground in a mine shall be allowed to work for more than 48 hours in any week or for more than 8 hours in any day.

Night shifts

Where a person employed in a mine works on a shift which extends beyond midnight –

- a weekly day of rest shall mean in his case a period of 24 consecutive hours beginning when his shift ends.
- the following day for him shall be deemed to be the period of 24 hours beginning when such shifts ends, and the hours he has worked after midnight shall be counted in the previous day.

http://labour.nic.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/The%20Mines%20Act,%201952.pdf

If a workman employed in any employment contracts any disease specified therein as an occupational disease peculiar to that employment or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months and contracts any disease specified therein as an occupational disease peculiar to that employment.

Amount of compensation

Disablement	Compensation
Death results from injury	50% of monthly wages of the deceased workman multiplied by the relevant factor, or Rs. 1,20,000 whichever is more
Permanent total disablement results from the injury	60% of monthly wages of the deceased workman multiplied by the relevant factor, or Rs. 1,40,000 whichever is more
Permanent partial disablement results from the injury	Such percentage of the compensation which would have been payable in permanent total disablement
Temporary disablement whether total or partial results from the injury	Actual medical expenditure incurred on treatment

<http://labour.nic.in/upload/uploadfiles/files/ActsandRules/SocietySecurity/TheWorkmenAct1923.pdf>

THE WORKMEN'S COMPENSATION ACT, 1923

This Act also extends to the whole of India and came into force on the first day of July 1924.

Employer's liability for compensation

If personal injury is caused to a workman by accident arising out of and in the course of his employment his employer shall be liable to pay compensation.

Provided that the employer shall not be so liable -

- in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days;
- in respect of any injury not resulting in death or permanent total disablement caused by an accident which is directly attributable to the workman having been at the time thereof under the influence of drink or drugs or the wilful disobedience of the workman to an order expressly given or to a rule expressly framed for the purpose of securing the safety of workmen or the wilful removal or disregard by the workman of any safety guard or other device he knew to have been provided for the purpose of securing the safety of workman.

THE MOTOR TRANSPORT WORKERS ACT, 1961

This is an Act to provide for the welfare of motor transport workers and to regulate the conditions of their work. It extends to the whole of India and came into force in 1961.

It applies to every motor transport undertaking employing five or more motor transport workers. According to this act "motor transport undertaking" means a motor transport undertaking engaged in carrying passengers or goods or both by road for hire or reward, and includes a private carrier and "motor transport worker" means a person who is employed in a motor transport undertaking directly or through an agency, whether for wages or not, to work in a professional capacity on a transport vehicle or to attend to duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk, time-keeper, watchman or attendant.

HEALTH PROVISIONS

Medical facilities

There shall be provided and maintained by the employer

so as to be readily available such medical facilities for the motor transport workers at such operating centers and halting stations as may be prescribed by the State government.

First-aid facilities

There shall be provided and maintained by the employer so as to be readily accessible during all working hours a first-aid box equipped with the prescribed contents in every transport vehicle.

WELFARE PROVISIONS

Hours of work for adolescents employed as motor transport workers

No adolescent shall be employed or required to work as a motor transport worker in any motor transport undertaking:

- (a) for more than 6 hours a day including rest interval of half-an-hour;
- (b) between the hours of 10 P.M. and 6 A.M.

Prohibition of employment of children

No child shall be required or allowed to work in any capacity in any motor transport undertaking.

Canteens

In every place wherein 100 motor transport workers or more employed in a motor transport undertaking ordinarily call on duty during every day, one or more canteens shall be provided and maintained by the employer for the use of the motor transport workers.

Rest rooms

In every place wherein motor transport workers employed in a motor transport undertaking are required to halt at night, there shall be provided and maintained the employer for the use of those motor transport workers such number of rest rooms or such other suitable alternative accommodation.

Hours of work for adult motor transport workers

No adult motor transport worker shall be required or allowed to work for more than 8 hours in any day and 48 hours in any week.

http://labour.nic.in/upload/uplonadfiles/files/ActsandRules/Service_and_Employment/TheMotorTransportWorkersAct,1961.pdf

THE PLANTATION LABOUR ACT, 1951

This Act extends to the whole of India except the State of Jammu and Kashmir. It applies to the following plantations, that it to say:

- (a) To any land used or intended to be used for growing tea, coffee, rubber [cinchona or cardamom] which admeasures 5 hectares or more and in which 15 or

more persons are employed or were employed on any day of the preceding 12 months.

- (b) To any land used or intended to be used for growing any other plant, which admeasures 5 hectares or more and in which 15 or more persons are employed or were employed on any day of the preceding 12 months, if after obtaining the approval of the Central Government, the State Government by notification in the Official Gazette, so directs.

HEALTH PROVISIONS

Medical Facilities

In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers [and their families] as may be prescribed by the State Government.

Sickness and maternity benefits

Subject to any rules that may be made in this behalf, every worker shall be entitled to obtain from his employer:

- (a) In the case of sickness certified by a qualified medical practitioner, sickness allowance, and
- (b) If a woman, in the case of confinement or expected confinement, maternity allowance,

At such rate, for such period and at such intervals as may be prescribed.

Notice of accident

Where in occurs which causes death or which causes any reason of which the worker injured is prevented from working for a period of forty-eight hours or more immediately following the accident, or which is of such a nature as may be prescribed in this behalf, the employer thereof shall send notice thereof to such authorities, in such form, and within such time, as may be prescribed.

WELFARE PROVISIONS

Recreational facilities

The State Government may make rules requiring every employer to make provision in his plantation for such recreational facilities for the workers and children employed therein as may be prescribed.

Educational facilities

Where the children between the ages of 6 and 12 of workers employed in any plantation exceed 25 in number, the State Government may make rules, requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed.

Housing facilities

It shall be the duty of every employer to provide and

maintain necessary housing accommodation:

- (a) For every worker (including his family) residing in the plantation;
- (b) For every worker (including his family) residing outside the plantation, who has put in 6 months of continuous service in such plantation and who has expressed a desire in writing to reside in the plantation.

Welfare officers

In every plantation wherein 300 or more workers are ordinarily employed the employer shall employ such number of welfare officers as may be prescribed.

http://labour.nic.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/The%20Plantation%20Labour%20Act,%201951.pdf

THE CHILD LABOUR (Prohibition & Regulatory) ACT, 1986

It is an Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments. According to it a child means a person who has not completed his fourteenth year of age.

No child is permitted to work in any of the occupations set forth in Part A of the Schedule or any workshop wherein any of the processes set forth in Part B of the Schedule is carried on (Section 3).

http://pblabour.gov.in/pdf/forms_procedures/procedure02_child_labour_prohibition_regulation_act_1986.pdf

THE BUILDING & OTHER CONSTRUCTION WORKERS (Regulation of Employment & Conditions of Service) ACT, 1996

SAFETY PROVISIONS

Safety Committee and Safety Officers

In every establishment wherein 500 or more building workers are ordinarily employed, the employer shall constitute a Safety Committee consisting of such number of representatives of the employer and the building workers as may be prescribed by the State Government.

In every establishment referred above the employer shall also appoint a safety officer who shall possess such qualifications and perform such duties as may be prescribed.

<http://clc.gov.in/Acts/shtm/bocw.php>

THE BEEDI AND CIGAR WORKERS (Conditions of Employment) ACT, 1966

An act to provide for the welfare of the workers in beedi and cigar establishments and to regulate the conditions of their work. It extends to the whole of India except the

State of Jammu and Kashmir and came into force in 1966.

WELFARE PROVISIONS

Ventilation

For the purposes of preventing injury to the health of the persons working therein, every industrial premises shall maintain such standards of lighting, ventilation and temperature, as may be prescribed.

Overcrowding

There shall be in any work room of such premises at least four and a quarter cubic metres of space for every person employed therein, and for the purposes of this subsection, no account shall be taken of any space which is more than 3 metres above the level of the floor of the work room.

Washing facilities

In every industrial premises, where blending or sieving or both of tobacco or warming of beedi in hot ovens is carried on, the employer shall provide such washing facilities for the use of the employees, as may be prescribed.

Creches

In every industrial premises wherein more than 50 female employees are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of 6 years of such female employees.

Working hour

No employee shall be required or allowed to work in any industrial premises for more than 9 hours in any day or for more than 48 hours in any week.

http://labour.nic.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/beedi%20act.pdf

THE DOCK WORKERS (Safety, Health and Welfare) Act, 1986

An Act to provide for the safety, health and welfare of dock workers. It extends to the whole of India and came into force in 1986. It shall not apply to any ship of war of any nationality. According to this act "dock work" means any work in or within the vicinity of any port in connection with, or required, for, or incidental to, the loading, unloading, movement or storage of cargoes into or from ship or other vessel, port, dock, storage place or landing place, and includes:

- i. work in connection with the preparation of ships or other vessels for receipt or discharge of cargoes or leaving port; and
- ii. chipping, painting or cleaning of any hold, tank,

structure or lifting machinery or any other storage area in board the ship or in the docks.

SAFETY AND HEALTH PROVISIONS

Power to make regulations

The appropriate Government may make regulations consistent with this Act for providing for the safety, health and welfare of dock workers namely:

- a. providing for the general requirement relating to the construction, equipping and maintenance for the safety of working places on shore, ship, dock, structure and other places at which any dock work is carried on.
- b. providing for the efficient lighting of all areas of dock ship any other vessel, dock structure or working places where any dock work is carried on.
- c. providing for the safety of workers engaged in the opening and closing of hatches, protection of ways and other openings in the dock, which may be dangerous to them.
- d. providing for the Investigation of occupational accidents, dangerous occurrences and diseases, specifying such diseases and the forms of notices, the persons and authorities to whom they are to be

furnished, the particulars to be contained in them and the time within which they are to be submitted.

<http://labour.nic.in/upload/uploadfiles/files/Divisions/LC%26ILAS/Background%20note.pdf>

WEBLINKS

- http://www.labourandemployment.gov.in/idmis/download-pdf/acts-rules/fact_act.pdf
- http://labour.nic.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/The%20Mines%20Act,%201952.pdf
- <http://labour.nic.in/upload/uploadfiles/files/ActsandRules/SocietySecurity/TheWorkmenAct1923.pdf>
- http://labour.nic.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/TheMotorTransportWorkersAct,1961.pdf
- http://labour.nic.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/The%20Plantation%20Labour%20Act,%201951.pdf
- <http://clc.gov.in/Acts/shtm/bocw.php>
- http://pblabour.gov.in/pdf/forms_procedures/procedure02_child_labour_prohibition_regulation_act_1986.pdf
- http://labour.nic.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/beedi%20act.pdf
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