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WORKPLACE SAFETY IN INDIA: JUDICIAL FOUNDATIONS AND THE OSHWC CODE, 2020

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I. ABSTRACT

The recognition of a safe workplace as a fundamental right represents a significant evolution in Indian constitutional and labour jurisprudence. Traditionally, workplace safety in India was governed through fragmented statutory frameworks such as the Factories Act, 1948 and the Mines Act, 1952, which treated occupational safety primarily as a regulatory obligation imposed upon employers. However, judicial interpretation, particularly by the Supreme Court of India, transformed this understanding by expanding the scope of Article 21 of the Constitution to include the right to health, dignity, and humane working conditions. Landmark decisions such as People's Union for Democratic Rights v. Union of India, Bandhua Mukti Morcha v. Union of India, and Consumer Education and Research Centre v. Union of India established that unsafe and exploitative working environments violate the constitutional guarantee of life and personal liberty. The Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC Code) represents a legislative response to this evolving constitutional vision by consolidating thirteen labour laws into a unified framework governing occupational safety, health, and welfare. The Code seeks to standardize safety obligations, strengthen employer accountability, and introduce modern compliance mechanisms such as digital inspections and risk-based regulation. This paper examines the judicial foundations that elevated workplace safety to a constitutional right and critically evaluates whether the OSHWC Code adequately reflects these principles. It argues that while the Code institutionalizes judicially recognized protections, effective enforcement and implementation remain essential to realizing workplace safety as a substantive fundamental right rather than a merely statutory promise. The study highlights the continuing role of constitutional courts in

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bridging gaps between legislative intent and workplace realities in India's evolving labour governance framework.

II. KEYWORDS

Workplace Safety, Article 21, Labour Law Reform, Occupational Health, Fundamental Rights.

III. INTRODUCTION

In this evolving legal landscape, the Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC Code, 2020) represents a significant legislative reform aimed at consolidating and modernizing multiple labour laws governing workplace safety and health. The Code received Presidential assent on 28 September 2020; however, its enforcement was delayed and it was brought into force only from November 2025, with full implementation dependent upon the notification of rules by individual states. As of this period, only a limited number of states such as Gujarat and Arunachal Pradesh have fully notified the relevant rules, while several others have issued draft or partial notifications.

The Code seeks to standardize safety regulations, enhance employer accountability, and ensure welfare measures across diverse sectors of employment. However, questions remain regarding the extent to which the Code effectively operationalizes constitutional principles and judicially recognized rights relating to workplace safety, particularly in light of its delayed and uneven implementation. This study examines the judicial foundations that conceptualize workplace safety as a fundamental right and critically analyses how the OSHWC Code, 2020 aligns with, strengthens, or potentially limits these constitutional protections.

By situating statutory reform within constitutional jurisprudence, the paper aims to explore whether India's contemporary labour framework adequately secures the right to a safe workplace in practice as well as in principle.

A. Research Objectives

1. To analyse the evolution of workplace safety regulation in India.
2. To examine constitutional provisions relating to occupational safety.
3. To study judicial recognition of safe working conditions as a fundamental right.
4. To evaluate safety provisions under the OSHWC Code, 2020.
5. To assess the consistency between judicial principles and statutory reforms.

B. Research Questions

1. Whether workplace safety has been effectively recognized as a fundamental right under Article 21 of the Constitution through judicial interpretation.
2. To what extent the Occupational Safety, Health and Working Conditions Code, 2020 operationalizes constitutional principles relating to health, dignity, and humane working conditions.
3. Whether judicially evolved principles on employer accountability and worker protection are adequately reflected in the statutory framework of the OSHWC Code, 2020.
4. What gaps exist between constitutional jurisprudence on workplace safety and the practical enforcement mechanisms under the Code.

C. Review of Literature

The concept of workplace safety as a legal and constitutional entitlement has attracted increasing scholarly attention in labour law, constitutional jurisprudence, and occupational health studies.

Existing literature may broadly be categorized into three thematic strands:

1. Constitutional and judicial expansion of labour rights
2. Evolution of occupational safety legislation in India
3. Critical analysis of the Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC Code).

- **Judicial Expansion of the Right to Safe Workplace:** Scholars examining Indian constitutional law emphasize the transformative interpretation of Article 21 of the Constitution by the judiciary. Academic writings on constitutional jurisprudence highlight how the Supreme Court progressively expanded the meaning of the “right to life” to include dignity, health, livelihood, and humane working conditions. Literature discussing post-Maneka Gandhi constitutional developments argues that judicial activism enabled socio-economic rights, including workplace safety, to acquire quasi-fundamental status through interpretation rather than explicit constitutional enumeration. Several legal commentators observe that courts have linked labour welfare with Directive Principles of State Policy, particularly Articles 39, 42, and 43, thereby creating a normative framework where safe working conditions are treated as integral to human dignity. Studies on labour jurisprudence further indicate that judicial interventions in industrial safety cases established employer accountability and strengthened the State’s obligation to protect workers from hazardous environments
- **Evolution of Occupational Safety and Labour Regulation:** Earlier literature on labour regulation identifies fragmentation of workplace safety laws as a major challenge in India’s labour governance system. Prior to labour codification, occupational safety was regulated through multiple statutes such as the Factories Act, Mines Act, and Contract Labour legislation. Researchers argued that overlapping provisions created compliance difficulties and uneven protection across sectors. Policy analyses note that labour reforms were initiated to simplify regulation and modernize safety standards. The consolidation of numerous labour statutes into broader labour codes was recommended to enhance clarity, improve enforcement, and align Indian labour law with contemporary industrial realities. The Occupational Safety, Health and Working Conditions Code, 2020 was

enacted to consolidate and amend laws regulating workplace safety and health across establishments.

- **Scholarly Analyses of the OSHWC Code, 2020:** Recent academic works critically examine the OSHWC Code as a major structural reform in labour governance. Commentators describe the Code as a “watershed reform” that consolidates multiple labour laws into a unified framework aimed at safeguarding occupational safety and improving working conditions. Studies emphasize that the Code expands employer responsibilities, introduces standardized definitions, and attempts to balance worker protection with ease of doing business. Analytical literature highlights several positive features, including wider applicability, strengthened compliance mechanisms, and revised penalties intended to improve enforcement efficiency. However, critical scholarship also points out gaps in implementation, especially concerning informal workers, migrant labourers, and gender-sensitive protections. A gender-focused evaluation argues that despite consolidation, the Code may inadequately address vulnerabilities faced by interstate migrant women workers and marginalized labour groups.
- **Emerging Interdisciplinary Perspectives:** Recent occupational health research expands the discussion beyond legal compliance to preventive safety governance. Studies integrating technology and occupational health management emphasize predictive and data-driven approaches to workplace safety, suggesting that legal reforms must be supported by institutional innovation and technological monitoring mechanisms to effectively reduce workplace risks in India’s industrial sectors.
- **Research Gap:** Despite substantial commentary on labour reforms and constitutional rights separately, existing literature reveals limited integrated analysis connecting judicial recognition of workplace safety as a fundamental right with the operational framework of the OSHWC Code,

2020. Most studies either focus on constitutional jurisprudence or statutory reform in isolation. There remains a need for comprehensive research examining whether the Code effectively translates judicially evolved fundamental rights into enforceable statutory protections.

D. Research Methodology

The present study adopts a doctrinal and analytical research methodology to examine the recognition of the right to a safe workplace as a fundamental right and to analyse the judicial foundations and legislative framework under the Occupational Safety, Health and Working Conditions Code, 2020 (OSHC Code, 2020). The research primarily relies on qualitative analysis of legal sources, judicial decisions, and statutory provisions.

IV. OLD ACTS ON WORKPLACE SAFETY IN INDIA (PRE-OSHC CODE, 2020)

Before the enactment of the Occupational Safety, Health and Working Conditions Code, 2020, workplace safety in India was governed by multiple sector-specific labour legislations. These statutes aim to regulate occupational health, safety standards, and working conditions across industries. However, the regulatory framework was fragmented, leading to inconsistencies in enforcement and coverage. The following Acts formed the foundational legal framework for workplace safety and contributed to the judicial recognition of safe working conditions as part of fundamental rights.

A. The Factories Act, 1948

The Factories Act, 1948 was the primary legislation governing occupational safety, health, and welfare of workers employed in manufacturing establishments.

Key Provisions:

1. Regulation of cleanliness, ventilation, lighting, and sanitation in factories.
2. Mandatory safety measures for machinery and hazardous processes.
3. Provisions relating to working hours, rest intervals, and leave.

4. Welfare facilities such as washing facilities, canteens, and first-aid appliances.

The Act imposed statutory duties on employers to ensure worker safety and became a significant legal basis for judicial interpretation linking workplace safety with Article 21 of the Constitution.

B. The Mines Act, 1952

The Mines Act, 1952 addressed safety concerns in mining operations, one of the most hazardous sectors.

Key Features:

1. Regulation of working conditions in underground and open-cast mines.
2. Mandatory health and safety inspections.
3. Provisions relating to ventilation, emergency preparedness, and accident prevention.
4. Restrictions on employment of women and young persons in hazardous operations (later modified through reforms).

This Act emphasized State responsibility in preventing industrial accidents and protecting workers' lives.

C. The Dock Workers (Safety, Health and Welfare) Act, 1986

This legislation focused on safety standards for dock and port workers exposed to heavy machinery and maritime risks.

Important Provisions:

1. Regulation of cargo handling operations.
2. Safety training and protective equipment requirements.
3. Welfare and medical facilities for dock workers.
4. Appointment of safety officers and inspectors.

The Act recognized the need for specialized safety regulation for port-based employment.

D. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996

The construction sector historically experienced high accident rates, leading to enactment of this welfare-oriented legislation.

Key Aspects:

1. Registration of construction establishments and workers.
2. Safety measures at construction sites.
3. Welfare boards provide social security benefits.
4. Regulation of hazardous construction activities.

This Act extended workplace safety protections to a largely informal and migrant workforce.

E. The Contract Labour (Regulation and Abolition) Act, 1970:

Though primarily concerned with regulation of contract labour, the Act indirectly addressed workplace safety.

Relevant Provisions:

1. Responsibility of principal employers for welfare and health facilities.
2. Provision of drinking water, restrooms, and first aid.
3. Regulation of employment conditions of contract workers.

The Act contributed to expanding employer liability for safe working conditions.

F. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

This Act aimed to protect migrant workers, who were particularly vulnerable to unsafe workplaces.

Safety-Related Provisions:

1. Employer responsibility for suitable working conditions.

2. Medical facilities and protective measures.
3. Regulation of wages and displacement allowances.

G. Employees' Compensation Act, 1923 (formerly Workmen's Compensation Act)

Although compensatory rather than preventive, this Act recognized employer liability for workplace injuries and occupational diseases.

Significance:

1. Compensation for injury, disability, or death arising out of employment.
2. Recognition of occupational risk as a legal responsibility.
3. Reinforced the principle of employer accountability.

However, it is important to note that the Employees' Compensation Act, 1923, has not been subsumed under the Occupational Safety, Health and Working Conditions Code, 2020. Instead, it has been consolidated into the Code on Social Security, 2020. Therefore, while the Act remains relevant to workplace injury and employer liability, it operates within a distinct legislative framework, and must be read alongside the OSHWC Code, 2020 to obtain a comprehensive understanding of occupational safety and compensation under the current labour law regime.

V. PROVISIONS ON WORKPLACE SAFETY UNDER THE OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020

The Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC Code, 2020) was enacted as part of India's labour law reforms to consolidate and amend laws regulating occupational safety, health, and working conditions of workers across establishments. The Code integrates provisions of thirteen earlier labour legislations into a unified statutory framework with the objective of ensuring safe, healthy, and humane workplaces consistent with constitutional principles of dignity and protection of life under Article 21.

A. Applicability and Coverage

The OSHWC Code applies to:

1. Factories, mines, docks, plantations, construction establishments, and other specified sectors.
2. Establishments employing a prescribed number of workers (generally 10 or more workers with power and 20 or more without power, subject to government notification).
3. Both organized and certain categories of unorganized workers, including contract and inter-state migrant workers.

The expanded coverage aims to create uniform safety standards across industries.

B. Duties of Employers (Sections 6-9)

The Code imposes statutory obligations upon employers to ensure workplace safety.

Key responsibilities include:

1. Providing a workplace free from hazards is likely to cause injury or occupational disease.
2. Maintaining safe systems of work and safe handling of substances.
3. Providing adequate training, supervision, and safety instructions.
4. Supplying personal protective equipment (PPE) without cost to workers.
5. Conducting risk assessments and preventive safety measures.

Employers are required to ensure both physical and psychological safety of employees.

C. Health and Working Conditions (sec 18 to 20)

The Code prescribes minimum standards relating to occupational health and welfare, including:

1. Cleanliness and sanitation of workplaces.
2. Proper ventilation, temperature control, and lighting.
3. Safe drinking water facilities.

4. Hygienic washrooms and bathing facilities.
5. First-aid arrangements and medical examination of workers.
6. Canteens, restrooms, and welfare facilities were required.

These provisions aim to promote healthy working environments rather than merely prevent accidents.

D. Safety Committees and Safety Officers (Section 22)

The Code empowers the appropriate government to require the constitution of Safety Committees in specified establishments consisting of employer and worker representatives and provides for the appointment of Safety Officers in hazardous or large establishments. Their functions include monitoring safety compliance, promoting awareness, and preventing workplace accidents.

E. Special Provisions for Hazardous Processes (sec 21 to 24)

For industries involving hazardous operations, the Code provides:

1. Mandatory disclosure of health and safety risks.
2. Emergency response procedures.
3. Periodic medical examinations of workers.
4. Safety audits and compliance monitoring.

This reflects a preventive approach toward industrial disasters and occupational diseases.

F. Rights and Duties of Employees

The Code recognizes workers as active participants in workplace safety.

Workers' rights include:

1. Right to obtain information relating to workplace hazards.
2. Right to report unsafe conditions.
3. Right to warn employers about imminent danger.

Worker duties include:

1. Following safety standards.
2. Proper use of safety equipment.
3. Cooperation with safety compliance measures.

G. Working Hours, Leave, and Welfare Measures (Section 25)

The Code regulates maximum working hours and overtime, including the statutory limit of eight hours per day, along with weekly rest periods, leave entitlements, and welfare provisions for workers, including safeguards relating to working hours and consent for night shifts subject to prescribed safety measures. These provisions link occupational safety with humane working conditions.

H. Inter-State Migrant Workers and Contract Labour Protection (chapter 8,9)

The Code introduces protective mechanisms such as:

1. Journey allowance for migrant workers.
2. Registration and database mechanisms.
3. Responsibility of employers toward safe accommodation and working conditions.

This attempts to address vulnerabilities exposed during labour migration crises.

I. Inspector-cum-Facilitator System

The Code introduces protective mechanisms such as:

1. Journey allowance for migrant workers.
2. Registration and database mechanisms.
3. Responsibility of employers toward safe accommodation and working conditions.

This attempts to address vulnerabilities exposed during labour migration crises. However, the Code does not extend its coverage to gig workers and platform workers, who constitute a rapidly growing segment of the workforce. Unlike the Code on Social

Security 2020, which provides limited recognition to such workers, the OSHWC Code remains largely silent on their occupational safety and health protections. This exclusion raises important constitutional concerns, as the Supreme Court's interpretation of Article 21 emphasizes protection of dignity, health, and safe working conditions for all categories of workers. The absence of statutory safeguards for gig and platform workers highlights a significant gap in the Code's framework and calls into question its effectiveness in fully operationalizing constitutional principles in the contemporary labour landscape.

J. Penalties and Enforcement (sec 120 to 143)

The Code provides stricter penalties for:

1. Non-compliance with safety standards.
2. Failure to provide safe working conditions.
3. Accidents resulting from negligence.

Enhanced penalties are intended to strengthen employer accountability.

VI. CONSTITUTIONAL PROVISIONS ON WORKPLACE SAFETY IN INDIA

Although the Constitution of India does not expressly recognize the "right to a safe workplace" as an independent fundamental right, several constitutional provisions collectively establish a strong framework for protecting workers' health, safety, and dignity. Through the combined operation of Fundamental Rights and Directive Principles of State Policy (DPSPs), workplace safety has evolved into a constitutional obligation of the State and employers, reinforced by judicial interpretation.

A. Article 21 - Right to Life and Personal Liberty

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. The Supreme Court has expansively interpreted the term "life" to include the right to live with dignity, health, and safe working conditions.

Judicial interpretations have recognized that The right to life includes protection of workers from hazardous employment, Occupational health and safety are essential components of human dignity, Unsafe workplaces violate constitutional guarantees where they threaten life or health. Thus, workplace safety derives its strongest constitutional foundation from Article 21.

B. Article 14 - Right to Equality

Article 14 ensures equality before law and equal protection of laws. Workplace safety is linked to Article 14 in the following ways:

1. Workers cannot be subjected to discriminatory or arbitrary working conditions.
2. The State must ensure uniform protection of safety standards.
3. Unequal exposure of certain categories of workers to hazardous conditions may violate equality principles.

The provision mandates fair and non-arbitrary labour regulation.

C. Article 19(1)(g) - Freedom of Occupation

Article 19(1)(g) guarantees the freedom to practice any profession or carry on any occupation, trade, or business. However, this freedom is subject to reasonable restrictions under Article 19(6). Workplace safety laws are justified as reasonable restrictions because they protect workers' health and welfare, they regulate industries in the interest of public safety, they balance economic freedom with social justice.

D. Directive Principles of State Policy (DPSPs)

Although non-justiciable, Directive Principles guide legislative and judicial action and play a crucial role in shaping workplace safety norms.

1. **Article 39(e)** - Directs the State to ensure that the health and strength of workers are not abused and that citizens are not forced by economic necessity to undertake hazardous employment.

2. **Article 39(f)** - Protects children from exploitation and hazardous occupations harmful to development.
3. **Article 41** - Mandates the State to secure the right to work and public assistance in cases of sickness and disability, indirectly supporting occupational health protections.
4. **Article 42** - Specifically directs the State to make provisions for just and humane conditions of work and maternity relief. This is one of the clearest constitutional bases for workplace safety legislation.
5. **Article 43** - Encourages living wages and decent conditions of work ensuring dignity for workers.
6. **Article 47** - Duty of the State to Improve Public Health. Article 47 places a duty upon the State to improve public health and standard of living. Occupational health forms an essential component of public health policy, thereby strengthening constitutional justification for workplace safety regulations.

E. Fundamental Duties (Article 51A)

Article 51A(g) imposes a duty upon citizens to protect and improve the natural environment, which indirectly relates to maintaining safe industrial and working environments free from hazardous pollution.

1. **Constitutional Significance:** The combined reading of Fundamental Rights and Directive Principles creates a constitutional framework where workplace safety becomes an element of social justice and human dignity. Judicial interpretation has bridged the gap between enforceable rights and policy directives by incorporating humane working conditions within Article 21. Consequently, labour legislation such as the Occupational Safety, Health and Working Conditions Code, 2020 derives constitutional legitimacy from these provisions.

VII. CASE LAWS ON WORKPLACE SAFETY IN INDIA

A. **Consumer Education and Research Centre v. Union of India (1995)**

This landmark case concerned workers employed in asbestos industries who were exposed to hazardous substances causing serious occupational diseases such as asbestosis. A public interest litigation was filed seeking enforcement of health protection and compensation for affected workers. The Supreme Court held that the right to health and medical care is an integral part of the fundamental right to life under Article 21 of the Constitution. The Court emphasized that economic development cannot occur at the cost of workers' lives and dignity. It imposed a positive obligation on employers and the State to provide protective equipment, health monitoring, and medical facilities. The judgment also directed industries to maintain safety standards and ensure compensation mechanisms for occupational illnesses. This case significantly expanded constitutional jurisprudence by recognizing workplace safety and occupational health as enforceable fundamental rights, thereby laying the judicial foundation for later labour welfare legislation and influencing modern frameworks such as the OSHWC Code, 2020.

B. **Bandhua Mukti Morcha v. Union of India (1984)**

This case arose from a public interest petition highlighting the plight of bonded labourers working in hazardous stone quarries under exploitative and unsafe conditions. The Supreme Court treated the matter as a violation of fundamental rights and undertook an expansive interpretation of Article 21. The Court held that the right to live with dignity includes humane working conditions, health protection, and freedom from exploitation. It emphasized that Directive Principles of State Policy, particularly Articles 39 and 42, must guide interpretation of fundamental rights. The State was directed to identify bonded labourers, ensure rehabilitation, and improve workplace safety measures. The judgment marked a shift toward social justice jurisprudence by recognizing that unsafe and degrading work environments violate constitutional guarantees. The Court also expanded the scope of public interest litigation as a tool for labour protection. This

decision strengthened the constitutional basis for workplace safety by affirming State responsibility in protecting vulnerable workers.

C. M.C. Mehta v. Union of India (Oleum Gas Leak Case) (1987)

The Oleum Gas Leak case arose after a leakage of toxic gas from a chemical industry in Delhi caused harm to workers and nearby residents. The Supreme Court addressed the issue of liability of industries engaged in hazardous activities. Departing from traditional tort principles, the Court evolved the doctrine of Absolute Liability, holding that enterprises conducting inherently dangerous operations are strictly liable for any harm caused, regardless of negligence. The judgment emphasized that industrial development must be balanced with public and worker safety. It recognized that industries have a non-delegable duty to ensure safety standards and prevent accidents. The Court further highlighted the constitutional obligation to protect life and health under Article 21. This case significantly strengthened workplace safety jurisprudence by imposing higher accountability on employers operating hazardous industries. The principle established continues to influence occupational safety regulation and forms an important judicial foundation supporting statutory frameworks like the OSHWC Code, 2020.

D. People's Union for Democratic Rights v. Union of India (1982)

Popularly known as the Asiad Workers Case, this matter involved labourers employed in construction projects for the Asian Games in Delhi who were subjected to unsafe working conditions, wage violations, and exploitation. A public interest litigation alleged non-compliance with labour laws. The Supreme Court held that violation of labour welfare statutes amounts to infringement of fundamental rights under Articles 21 and 23. The Court declared that the right against forced labour includes situations where workers are compelled by economic necessity to work under unsafe or unlawful conditions. It emphasized that the State bears responsibility for ensuring compliance with labour laws even when work is executed through contractors. The judgment reinforced that humane and safe working conditions are constitutional guarantees rather than mere statutory benefits. By recognizing labour rights within the framework of fundamental rights

enforcement, the Court strengthened judicial protection for workplace safety and affirmed State accountability in safeguarding workers' welfare.

E. Vishaka v. State of Rajasthan (1997)

This case originated from the sexual assault of a social worker at her workplace, raising concerns about women's safety and dignity in employment. In the absence of specific legislation addressing workplace sexual harassment, the Supreme Court framed the Vishaka Guidelines using constitutional provisions and international conventions. The Court held that sexual harassment violates Articles 14, 19, and 21 by undermining equality, freedom to work, and the right to live with dignity. It recognized that workplace safety extends beyond physical protection to include psychological security and gender dignity. Employers were made responsible for preventing harassment, establishing complaint mechanisms, and ensuring safe working environments. The judgment marked a transformative expansion of workplace safety jurisprudence by incorporating gender-sensitive protection within fundamental rights. The principles laid down later formed the basis of statutory law on workplace harassment and influenced broader understandings of occupational safety reflected in modern labour reforms.

F. Municipal Council, Ratlam v. Vardichand (1980)

In this case, residents of Ratlam municipality approached the court complaining about unhygienic environmental conditions caused by open drains and industrial pollution affecting public health. The Supreme Court held that local authorities have a statutory and constitutional duty to protect citizens from health hazards. The Court rejected financial constraints as a defense for failing to maintain sanitation and public safety. It emphasized that protection of health and environment is integral to the right to life under Article 21. Though not directly related to industrial employment, the judgment influenced occupational safety jurisprudence by establishing that authorities must prevent conditions harmful to human health. The decision reinforced the principle that governance institutions must actively ensure safe living and working environments. The reasoning later informed labour and environmental cases where workplace hazards

affected worker health, strengthening the constitutional understanding that safety and health protections are essential components of human dignity.

G. Occupational Health and Safety Association v. Union of India (2014) 3 SCC 547

This case concerned occupational health and safety issues specific to workers employed in Coal Fired Thermal Power Plants (CFTPPs). The petition was filed by a registered non-profit organization representing workers in such plants, highlighting exposure to hazardous conditions and inadequate safety measures in that sector. The Supreme Court recognized the importance of occupational health within the framework of Article 21; however, instead of issuing broad directions on industrial safety, the Court primarily demanded the matter to the respective High Courts of the states where the concerned plants were located for appropriate consideration and adjudication. The decision reflects judicial concern for sector-specific occupational hazards while emphasizing the role of constitutional courts in addressing localized labour safety issues.

The judicial decisions discussed above collectively establish important constitutional principles governing workplace safety in India. Through progressive interpretation of fundamental rights, courts have clarified that the guarantee of life and personal liberty under Article 21 extends beyond mere survival and includes the right to work in conditions that are safe, healthy, and compatible with human dignity. A safe workplace is therefore not simply a statutory entitlement but a constitutionally protected right. The judiciary has consistently emphasized employer responsibility in maintaining safe working environments, particularly in industries involving hazardous processes. Employers are required to adopt preventive measures, provide protective equipment, and ensure that workers are not exposed to unreasonable risks. At the same time, the State bears a continuing obligation to effectively implement and enforce labour welfare laws, as failure to regulate unsafe employment conditions may amount to a violation of fundamental rights. These rulings also highlight that labour rights are inseparable from the broader concepts of dignity, health, and social justice. Workplace safety has been interpreted in a comprehensive manner, encompassing physical protection from

accidents, environmental safeguards against harmful exposure, and psychological security, including protection from harassment and exploitation. Together, these principles form the constitutional foundation for modern occupational safety legislation in India.

VIII. FINDINGS

- 1. Judicial interpretation transformed workplace safety into a constitutional right:** Indian courts, particularly the Supreme Court, have played a transformative role in elevating workplace safety from a statutory concern to a constitutional guarantee. Through expansive interpretation of fundamental rights, especially Article 21, the judiciary recognized safe and humane working conditions as essential to the right to life and dignity. This judicial approach strengthened protection for workers beyond legislative provisions.
- 2. Article 21 jurisprudence expanded labour protections beyond statutory guarantees:** The interpretation of Article 21 has broadened labour rights by incorporating health, safety, and dignity within its scope. Courts have held that unsafe or exploitative working conditions violate the right to life, thereby enabling judicial intervention even where statutory safeguards were inadequate. This expansion ensured stronger constitutional backing for occupational safety.
- 3. Earlier labour laws were comprehensive but fragmented:** Prior to labour law consolidation, workplace safety regulations existed under multiple legislation governing specific sectors. Although these laws addressed various aspects of worker protection, their fragmented nature created overlaps, inconsistencies, and enforcement difficulties. This lack of uniformity often weakened effective implementation of safety standards.
- 4. The OSHWC Code reflects judicially evolved safety principles:** The Occupational Safety, Health and Working Conditions Code, 2020 incorporates principles developed through judicial decisions, such as employer accountability and worker welfare. It attempts to unify safety regulations and align statutory

provisions with constitutional values of dignity, health, and humane working conditions recognized by courts.

5. **Implementation mechanisms remain the major challenge:** Despite strong legal and constitutional frameworks, effective enforcement continues to be a significant concern. Issues such as inadequate inspections, lack of awareness, and administrative limitations hinder practical realization of workplace safety rights. The success of the OSHWC Code largely depends on robust implementation and regulatory oversight.

IX. SUGGESTIONS AND RECOMMENDATION

1. **Strengthening enforcement mechanisms:** The effectiveness of the OSHWC Code depends on robust enforcement. It is recommended that the Inspector-cum-Facilitator system be strengthened through increased staffing, specialized training, and accountability measures to ensure compliance with safety standards.
2. **Expanding coverage to informal sector workers:** A significant proportion of India's workforce operates in the informal sector. Legislative and policy measures should extend effective safety protections to informal and unorganized workers to ensure inclusive application of workplace safety norms.
3. **Enhancing transparency and digital compliance:** The implementation of digital inspection systems should be supported by transparent reporting mechanisms and publicly accessible compliance data to improve regulatory oversight and accountability.
4. **Recognizing a statutory right to safe working conditions:** It is recommended that the legislature explicitly recognize the right to a safe workplace within statutory law, thereby reinforcing constitutional principles and strengthening enforceability.
5. **Promoting awareness and worker participation:** Greater emphasis should be placed on worker education, safety training, and participatory mechanisms such

as safety committees to ensure effective implementation of workplace safety standards.

6. Judicial monitoring and periodic review: Courts should continue to play a proactive role in monitoring implementation of labour safety laws and periodically reviewing compliance to ensure that constitutional guarantees are meaningfully realized.

X. CONCLUSION

The recognition of a safe workplace as a fundamental right in India is primarily a judicial achievement. Through expansive interpretation of Article 21, the Supreme Court transformed workplace safety into an essential component of human dignity and the right to life. Legislative reforms culminating in the OSHWC Code, 2020 represent an attempt to translate these constitutional ideals into statutory reality. The Code successfully harmonizes multiple labour laws and introduces modern compliance mechanisms. However, the true realization of workplace safety depends not merely on legislative design but on effective enforcement, administrative capacity, and employer accountability. Ultimately, the OSHWC Code reflects the constitutional vision of social justice by institutionalizing judicially evolved principles, reinforcing that economic development must coexist with human dignity and safe working conditions.

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