

Rules and Regulations Review

The Occupational Safety, Health and Working Conditions (Central) Rules, 2026

Key Features of the Rules

- ◆ The Rules prescribe health, safety, and welfare standards for factories, mines, and building and other construction work, and require establishments with 500 or more workers to constitute a Safety Committee.
- ◆ The Rules provide for a maximum 48-hour work week (eight hours a day for daily wagers), with overtime payable at twice the ordinary rate of wages.
- ◆ The Rules provide for electronic registration of establishments through the Shram Suvidha Portal, with registration certificates to be issued within seven days or deemed approved thereafter. The Rules also provide a standard format for appointment letters.

Key Issues and Analysis

- ◆ The Rules require Aadhaar numbers (with consent) for medical examination of mine workers and appointment letters. This effectively mandates giving consent to provide Aadhaar number to get employed, which may violate a Supreme Court judgement.
- ◆ The Rules do not explicitly bar a contractor from reapplying for a licence after revocation or suspension. Comparable laws disqualify the contractor or impose a cooling-off period.
- ◆ In some cases, the Rules may be going beyond the scope of powers delegated under the Code. These include: (i) mandating a minimum 2% annual wage increment for regularly employed contract workers, (ii) requiring safety officers for dock work establishments, (iii) granting the central government broad discretionary power to remove Advisory Board members, and (iv) excluding certain categories of working journalists from application of working hour provisions.

The Occupational Safety, Health and Working Conditions Code, 2020 regulates the occupational safety, health, and working conditions of workers employed in establishments such as factories, mines, docks, plantations, and building or other construction work. The Code replaced 13 central laws, including: (i) the Factories Act, 1948, (ii) the Mines Act, 1952, (iii) the Contract Labour (Regulation and Abolition) Act, 1970, (iv) the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, and, (v) the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.¹

The Code empowers the appropriate government to make rules on certain matters. These include: (i) health, safety and welfare standards, (ii) constitution of Safety Committees and appointment of Safety Officers, (iii) provision of welfare facilities, (iv) administration of the Social Security Fund, and (v) hours of work, intervals and spread-overs. The central government is the appropriate government for specified establishments including: (i) establishments under the authority of the central government, (ii) establishments in areas such as railways, banks, mines, major ports, oilfields, and telecom, and (iii) central public sector undertakings. The state government is the appropriate government for all other establishments.

The Occupational Safety, Health and Working Conditions (Central) Rules, 2026 were notified on May 8, 2026.² These Rules replace 15 Rules, including: (i) the Mines Rules, 1955, (ii) the Contract Labour (Regulation and Abolition) Central Rules, 1971, and (iii) the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1979. The Rules include details on: (i) registration of establishments (ii) health, safety and welfare standards, (iii) Safety Committees, (iv) medical examination and reporting of accidents, dangerous occurrences, and diseases, (v) hours of work and overtime, and (vi) inter-state migrant workers.

G.S.R. 345 (E).
Occupational
Safety, Health
and Working
Conditions
(Central) Rules,
2026 dated
May 8, 2026

Vaishali Dhariwal
vaishali@prsindia.org

October 28, 2026

KEY FEATURES

These Rules will apply to industrial establishments for which the central government is the appropriate government under the Code. The central government is the appropriate government for specified establishments including: (i) establishments under the authority of the central government, (ii) establishments in areas such as railways, banks, mines, major ports, oilfields, and telecom, and (iii) central public sector undertakings.

Key features of the Rules are:

- **Registration and appointment letters:** The Code requires every employer to register the establishment electronically with the prescribed authority, and to issue a letter of appointment to every employee. The Rules provide for electronic registration of establishments through the Shram Suvidha Portal, with registration certificates to be issued within seven days or deemed approved thereafter. They also prescribe a standard format for appointment letters containing details such as wages, designation, social security benefits, and nature of duties. Employee's Aadhaar number will be required for the letter of appointment and medical examination with the employee's consent.
- **Health, safety and welfare:** The Code requires every employer to maintain such health, safety and working conditions, and to provide such welfare facilities, in the establishment as may be prescribed. The Rules prescribe standards for health, safety, and welfare in factories, mines, and building and other construction work. These include requirements relating to cleanliness, ventilation, drinking water, sanitation, temperature and humidity, control of dust and fumes, and protection against heat stress. Employers are also required to provide personal protective equipment and emergency preparedness measures.
- **Safety Committees and Safety Officers:** The Code empowers the appropriate government to require establishments to constitute a Safety Committee. The Rules require that every establishment employing 500 or more workers must constitute a Safety Committee comprising representatives of employers and workers. The Rules specify the Committee's composition, functions, and meeting frequency, and require employers to act on its recommendations within 15 days. They also prescribe the qualifications, scale of appointment, and duties of Safety Officers in mines, dock work, and building and other construction work.
- **Medical examination and accident reporting:** Employers in dock work and building and other construction work must provide annual medical examinations free of cost to employees aged 40 years or above. The Rules also prescribe timelines for reporting fatal accidents, serious injuries, dangerous occurrences, and occupational diseases, and specify the categories of incidents that must be reported.
- **Work hours:** The Code provides that no worker will be allowed to work more than eight hours in a day, and that overtime work will be paid at twice the rate of ordinary wages. The Rules provide for a maximum of 48 hours of work per week. Overtime is specified at more than eight hours in a day for daily wagers, and more than 48 hours in a week for non-daily wagers and is payable at twice the ordinary rate of wages.
- **Occupational safety institutions:** The Code provides for the constitution of a National Occupational Safety and Health Advisory Board (NOSHAB) to advise the central government, and a State Occupational Safety and Health Advisory Board in each state to advise the state government. The Rules specify terms and conditions of service for NOSHAB and composition and functioning of the Technical and Advisory Committees.
- **Inter-state migrant workers:** The Code requires the central and state governments to maintain a database or record of inter-state migrant workers. The Rules require that employers furnish data on inter-state migrant workers and their occupational safety and health through a portal designated by the central government.

KEY ISSUES AND ANALYSIS

Requirement for Aadhaar may violate Supreme Court judgement

Rules: Rule 6, 112, 115

Rule 115 requires the qualified medical practitioner conducting a medical examination of mine workers to record their Aadhaar number, after obtaining consent. Further, Rule 112 makes it mandatory for a mine worker to undergo the medical examination, failing which the services may be terminated. This implies that the worker has to mandatorily give "consent" in order to obtain and retain employment. This requirement may violate the Supreme Court Puttaswamy-II judgement.³ The Supreme Court had ruled that the Aadhaar number may only be made mandatory for expenditure on a subsidy, benefit, or service incurred from the Consolidated Fund of India.

Further, Rule 6 requires the letter of appointment issued by an employer to contain the employee's Aadhaar number, after obtaining the employee's consent. However, such consent may not be free if employment depends on providing it. The Digital Personal Data Protection Act, 2023 governs the processing of digital personal data.⁴

The Act provides that consent must be free, specific, informed, unconditional and unambiguous, given through a clear affirmative action, and limited to personal data necessary for the specified purpose.

Licence requirements are different from comparable laws

Code:
Section 47,
51

Rules: Rule
85, 95

The Code provides that contractors can engage or execute work through contract labour only if they obtain a licence after fulfilling certain prescribed criteria. The Code also provides that a licence may be revoked or suspended if: (i) it was obtained by misrepresentation or suppression of material fact, or (ii) holder of the licence contravenes conditions stated therein or the Code and Rules under it. The Rules specify that an applicant must not: (i) be an undischarged insolvent, or (ii) have been convicted of a criminal offence punishable with more than three months of imprisonment, at any time during the preceding two years. However, the Rules do not explicitly disqualify a contractor from applying for a licence again after a revocation or suspension.

This varies from the provisions of the Contract Labour (Regulation and Abolition) Central Rules, 1971 which are being replaced by the 2026 Rules. The 1971 Rules state that a person may not be granted another licence for three years from the date of an order revoking or suspending a licence.⁵

Some laws disqualify a person whose licence has been suspended. For example, Rules under the Drugs and Cosmetics Act, 1940 provide that an applicant may be refused a licence to import certain drugs if their licence had previously been revoked or suspended.⁶ Regulations under the Food Safety and Standards Act, 2006 stipulate that a food business operator whose licence has been cancelled can re-apply for a licence only after a period of three months, if the operator can demonstrate implementation of corrective measures required by the licensing authority.⁷

Rules may be going beyond powers delegated under the Code

The Supreme Court has held that Rules cannot alter the scope, provisions, or principles of the parent Act. It has held that the general power of rule-making cannot be exercised in a manner to create substantive rights or obligations or disabilities that are not contemplated by the provisions of the Act itself.⁸ Certain rules may be going beyond the scope of powers delegated under the Code.

Annual increment for contract workers

Code:
Section
2(1)(m);

Rules: Rule
185

The Code defines contract labour as a worker employed in connection with an establishment's work when hired through a contractor. It excludes workers regularly employed by the contractor whose employment is governed by mutually accepted standards (including permanent engagement) and who receive periodical pay increments, social security, and other welfare benefits in accordance with the law in force in such employment.

The Rules state that such a regularly employed worker shall get an annual increment of not less than two percent of wages. By specifying a minimum increment rate, the Rules create a new wage obligation not found in the Code.

Safety officers for dock work

Code:
Sections 22
(2);
133(2)(o);

Rules:
Rule 18

The Code requires the appointment of safety officers in: (i) a factory employing 500 or more workers; (ii) a factory carrying on a hazardous process and employing 250 or more workers; (iii) building or other construction work employing 250 or more workers; and (iv) a mine employing 100 or more workers. The central government will prescribe the qualifications, duties, and number of such safety officers.

The Rules mandate the appointment of safety officers for dock work establishments employing 500 or more workers. Since dock work is not one of the categories requiring appointment of safety officers under the Code, the Rules may be going beyond the delegated powers.

National Occupational Safety and Health Advisory Board

Code:
Sections
16(3); 134(g)

Rules: Rules
11 (5)-11(7)

The Code provides that the term of office of Members of the National Occupational Safety and Health Advisory Board shall be three years. The procedure for their nomination, and the discharge of their functions, shall be as prescribed by the central government.

The Rules provide a resignation mechanism and create a vacancy on acceptance of a member's resignation. The Rules state that a member will be removed automatically for missing three consecutive meetings without leave. The Rules also create three disqualification grounds: unsoundness of mind, undischarged insolvency, and conviction involving imprisonment of three months or more. The central government may also remove any member if it is of the opinion that he has ceased to represent the interest he was appointed to represent.

It may be argued that automatic removal for absence, disqualification on enumerated grounds, and a broad discretionary power of removal are not matters of procedure for nomination or discharge of functions. The Rules may therefore be going beyond the scope of the power delegated.

Working hours of a working journalist

Code:
Sections
2(1)(zzm);
25(2),
134(2)(r)

Rules: Rule
65

The Code defines a working journalist as a person whose principal occupation is journalism and who is employed, full-time or part-time, in a newspaper, electronic media or digital media establishment. The definition covers editors, reporters, correspondents, sub-editors, photographers, cartoonists etc, and excludes those employed mainly in managerial, supervisory or administrative roles. It further provides that hours of work for working journalists will be prescribed by the central government, and will be subject to a maximum of 144 hours in any four consecutive weeks, and at least 24 consecutive hours of rest during any seven consecutive days

The Rules elaborate on the working hours for working journalists. However, the Rules specify that these requirements will apply to working journalists other than editors, and certain correspondents, reporters and news photographers. Since the Code expressly includes these categories within the definition of a working journalist, excluding them from the working-hours provisions may go beyond the powers delegated. The delegated power to prescribe working hours does not permit exclusion of categories of working journalists covered by the Code.

Rules on several provisions of the Code not specified

The central government is the appropriate government for specified establishments including: (i) establishments under the authority of the central government, (ii) establishments in areas such as railways, banks, mines, major ports, oilfields, and telecom, and (iii) central public sector undertakings. The state government is the appropriate government for all other establishments. The Code requires several matters to be prescribed through Rules, including: (i) provision of welfare facilities, (ii) administration of Security Fund, and (iii) hours of work, intervals and spread overs. However, the Rules do not provide for several of these matters and further delegate some details to notification or orders of the government. Table 1 provides a list of such provisions.

Table 1: Provisions under the OSH Code, 2020 which do not have corresponding Rules

Provisions in the OSH Code 2020	Provisions in the 2026 Rules
Applications for registration of establishments are to be submitted in such form and manner, with a fee as may be prescribed. (Section 3(2), 133(2)(d))	Rules specify the form and manner but do not prescribe the fee payable for registration (Rules 3(1), 3(2) and Form I).
The appropriate Government may require any establishment to constitute a Safety Committee, with worker representatives chosen in such manner as may be prescribed. (Section 22(1), 133(2)(n))	In cases where there is no sole negotiating union or a negotiating council, Rules specify that workers of establishment will choose amongst themselves. However, no further details on manner of choosing have been provided (Rule 15(4)(b)).
Appeal against orders relating to common licence to be filed with such fee as may be prescribed. (Section 119(6), 133(2)(zzo))	Authority to be notified by the central government, forms and fees to be specified by general or special order of the central government.

Sources: OSH Code 2020; Occupational Safety, Health and Working Conditions (Central) Rules, 2026; PRS.

1. The Occupational Safety, Health and Working Conditions Code, 2020, <https://indiacode.gov.in/server/api/core/bitstreams/3a7333e5-1f94-4f64-aff7-be67c0e63435/content>.
2. The Occupational Safety, Health and Working Conditions (Central) Rules, 2026, Ministry of Labour and Employment, May 8, 2026, <https://www.labour.gov.in/static/uploads/2026/05/ee246f790cad0b8e99c3828f34fa09a6.pdf>.
3. Writ Petition (Civil) 494 of 2012, Justice K.S. Puttaswamy vs Union of India, the Supreme Court of India, September 26, 2018, https://api.sci.gov.in/supremecourt/2012/35071/35071_2012_Judgement_26-Sep-2018.pdf.
4. Section 6(1), Section 7(i), the Digital Personal Data Protection Act, 2023, <https://www.meity.gov.in/static/uploads/2024/06/2bflf0e9f04e6fb4f8fef35e82c42aa5.pdf>.
5. Rule 22(c), the Contract Labour (Regulation and Abolition) Central Rules, 1971, <https://www.labour.gov.in/static/uploads/2025/06/8753816f61f0c4e552591579c2b5daa2.pdf>.
6. Rule 25A, the Drugs and Cosmetics Rules 1945, https://cdsco.gov.in/opencms/export/sites/CDSCO_WEB/Pdf-documents/acts_rules/2016DrugsandCosmeticsAct1940Rules1945.pdf.
7. Regulation 2.1.8, the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, https://fssai.gov.in/upload/uploadfiles/files/Licensing_Regulations.pdf.
8. Civil Appeal No. 4672 of 2012, Naresh Chandra Agrawal vs ICAI, the Supreme Court of India, February 8, 2024, https://api.sci.gov.in/supremecourt/2011/29601/29601_2011_15_1501_50151_Judgement_08-Feb-2024.pdf.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.