

**MINISTRY OF LABOUR AND EMPLOYMENT****NOTIFICATION**

New Delhi, the 30th December, 2025

**G.S.R. 934(E).**—Whereas, subsequent to the enactment of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) (The said Code) by Parliament, the draft Occupational Safety, Health and Working Conditions (Central) Rules, 2020 were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i) vide Notification number G.S.R.729 (E), dated 19th November, 2020 and GSR 261(E) dated 15<sup>th</sup> April 2021 inviting objections and suggestions as required under sections 133 and 134 of the said Code;

And whereas, vide notification number S.O. 5321 (E), dated 21st November, 2025, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii), all the provisions of the said Code have been brought into the force.

Now therefore, the following draft rules, which the Central Government proposed to make in exercise of powers conferred by Sections 133 and 134 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) read with section 24 of General Clauses Act, 1897(10 of 1897) and in supersession of the-

1. The Dock Workers (Safety, Health and Welfare) Rules, 1990;
2. The Building and Other Construction Workers (Regulation of Employment and Condition of Services), Rules, 1998;
3. The Model Factories Rules;
4. The Mines Rules, 1955;
5. The Mines Rescue Rules, 1985;
6. The Mines Vocational Training Rules, 1966;
7. The Pithead Bath Rules, 1959;
8. The Mines Crèche Rules, 1966;
9. The Contract Labour (Regulation and Abolition) Central Rules, 1971;
10. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1979;
11. The Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957;
12. The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984;
13. The Sales Promotion Employees (Conditions of Service) Rules, 1976.

made by the Central Government in exercise of the powers conferred by the Dock Workers (Safety, Health and Welfare) Act, 1986( 54 of 1986), the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996(27 of 1996), Factories Act, 1948 ( 63 of 1948), the Mines Act, 1952(35 of 1952), The Contract Labour (Regulation and Abolition) Act, 1970(37 of 1970), The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979( 30 of 1979), The Working Journalists (Fixation of Rates of Wages) Act, 1958( 29 of 1958), The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981( 50 of 1981), The Sales Promotion Employees (Conditions of Service) Act, 1976(11 of 1976) , as the case may be which are repealed by section 143 of the said, the Occupational Safety, Health and Working Conditions Code, 2020, except as respected things done or omitted to be done before such supersession, are hereby notified as required by subsection (1) of said Section 133 and sub-section (1) of sub section 134, for information of all persons likely to be affected thereby and notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Shri Ravi Shankar Nirala, Under Secretary to the Government of India, Ministry of Labour and Employment, Room No: 17, Shram Shakti Bhawan, Rafi Marg, New Delhi or by email (fasli@dgfasli.nic.in and ravis.nirala@nic.in ) the objections and suggestions should be sent in a proforma containing columns (i) specifying the name and address of the persons and organizations and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub rule proposed to be submitted and the reasons therefore;

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the Central Government.

## Chapter – I

### Preliminary

1. **Short title, extent and commencement.**-(1) These rules may be called the Occupational Safety, Health and Working Conditions (Central) Rules, 2025.
  - (2) They extend to whole of India.
  - (3) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**- (1) **In these rules, unless the context otherwise requires,-**
  - (a) “Code” means the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020);
  - (b) “section” means the section of the Code;
  - (c) ”Form” means a form annexed to these rules;
  - (d) “Registering Officer” means the registering officer appointed by the Central Government under the code for the purpose of these rules;

(2) The words and expressions used in these rules and are not defined therein, but are defined in the Code, shall have meanings respectively assigned to them in the Code.

## Chapter II

### Registration

3. **Application for registration under Section 3.**- (1) (i) The employer seeking registration for an establishment not already registered shall apply electronically in Form-I on the Shram Suvidha Portal of the Ministry of Labour & Employment or designated Portal by giving details about the establishment, and uploading documents related to Registration of the establishment, proof of Identity and address of the employer as specified in the said Form. The said Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.
  - (ii) The Permanent Account Number (PAN) of the applicant or the establishment, allotted under Income Tax Act, 1961 (43 of 1961) or any other unique number allotted to the establishment under any other Act for the time being in force or any other particular furnished in the said form, may be verified online.
  - (iii) The certificate of registration shall be issued in **Form-II** electronically immediately, if the application is complete in all respect but not later than seven days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:
 

Provided that in exceptional circumstances the Central Government may, for such period, by notification, as specified therein dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole of India, and submission of application in **Form-I** so provided, may be allowed.
  - (iv) The certificate of registration shall be non-transferable and a copy of the certificate of registration shall be displayed in the premises of the establishment at a conspicuous place(s) in hard copy or electronically.

(2) The Registering Officer under the Code may direct the employer who fails to comply with the requirements of sub-rule (1), comply with such requirements within the time stated in such direction and such employer shall; there upon comply with the direction issued by such Officer in this behalf.

(3) The employer in respect of an establishment already registered under any other Central labour laws for the time being in force shall, update the registration particulars on the Shram Suvidha Portal or designated Portal of the Ministry of Labour & Employment, within six months from the date on which this Rule comes into force.

(4) Any registration obtained by providing wrong information shall be liable to be cancelled provided that establishment has been given an opportunity to show cause within a period of 30 days, electronically or by registered post or by speed post, as to why the certificate of registration should not be cancelled.

(5) The employer shall quote the registration number on all documents prepared or completed by him in connection with the Code or the Rules or the Regulations or the Scheme, as the case may be, made thereunder and in all correspondence with the office concerned.

(6) Any change in the ownership, management or any particular furnished in registration Form submitted on the specified portal shall be updated on the portal by the employer within thirty days of such change.

(7) The employer of an establishment, to which the provisions of the Code apply and whose business activities are in process of closure, may apply for cancellation of registration online on the Shram Suvidha Portal or designated Portal of the Ministry of Labour & Employment after giving complete details of the dues payable under the Central Labour Codes for the time being in force:

Provided that no such application for cancellation of registration shall be entertained unless the employer has furnished all statutory returns, paid all statutory dues under the Central labour Codes and any other Central labour laws for the time being and submitted a self-certification to that effect along with the application.

(8) The Registering Officer shall maintain a register of establishment electronically in **FORM-III** showing the particulars of establishment in relation to which certificates of registration have been issued by him.

(9) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator having jurisdiction in the area where the proposed establishment is situated or as the case may be, the work is to be executed, intimating the actual date of the commencement, completion of work and cessation of establishment as the case may be, in **FORM-IV** electronically and the same shall be auto-shared to Employees' Provident Fund Organization (EPFO) and Employees' State Insurance Corporation (ESIC).

**4. Appeal under section 4.** (1) The employer, aggrieved by the order of Registering Officer, may appeal against such order before the appellate officer notified by the Central Government for such purpose within thirty days from the date of receipt by him of such order, electronically or by registered post or speed post.

(2) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal in electronic form as specified by the Government by general or special order.

(3) When the appeal has been admitted, the appellate officer shall send the notice of the appeal to the Registering Officer, against whose order the appeal has been preferred and the Registering Officer shall there upon send the records of the case to the appellate officer online electronically or by registered post or speed post.

(4) On receipt of the appeal, the appellate officer shall send a notice electronically or by registered post or speed post to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal. If the appellant is present when the appeal is called on for the hearing, the Appellate Officer shall proceed to hear the appellant or his authorised agent and any other person summoned by him for this purpose, and pronounce judgment on the appeal confirming, reversing or varying the order appealed against the appeal is preferred.

(5) If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellants by sending the copy of the order of dismissal to the applicant electronically or by registered post or speed post.

(6) Where an appeal has been dismissed, the appellant may apply electronically or by registered post or speed post, to the appellate officer for the restoration of the appeal within thirty days from the date of receipt of the order of dismissal under sub-rule (5) and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal.

(7) The order of the appellate officer under sub-rule (6) shall be communicated electronically or by registered post or speed post to the appellant and copy thereof shall be sent to the Registering Officer against whose order the appeal has been preferred.

(8) An appeal under this rule shall be disposed of within thirty days from the date on which the appeal is received under sub-section (4).

**5. Notice of commencement and cessation of operation under section 5.-** The employer of every establishment being mine or relating to contract labour or building or other construction works shall within thirty days of the commencement or cessation of operation of the establishment, submit to the Registering Officer notice of commencement and cessation of operation in **FORM-IV**, electronically and the notice of cessation of operation shall be enclosed with a certificate that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

### Chapter-III

#### Duties of Employer and Employee

**Rule No. 6. Annual Health Examination of employees under clause (c) of sub-section (1) of Section 6:** Every employer of factory, dock, mine, building & other construction work shall arrange to conduct free of cost, medical examination for every employee annually i.e. within 120 days from the commencement of the calendar year who has completed 40 years of age. The medical examination shall be conducted by a qualified medical practitioner as per proforma in the **Form-V**. The Medical Certificate shall be submitted by the qualified medical practitioner to the concerned employer and employee.

Provided that an employer may avail facility for medical examination of the employee (s) under relevant rule of Social Security Code Rules, 2025 through Employees' State Insurance Corporation (ESIC).

Provided that in case of mines additional tests and conditions of annual medical examinations of employees shall be governed under Rule 98.

**7. Letter of appointment to employee under clause (f) of sub-section (1) of Section 6.-**No employee shall be employed in any establishment unless he has been issued a letter of appointment in the format given below:

Provided that, an employee who has not been issued an appointment letter containing the required particulars, shall be issued an appointment letter within three months of coming into force of this rule.

#### Format

- i. Name of employee:
- ii. Date of birth:
- iii. Father's / Mother's name:
- iv. Aadhar number:
- v. Labour Identification Number (LIN) of the establishment:
- vi. Universal Account Number (UAN) or Insurance Number (ESIC)(if available):
- vii. Designation:
- viii. Category of skill:
- ix. Date of joining:
- x. Wages/Basic/Pay and Dearness Allowance:
- xi. Other allowance including accommodation whichever is/are applicable:
- xii. Avenue for achieving higher wages or higher position:
- xiii. Applicability of social security Employees' Provident Fund Organisation (EPFO) and Employees' State Insurance Corporation (ESIC) benefits:
- xiv. Broad Nature of duties to be performed:
- xv. Any other information:

**Signature**

**Occupier or employer or owner or agent or manager**

**8. Notice of accidents and dangerous occurrences under sub-section (1) of section 10 and section 11.-**

(1) Where at any place in an establishment which is dock work, mines, building or other construction work; an accident occurs which results in the death of any person, the employer or occupier or manager of the establishment shall forthwith send a notice thereof in **FORM-VI** electronically and inform by telephone to the Inspector-cum-Facilitator, Chief Inspector-cum Facilitator, District Magistrate or Sub-divisional Officer and the officer-in-charge of the nearest police station; and the family members or kin of the deceased person.

(2) Where at any place in an establishment which is dock work, mines, building or other construction work, an accident occurs which results in bodily injury by reason of which the person injured is prevented from working for a period of forty eight hours or more immediately following the accident, the employer or occupier or manager of the establishment shall forthwith send a notice in **FORM-VI** within twelve hours after the completion of forty eight hours, electronically to the Inspector-cum-Facilitator.

(3) Where in an establishment, there is any dangerous occurrence as specified in the schedule annexed hereto, whether causing any bodily injury or disability or not, a notice in **FORM-VI** shall within twelve hours be sent to-

- (a) the Inspector-cum-Facilitator ;
- (b) District Magistrate or Sub-divisional Officer;

Provided that if in the case of an accident or dangerous occurrence, death occurs to any person injured by such accident or dangerous occurrence after the notices referred to in the foregoing sub-rules have been sent, the employer or occupier or manager of the establishment shall forthwith send a notice thereof by telephone and electronically to the authorities and persons mentioned in sub-rules (1) and (2) and also have this information confirmed in writing within twelve hours of the death.

Provided further that, if the period of disability from working for 48 hours or more referred to in sub-rule (2) does not occur immediately following the accident, or the dangerous occurrence, but later on occurs in more than one spell, the report there of shall be sent to the Inspector-cum-Facilitator in the **FORM-VI** within 24 hours following the hours when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours.

**SCHEDULE**

The following classes of dangerous occurrences, whether or not they are attended by personal injury or disablement, namely: -

- (i) bursting, of any plant or pipeline or equipment containing petroleum, steam, compressed air or other substance at a pressure greater than the atmospheric pressure; a blow out in case of oil mine;
- (ii) collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.
- (iii) explosion, explosion due to explosives, fire, leakage or release of harmful toxic gases, bursting out, leakage or escape of any molten metal, or hot liquid or gas causing bodily injury to any person or damage to any room or place in which persons are employed;
- (iv) explosion of a receiver or container used for the storage at pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.
- (v) collapse or failure of lifting appliances or hoist or conveyors or other similar equipment for handling building or construction material or breakage or failure of rope, chain or loose gears; overturning of cranes used in building or other construction work; falling of objects from height;
- (vi) a spontaneous heating or outbreak of fire, or appearance of smoke, or other indication of heating or outbreak of fire in belowground mines;
- (vii) collapse of any wall, floor, gallery, roof bridge, tunnel, chimney, wall, building or subsidence of soil or any other structure, platform, staging, scaffolding or any means of access including formwork; contact work, excavation and collapse of transmission;
- (viii) spillage or leakage of hazardous substances and damage to their container;
- (ix) an eruption or inrush of water or other liquid matter in mines;

- (x) collapse, capsizing, toppling or collision of transport equipment within the establishment;
- (xi) fall from height of any excavation, loading or transport machinery;
- (xii) an instantaneous failure of a pillar, part of a pillar or several pillars in working below ground;
- (xiii) a rock-burst in working belowground; a premature collapse of any part of the working;
- (xiv) a breakage, fracture or failure of an essential part of any machine or apparatus whereby the safety of persons may be endangered;
- (xv) a slide causing injury to any person, damage to any machinery, or interruption of normal mining operations;
- (xvi) failure of dump or side in opencast working; a blowout;
- (xvii) a failure of any structure or installation whereby the safety of persons may be endangered; or spark generated due to electrical flash-over causing burn injury to any person;
- (xviii) a major uncontrolled emission of petroleum or chemical spillage;

- 9. Notice of disease under sub-section (1) and (2) of Section 12.-** (1) A notice in the following format shall be sent forth electronically, to the Inspector-cum Facilitator or Chief Inspector-cum-Facilitator, by the employer or occupier or manager of an establishment in which there occurs any disease as notified under the Third Schedule to the Code.

#### NOTICE OF DISEASE

**(1) Name and address the employer or Occupier or Manager**

- (1) Name **and address** of establishment:
- (2) Nature of establishment:
- (3) In case of mines the name of the mineral:
- (4) Details of Patient:
  - (a) Name of Patient:
  - (b) Worker number of Patient:
  - (c) Address of patient:
  - (d) Precise occupation of patient:
- (5) Nature of disease from which patient is suffering:
- (6) Date of detection of disease:
- (7) Details of medical practitioner:
- (8) Has the case been reported to the Medical Officer:

Date:

Signature of employer or occupier or manager

(2) If any qualified medical practitioner attends on a person who is or has been employed in an establishment and who is or is believed by the qualified medical practitioner to be suffering from any disease specified in the Third Schedule to the code, the qualified medical practitioner shall without delay send a report in writing to the office of the Chief Inspector-cum-Facilitator 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 establishment in which the patient is or was last employed.

**10. Duties of employee under clause (d) and (g) of section 13.-** If an employee comes to know that of any unsafe or unhealthy condition in the establishment, he shall report to the health and safety representative or safety officer or agent or manager in case of mine, as soon as practicable, electronically or in writing or telephonically and such representative or officer or agent or manager, as the case may be, report to the employer electronically or by registered post of speed post.

**11. Rights of Employee under sub-section (3) of section 14.-** On receipt of information from the employee relating to the existence of an imminent danger to their safety and health, the employer shall take immediate remedial action in this regard. The employer, whether satisfied or not, shall send a report forthwith of such actions taken, to the Inspector-cum-Facilitator electronically or by registered post or speed post.

#### Chapter IV

#### Occupational Safety and Health

**12. Provisions relating to National Occupational Safety and Health Advisory Board under sub sections (3) of Section 16.** (1) The Members of the National Board as specified in Section 16(2) (g), (j), (k), (l), (m) and (n) shall be appointed by the Central Government.

(2) The National Board may meet as often as necessary to discharge the functions as specified in sub-section (1) of Section 16.

**13. Resignation** (1) A Member of the National Board, not being an ex-officio member, may resign from his office by a letter in writing addressed to the Chairperson of the National Board.

(2) The seat of such a Member shall fall vacant from the date on which his resignation is accepted by the Central Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by the Central Government whichever is earlier.

**14. Cessation of membership:** If any Member of the National Board, not being an ex-officio member, fails to attend three consecutive meetings of the National Board, without obtaining the leaves sanctioned by the Chairperson of National Board for such absence, he shall cease to be a member of National Board:

Provided that the Central Government may, if it is satisfied that such Member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such Member shall continue to be a Member of National Board.

**15. Disqualification for Membership:** A person shall be disqualified for being a Member of the National Board,

- (i) if he is of unsound mind and stands so declared by a competent authority;
- (ii) if he is an un-discharged insolvent; or
- (iii) if he has been convicted for an offence, having a penalty of imprisonment of three months or more;

**16. Removal from Membership:** The Central Government may remove any Member of the National Board, if in its opinion such Member has ceased to represent the interest which he purports to represent on such National Board:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making presentation against the proposed action under this rule.

**17. Travelling Allowance for Members** (1) The travelling allowance of an official Member of the National Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official Members of the National Board shall be paid travelling allowance for attending the meeting of the National Board at such places as per the instructions issued by Department of Expenditure, Ministry of Finance, Government of India from time to time.

**18. Constitution of Technical Committees under sub section (5) of Section 16**

- (i) The Central Government may constitute one or more Technical Committees for the purpose of assisting the Central Government or National Board in discharge of its functions specified in sub section (1) of Section 16 of the Code.
- (ii) The Technical Committees may be multi-members committee, and consist of members from government, public, autonomous or private institutions/industries.
- (iii) The members of the committee shall have Bachelor's degree in engineering with Diploma/post-graduate diploma in industrial safety or Master's Degree in (Physics/Chemistry)/ MBBS with Associate Fellow of Industrial Health (AFIH), with an experience of not less than 20 years in the relevant field/industry.
- (iv) In case of mines, a member having Bachelor's degree in Mining engineering with First Class Manager's Certificate of Competency to manage a coal or metalliferous mine or M.E/M.Tech./Ph. D in mining discipline/MBBS, with experience of not less than 20 years in regulatory body or industry or research or academic institutions or occupational health may be nominated to the technical committee.
- (v) The Chairperson of the Technical Committee may be the ex-officio member as nominated by the Central Government.
- (vi) The Technical Committee may constitute sub-committees to meet the specific requirements.
- (vii) The Technical Committee shall follow such rules and procedure including its transaction of business as may be issued by an order by the Central Government or National Board from time to time.
- (viii) TA/DA for non-official members of the Technical Committee shall be as per the instructions issued by Department of Expenditure, Ministry of Finance, Government of India from time to time.

**19. Functions of Technical Committees.**

- (i) The Technical Committees shall frame, formulate and review standards, rules and regulations on Occupational Safety, Health and Working Conditions under the OSH&WC Code, 2020.
- (ii) The Technical Committee shall meet regularly on need basis and not less than once in a three month.

**20. Resignation.**

- a. A member of the Technical Committee, not being an ex officio member, may resign his office by a letter in writing addressed to the Central Government through the Chairperson of the Technical Committee.
- b. A Chairperson of the Technical Committee may resign his office by a letter in writing addressed to the Central Government through Secretary, Ministry of Labour and Employment.
- c. The seat of such a member or Chairperson as case may be shall fall vacant from the date on which his resignation is accepted by the Central Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by Central Government whichever is earlier.

**21. Cessation of membership.**

If any member of the Technical Committee, not being an ex officio member, fails to attend two consecutive meetings of such Committee, without obtaining the permission of the Chairperson of such Committee for such absence he shall cease to be a member of such Committee:

Provided that the Central Government may, if it is satisfied that such member was prevented by sufficient cause from attending two consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of such Committee.

**22. Disqualification for membership.**

- (i) A person shall be disqualified for being a member of the Technical Committee —
  - (a) if he is of unsound mind and stands so declared by a competent court;
  - (b) if he is an undischarged insolvent; or
  - (c) if he has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude.
- (ii) Where a question arises as to whether a disqualification has been incurred under sub-rule (1), the Central Government shall decide such question, should be treated as final.

**23. Removal from membership.**

The Central Government may remove any member or Chairperson of the Technical Committee, if in its opinion such member has ceased to represent the interest which he purports to represent on such Committee:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making a representation against the proposed action under this rule.

**24. Collection of statistics and portal for inter-State migrant workers under sub-sections (1) and (2) of Section 21.**-The employer shall submit the detail statistics of inter-state migrant workers and of their occupational safety and health and electronically on web portal designated for the purpose by the Central government or such member of workers as may be specified by general or special order under.

**25. Safety Committee under Section 22.** (1) Every establishment employing 500 or more workers except for the establishment prescribed under sub-section (1) of section 22 shall constitute a safety committee consisting of representatives of employers and workers.

(2) The tenure of the safety committee shall be for three years. The safety committee shall meet at least once in every quarter. In case of mines, the safety committee shall meet at least once in a month.

(3) Safety Committee shall have the right to be adequately and suitably informed of—

- (a) potential safety and health hazards to which the workers may be exposed at workplace;
- (b) data on accidents as well as data resulting from surveillance of the working environment and of the health of employees, conducted at such establishments.

(4) The owner, employer, occupier, agent or manager shall, within a period of 15 days from the date of receipt of the recommendations of the Safety Committee shall take action to implement the recommendations.

**26. Composition of Safety Committee.**- (1)The representatives of the management on Safety Committee, except in mine, shall consist of-

- (a) a senior official, who by his position in the organization can contribute effectively to the functioning of the Committee, shall be the Chairman;
- (b) a Safety Officer and Medical Officer wherever available and the safety officer in such a case shall be the Secretary of the Committee; and
- (c) A representative each from the production, maintenance and purchase departments.

(2) (i) the Safety Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed twenty;

(ii) the representatives of the employer in the Safety Committee shall be nominated by the employer and shall, as far as possible, be officials in direct touch with or associated with the working of the establishment, preferably the heads of major departments of the establishment;

(iii) the representative of the workers in the Safety Committee shall be chosen in the following manner, namely: -

(a) where there is a sole negotiating union or negotiating union under sub-section (2) or sub-section(3) of section 14 or a negotiating council under sub-section(4) of that section 14 of the Industrial Relations Code,2020(35 of 2020) or negotiating union or under said sub section (3) negotiating council, as the case may be, shall nominate the worker's representatives on the Safety Committee and in the case of the negotiating council, the nomination shall be in the manner that every registered Trade Union representing in negotiating council shall be represented in the Safety Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;

(b) where there is no such sole negotiating union or negotiating union or negotiating council as referred to the clause (a), the workers of the industrial establishment shall choose amongst themselves the worker's representatives on the Safety Committee:

Provided that, the employer may, deploy an electronic process of conducting the process of choosing representative of workers over an information technology application, online platform or like other platform under:

Provided further that there shall be adequate representation of women workers on the Safety Committee and such representation shall not be less than the proportion of women workers to the total number of workers employed in the industrial establishment:

Provided further that the tenure of the members of the Safety Committee shall be three years.

Provided also that in case there is no recognized both negotiating union or negotiating council and where any dispute arises regarding choosing of the worker's representative to the Safety Committee, the matter may be referred to the concerned Regional Labour Commissioner (Central), who shall after hearing the parties decide the matter and his decision shall be final.

(3) The minutes of the meeting of the Safety Committee referred to in sub-rule (1) shall be recorded.

(4) Function and duties of the Safety Committee in an establishment shall include –

- (a) assisting and cooperating with the management in achieving the aims and objectives outlined in the 'Safety and Health Policy of the establishment;
- (b) dealing with all matters concerning health, safety and environment and to arrive at practicable solutions to problems encountered;
- (c) creating safety awareness amongst all workers;
- (d) undertaking educational, training and promotional activities;
- (e) discussing reports on safety, environmental and occupational health surveys, safety audits, risk assessment, emergency and disaster management plans and implementation of the recommendations made in the reports;
- (f) looking into the matters likely to cause danger to the safety and health of the workers and suggest corrective measures; and
- (g) Reviewing the implementation of the recommendations made by it.

**27. Composition of Safety Committee in case of mines.** - The Safety Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed twenty;

(1) The representative of the employer on safety committee, in the mine shall be nominated by the employer and shall, as far as possible, be officials in direct touch with or associated with the workings of the mine, preferably the heads of major departments of the mine and will consists of ;

- (i) the manager referred to in section 67 of the Code shall be the Chairman;
- (ii) Five officials or competent persons of the mine nominated by the Chairman;
- (iii) The safety officer, or where there is no safety officer, the senior most mine official next to the manager, who shall act as Secretary to the Committee;

(2) The representative of the workers in the Safety Committee shall be chosen in the following manner, namely:-

- (i) where there is a sole negotiating union or negotiating union under sub-section (2) or sub-section (3) of section 14 or a negotiating council under sub-section(4) of that section14 of the Industrial Relations Code,2020 (35 of 2020) or negotiating union or under said sub section (3) negotiating council, as the case may be, shall nominate the worker's representatives on the Safety Committee and in the case of the negotiating council, the nomination shall be in the manner that every registered Trade Union representing in negotiating council shall be represented in the Safety Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;
- (ii) where there is no such sole negotiating union or negotiating union or negotiating council as referred to the clause (a), the workers of the industrial establishment shall choose amongst themselves the worker's representatives on the Safety Committee:

Provided that, the employer may, deploy an electronic process of conducting the process of choosing representative of workers over an information technology application, online platform or like other platform under:

Provided further that there shall be adequate representation of women workers on the Safety Committee and such representation shall not be less than the proportion of women workers to the total number of workers employed in the industrial establishment:

Provided further that the tenure of the members of the Safety Committee shall be three years.

Provided also that in case there is no recognized both negotiating union or negotiating council and where any dispute arises regarding choosing of the worker's representative to the Safety Committee, the matter may be referred to the concerned Regional Labour Commissioner (Central), who shall after hearing the parties decide the matter and his decision shall be final.

Provided further that the workers representatives at least one each from mining, electrical and mechanical discipline shall be nominated/elected as the case may be.

**28. Functions of Safety Committee.**— The functions of the Committee shall be-

- (a) to discuss remedial measures against the unsafe conditions and practices in the mine as pointed out in there ports of worker's representative brought to the notice of the Committee and make appropriate recommendations;

- (b) to consider, before commencement of operations in any, new area of the mine or installations of oil mine or commissioning of new electrical or mechanical installation or introduction of new mining technique, the proposed Safety and health measures including related codes of practice and to make appropriate recommendations;
- (c) to discuss the report of inquiry into accident, dangerous occurrences etc., and make appropriate recommendations;
- (d) to formulate and implement appropriate Safety campaign based on analysis of accidents and dangerous occurrences;
- (e) to serve as a forum for communication on Safety and occupational health matters; and
- (f) to discuss the standard operating procedures (SOP) prepared for different plant, equipment, installations and methods at the mine and make appropriate recommendations.

**29. Duties of Safety Officer.- (1) It shall be the duty of the Safety Officer in a mine to assist the manager in any other matter relating to safety in the mine; and**

(2) ensure that an appropriate emergency plan as required under these regulations is put in place and the requirements of the same are implemented.

(3) Except in an emergency, no duties other than those specified in sub-rule (1) shall be assigned to the Safety officer.

(4) The safety officer shall maintain in a bound paged book a detailed record of the work performed by him.

**30. Safety Officer for Dock Works and Building or Other Construction Works.- (1) In every establishment of dock work wherein 500 or more workers and building and other construction work wherein 250 or more workers are ordinarily employed, the employer shall employ Safety Officer as per the scale mentioned below;-**

For Dock Work

(i) for dock work-

- a. up to 1000 Dock Workers - one Safety Officer;
- b. up to 2000 Dock Workers – two Safety Officers;
- c. up to 5000 Dock Workers – three Safety Officers;
- d. up to 10,000 Dock Workers –four Safety Officers;
- e. for every additional 5000 dock workers or part thereof- one Safety Officer.

(ii) For Building or Other Construction works

- a. Up to 500 Building Workers- one Safety Officer;
- b. up to 1000 building workers – two Safety Officers;
- c. up to 2000 building workers – three Safety Officers;
- d. up to 5,000 building workers –four Safety Officers;
- e. for every additional 2000 building workers or part thereof- one Safety Officer.

(2) A person shall not be eligible for appointment as a Safety Officer relating to dock work or building or other construction work unless he possesses –

- (i) a recognised degree in any branch of engineering or technology and has had practical experience of working in a supervisory capacity for a period of not less than 2 years; or
- (ii) a recognized degree in physics or chemistry and has had practical experience in a supervisory capacity for a period of not less than 5 years; or
- (iii) a recognized diploma in any branch of engineering or technology and has had practical experience in a supervisory capacity for a period of not less than 5 years;

- (iv) possesses a degree or diploma in industrial safety recognised by the State Government in this behalf;
- (3) Notwithstanding anything contained in sub-rule (1) and (2), any person who –
- (i) possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years in a department of the Central or State Government which deals with the administration of the Factories, Building or other Construction works and Dock works or
- (ii) possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years, full time, on training, education, consultancy, or research in the field of accident prevention in industry or in any institution; shall also be eligible for appointment as a Safety Officer.

**31. Duties of Safety Officers in case of dock work and building or other construction works.**-The duties of a Safety Officer shall be to advise and assist in the fulfillment of its statutory obligations, concerning prevention of personal injuries and maintaining a safe working environment and such duties shall include the following, namely; –

- (i) to advise the concerned departments in planning and organizing measures necessary for the effective control of personal injuries;
- (ii) to advise on safety aspects in all job studies, and to carry out detailed job safety studies of selected jobs;
- (iii) to check and evaluate the effectiveness of the action taken or proposed to be taken to prevent personal injuries;
- (iv) to provide advice on matters related to carrying out plant safety inspections;
- (v) to carry out plant safety inspections in order to observe the physical conditions of work and the work practices and procedures followed by workers and to render advice on measures to be adopted for removing the unsafe physical conditions and preventing unsafe actions by workers;
- (vi) to render advice on matters related to reporting and investigation of industrial accidents and diseases;
- (vii) to investigate selected accidents;
- (viii) to investigate the cases of notifiable diseases listed in the Third Schedule to the Code;
- (ix) to organise in association with the concerned departments, campaigns, competitions, contests and other activities which will develop and maintain the interest of the workers in establishing and maintaining safe conditions of work and procedures; and
- (x) to design and conduct either independently or in collaboration with the training department, suitable training and educational programme for the prevention of personal injuries.

**32. Safety officer in case of mines.**-At every mine, wherein 100 or more persons are ordinarily employed, Safety Officer shall be appointed on a scale of one upto a total manpower of 500 and additional one for every additional 500 manpower or part thereof, who shall hold following qualifications, namely :-

(a) in case of coal mine.-

- (i) for belowground mines, person holding First Class Manager's Certificate of Competency (Coal), granted by Directorate General of Mines Safety;
- (ii) for opencast mines, person holding First Class Manager's Certificate of Competency (Coal) or First Class Manager's Certificate of Competency (coal) restricted to mines having opencast workings only, granted by Directorate General of Mines Safety;

(b) In case of Metalliferous Mines-

- (i) for belowground mines, person holding Manager's Certificate of Competency (Metal), granted by Directorate General of Mines Safety;
- (ii) for opencast mines, person holding Manager's Certificate of Competency (Metal) or Manager's Certificate of Competency (Metal) restricted to mines having opencast workings only, granted by Directorate General of Mines Safety;

(c) in case of oil mines, a degree in engineering or in industrial safety of an educational institution recognised by the Central Government or post-graduate diploma in industrial safety from Central Labour Institute or Regional Labour Institutes and having experience in the management or supervision of operations in oil mines for a period of not less than five years.

**33. Duties of safety officer in case of mines.**—The duties of the safety officer in case of mines shall be—

- (a) to visit surface, aboveground, underground parts of mine, installations of oil mine, with a view to meet the employees on the spot, to talk to them on matters of safety and invite suggestions thereon;
- (b) to take charge of the newly recruited staff and show them around the mine pointing out the safe and unsafe acts during the course of their work in the mine;
- (c) to investigate all types of accidents and incidents in the mine including minor accidents and analyze the same with a view to pinpoint the nature and common causes of accidents in the mine;
- (d) to maintain detailed statistics about mine accidents and to analyze the same with a view to pinpoint the nature and common causes of the accidents in the mine;
- (e) to study and apprise the manager referred to in section 67 of the Code, of all possible sources of danger such as inundation, fire, coal dust, blowout in oil mines and others;
- (f) to hold safety classes and give safety talks and lectures to the members of the supervisory staff;
- (g) to organize safety weeks and other safety education and propaganda programme in mine;
- (h) to see that all concerned mine employees are fully conversant with various standing orders, codes of practices, support plan, and like other matters;
- (i) to provide assistance in the formulation of programme for training at the mine level, including vocational training, training in gas testing, fire-fighting and first aid, and like other matters;
- (j) to report to the manager referred to in section 67 of the Code as a result of his visits to the various parts of mine, as to whether the provisions of the code, and the rules and regulations made there under are being complied with in the mine;
- (k) to promote safe practices generally and to lend active support to all measures intended for furthering the cause of safety in the mine and follow up measures for compliance.

## Chapter-V

### Hours of Work and Annual Leave with Wages

**34. Daily and weekly hours with intervals and spread over under clause (b) of sub-section (1) of Section 25.:**

**(1) No worker shall be required or allowed to work in an establishment for more than forty eight hours in any week.**

**(2) the period of work in each day under sub-rule (1), with intervals and spread overs, shall be as notified by the Central Government.**

**35. Interruption period allowed in running time under Explanation (a) of sub-section (1) of section 25.**—

A maximum of fifteen minutes interruption shall be allowed any time during which the running of the transport vehicle is interrupted.

**36. Working hours of working journalist under sub-section (2) of section 25.**—(1) The provisions under this rule shall apply to working journalist but not apply to editors, or to correspondents, reporters or news photographers.

(2) Notwithstanding anything contained in sub-rule (1), the following provisions shall apply to every correspondent, reporter or news photographer stationed at the place at which the newspaper establishment (in relation to which any such person is employed) is situated, namely:

- (a) subject to such agreement as may be arrived at either collectively or individually between the parties concerned, every such correspondent, reporter or news photographer shall, once he enters upon duty on any day, be deemed to be on duty throughout that day till he finishes all the work assigned to him during that day:

Provided that if such correspondent, reporter or news photographer has had at his disposal for rest any interval or intervals for a total period of two hours or less between any two or more assignments of work, he shall not be deemed to be on duty during such period:

Provided further that where the total period of such interval or intervals exceeds two hours, he shall be deemed to be on duty during the period which is in excess of the said period of two hours.

- (b) Any period of working in excess of thirty-six hours during any week, which shall be considered as a unit of work for the purposes of this sub-rule, shall be compensated by rest during the succeeding week and shall be given in one or more spells of not less than three hours each:

Provided that where the aggregate of the excess hours worked falls short of three hours, the duration of rest shall be limited only to such excess.

**37. Normal working day for working journalist.-** The number of hours which shall constitute a normal working day for a working journalist exclusive of the time for meals shall not exceed six hours per day in the case of a day shift and five and a half hours per day in the case of a night shift and no working journalist shall ordinarily be required or allowed to work for longer than the number of hours constituting a normal working day.

**38. Interval for rest for working journalist.-** Subject to such agreement as may be arrived at between a newspaper establishment and working journalists employed in that establishment, the periods of work for working journalist shall be so fixed that no working journalist shall work for more than four hours in the case of a day shift and three hours in the case of a night shift before he had an interval of rest, in the case of the day shift for one hour, and in the case of the night shift for half an hour.

**39. Compensation for overtime work.-** When a working journalist work for more than six hours on any day in the case of a day shift and more than five and a half-hours in the case of a night shift, he shall, in respect of that overtime work, be compensated in the form of hours of rest equal in number to the hours for which he has worked overtime or compensated by wages, which shall be twice the rate of wages.

**40. Conditions governing in night shifts.-** No working journalist shall be employed on a night shift continuously for more than one week at a time or for more than one week in any period of fourteen days.

**41. Interval preceding change of shift.-** In the case of change of shift from night to day shift or vice versa, there shall be an interval of not less than twenty-four consecutive hours between the two shifts and in the case of a change from one day shift to another day shift or from one night shift to another night shift there shall be interval of not less than twelve consecutive hours.

Provided that no such interval may be allowed if such interval either coincides with or falls within, the interval enjoyed by a working journalist under sub-section (2) of section 25.

**42. Number of holidays in a year for sales promotion employee or working journalist.-** A working journalist or sales promotion employee shall be entitled to ten holidays in a calendar year.

**43. Compensatory holidays for sales promotion employee or working journalist.-** If a working journalist or sales promotion employee is required to attend on a holiday, a compensatory holiday shall be given to him, within thirty days immediately following the holiday, on a day mutually agreed upon by him and his employer.

**44. Wages for holidays.** - A working journalist or Sales promotion employee shall be entitled to wages on all holidays as if he was on duty.

**45. Wages for weekly day of rest.** - **A working journalist and Sales promotion employee shall be entitled to wages for the weekly day of rest as if he was on duty.**

**46. Competent officers.** -Every establishment may designate one or more officers in that establishment as competent officers for the purposes of rules under this Chapter.

**47. Procedure for availing leave by working journalist or sales promotion employee.**- (1) A working journalist or sales promotion employee who desire to obtain leave shall apply in writing to the competent officer of the establishment.

(2) Application for leave under sub-rule (1), other than casual leave, leave on medical certificate and quarantine leave, shall be made not less than one month before the date of commencement of leave, except in urgent or unforeseen circumstances.

(3) If leave is refused or postponed, the competent officer of the establishment shall record the reasons for such refusal or postponement, as the case may be, and send a copy of the order to the working journalist or sales promotion employee as the case may be.

(4) Holidays, other than weekly days of rest, shall not be prefixed or suffixed to any leave without the prior sanction of the competent officer of the establishment.

(5) A holiday including a weekly rest day, intervening during any leave granted under this rule shall form part of the period of leave.

**48. Recall a working journalist or sales promotion employee before expiry of leave.**- (1) an establishment may recall a working journalist or sales promotion employee on leave, if that establishment considers it necessary to do so. In the event of such recall, such working journalist or sales promotion employee shall be entitled to traveling allowance, if at the time of recall he is spending his leave at a place other than his headquarters.

(2) The traveling allowance, which shall be paid to a working journalist or sales promotion employee under sub rule(1) shall be determined in accordance with the rules of the establishment governing traveling allowance for journeys undertaken by the working journalists or sales promotion employee in the course of their duties.

**49. Production of medical certificate of fitness before resumption of duty.** -A working journalist or sales promotion employee who has availed himself of leave for reasons of health may, before he resumes duty, be required by his employer to produce a medical certificate of fitness from the qualified medical practitioner or medical officer who issued the medical certificate.

**50. Designation of medical officer.**-Every establishment employing working journalist or sales promotion employee may designate one or more qualified medical practitioners in conformance with Section 42.

**51. Earned leave.** -(1) A working journalist or sales promotion employee shall be entitled to earned leave on full wages for a period not less than one month for every eleven months spent on duty.

Provided that he shall cease to earn further such leave when the earned leave due amounts to one hundred twenty days.

(2) The period spent on duty shall include the weekly holiday, holidays, casual leave and quarantine leave.

**52. Wages during earned leave.**- A working journalist or sales promotion employee on earned leave shall draw wages equal to his average monthly wages earned during the period of twelve complete months spent on duty, or if the period is less than twelve complete months, during the entire such period, immediately preceding the month in which the leave commences.

**53. Cash compensation for earned leave not availed of.**- (1) When a working journalist or sales

promotion employee voluntarily relinquishes his post or retires from service on reaching the age of superannuation, he shall be entitled to cash compensation for earned leave not availed of up to a maximum of one hundred and twenty days:

Provided that a working journalist or sales promotion employee who has been refused earned leave due to him shall be entitled to get cash compensation for the earned leave so refused:

Provided further that in the case of a working journalist or sales promotion employee who dies while in service and who has not availed himself of the earned leave due to him immediately preceding the date of his death, his heirs shall be entitled to cash compensation for the leave not so availed of.

- (2) When a working journalist's or sales promotion employee's services are terminated for any reason whatsoever, other than as punishment inflicted by way of disciplinary action, he shall be entitled to cash compensation for earned leave not availed of up to a maximum of one hundred and twenty days.
- (3) Such cash compensation shall not be less than the amount of wages due to a working journalist or sales promotion employee for the period of leave not availed of, the relevant wage being that which would have been payable to him had he actually proceeded on leave on the day immediately preceding the occurrence of any of the events specified in sub-rule (1) or (2), as the case may be.

**54. Leave on medical certificate.-**

- (1) A working journalist or sales promotion employee shall be entitled to leave on medical certificate on one-half of the wages at the rate of not less than one month for every eighteen months of service:

Provided that he shall cease to earn such leave when the leave on medical certificate amounts to ninety days.

- (2) Such medical certificate shall be from a medical officer:

Provided that when a working journalist has proceeded to a place other than his headquarters with the permission of his employer and falls ill, he may produce a medical certificate from any registered medical officer:

Provided further that the employer may, when the qualified medical practitioner is not in the service of the Government arrange at his own expense, the medical examination of the working journalist or sales promotion employee concerned by any medical officer.

- (3) Leave on medical certificate may be taken in continuation with earned leave but the total duration of earned leave and leave on medical certificate taken together shall not exceed a hundred and twenty days at any one time.

Provided that Medical Board may recommend for leave beyond one hundred twenty days.

- (4) A working journalist or sales promotion employee shall be entitled at his option to convert leave on medical certificate on one-half of the wages to half the amount of leave of full wages.
- (5) The ceiling laid down in the provision to sub-rule (1) and sub-rule (3) on the accumulation and total duration of leave may be relaxed by the competent officer in the cases of working journalists or sales promotion employees suffering from lingering illness such as tuberculosis.
- (6) Leave on medical certificate or converted leave on medical certificate referred to in sub-rules (1) and (4) may be granted to a working journalist or sales promotion employees at his request notwithstanding that earned leave is due to him.

**55. Quarantine leave.** -Quarantine leave on full wage shall be granted by the establishment on the certificate of the authorized medical practitioner designated as such under section 42, for a period not exceeding twenty-one days or, in exceptional circumstances, thirty-days. Any leave necessary for quarantine purposes in excess of that period shall be adjusted against any other leave that may be due to the working journalist or sales promotion employee.

**56. Extraordinary leave.**-A working journalist or sales promotion employee who has no leave to his credit may be granted extraordinary leave without wages at the discretion of the establishment in which

such working journalist or sales promotion employee is employed.

**57. Leave not due.**-A working journalist or sales promotion employee who has no leave to his credit may be granted leave at the discretion of the establishment in which such working journalist is employed.

**58. Study leave.** -A working journalist or sales promotion employee may be granted study leave with or without wages at the discretion of the establishment in which such working journalist or sales promotion employee is employed.

**59. Casual leave.**- (1) **A working journalist or sales promotion employee shall be eligible for casual leave at the discretion of the establishment for fifteen days in a calendar year:**

Provided that not more than five day's casual leaves shall be taken at any one time and such leaves shall not be combined with any other leave.

(2) Casual leave not availed of during a calendar year will not be carried forward to the following year.

**60. Weekly holiday under sub-section (2) of section 26.**- **For the purpose of section 26, there shall be posted up in a conspicuous place outside the office of every establishment a notice showing the weekly holiday. Where the weekly holiday is not the same day for all persons employed in the establishment, the notice shall show the holiday allowed to each relay, or set of persons or individual in Hindi, English and local language.**

**61. Compensatory holidays.**- (1) Except in the case of worker engaged in any work which for technical reasons must be carried on continuously throughout the day, the compensatory holidays to be allowed under sub-section (3) of section 26 shall be so spaced that not more than two compensatory holidays are given in one week.

(2) The manager of the establishment shall display, on or before the end of the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of works specified under section 26 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.

(3) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

**62. Wages for overtime under section 27.**- (1) where in an establishment, a worker works for more than eight hours in any day as daily wager, or for more than forty-eight hours in any week, as the case may be, he shall in respect of such overtime work be entitled to wages at the rate of twice his rate of wages and shall be paid at the end of each wage period.

(2) In calculating overtime on any day, a fraction of an hour between 15 to 30 minutes shall be counted as 30 minutes and in case of more than 30 minutes it shall be rounded and shall be counted as an hour on actual basis.

(3) In calculating the wages or earnings in the case of a worker paid by the month, the daily wages shall be 1/26th of his monthly wages; and in the case of any other worker it shall be the daily wages or earnings as the case may be.

(4) The spread over for the workers shall exceed period of work notified under sub-rule (2) of rule 9 in any one day under the following works and circumstances in respect of dock, mine and building or other construction work, namely;

- (a) urgent repairs;
- (b) work in the nature of preparatory or complimentary work;

- (c) work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest;
  - (d) work which for technical reasons must be carried on continuously;
  - (e) engaged in making or supplying articles of prime necessity which must be made or supplied every day,
  - (f) engaged in a process which cannot be carried on except during fixed seasons;
  - (g) engaged in a process which cannot be carried on except at times dependent on the irregular action of natural forces;
  - (h) engaged in an engine-rooms or boiler-houses or in attending to power-plant or transmission machinery;
  - (i) engaged in process on account of the break-down of machinery;
  - (j) engaged in the loading or unloading of railway wagons or lorries or trucks;
  - (k) exceptional press of work and
  - (l) engaged in any work, which is notified by the Central Government in the Official Gazette as a work of national importance;
- Provided that no worker shall be allowed to work overtime exceeding one hundred forty four hours in any quarter of a year.

## Chapter-VI

### Maintenance of Registers, Records and Returns

**63. Notice of periods of work under sub-section (2) of section 31.**-(1) The notice referred to in sub-section (2) of section 31 shall be displayed at conspicuous places on a notice board or electronic board of the establishment and maintained in **FORM-VII** and a copy of such notice shall be sent to Inspector-cum-Facilitator electronically or by registered post or speed post.

**64. Maintenance and production of reports, registers and other records under Section 33.**-**Every employer of establishment shall maintain:-**

Register of employees in **FORM VIII**

Register of attendance-cum-muster roll in **FORM VIII A**

Register of wages, over time and deduction in **FORM VIII B**.

Registers under this chapter shall be maintained electronically or otherwise.

Entries in the registers shall be made in English and Hindi or the language understood by a majority of persons employed.

Every employer shall produce records and registers, on demand before the Inspector cum-facilitator or any person authorized in that behalf of the Central Government.

All the registers and other records shall be preserved in original for a period of five calendar years from the date of last entry made therein.

1. Every employer shall issue wage slips, electronically or manually to the employees in **FORM VIII C** as prescribed under rule 52 of Code on wages (Central) Rules 2025 and Sub-section (3) of Section 50 of the Code on wages, 2019 before- one day of payment of wages to the employee.
2. In respect of establishment which are required to maintain register under the rules framed under the Code on

wages 2020, Social Security code, 2020 the following registers and wage slips required to be maintained by the employer of the establishment under those Codes and rules made thereunder shall be deemed to be maintained by the employer under these rules, namely:-

- (a) Register of employees
  - (b) Register of Attendance-cum-Muster Roll
  - (c) Register of Wages, over time and deductions
  - (d) Wage slip
3. All registers and other records required to be maintained under the Code and Rules made thereunder shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a place within a radius of three kilometers.
4. Annual Returns –
- (a) The employer to which the provisions of this Code applies on or before the 28<sup>th</sup> or 29<sup>th</sup> day of February in each year, upload a unified annual return in FORM-IX and IXA prescribed under the Rules made in the Occupational Safety, Health and Working Conditions Code, 2020 (No.37 of 2020) online on the web portal of the Central Government in the Ministry of Labour and Employment, giving information as to the particulars specified in respect of the preceding year; provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

Explanation – For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000).

(b) If the employer to which the provisions of this Code applies sells, abandons or discontinues the working of the establishment, then he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance as the case may be, upload online, on the web portal of the Central Government in the Ministry of Labour and Employment, a further unified return in FORM-IX and IXA referred to in clause (a) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

(c) in case of manual registers and other records, be legibly entered in ink in English and Hindi or the language understood by a majority of the persons employed;

(d) be preserved in original for a period of five years after the date of the last report or entry;

Provided that when the original record is lost or destroyed before the expiry of five years period, true copies thereof, if available, shall be preserved for the prescribed period;

(e) be produced, electronically or by registered post or speed post, on demand before the Chief Inspector-cum-Facilitator or an Inspector-cum-Facilitator or any person authorized in that behalf of the Central Government.

**65. Display on notice board.-** Every employer shall display or caused to be displayed at the conspicuous place of the workplace of the establishment under his control, notices owing the name and address of the establishment, hours of work, wage period, date of payment of such wages, details of accident and dangerous occurrence in the establishment for the last five years, name and address of the Inspector-cum-Facilitator having jurisdiction to such establishment and date of payment of unpaid wages to such workers in English, Hindi and in the Local Language understood by the majority of the workers.

**66. Return.-** Every employer of an establishment shall send annually a return relating to such establishment in **FORM-IX** related to category of employees, health & welfare facilities retrenchment/ layoffs, bonus, maternity benefits etc. to the Inspector-cum-Facilitator having jurisdiction so as to reach him not later than 1st February following the end of each calendar year with a copy to Director General Labour Bureau electronically.

**67. Register of accident and dangerous occurrences.-** The registers of accident and dangerous occurrences required by sub-clause (v) of clause (a) of section 33 shall be maintained in **FORM-X**.

68. Register of leave with wages under clause (a) of section 33.- **(1) The owner, agent or manager of every establishment shall maintain in respect of every employee thereof a record of leave with wages electronically or manually in FORM-XI.**

**(2) The register mentioned in sub-rule (1) shall be preserved for a period of five years after the last entry in them has been made and shall not be destroyed even after the expiry of that period unless it has been properly transferred to the new register.**

## Chapter-VII

### Inspector-cum-Facilitator and Other Authority

69. Power to take samples of any articles or substances under clause (x) of sub-section (1) of section 35.- **(1) An Inspector-cum-Facilitator shall take samples or substances in an establishment as per the inspection scheme mandated under the Shram Suvidha Portal or designated Portal of the Ministry of Labour and Employment after informing the employer of the establishment, taken in the manner herein after provided a sufficient sample of any substance used or intended to be used in the establishment, such use being—**

- (a) in the belief of the Inspector-cum-Facilitator in contravention of any of the provisions of the code or the rules made there under, or
- (b) in the opinion of the Inspector-cum-Facilitator likely to cause bodily injury to, or injury to the health of employee in the establishment.

(2) Where the Inspector-cum-Facilitator takes a sample under sub-rule (1), he shall, in the presence of the person informed under that sub-section unless such person willfully absents himself, divide the sample into three portions and effectively seal and suitably mark them, and shall permit such person to add his own seal and mark thereto.

(3) The person informed as aforesaid shall, if the Inspector-cum-Facilitator requires, provide the appliance for dividing, sealing and marking the sample taken under this rule.

(4) The Inspector-cum-Facilitator shall-

- (a) forthwith give one portion of the sample to the person informed under sub-rule (1);
- (b) forth with send the second portion to a Government Analyst or National Accreditation Board for Testing and Calibration Laboratories (NABL) for analysis and report thereon;
- (c) retain the third portion for production to the Court before which proceedings, if any, are instituted in respect of the substance.

(5) Any document purporting to be a report under the hand of any Government Analyst or National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory upon any substance submitted to him for analysis and report under this section, may be used as evidence in any proceeding instituted in respect of the substance.

70. Powers and duties of Inspector-cum-Facilitator under clause (xiv) of sub-section (1) of Section 35.- **(1) Inspector-cum-Facilitator shall, after every inspection, as may be deemed necessary, issue prohibition or improvement notice in the FORM-XII pointing out the non-compliance of provisions of safety, health and working conditions under the Code, and rules and regulations made there under, to the employer or occupier or owner or master or officer-in-charge of the ship or their agent.**

(2) An Inspector-cum-Facilitator shall, at each inspection, ascertain to what extent any shortcomings notified at a previous inspection have been rectified and the notices previously issued have been complied with and his findings and any shortcomings which may come to light during the inspection, together with any order passed by him under the Code or the regulations made there under shall be recorded and maintained.

**71. Appointment of Medical officer under sub-section (1) of section 42.**-(1) The Medical Officer shall be a medical practitioner who possesses any recognised medical qualification as defined in the National Medical Commission Act, 2019(30 OF 2019) and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (1) of section 35, section 36, section 37 and section 40 of the said Act.

(2) The Medical Officer shall be trained in Occupational Health course including International Labour Organisation (ILO) classification of chest Radiograph duly recognized by the central government.

**72. Duties of medical officer under sub-section (2) of section 42.**- (1) On receipt of a reference under clause (c) sub section (2) of section 42, the medical officer shall, after giving prior notice regarding date, time and place for medical examination and upon examining the worker sent for such examination, prepare the age and fitness certificate and deliver the same to the manager of the establishment and the worker concerned after retaining a copy thereof.

(2) The medical officer may seek opinion of specialists like radiologist, dentist and orthopedic surgeon as the case may be, for the purpose of determination of age.

(3) Medical Officer shall carry out such examination and furnish such report as Central Government may direct-

- (a) for examination and certification of workers in an establishment in such dangerous occupation or processes as specified in First Schedule to the Code;
- (b) for medical supervision of any establishment or class of establishment where cases of chronic occupational illness have occurred due to hazardous nature of any process carried on or hazardous condition of work;
- (c) in respect of any establishment or class of establishment or description of establishment in which operations involve any risk of injury to the health of any person or class of persons employed therein;
- (d) to undertake occupational health survey for any or class of an establishment, where cases of illness have occurred or there is prevalence of diseases as specified in Third Schedule to the Code.
- (e) To assess the age and issue fitness of adolescent for employment in an establishment or class of establishment.

**73. Employment of Women in establishment under Section 43.**-The following conditions shall be met for employment of women during night or before 6.00 a.m. and beyond 7.00 p.m in any day, namely:-

- a. the consent of woman employee shall be taken in writing;
- b. No women shall be employed against the maternity benefit provisions laid down under the Social Security Code, 2020 (36 of 2020);
- c. adequate transportation facilities shall be provided to women employee to pick-up and drop such employee at her residence;
- d. the workplace including passage towards conveniences or facilities concerning toilet, washrooms, drinking water, entry and exit of women employee should be well-lit; the toilet, washroom and drinking facilities should be near the workplace where such women employee are employed and suitable

provisions of Closed-circuit television (CCTV) Surveillance on the way to these facilities shall be provided;

- e. Provide safe, secure and healthy working condition is provided so that no women employee is disadvantaged in connection with here employment;
- f. dedicated telephone numbers of the establishment shall be displayed at conspicuous places both at the establishment as well as inside the vehicles, so that any women employee can utilize them, in case of any exigency or emergency;
- g. in case of below ground mine not less than 3 women employees shall be on duty at any place; and
- h. the provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and

Redressal) Act, 2013 (14 of 2013), as applicable to the establishments, shall be complied with.

**74. Adequate safety of employment of women in dangerous operations under Section 44.**-The Central Government may declare from time to time by notification, the class of establishments and the standard for safeguarding of women in hazardous and dangerous processes.

### Chapter VIII Contract Labour

**75. Qualification and Criteria of the Contractor, etc. under sub-section (1) and (2) of Section 47.**- For the purposes of obtaining license, the contractor as an entity or as an individual shall not be an undischarged insolvent or be convicted at any time during the last two years, of an offence which is liable for punishment for more than three months of imprisonment.

**76. Conditions of License under sub-section (3) of section 47.**- (1)The contractor shall ensure that:

- i. the hours of work shall conform to these rules relating to Section 25;
- ii. the wages shall be paid in accordance with the Code on Wages, 2019 (29 of 2020).
- iii. if the contract labour of the contractor is working at the premises of the principal employer, then, it shall be the responsibility of the principal employer to provide the facilities or amenities such as toilet, washroom, drinking water, bathing facilities if required, changing room, first aid box, canteen and crèche; and
- iv. all other facilities and entitlements shall be provided by the contractor.

(2) In case the contractor fails to make payment of minimum wages to the contract labour, then, the Chief Labour Commissioner (Central) or his representative, shall cause such payment to be made to the contract labours who have not been paid, out of the security deposit referred to in rule 76 including by invoking the bank guarantee.

(3) The contractor shall intimate within fifteen days of the receipt of a contract work order about the details of the contract work order in the manner as specified in rule 84.

**77. Form and manner of application for contractor license under of sub-section (1) of Section 48.**- Every application by a contractor within a state for the grant of a license shall be made on-line electronically through Shram Suvidha Portal or designated Portal of the Ministry of Labour and Employment in **FORM-XII** to the authority referred to in section 119 (hereafter in the chapter referred to as authority).

**78. Single Licence for Contractor in more than one States or for whole of India under sub-section (1) or sub-section (2) of section 47 or sub-section (1) of section 119.**- (1) If a contractor desirous of obtaining licence for-

- (i) supplying or engaging contract labour or
- (ii) undertaking or executing the contract works under sub-section (1) or sub-section (2) of section 47 then, he shall apply electronically on the Shram Suvidha portal or designated Portal of Ministry of Labour and Employment in **Form-XII** to the licensing authority for more than one States or for the whole of India,

(2) Application for single licence under this rule shall be submitted electronically to the authority.

(3) The concerned State Government shall be consulted by the authority electronically. If no response is received within thirty days from the date of issue of such communication the consultation process is deemed to have been complied with.

(4) All applications under this rule shall be either approved or disapproved within a period of 45 days, from the date of application by the contractor, beyond which it shall be deemed that there are no objections and the license shall be auto-generated on the Portal referred to in sub-rule (1).

(5) Copy or copies of the licence so issued shall be sent to the State Government in whose jurisdiction, the contract work or works for which licence is issued, falls.

(6) License issued under this rule shall be valid for five years.

**79. Forms, terms and conditions of license.**-(1) Every license granted under this chapter shall be in **FORM-XIII**.

(2) Every license granted or renewed is subject to the following conditions, namely:—

- (i) the license shall be non-transferable;
- (ii) the number of contract labour employed by the contractor shall not, on any day, exceed the maximum number specified in the license;
- (iii) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the license shall be non-refundable;
- (iv) the rates of wages payable to the contract labours by the contractor shall not be less than the rates fixed under the Code on Wages, 2019 and where the rates have been fixed by agreement, settlement or award, shall not be less than the rates so fixed.

**80. Procedure for issue of license under sub-section (2) of section 48.**-(1) Before a license is issued under this chapter, bank guarantee for an amount of security calculated at the rate of rupees 1000/- for each of the contract labours to be employed, in respect of which the application for license has been made, shall be deposited by the contractor with the authority for performance of the conditions of the license and compliance with the provisions of the Code and the rules made thereunder.

If contractor proposes to engage one lakh or more but less than one lakh fifty thousand contract labours an amount of security shall be Rs. 10 Crores, engages one lakh fifty thousand but less than two lakhs contract labour an amount of security shall be Rs. 15 Crores, engages two lakh or more contract labour an amount of security shall be Rs. 20 Crores

(2) Wherein the issued contract license had expired, based on the request of the applicant in FORM XIII, the authority may adjust the security deposit under sub-rule (1) in respect of his application for new license.

(3)The fees to be paid for the grant of a license shall be as specified in the table below, namely;

(a)	No license is required up to 49 contract labour	Nil.
(b)	50 and above but not exceeding 100 contract labour	Rs. 1000
(c)	101 and above but not exceeding 300 contract labour	Rs. 2000
(d)	301 and above but not exceeding 500 contract labour	Rs. 3000
(e)	501 and above but not exceeding 1000 contract labour	Rs. 5000
(f)	1001 and above but not exceeding 5000 contract labour	Rs. 10000
(g)	5001 and above but not exceeding 10000 contract labour	Rs. 20000
(h)	10001 and above but not exceeding 20000 contract labour	Rs. 30000
(i)	exceeding 20001 contract labour	Rs. 40000

**81. Renewal of license under Section 48.**-(1) Every contractor shall apply electronically on the Shram Suvidha portal or designated Portal of the Ministry of Labour and Employment to the licensing authority for renewal of the license.

(2) Every such application shall be submitted on the Portal referred to in sub-rule (1) at least 30 days prior to expiry of license period but not before 90days of such expiry of license.

(3) The fee chargeable for renewal of the license shall be the same as for the grant of license under rule 74.

Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty five per cent, shall be payable for such renewal.

(4) It shall be the responsibility of the authority concerned to renew license within 7 days electronically failing which the licence shall be deemed to be issued and auto generated and responsibility of such failure shall be on such authority.

**82. Refund of security deposit.**-(1) On expiry of the period of license the contractor may, if he does not intend to have his license renewed further, make an application electronically to the licensing authority for the refund of the security deposited by him (in form of bank guarantee) along with copy of licence so expired and notice of completion of work and bank details in which amount is required to be refunded.

(2) If the authority is satisfied that there is no breach of the conditions of license or there is no order for the forfeiture of security deposit or any portion thereof, he shall direct the refund of the security deposit to the applicant.

(3) If there is any order directing the forfeiture of any portion of contractor's security deposit, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the contractor within 30 days from the making of application under sub-rule (1).

(4) Any application for refund shall, as far as possible, be disposed of within 30 days of the making of such application.

**83. Responsibility of contractor under sub-section (4) of Section 48.**-(1) The rates of wages payable to the workers by the contractor shall not be less than the rates fixed under the Code on Wages, 2019 (29 of 2019) and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

(2) In case where the contract labour employed by the contractor performs the same or similar kind of work as the worker directly employed by the principal employer of the establishment, the holidays, hours of work and other conditions of service of the contract labour of the contractor shall be the same as applicable to the workers directly employed by the principal employer of the establishment on the same or similar kind of work. In case of any dispute whether the work is of similar kind, the matter be referred to the concerned Deputy Chief Labour Commissioner (Central) whose decision shall be final.

(3) In other cases the wage rates, holidays, hours of work and conditions of service of the contract labour of the contractor shall be such as specified under the Code and rules made there under.

(4) All contract labour shall be made member of Employees' Provident Fund Organisation (EPFO) and Employees' State Insurance Corporation (ESIC) subject to applicability as under respective provisions of the Code on Social Security, (36 of 2020).

(5) The contractor shall notify any change in the number of contract labours or conditions of work to the Authority, electronically.-

**84. Intimation of work order and time limit for intimation under section 50.**-(1) Every contractor shall within fifteen days of the receipt of a contract work order shall intimate about the contract work order containing the details such as the name of the principal employer, address of the premises where work is being undertaken, date of commencement of the contract work, the number of contract labour employed under that work order, duration of work orders to the authority.

(2) the details of work order shall be sent under sub-rule (1) by the contractor or his authorized representative.

(3) The intimation under sub-rule (1) shall also be sent electronically on the Shram Suvidha portal or designated Portal or e-mail of the Chief Labour Commissioner (Central) or his representative as may be notified on the website of Chief Labour Commissioner (Central) .

**85. Revocation or suspension of license under section 51.**-(1) **If the authority is satisfied that the licence has been obtained by mis-representation or suppression of any material fact or if the contractor has failed to**

comply with the conditions subject to which licence was granted or the contractor has contravened any provision of Part-I of Chapter-XI of the Code or rules made there under, the Authority shall issue a show cause notice of 15 days to the contractor electronically. On receipt of the reply if any, from the contractor within 15 days of the receipt of the notice, the Licensing Authority shall examine the same and in case the licensing authority feels that the continuation of contract business by the contractor is going to lead to grave harm to the contract labours, he may pass a speaking order recording the reasons for revocation or suspension or otherwise and communicate the order to the contractor electronically or by registered post or speed post. A copy of the Order shall also be endorsed to the Chief Labour Commissioner (Central) (C), concerned Labour Enforcement Officer (C) and concerned State Authorities.

(2) If the contractor has complied with the concerned provisions of the Code and rules made there under within the stipulated time period, the Licensing Authority shall revoke the suspension giving a speaking order or else the suspension may be continued.

(3) If the contractor fails to comply with the order in sub-rule (1), the authority may forthwith pass an order of revocation of license, recording the reasons thereof and communicate to the contractor electronically or by registered post or speed post. The copy of the order shall be endorsed electronically to Chief Labour Commissioner (Central), concerned Labour Enforcement Officer (Central) and the concerned State Authority.

**86. Appeal under sub-section (1) of section 52.**-The appellate authority under sub-section (1) of section 52 shall be Chief Labour Commissioner (Central) .

**87. Responsibility of Payment of wages under section 55.**-(1) The contractor shall fix the wage periods in respect of which wages shall be payable and no wage period shall exceed one month.

(2) The wages of every person employed as contract labour in an establishment or by a contractor shall be paid before the expiry of seventh day after the last day of the wage period in respect of which the wages are payable.

(3) The wages shall be disbursed through bank transfer or electronic mode only.

(4) The Wages of contract labours shall be paid without any deductions of any kind, except those specified by the Central Government by general or special order in this behalf or permissible under the Code on Wages 2019 (29 of 2019), by the contractors to the contract labour.

(5) A notice showing wage period and date and time of disbursement of wages of contract labour shall be displayed at the place of work and a copy sent by the contractor to the principle employer electronically or in person under acknowledgement.

(6) Every contractor (including the contractors employing less than 50 contract) shall send half-yearly return in FORM-IXA so as to reach the Deputy Chief Labour Commissioner (Central) concerned not later than 30 days from the close of the half year, electronically, labour that is to say January to June, July to December.

(7) In case contractor fails to make payment of wages to the contract labour within 7 days of completion of wage period, then the principal employer shall take necessary action and make payment of wages in full or the unpaid balance dues, as the case may be, to the concerned contract labour employed by the contractor within 15 days and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as debt payable by the contractor or from the Security deposit lying with the Principal Employer.

(8) Every principle employer of an establishment shall submit annual return in FORM-IX (Part-III) so as to reach the authority and concerned Deputy Chief Labour Commissioner (Central) so as to reach him not later than 1<sup>st</sup> February following the end of each Calendar year electronically, except in cases of contract which undertakes to produce given result.

**88. Making payment of wages from the security deposit amount under sub-section (4) of section 55.**- **If the contractor or principal employer does not pay the wages to the contract labour employed by him, the concerned Chief Labour Commissioner (Central) or his representative or the competent officer as may be notified by the central government shall conduct or cause to conduct, an inquiry and after giving an opportunity to be heard to the contractor shall pass an order to make payment if any, of such wages from the amount deposited by the contractor as security deposit. The contractor shall re-furnish the security deposit as by such labour commissioner or representative or officer as the case may be within a period of**

**fifteen days or else his license will be liable to be suspended.**

**89. Experience Certificate under section 56.-** Every concerned contractor shall issue on demand, experience certificate in **FORM-XIV** to the contract labour giving details of the period, work performed, experience gained in various fields performed by such contract labour.

90. Prohibition of employment of contract labour under clause (b) of sub-section (2) of section 57.-**If a question arises as to whether any activity of an establishment is a core activity or otherwise, the aggrieved party may make an application, to the Joint Secretary, Government of India, Ministry of Labour and Employment from time to time giving reasons along with supporting documents and the Joint Secretary shall pass order after hearing the concerned parties.**

## CHAPTER-IX

### INTER-STATE MIGRANT WORKER

**91. Journey allowance to inter-State migrant and worker under section 61.-**The employer shall pay a lump sum amount on account of fare for to & fro journey to inter-state migrant worker by train (not less than II Class Sleeper) or by bus or any other mode of passenger transport from the place of employment to the place of residence in the home-state in the event; if he has worked for a period of not less than 180 days in the concerned establishments in preceding twelve months;

Provided that the journey allowance shall be given to an inter-state migrant worker once in twelve months. In the event of change of employer by the inter-State migrant worker during the middle of the employment period and he has not availed the journey allowance from his previous employer, then on the basis of a certificate to be given by inter-State migrant worker, the employer where the inter-State migrant worker is presently working and such worker has completed one hundred and eighty days in preceding twelve months including the period spent with the previous employer, then the present employer shall give journey allowance.

**92. Setting up of a Toll Free helpline number to the inter-state migrant worker under Section 63.-** A Toll-Free help-line number shall be provided by Director General Labour Welfare Organisation of the Ministry of Labour and Employment, to address queries and Safety of the inter-State migrant workers.

**93. Study of inter-State migrant workers under section 64.-**The Central Government may identify the studies to be carried out to promote safety, health and welfare of inter-State migrant workers. Wherever required the Central Government may also consult the State Government or expert organizations involved in the safety, health and welfare of inter-State migrant workers.

## CHAPTER-X

### AUDIO- VISUAL WORKER

**94. Agreement for Audio-visual worker under clause (a) of sub-section (2) of section 66.- (1)**The Form of agreement for the audio-visual workers with the producer is given in **FORM-XV**. The agreement shall be registered with the competent authority as may be notified by the Central Government.

**95. Procedure for reference of disputes to a Conciliation Officer or a Tribunal under sub-section (1) section 66.-**The procedure for reference of dispute to a conciliation officer or a tribunal shall be in conformity with the Industrial Relations, Code 2020 (35 of 2020) and Rules framed there under.

## CHAPTER-XI

## MINES

**96. Qualification and appointment of manager under sub-section(1) of section67.**-No mine shall be opened, re-opened or worked unless it has a duly appointed manager, who has the following qualifications specified in the table below, namely:-

Type of mine (1)	Average material handled or output or production of the mine (2)	Essential Qualification for the manager (3)
Underground coal mines	(a)Production in excess of 2,500 tonnes per month.	A First Class Manager's Certificate of competency (Coal).
	(b)Production not exceeding 2,500 tonnes per month	A First Class Manager's Certificate (Coal) or Second Class Manager's Certificate of competency (Coal).
Open cast Coal Mines:	(a)In excess of 20,000 cubic metre per month of material handled	A First Class Manager's Certificate of competency (Coal) or a First Class Manager's Certificate of competency restricted to mines having open cast workings only (Coal) .
	(b) Not exceeding 20,000 cubic metre material handled per month	A First Class Manager's Certificate of competency (Coal) or a First Class Manager's Certificate of competency restricted to mines having open cast workings only (Coal) or Second Class Manager's Certificate of competency (Coal) or Second Class Manager's Certificate of competency restricted to mines having opencast workings only (Coal).
Under ground metalliferous mines:	(a) Average output in excess of 1,250 tonnes	A First Class Manager's Certificate of competency (Metal).
	(b)Average output not exceeding 1,250 tonnes	A First Class Manager's Certificate of competency (Metal) or Second Class Manager's Certificate of competency(Metal).
Opencast metalliferous mines:	(a) Average monthly material handled in excess of 20,000cubic meter	A First Class Manager's Certificate of competency (Metal) or a First Class Manager's Certificate of competency restricted to mines having open cast workings only (Metal).
	(b) Average monthly material handled not exceeding 20,000 cubic meter	A First Class Manager's Certificate of competency (Metal) or a First Class Manager's Certificate of competency restricted to mines having open cast workings only (Metal) or Second Class Manager's Certificate of competency (Metal) or Second Class Manager's

		Certificate of competency restricted to mines having open cast workings only (Metal).
Mine having both open cast and underground workings	All coal and metal mines	First Class Manager's Certificate of competency (Coal or Metal as the case may be)
Oil mines	All oil mines	A degree or diploma in engineering or post-graduation in physics or geophysics or geology or chemistry of an educational institution recognized by the Central Government and has experience in the management and supervision of operations in oil mines for a period of not less than fifteen years in case of diploma in engineering and ten years in other cases.

**97. Code not to apply in certain mines under section 68.**-The provision of the Code, except those contained in section 35,38, 40,41 and 44 shall not apply to –

- (i) any mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use and sale:

Provided that –

- (a) not more than twenty persons are employed on any one day in connection with any such excavation;
- (b) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters or, in the cases of an excavation in coal, fifteen meters; and
- (c) no part of such excavation extends below superjacent ground; or

(ii) any mine engaged in the extraction of kankar, murrum, laterite, boulder, gravel, shingle, ordinary sand (excluding moulding sand, glass and other mineral sands), ordinary clay (excluding kaolin, china clay, white clay or fire clay), building stone, slate, road metal, earth, fullers earth, marl, chalk and limestone:

Provided that-

- (a) the working do not extend below superjacent ground; or
- (b) where it is an opencast workings-
- (i) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters;
- (ii) the number of persons employed on any one day does not exceed fifty; and
- (iii) Explosives are not used in connection with the excavation.

(2) As soon as an establishment becomes a mine, the employer of the mine shall give notice electronically, to the Inspector cum Facilitator within seven days from the date it becomes a mine.

(3) Notwithstanding anything contained in sub-rule (1) the Central Government may by an order in writing require that all provisions of the Code shall be applicable, in such mine or part thereof subject to such conditions as may specify therein.

**98. Initial and periodical medical examinations under sub-section (3) of section 70.- (1) the owner, agent or**

**manager of every mine shall make arrangements for –**

- (a) Initial medical examination of every person seeking employment in a mine.
- (b) Periodical medical examination of every person employed in a mine annually.

(2) The periodical medical examination or the X- Ray examination or both, shall be conducted at more frequent intervals if the medical examining authority deems it necessary to confirm a suspected case of a dust related disease.

99. Examining authorities.- **(1) The medical examination referred to in rule 92 shall be carried out by a qualified medical practitioner in the employment of the owner of the mine or duly assigned for this purpose by the owners of group of mines, or by any Government medical officer.**

**(2) The examining authority shall be trained in Occupational Health course including International Labour Organisation (ILO) Classification of chest Radiograph duly recognized by the Central Government.**

**100. Notice of medical examination.-** (1) In respect of initial medical examination the owner, agent or manager shall give at least seven days' prior notice in writing to the person to be examined, in Form to be notified by the Chief Inspector cum Facilitator (Central). A copy of every such notice issued shall be sent by the owner, agent or manager to the examining authority.

(2) In respect of periodical medical examination the manager shall give at least twenty days prior notice in writing to the person to be examined, in Form to be notified by the Chief Inspector cum Facilitator. A copy of every such notice issued shall be sent by the owner, agent or manager to the examining authority along with previous medical certificates issued, pertaining to the persons concerned.

(3) A person, who for any reasonable cause, fails to submit himself for the medical examination in accordance with the notice issued to him, shall be given a second notice of a minimum period of ten days in Form to be notified by the Chief cum Facilitator, by the manager and a copy of every such notice shall be sent by the manager to the examining authority.

(4) The examining authority shall inform the manager whether the person concerned has appeared for medical examination or not within one week from the date fixed for medical examination in the second notice.

**101. Failure to undergo medical examination.-** A person who without reasonable cause, fails to submit himself for medical examination in accordance with the notice issued to him shall be liable to be discharged from service:

Provided that a person who renders himself so liable to be discharged for failure to submit himself for medical examination shall be required to show cause why he could not comply with the notice within the time specified therein. If his explanation is found satisfactory by the management; he shall be given another chance to appear for medical examination. In case his explanation is not found satisfactory by the management, his service shall be terminated by the management.

**102. Standard and report of medical examination.-** (1) The examining authority holding initial medical examination shall examine a person according to the standards laid down in **Form –VA**.

(2) The examining authority holding periodical medical examination shall examine a person according to the standard laid down in **Form-VA**.

(3) As soon as may be, after examinations, copy of the medical certificate in **Form** to be notified by the Chief Inspector cum Facilitator, shall be issued by the examining authority to the person concerned electronically or by Registered post or delivered under receipt and another copy be sent to the owner, agent or manager of the mine concerned electronically or by registered post or delivered under receipt.

(4) The examining authority shall retain the third copy of the medical certificate in physical and in electronic format.

(5) In the case of periodical medical examination of person, the examining authority shall also send the copy of previous medical certificates of the person concerned, back to the manager of the mine concerned.

**103. Retention and transfer of medical certificates.**-(1) All medical certificates including all medical examination records with medical history and job details to depict the occupational dust exposure profile of persons employed or to be employed in a mine shall be retained in the possession of the manager of the mine so long as the person is employed in the mine and for a period of five years thereafter:

Provided that the manager of a mine where such person is or was employed shall, if so requested by the manager of any other mine where the person is to be employed, send to him all medical certificates with respect to such person.

(2) If the examining authority who conducts medical examination of persons employed or to be employed in any mine is relieved of his duties regarding medical examination, such examining authority shall transfer all records of medical examination in his possession to the manager of the mine concerned.

**104. Identity of candidates.**-The examining authority, shall record the Aadhar number and signature of every candidate appearing before it for medical examination on the copies of the medical certificate.

**105. Medical Examination of women.**-A woman employee shall preferably be examined by a female medical practitioner. In case a female qualified medical practitioner is not available, the woman employee shall be medically examined by a male qualified medical practitioner only in the presence of another woman.

**106. Appeal for re-examination.**- (1) Where as a result of an initial medical examination, or of periodical medical examination, a person has been declared unfit for employment in mines or in particular category of mines or in any specified operations in mine, he may, within thirty days of the receipt by him of a copy of the certificate, file an appeal with the owner, agent or manager in case of initial medical examination and the manager of the mine in case of periodical medical examination, against the declaration aforesaid, and request for a medical re-examination by an appellate medical board constituted under rule 100.

(2) (a) the owner, agent or manager in case of initial medical examination and manager of the mine in case of periodical medical examination shall forward the appeal to the convener of the appellate medical board within fifteen days of the receipt of the appeal.

(b) the convener of the appellate medical board shall if the appellant is declared fit for re-medical examination give at least fifteen days prior notice to the owner, agent or manager and also the appellant, of the medical re-examination.

(c) a person, who for any reasonable cause, fails to submit himself for a medical re-examination shall be given another notice at least seven days in advance.

(3) In respect of every medical re-examination by the appellate medical board, the appellant shall pay such fees and the medical examination shall be conducted in such manner as may be determined by the appellate medical board. In case the appellate medical board finds him fit for employment in mines, the fees shall be reimbursed in full to the appellant by the owner of the mine where he is employed.

**107. Constitution of appellate medical board.**- For the purpose of medical re-examination on appeal, the appellate medical board shall be constituted by the central government in the following manner, namely;

(a) An inspector cum Facilitator (Occupational Health), who shall also act as the Convener of the Board.

(b) Two Qualified medical practitioners duly qualified in allopathic system of medicine and in the employment of the State or Central Government or in a Government Undertaking, as nominated by the Chief Inspector cum Facilitator (Central):

Provided that, the convener can co-opt any specialist doctor if the appellate medical board is of the opinion that such specialist is required to be consulted for specific issues.

**108. Standard and report of medical re-examination by the appellate medical board.**- (1) The Appellate Medical Board shall medically examine the appellant -

(i) in accordance with the standard laid down in the **FORM-VA** for initial medical examination;

- (ii) in accordance with the standard laid down in the **FORM-VA** for periodical medical examination.
- (2) The certificate of medical re-examination in the **FORM**, shall be issued to -
- (a) the manager of the mine, in case of periodical medical examination;
  - (b) the owner, agent or manager in case of initial medical examination;
  - (c) the appellant;
- (3) A copy of the medical certificate shall be retained with the convenor;

**109. Unfit persons not to be employed.**-(1) Where, as a result of an initial medical examination or a periodical medical examination, a person has been declared unfit for employment in mines or in a particular category of mines or in any specified operations in mine, the person, shall not be employed or continue to be employed in mine or in the category of mines or on the operations specified, after the expiry of thirty days from the date of his medical examination unless he has filed an appeal against the declaration.

(2) Where the person concerned has filed an appeal, but has been declared by the appellate medical board, after a medical re-examination, to be unfit for employment in mines or in a particular category of mines or on any specified operations in mines, he shall not be employed or continue to be employed in mine or in the category of mines or on the operations specified, after the expiry of thirty days from the date of his medical re-examination by the appellate medical board:

Provided that, if the qualified medical practitioner carrying out the initial medical examination, or the periodical medical examination, or the appellate medical board carrying out the medical re-examination of persons already in employment is of the opinion that the disability of the person examined is of such a nature and degree that it will not seriously affect or interfere with the normal discharge of his duties, it may recommend his continuation in employment in the mine for a period not exceeding six months, during which such person may get his disability cured or controlled and submit himself for another medical examination and be declared fit.

**110. Cost of medical examination.**-The full cost of every medical examination under these rules, shall be borne by the owner of the mine concerned except in case the person is declared unfit for employment in mines after re-examination by appellate medical board.

**111. Exemptions from hours and limitation of employment under Section 71.**- (1) For the purpose of Section 71 of the Code, the following persons shall be exempted from the provisions of sub-section (1) of section 25, sub-section (1) of section 26, section 30 and sub-section (1) of section 31 in respect of the following, namely:-

- (a) person holding position of supervision or management or like other position, employed in a confidential capacity;
- (b) manager, deputy manager, installation manager, fire officer, under manager, underground manager, assistant manager, ventilation officer, safety officer, information technology, instrumentation and communication officials;
- (c) mining, electrical and mechanical engineer;
- (d) overman, foreman, sirdar, mate and supervisor in oil mines;
- (e) mechanical and electrical foreman and electrical supervisor;
- (f) surveyor and assistant surveyor;
- (g) qualified medical practitioner, dresser, compounder, chemist, assayer, metallurgist and welfare or personnel officer; and
- (h) any other person who in the opinion of the Chief Inspector cum Facilitator (Central) holds a position of supervision or management.

**112. Establishment and location of rescue station under section 72.**- (1) The Chief Inspector cum Facilitator (Central) may permit or require the owner of a below ground mine or a group of below ground mines to establish and maintain rescue station, stations with such designs and specifications and at; such place or places as may be considered necessary in consultation with the owner:

Provided that where there are below ground mines belonging to more than one owner, the Chief

Inspector cum Facilitator (Central) may permit or require two or more owners to jointly establish a common rescue station: Provided further that all the existing rescue stations as on the date of; coming into force of these rule, shall continue to function for a period of three years from that date.

(2) At every rescue station, there shall be appointed one superintendent and at least two instructors and also, there shall be maintained a rescue brigade of not less than eighteen rescue trained persons.

(3) In case where the absence of the superintendent at a rescue station exceeds 60 days, the owner shall appoint another superintendent.

(4) The owner shall, on the same day of assumption or relinquishment of charge by the Superintendent, inform the Chief Inspector cum Facilitator (Central) and the Inspector cum Facilitator of the region where the mine is situated.

**113. Functions of rescue stations.-** The functions of rescue station shall include:-

- (i) imparting initial training in rescue and recovery work;
- (ii) imparting refresher training to rescue trained persons;
- (iii) providing support by its own rescue teams and equipment in case of major accidents or long lasting rescue and recovery operations; and
- (iv) carrying out the functions of rescue room in respect of these below ground mines where there is no rescue room.

**114. Establishment and location of rescue rooms.-**(1) At every below ground mine where, more than 100 persons are ordinarily employed below ground and there is no rescue station within its radius of 35 kms, the owner, shall establish and maintain on surface close to mine entrance, a rescue room:

Provided that it may be sufficient to provide one rescue room for a number of mines

belonging to the same owner where-

- (a) the total number of persons ordinarily employed in below ground workings of all such mines does not exceed 5000; and
- (b) the mines are situated within radius of 35 kms from and connected by road with the rescue room :

Provided further that the Chief Inspector cum Facilitator (Central) may permit the owner of a group of mines having the total number of persons ordinarily employed below ground in excess of 5000, to use the rescue room as a rescue station excepting the functions of imparting initial training in rescue work, if such rescue room is .-

- (i) equipped with requisite additional rescue apparatus including at least 15 extra sets of two hour self-contained breathing apparatus; and
  - (ii) placed under the charge of a person holding the qualifications, experience and like other requirements, of Instructors and minimum of five rescue trained persons of whom at least one shall hold the Qualifications, experience and like other requirements of rescue room in-charge are posted thereat.
- (2) At each rescue room, there shall be appointed such number of rescue trained persons as may be necessary and one of them possessing the Qualifications, experience etc. of rescue room in-charge who shall be made in-charge of the rescue room. At least one rescue trained person shall always be in attendance at the rescue room.

**115. Functions of rescue room.-**A rescue room shall provide facilities for the storage, assembly, testing and adjustments of breathing apparatus and other rescue equipment and apparatus and for their speedy transport to mines.

**116. Qualifications, experience etc. of Superintendent.-**No person shall be appointed as superintendent unless he-

- (i) is a rescue trained person ;
- (ii) has 5 years practical experience of below ground work in mines; and

(iii) holds a First Class Manager's Certificate of a type not restricted to open cast workings.

**117. Qualifications, experience etc., of instructors.-** After; the coming into force of these rules, no person shall be appointed as instructor unless he:-

- (i) is a rescue trained person;
- (ii) has 3 years practical experience of below ground work in mines; and
- (iii) holds a manager's certificate of a type not restricted to open cast workings.

**118. Selection of rescue trained persons for posting at rescue stations.-** (1) After coming into force of these rules the rescue trained persons for posting at a rescue station shall be selected, from amongst the rescue trained persons employed in mine served by the rescue station, by the superintendent in consultation with the managers of such mine.

(2) A person selected under sub-rule(1) shall be posted for not less than one year and not more than five years at a rescue station at any one time.

**119. Qualifications, experience etc. of rescue room in-charge.-** No person shall be appointed as rescue room in-charge unless he-

- (i) is a rescue trained person;
- (ii) has 3 years practical experience of below ground work in mines ; and
- (iii) holds a Manager's, Overman's or Foreman's Certificate of a type not restricted to open cast workings.

**120. Equipment.-**(1) At every rescue station, there shall be provided and maintained for immediate use, apparatus and equipment as specified as may be notified by the Central Government.

(2) At every rescue room there shall be provided and maintained for immediate use, apparatus and equipment as may be notified by the Central Government.

(3) A below ground mine, where no rescue room is located, there shall be apparatus and equipment as may be notified and shall be maintained at the entrance of such mine.

(4) Self- contained breathing apparatus shall be provided at a rescue station and that at rescue rooms under it shall be of the same type and make.

(5) The following apparatus and equipment's provided in pursuance of sub-rules (1),(2) and (3), shall be of a type or standard approved by the Chief Inspector cum Facilitator (Central), namely:-

- (a) breathing apparatus;
- (b) smoke helmets and apparatus serving the same purpose;
- (c) reviving apparatus;
- (d) electric safety lamps and flame safety lamps;
- (e) gas detector; and
- (f) self-rescuers.

(6) All breathing apparatus and every flow meter shall be adjusted and tested and the purity of oxygen for use in breathing apparatus shall be tested in such manners as may be notified by the Central Government.

(7) In case of an accident in a below ground mine arising out of the use of any rescue apparatus, a written report thereof shall be sent, within 24 hours of such accident, by the manager of the mine to the Chief Inspector cum Facilitator (Central) and Inspector cum Facilitator in the form, as may be notified by the Central Government.

(8) In case of an accident in a rescue station or rescue room arising out of the use of any rescue apparatus a written report thereof shall be sent electronically, within 24 hours of such accident, by the Superintendent to the Chief Inspector cum Facilitator (Central) and Inspector Cum Facilitator in the form, as may be notified.

(9) No absorbent charges, chemicals, self-rescuer and gas detector tubes shall be kept at any rescue station, rescue room or below ground mine for use beyond the expiry date, which shall be legibly marked on the boxes thereof.

**121. Duties and responsibilities of Superintendent.-** (1) The superintendent shall be in overall control of the rescue station and the rescue rooms served by such rescue station.

(2) The superintendent shall ensure that all the rescue equipment and apparatus kept at the rescue station, rescue rooms and at the entrance of the below ground mine under his control are-

(a) maintained in perfect working order;

(b) inspected by instructors at specified intervals; and

(c) tested and adjustments are made accordingly.

(3) The superintendent shall ensure that adequate stock of spare parts and supplies are kept for maintaining rescue equipment and apparatus in perfect working order.

(4) The superintendent shall countersign the records maintained.

(5) The superintendent shall ensure that persons selected for initial training and those undergoing refresher training receive the course of instructions and practices as may be approved by the Central Government and are issued the certificates for the same.

(6) The superintendent shall make periodical inspection of rescue rooms and the apparatus and equipment under his control.

(7) In the event of an emergency at a below ground mine, superintendent shall perform such rescue and recovery work as may be assigned to him by the manager or in his absence by the principal official present at the surface. He shall send a daily report and a complete report within twenty four hours after completion of the rescue or recovery work to the Inspector cum Facilitator or the Chief Inspector cum Facilitator (Central).

(8) The superintendent shall maintain in a bound paged book a diary and shall record therein the results of each of his inspections and also the action taken by him to rectify the defects observed during inspection.

**122. Duties of Instructors.-** (1) Under the direction of superintendent, the instructor shall-

(a) impart course of instructions and practices to persons selected for training in rescue and recovery work as well as to rescue trained persons and maintain a record thereof; and

(b) make inspection, test and adjustment of rescue equipment and apparatus and maintain a record thereof.

(2) In the event of an emergency at a below ground mine, instructor shall perform such rescue and recovery work as may be assigned to him by the manager or in his absence by the principal official present at the surface.

(3) Instructor shall not leave the rescue station without prior permission of the superintendent.

(4) In the absence of the superintendent, the instructor shall be in-charge of the rescue station.

**123. Duties and responsibilities of rescue room in-charge.-** Every rescue room in-charge shall-

(a) display prominently a list of mines served by his rescue room;

(b) maintain the equipment and apparatus kept at the rescue room in perfect order;

(c) maintain a proper record of all rescue equipment and apparatus kept at the rescue room and inspection thereof; and

(d) not allow any unauthorised person; to enter into, or permit any unauthorised person to take out any apparatus or equipment from the rescue room.

**124. Duties of rescue trained persons posted at rescue station.-** The rescue trained person shall-

- (a) obey order of the superintendent and instructor and assist them in discharge of their functions;
- (b) attend to messages, telephone calls and wireless and maintain record thereof;
- (c) maintain the rescue station in neat and tidy condition;
- (d) maintain the equipment and apparatus kept at the rescue station in perfect order;
- (e) perform rescue and recovery work in mine; and
- (f) not leave rescue station without obtaining permission from the superintendent.

**125. Duties of rescue room attendant .-** Every rescue room attendant shall-

- (a) not leave the rescue room until relieved by a substitute;
- (b) not allow any unauthorised person to enter in or to take out any apparatus or equipment from the rescue room;
- (c) attend to telephone calls and maintain a record thereof;
- (d) maintain the rescue room in neat and tidy condition; and
- (e) obey orders of the rescue room in charge and assist him in discharge of his functions.

**126. Telephone Communication.-** Every mine shall be connected telephonically with the rescue room and rescue station serving the mine. Wherever practicable wireless communication shall also be provided:

Provided that where there is no telephonic communication system, the Chief Inspector cum Facilitator (Central) may by an order in writing and subject to such conditions as he may specify therein, approve any other means of communication.

**127. Rescue tracings.-**There shall be kept at a below ground mine, more than three legible tracings of the working of the mine upto a date not before three preceding months. The tracing shall show the system of ventilation in the mine, and in particulars, the general direction of air-current, every point where the quantity of air is measured, every air-crossing, ventilation-door stopping, booster fan and any other principal device for regulation and distribution of air, fire-dams, preparatory stoppings, every fire-fighting equipment, every water-dam with dimensions and other particulars of construction, every pumping, telephone and ambulance station, every room used for storing inflammable material, reserve stations and every haulage and travelling roadway.

**128. Appointment of rescue trained persons in mines, their disposition and accommodation. (1)**

The manager of a below ground mine, where more than 100 persons are ordinarily employed, shall ensure that at least 5 rescue trained persons are readily available at surface at any time.

- (2) The manager of a below ground mine, where more than 500 persons are ordinarily employed, shall also ensure that persons on a scale of one man for every 100 persons or part thereof are rescue trained persons.
- (3) It shall be the responsibility of the owner to provide suitable accommodation-
  - (i) close to the rescue station to the Superintendent, Instructors and members of rescue brigade;
  - (ii) close to rescue room to rescue room in-charge rescue trained persons and attendants attached to it; and
  - (iii) close to below ground mine entrance to rescue trained persons other than those specified in clauses ( i ) and (ii).
- (4) There shall be provide data below ground mine effective bell or the arrangements, as may be approved by the Inspector cum Facilitator, for immediate summoning of rescue trained persons.

**129. Selection of persons for training in rescue work.-** No person shall be selected for training in

rescue work, unless-

- (i) he is between 21 and 40 years of age and holds a valid First-aid certificate of the standard of the Saint John Ambulance Association (India);
- (ii) he is certified by the Manager that he has sufficient underground experience for the purpose of rescue work;
- (iii) he is certified by a qualified medical practitioner, as may be designated by the Manager after examination in accordance with the standard as may be notified by the Central Government, to be free from any organic disease or weakness and to be fit for undertaking rescue work; and
- (iv) he is considered by the superintendent of rescue station, after such examination and interview as he considers necessary, to be suitable for rescue work with breathing apparatus.

**130. Instructions and practices etc.**-(1) Every person selected for training in rescue work shall undergo the course of instructions and practices as set out in the schedule as may be notified by the Central Government, until he has passed and has; been certified as efficient by the superintendent .

(2) Rescue trained person shall undergo practices and receive instructions as set out in the schedule may be notified by the Central Government.

(3) A record shall be kept at every rescue station of all persons undergoing practices and receiving instructions. Such record shall contain:-

- (i) the date and the character of each practice;
- (ii) the medical condition of each person after the practice, and if anything abnormal was observed in his condition, whether it was due to a defect of the apparatus or to that person ; and
- (iii) any other relevant information.

**131. Medical examination etc. of rescue trained person.**- Every rescue trained person shall be re-examined once at least in every twelve months by a qualified medical practitioner as may be designated by the manager in accordance with the standard as specified in FORM VA and in case he is declared medically unfit, he shall cease to be a rescue trained person with effect from the date he has been so declared.

**132. Suspension of rescue trained persons.**-If in the opinion of the owner, agent, manager or an Inspector cum Facilitator, a rescue trained person is incompetent or is guilty of negligence or misconduct in the performance of his duties, the owner, agent, manager or Inspector cum Facilitator, as the case may be, may after giving such person an opportunity to give a written explanation, suspend him from or debar him for, undertaking any rescue and recovery work.

**133. Duties of Manager etc. in emergency.**- (1) On receiving information of any emergency likely to require the services of a rescue team, the manager, or in his absence the principal official present at the surface, shall immediately-

- (a) inform the rescue room or the rescue stations serving the mine for necessary assistance;
- (b) summon rescue trained person employed in the mine;
- (c) inform the owner, agent or manager of nearby mines to make available the services of rescue trained persons employed therein: if so required;
- (d) inform the rescue station about the nature of the occurrence; stating whether assistance would be needed from the rescue station;
- (e) summon medical assistance; and
- (f) send information of the occurrence to the Inspector cum Facilitator.

(2) All rescue and recovery work at a below ground mine shall be conducted under the control, direction and supervision of the manager of the mine or in his absence the principal official present at the surface.

Provided that in the event of a major emergency, such as ignition, explosion, big underground fire

or an accident involving a number of persons, the manager or the principal official shall, in taking decisions regarding rescue and recovery operations, take guidance from a group consisting of a senior official of the management, a representative each from the Director General of Mines Safety, concerned rescue station and the recognised Union of the Workers, so however that he must take necessary decisions and direct the operations as the situation warrants, without waiting for the constitution or deliberations of the said group.

**134. Accommodation at the below ground mine for persons engaged in rescue work.-** Whenever rescue trained persons are engaged in rescue or recovery work at a below ground mine, there shall be provided at such mine suitable accommodation for storage and charging of apparatus required for that work. Such accommodation shall be situated at a convenient place near the entrance in use, and shall be properly ventilated and lighted. Adequate quantity of cool and wholesome drinking water and food shall be provided for the rescue workers.

**135. Entry into below ground mines for rescue or recovery work.-** (1) No person shall be allowed to enter a below ground mine or part thereof which is unsafe for the purpose of engaging in rescue or recovery work, unless authorised by the manager or in his absence by the principal official of the mine present at the surface. Only rescue trained persons shall be permitted to enter the mine for the purpose of using self-contained breathing apparatus.

(2) During the course of rescue or recovery work, person or persons shall be stationed at the entrance to the below ground mine and shall keep a written record of all persons entering and leaving such mine, and the time thereof.

**136. Fresh air bases.-**(1) As soon as possible, base or bases shall be established in fresh air, as near to the irrespirable zone or zones as safety permits, every such base shall, if possible be connected by telephone:

(i) if the base is below ground to the surface ; or

(ii) if the base is on the surface, to the shaft bottom.

(2) Except in cases where the delay involved may result in danger to life, rescue trained persons shall not proceed beyond any place where a base is to be established until there have been provided at such base:-

(a) two persons, of whom one shall be a qualified medical practitioner if practicable, and other shall be a rescue trained person;

(b) a spare team; with rescue apparatus, ready for immediate service;

(c) one or more reviving apparatus, oxygen revivers and like other apparatus,

(d) first aid box and stretcher,

(e) means of testing for carbon monoxide;

(f) a hygrometer; and

(g) two flame safety lamp.

(3) Whenever men are already at work beyond the fresh air base, there shall be provided at the base as soon as possible the persons, apparatus and equipment.

**137. Leader.-** Every rescue team engaged in work with breathing apparatus in a mine shall be under a leader who shall be appointed by the superintendent.

**138. Instructions to leader.-** Prior to sending a rescue team underground, the superintendent or a person authorized by him shall give clear instructions to the leader of the team as to where it shall go and what it shall attempt.

**139. Test of apparatus.-**Before proceeding below ground the leader shall test or witness the testing of

self-contained breathing apparatus of the team for leakage. No such apparatus shall be used unless it is found safe. He shall check the equipment of his party and immediately before entering irrespirable atmosphere shall make sure that all breathing apparatus are working properly.

**140. Duties of leader below ground.-** (1) The leader shall not be engage in manual work. He shall give his attention solely to directing the team and to maintaining its safety. He shall examine the roof and supports during the journey, and if there is any likelihood of fall at any place along the roadway, then, he shall not proceed further until the team has made the place secure.

(2) The leader shall keep the team together and shall not allow any member of the team to stray.

(3) If the atmosphere is clear, the leader shall, when passing the junction of two or more roadways, clearly indicate the route by means of arrow marks in chalk. If the atmosphere is obscure, the leader shall see that a life line is laid in from the fresh air base, and shall not allow any member of the team to move out of reach of that line; or, if that course is impracticable, he shall not proceed until every roadway branching of from the route is fenced across the whole opening.

(4) When using rescue apparatus, the leader shall carry a watch, shall record the pressure of the compressed oxygen at every intervals of 20 minutes, and shall commence the return journey in ample time. During travelling he shall adopt the pace of slowest member and if any member of the team is in distress, shall immediately return to the fresh air base with the whole team.

(5) The leader shall not permit any member of the team using breathing apparatus in a mine to remain at work at any one time for a period longer than one and half hours or such other period as may be specified by the Chief Inspector-cum-Facilitator in respect of the breathing apparatus being used.

**141. Rescue team members and their duties.-**(1) The number of persons in any rescue team using breathing apparatus in a mine shall not be less than five and not more than six, including the leader.

(2) In case there is no provision in any of the breathing apparatus carried by the rescue team for extension for supply of oxygen to another person in an emergency; the team shall carry a self-rescuer.

(3) Members of rescue team shall in general, use the signals as may be notified by the Central Government, in communicating to one another.

(4) In travelling with rescue apparatus on, every member of the team shall keep the place given to him when numbering off. If the pace is too quick or if distress is felt, the member shall at once call attention to the fact.

(5) Every member of a rescue team engaged in work with breathing apparatus in mine shall obey the order of the leader of the team.

**142. Restriction of second spell of works.-** No person shall commence a second or subsequent spell of work in irrespirable atmosphere without being examined and found fit by a qualified medical practitioner.

**143. Obligation of owner, agent and manager in certain situations.-** Whenever emergency arises at a below ground mine, whether served by a rescue room or rescue station or not, the owner, agent or manager may seek assistance or additional assistance as the case may be from the nearest rescue room or rescue station and in such an event:-

(a) all possible assistance shall be promptly rendered by the rescue room or rescue station; and

- (b) the owner of the mine shall pay to the owner of the rescue station or rescue room, rendering such assistance, the full cost of rescue services and facilities borrowed.

**144. General management.-** It shall be the responsibility of the owner to establish, maintain and ensure proper functioning of rescue room or rescue station as required under these rules, to appoint Superintendent, instructors, rescue room in-charge, rescue trained persons, and to provide necessary rescue equipment and apparatus as may be necessary for compliance with the provisions of these rules.

**145. Power to relax.-**Where in the opinion of the Chief Inspector-cum-Facilitator, the conditions pertaining to a mine or rescue station or rescue room are such as to render compliance with any provisions contained in these rules, unnecessary or impracticable, he may by an order in writing and subject to such conditions as he may specify therein grant exemption from the said provisions.

**146. Vocational Training under Section 72.-** If any question or dispute arises as to whether a particular person or class or category of persons is required by these rules to undergo training or not, the same shall be referred to the Chief Inspector-cum-Facilitator for decision.

**147. Training Scheme.-** (1) The Owner of every mine shall ensure that a training scheme comprising of theory and practical, based on the guidelines on the scheme of training, notified by the Chief Inspector-cum-Facilitator from time to time, is prepared and submitted to the Chief Inspector-cum-Facilitator and Inspector-cum-Facilitator for persons employed or to be employed in the mine.

Provided that the agent of the mine may submit the training scheme approved by the owner in writing.

(2) The Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator may by an order in writing, require such modification in the training scheme as he may specify therein.

(3) The scheme referred to in sub-rule (1) shall include, but not limited to, the following provisions, namely:-

- (i) initial training for the persons to be employed in the mines;
- (ii) refresher training for the persons already employed;
- (iii) training in case of introduction of new technology, equipment or change in work procedure;
- (iv) assessing current competencies of a person employed in the mine and prior learning, in establishing the person's training needs;
- (v) assessing the training needs of persons working in mines for the safe performance of the mining operations;
- (vi) appointing persons who are competent to give training and assess employees' competencies;
- (vii) keeping and auditing records of assessment undertaken and training imparted;
- (viii) the relevant standards, modules or any other guidelines issued in this behalf by the Chief Inspector-cum-Facilitator from time to time; and
- (ix) course material on various topics for different categories of persons for delivering lectures in vocational training centre.

148. Constitution and disposal of business of the board of vocational training.-

(1) The board of vocational training shall consist of –

- (a) the Chief Inspector-cum-Facilitator, who shall be its chairperson, ex-officio ;
- (b) three members possessing technical qualifications in mining or petroleum engineering and having at least twenty years practical experience one each in coal mines, metal mines, and oil mines to represent each sector appointed by central Government;
- (c) two members possessing technical qualifications in electrical engineering or mechanical engineering or allied engineering and having at least twenty years of practical experience in mines, appointed by Central Government; and

- (d) two members serving in an institution imparting education in human resource management at graduation, post-graduation or equivalent level and having fifteen years of experience, appointed by central Government.

(2) Every member (other than the chairperson) of the board of vocational training shall hold office for a period of three years from the date of the notification appointing him a member of the board of vocational training or until his successor is appointed and takes charge, whichever is later :

Provided that –

- (i) a member may at any time resign his office;
  - (ii) a member appointed under clause (d) of sub-rule (1) shall cease to hold office upon his ceasing to serve in any such institution, as is referred to in that clause;
  - (iii) a person appointed to fill a vacancy caused by reason of the death, resignation of a member, or by reason of ceasing of office under sub-clause (ii), shall hold office for the remaining period for which such member would have, but for such reason, continued as member.
- (3) a person who holds, or who has held, office as member of the board of vocational training shall, subject to the other provisions of this rule, be eligible for re-appointment to that office not more than two terms.
- (4) a member of the board of vocational training (other than the chairperson) shall receive such remunerations as the central government may fix.
- (5) an Inspector-cum-Facilitator nominated in this behalf by the chief Inspector-cum-Facilitator shall act as secretary to the board of vocational training, hereinafter referred to in this rules as the secretary.
- (6) notwithstanding anything contained in this rule, the central government may, if satisfied that it is necessary so to do in the public interest, re-constitute the board of vocational training even though the term of office of all or any of the members thereof has not come to an end.
- (7) meetings of the board of vocational training shall be held as and when the chairperson considers them necessary and at least once in six months at a place decided by the chairperson.
- (8) (a) for every meeting of the board of vocational training, the chairperson or secretary shall give to every member who is not absent from India, a prior notice of not less than ten clear days, intimating the time and place of the proposed meeting.
- (b) the notice shall be sent by e mail or delivered at, or posted to the usual place of residence of the member, and each such notice shall be accompanied by a list of items of business to be disposed of at that meeting.
- (c) notwithstanding anything contained in clauses (a) and (b), in case of urgency the chairperson may call at any time, an emergent meeting by intimating the members, only two days in advance, of the time and date of such meeting and the subject matter for discussion at such meeting;
- Provided that if at any meeting there is no quorum as specified in Sub-rule (10), the meeting shall stand adjourned to a date which is seven days later or if that day is a public holiday to the next working day. The time, place and agenda for the adjourned meeting shall remain unchanged.
- (d) where the meeting stands adjourned for lack of quorum, it shall be lawful to dispose of the business at such meeting irrespective of the number of members attending.
- (9) (a) the chairperson shall preside at every meeting of the board of vocational training.
- (b) if the chairperson is absent for any reason, the chairperson shall authorize a member to preside over the meeting, and the members so authorised shall, for the purposes of that meeting, have all power of the chairperson.
- (10) no business shall be transacted at a meeting of the board of vocational training unless at least four members, including the chairperson, are present.
- (11) (a) every matter which the board of vocational training is required to consider shall be considered at its meeting, or, if the chairperson so decides, by circulation of the papers, to every member who is not absent from India.

- (b) when any matter is referred to by circulation as aforesaid, any member may request that it should be considered at a meeting of the board of vocational training and the chairperson may direct that it shall be so considered but when two or more members so request, the chairperson shall direct that it shall be so considered at a meeting to be held.
- (12) (a) the secretary shall place before the board of vocational training, a list of business to be transacted at the meeting.  
 (b) no business which is not included in such list shall be considered unless the chairperson permits.
- (13) (a) every matter at a meeting shall be decided by the majority of votes of the members present at such meeting.  
 (b) every matter referred to the members by circulation under sub-rule (11) shall be decided by the majority opinion of the members to whom the papers were circulated, unless the chairperson reserves it for consideration at a regular meeting to be held later.  
 (c) in case of equal division of votes or opinions of the members, the chairperson shall have a casting vote or opinion.
- (14) (a) the secretary shall record the minutes of each meeting in a bound-paged book kept for the purpose and he shall circulate to all members present in India the copies of such minutes of the meeting.  
 (b) the minutes so recorded shall be confirmed at the next meeting of the board of vocational training and signed by the chairperson in token thereof.
- (15) (a) the chairperson in addition to any other powers and functions conferred upon him under these rules, shall:-  
 (i) present all important papers and matters to the board of vocational training at least ten days before the meeting;  
       provided that in case of urgency, the subject matter may be placed before the board of vocational training two days before the meeting.  
 (ii) issue orders for carrying out the decisions of the board of vocational training;  
 (iii) have power to refer, in his discretion, any matter to the central government for its orders; and  
 (iv) have powers generally to take such action or pass such orders necessary to implement the decisions of the board of vocational training.  
 (b) the chairperson may, during his temporary absence by reason of leave or otherwise, authorize any member of the board of vocational training to perform all or any of the functions of the chairperson during such absence.

**149. Functions of the Board of Vocational training.**— The board of vocational training may-(a) constitute advisory committees to address any matter put before it and for specifying criteria for the mandatory establishment of independent vocational training centre by the owner of amine, standard of training to the persons working in mines to maintain uniform standards.

- (b) specify the manner of ascertaining, by examination or otherwise, the quality of training to the persons, granting certificates by a system of assessment and evaluation.
- (c) specify the manner of ascertaining, by examination or otherwise, the competency of training officers, instructors, trainers and persons acting under them and specifying qualification and experience of training officers, instructors, trainers and persons acting under them.
- (d) specify the scale of appointment and manner of training of instructors and trainers.
- (e) specify the system and standard of training centres, criteria for approval and suspension or cancellation of training centre and auditing and monitoring of all aspects of such training centers.
- (f) specifying the manner of assessing training requirement of trainees and their post-training evaluation process.
- (g) specify criteria for establishment of common training centre.
- (h) prescribe fees required to be paid along with the application for approval of vocational training centre under these rules.

- (i) prescribe remuneration or allowances to be paid to an instructor, trainer and like other matters. under these rules.
- (j) make provisions for any other matter concerning training of persons employed in mines, referred to the board of vocational training by the Chief Labour Commissioner (Central).

**150. Scope and Standard for Vocational Training.**-The owner or agent of every mine shall ensure that every person to be employed in a mine shall, before he is employed, be imparted training as per the training scheme under these rule for such employment:

Provided that in case of a person who is already in employment in other mine, the owner shall ensure that such person is imparted training covering such additional course of training as specified under these rules.

**151. Scope and standard for Refresher Training.**- Every person in employment in a mine shall undergo the refresher training at least once in four years, as per training scheme.

Provided that the Chief Inspector-cum-Facilitator may by order in writing and subject to such conditions as he may specify there in increase or decrease the interval of Refresher training at a mine.

**152. Arrangement for refresher training.**-The refresher training shall be so arranged that the persons shall undergo training during normal working hours on full day release system:

Provided that the Chief Inspector-cum-Facilitator may by general or special order in writing subject to conditions as may be specified may exempt any mine from the provisions the of this rule.

**153. Special Training.**- (1) In case new technology, equipment and system of work is introduced in the mine, the owner or agent or manager shall prepare and submit the training module, at least sixty days before such introduction, to the Chief Inspector-cum-Facilitator, who may at any time, by an order in writing, require such modification in the training module as he may specify therein.

(2) Persons to be employed in aforesaid technology, equipment and system of work shall undergo training as per the training scheme specified under these rules, based on the aforesaid training module.

**154. Training of persons after long absence or after an accident or change of job.**-Wherever a person returns to employment in amine, after an absence from work for a period exceeding one year or returns to work after being involved in a serious accident or in a dangerous occurrence which could have resulted in threat to life and safety, or is re-employed on a job which is different from what he had been performing earlier he shall undergo training before employment as per the training scheme specified under these rules.

**155. Training Centre.**—(1) The owner of every mine shall provide and maintain a training centre which shall be adequate for the purpose of imparting the training required to be undergone by the persons who are employed or to be employed in the mine:

Provided that the Chief Inspector-cum-Facilitator may, by an order and for the reasons to be recorded in writing and subject to such conditions as he may specify therein, authorize that a common training Centre may be provided and maintained in respect of two or more mines belonging to the same owner:

(2) The Chief Inspector-cum-Facilitator may permit in writing, subject to such conditions as he may specify therein, a common training Centre owned and maintained by a group of owners for imparting training in more than one mine.

Provided that where a common training centre is established and maintained by a group of owner, the owners of those mines shall nominate one among them to assume the responsibility of owner of the common training centre for management, supervision, direction and control thereat and the nominated owner shall submit notice in writing to the Chief Inspector-cum-Facilitator and the Inspector-cum-Facilitator.

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), the Chief Inspector-cum-Facilitator may approve in writing, subject to such conditions as he may specify therein, a training Centre established under any other law for the time being in force subject to having such infrastructure and facilities as notified

by the Chief Inspector-cum-Facilitator for imparting training under these rules.

(4) Every application for approval under sub rule (3) shall be made in a proforma and accompanied by a fee prescribed by the board of vocational training and notified by the Chief Inspector-cum-Facilitator .

**156. Arrangements for the training centre.**—Every training centre shall have such staff, equipment and other facilities as notified by the Chief Inspector-cum-Facilitator.

**157. Training Officer.**—

(1) Every training centre shall be placed under the charge of a whole time training officer, possessing qualification and experience, as specified by the board of vocational training and notified by the Chief Inspector-cum-Facilitator from time to time.

(2) It shall be the responsibility of the owner or agent of the mine or the owner of common vocational training centre, as the case may be, to appoint the training officer specified under sub-rule(1).

Provided that in case of an training Centre, the person responsible for the management, control, supervision or direction of the training centre approved by the Chief inspector-cum-Facilitator (hereinafter referred to as owner of approved training centre), shall appoint the training officer.

(3) Notwithstanding anything contained in sub-rule (1), where the training officer is unable to perform his duties by reason of temporary absence, illness or other cause, the owner, agent or manager, as the case may be, shall authorize in writing any other person having similar qualifications to act in his place.

Provided that no such authorisation shall have effect for a period exceeding thirty days, except with the previous consent in writing of the Chief Inspector-cum-Facilitator and subject to such conditions as he may specify therein;

(4) A written notice of every appointment, discharge, dismissal, resignation or termination of service of a Training officer and of the date thereof shall be sent by the owner or agent to the Chief Inspector-cum-Facilitator and the inspector-cum-Facilitator within seven days from the date of such appointment, authorization, discharge, dismissal, resignation or termination of service as the case may be.

**158. Duties of Training Officer.**—(1) It shall be the duty of the training officer:

- i. to organise and supervise the training of every person undergoing training under him in pursuance of these rules;
- j. to recognize current competency and prior learning in establishing for the training needs;
- k. to ensure training as per the modules or curriculum prepared under the concerned training scheme framed under these rules for different categories of persons and ensure that the instructors deliver lectures on standard course material;
- l. to maintain records of the training given to every person and to furnish monthly reports to the mine manager on the progress of the persons undergoing training;
- m. to maintain records of the supervision in respect of the practical training on actual operations; and
- n. to discharge such other duties as may be necessary for the proper compliance of these rules.

(2) Every training officer shall keep a record of his work and shall, at the end of every year, forward to the Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator having jurisdiction over the training centre, through the owner, agent or manager of the mine or the owner of a common or approved training centre as the case may be, a summary of the report of his work during the year.

**159. Instructors.** — The owner or agent of a mine or the owner of a common or approved training centre as the case may be, shall appoint sufficient number of instructors having qualification and experience to impart training in vocational training centre.

Provided that, in special circumstances, officials may be called for from the mines, to deliver lectures and for demonstrations at the training centre.

**160. Trainers.**—For the purpose of the practical training referred to in these rules, every person to be employed in a mine shall be placed under the direct supervision of an experienced person of an appropriate category, employed on operations and authorized by manager hereinafter referred to as trainer.

**161. Qualification of instructors and trainers.**- (1) No person shall function as an instructor or trainer unless he possesses qualification, training and experience as specified by the Board of Vocational training and notified by the Chief Inspector-cum-Facilitator from time to time.

**(2) Instructors and Trainers shall be skilled and experienced having aptitude required for training job.**

**162. Duties of Instructor.**— The instructor shall:-

- (i) assess employees competency and deliver lectures on standard course material;
- (ii) Maintain records of training given to every person and to furnish weekly report to the training officer on the progress of the persons undergoing training.

**163. Duties of trainer and persons undergoing training.**- (1) **The trainers shall be responsible for the safety of the persons undergoing training under him.**

**(2) The trainer shall see that the persons put under his charge for training, pick up work, understand the dangers inherent in the job and develop habits, which would ensure safety in mines.**

**(3) The trainer shall see that the persons undergoing training move within the mine along with him.**

**(4) Every trainer shall see that the persons undergoing training under him, is aware of escape route from the sections where he is likely to work and other emergency response applicable to the trainee.**

**(5) Every person undergoing training shall, whilst under training, comply with the directions of the trainer under whom he is put in charge.**

**164. Training allowance.**- (1) **Every trainer shall, in addition to his normal wages, be paid by the owner, agent or manager of a mine, a training allowance for everyday a trainee has worked under his supervision as prescribed by the board of vocational training and notified by the Chief Inspector-cum-Facilitator .**

**(2) Every Instructor, other than the instructor under regular appointment at the training centre shall, in addition to his normal wages, be paid by the owner, agent or manager a training allowance for every day he has imparted training in Vocational Training Centre, as prescribed by the Board of Vocational training and notified by the Chief Inspector-cum-Facilitator.**

**165. Certificate of training.**-(1) **Every person who undergoes a course of training specified in these rules shall, on completion of the training be assessed and subject to acceptable performance of the trainee, he shall be granted a certificate duly signed by the training officer, in form to be notified by the Chief Inspector-cum-Facilitator .**

**(2) Where the training officer is not satisfied with the progress or performance of any trainee, he shall report the same to the manager of the Mine, who may arrange to give him, further training.**

**(3) The Manager of every mine shall counter sign and specify date on the certificate after being satisfied of the successful completion of training.**

**166. Certificate to be delivered to the management.**- (1) Every person employed in a mine shall –

- (i) if he has obtained training certificates prior to such employment; and
- (ii) if he has obtained certificates during the course of employment, within such time as may be specified by the manager of the mine, deliver the certificate issued to him under these rules, to the manager of the mine who shall keep the certificate in safe custody and issue a receipt for the same.

**(2) On the termination of employment, certificate deposited under sub-rule (1) shall be returned to the employee.**

**167. Inspection of vocational training centre.**—The Chief Inspector-cum-Facilitator or other Inspector-cum-Facilitator, authorised by him in his behalf or the Inspector-cum-Facilitator may enter, inspect and examine any training centre or any part thereof and make such examination or inquiry as he thinks fit in order to ascertain whether the provisions of these rules and of any orders made there under are being complied with.

**168. Notice of closure or discontinuance of Vocational Training Centre.**— When it is intended to close a training centre established under these rules or to discontinue the working thereof for a period exceeding sixty days, the owner, agent or manager of a mine or the owner of a common vocational training centre as the case may be, shall give a notice in the manner and form as may be notified by the Chief Inspector-cum-Facilitator for the purpose, to the Chief Inspector-cum-Facilitator and the Inspector-cum-Facilitator stating the reasons for such closure or discontinuance, not less than thirty days prior to such closure or discontinuance:

Provided that the owner or the agent or the manager of the mines shall give notice forthwith when on account of unforeseen circumstances a training centre is closed or discontinued before the said notice has been given or without previous intention the discontinuance extends a period of sixty days.

**169. Onus as to age under section 117.**— The medical authority referred to in sub-section (2) of 117 shall be a medical practitioner as referred, who possesses any recognised medical qualification as defined in The National Medical Commission Act, 2019 ( 30 OF 2019)and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (1) of section 35, 36, 37 and 40 of the Code.

170. Procedure of inquiry and other related matters under sub-section (4) of section 121.— **(1) Wherein any workplace an accident causing death or serious bodily injury takes place or there is an occurrence of any dangerous occurrence or cases of any occupational disease as specified in the Third Schedule to the code has been reported or is suspected to have been contracted, the Central Government, as the case may be, appoint one or more persons possessing legal or special knowledge to act as assessors or competent persons in such inquiry in order to inquire into the causes of the accident or occupational disease.**

**(2) The competent person appointed under sub-rule (1) shall carry out the inquiry into the causes of the accident or dangerous occurrence along with identification of the hazardous condition for which he has reasonable evidence to conclude and to be recorded in writing in the inquiry report, has caused the accident or the dangerous occurrence and also identify the persons which he believes, based on his findings, to be responsible for such accident or occurrence, as the case may be,**

**(3) The inquiry report shall contain conclusive findings of the inquiry along with the recommendations for prevention of such accidents or dangerous occurrences of occupational diseases containing suggestions for implementation to prevent re-occurrence.**

**(4) In case of dock work, any competent person appointed by the Central Government for the purposes of inquiring into the causes of any accident, dangerous occurrence or occupational diseases connected with the dock work under the provision of section 121 of the Code shall make the inquiry in the following manner, namely:—**

(a) date, time and place of holding the inquiry shall be fixed and may be varied, notice of which shall be given not less than 30 days in writing of such date, time and place to every person entitled to appear at the inquiry whose name and address are known to the competent person:

Provided that,—

- (i) with the consent of such persons, the competent person may give such lesser period of notice as shall be agreed to with those persons; and
- (ii) where it becomes necessary or advisable to vary the time or place fixed for the inquiry, the competent person shall give such notice of the variation as may appear to it to be reasonable in the circumstances.

(b) the notice given under clause (a) of this rule shall state the name of the competent person and the names of assessors, if any, appointed to assist the competent person in the inquiry.

(c) without prejudice to the foregoing provisions of this sub-rule, the competent person shall also for the purpose of notifying to the persons who may in any way be concerned with the subject-matter of the inquiry, take one or more of the following steps, namely:—

- (i) publish notice of the inquiry in one or more newspapers, including where appropriate, newspapers circulating in the locality or area in which the subject-matter of the inquiry arose; and
- (ii) give such other notice of the inquiry as appears to the competent person to be appropriate; and the requirements as to the period of notice contained in clause (a) of this rule shall not apply to any such notices.

171. Persons to appear at inquiry.- (1) **The person entitled to appear at the inquiry shall be—**

- (a) any competent person defined in clause (l) of sub-section (1) of 2;
- (b) any enforcing authority concerned;
- (c) any employers' association or Trade Union of employees;
- (d) any person who was injured or suffered damage as a result of the accident, occurrence, situation, disease or other matter which is the subject of the inquiry, or his representative;
- (e) the owner of any premises in which the accident, occurrence, situation or other matter occurred or arose;
- (f) any person carrying on work giving rise to the accident, occurrence, situation or other matter which is the subject of the inquiry; and
- (g) any other person at the discretion of the appointed competent person making inquiry.

(2) The following shall represent at the inquiry, namely:—

- (a) a corporate body may be represented by its secretary or by any other officer appointed for the purpose, or by counsel or solicitor;
- (b) a Government department, an employers' association or a Trade Union may be represented by a counsel or a solicitor;
- (c) where there are two or more persons having a similar interest in the matter under inquiry, the competent person may allow one or more persons to appear for the benefit of some or all persons so interested.

(2) The competent person appointed by the Central Government under section 121 of the Code, may, either of his own motion or on the application of any person entitled or permitted to appear, cause to be served on any person appearing to him to be likely to be able to give material evidence or to produce any document likely to be material evidence, a notice requiring that person to attend at the inquiry at the time and place specified in the notice to give evidence or produce the document.

(3) A person on whom a notice is served under sub-rule (3) may apply to the competent person either at or before the inquiry to vary or set aside the requirement, and where he does so before the inquiry, he shall give notice of his application to the person, if any, who applied for the notice under sub-rule (3) to be served.

(4) Except as otherwise provided in these rules, the procedure at and in connection with an inquiry shall be at the discretion of the competent person and contrary to the principles of natural justice who shall state at the commencement of the hearing the procedure which, subject to consideration of any submission by the persons appearing at the inquiry, he proposed to adopt and shall inform those persons what he proposes as regards any site inspection arising out of the hearing.

(5) In case of mines, the persons appointed to hold inquiry under section 121 shall hold the inquiry in public in such manner and under such conditions as the Competent person thinks most effectual for ascertaining the causes and circumstances of the accident or other occurrences and for enabling the Competent person to make the report.

(6) If a court of inquiry finds that the accident was due to any carelessness or negligence on the part of the management, the Competent person may direct the recovery of the expenses of such Competent person including any expenses incurred with the previous sanction of the Competent person and any other expenses connected with the enquiry which the court may direct as recoverable from the owner of the mine concerned, in such manner and within such time as the Competent person may specify.

(7) The amount directed to be recovered under sub rule (7) may, on application by the Chief Inspector-cum-Facilitator or an Inspector-cum-Facilitator to the concerned authority, be recovered from the owner or employer or occupier.

(8) An Inspector-cum-Facilitator nominated in this behalf by the central government, shall act as the Secretary to the competent person.

(9) The inquiry or the survey, as the case may be, shall be completed and submitted to the central government, within a period of three months from the date of the order through which it is constituted.

172. Procedure of survey and other related matters under sub-section (4) of section 121.- **(1) The Central Government may direct Directorate General Occupational Safety and Health (DGOSH) or Directorate General Mines Safety (DGMS) or any other institution under the control of the central Government, to appoint a committee to undertake a survey on the situation relating to safety and health at work at any workplace or class of workplaces or into the effect of work activity on the health of the employees and other persons within and in the vicinity of the workplace in the following manner, namely:-**

- (a) a committee to be constituted by Directorate General Occupational Safety and Health or the institution under the chairmanship of Directorate General Occupational Safety and Health for carrying out the survey.
- (b) The committee shall carry out the survey with a view to finding out the status of safety and health at work the workplace and its effect on the workers.

The report of the committee to be submitted to the Central government shall be of status of an inspection report and contain conclusive findings of the survey along with the recommendations for improving the status of occupational safety and health for prevention of accidents or dangerous occurrences or occupational diseases as the case may be, and containing suggestions for implementation thereof for compliance which shall be ensured by the Inspector-cum-Facilitator, as the case may be.

## CHAPTER XII OFFENCES AND PENALTIES

**173. Manner of compounding of offences by the authorized officer specified under sub-section (1) of section 114.**-(1) The officer notified by the Central Government for the purposes of compounding of offences under sub-section (1) of section 114 shall issue electronically a compounding notice to the concerned alleged accused person for the offence for which is compoundable under section sub-section (1) of section 114.

- (2) The person so noticed under sub-rule (1) may apply to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.
- (3) The Officer referred to in sub-rule (1) shall issue a composition certificate within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- (4) If a person so noticed fails to deposit the composition amount within the one month before the institution of prosecution, the prosecution shall be proceeded with in the competent Court.
- (5) No prosecution shall be instituted without giving an opportunity to the employer to comply with such provisions subjected to proviso of sub-section (1) of section 110 and compounding as under Section 114.

## Chapter-XIII

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**Miscellaneous****174. Grievance redressal mechanism for contract labour.-**

1. The contract labour may submit his grievance(s) relating to health, working conditions and wages, at the level of principal employer, who shall look into the matter and redress grievance(s) if any.
2. A committee may be constituted consisting of a chairman, who shall be the authorized representative of the principal employer. The committee shall have representatives of principal employer and contractors. The aforesaid committee shall hear and dispose off the grievance(s) of the contract labour within a period of one month.
3. In case, the grievance(s) is not redressed within one month of raising of such grievance(s), the principal employer shall forward the grievance(s) to the concerned Inspector-cum-facilitator electronically or through registered post or speed post.

**175. Annual increment of regular worker of a contractor.-** A worker who is regularly employed by the contractor for any activity and his employment is governed by mutually accepted standards of the condition of employment shall be such that he gets an annual increment of not less than 2% two percent of his wages.

**FORM-I****(See rule-3)****Application for Registration for existing establishments/New establishment/Amendment to certificate of Registration****A. Establishment Details.**

1. Retrieve details of Establishment through LIN:
2. Name of Establishment:
3. Location and Address of the Establishment:
- 3a. PAN:
4. Others details of Establishment:
  - a. Total Number of employees engaged directly in the establishment:
  - b. Total Number of the contract employees engaged:
  - c. Total Number of Inter-State Migrant workers employed:

**5 (a) For factories:**

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day
1	2	3	4

**5 (b) For mines:**

Name of Mineral(s)	Lease extent of the mine (in Acres)	Name and address of the owner	Average Monthly output, targeted (Tonne)	Maximum number of persons to be employed on any day
1	2	3	4	5

**5 (c) For Dock work:**

Name of dock Work/Major Port	Types of Dock Works	Name of the Cargo handled and stored along with quantity	Name of the chemicals handled and stored along with quantity	Name of the hazardous Chemicals handled and stored along with quantity
1	2	3	4	5

**5 (d) For building and other construction work:**

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
1	2	3	4

6. Ownership Type/Sector:

7. Activity as per National Industrial Classification:

8. Details of Selected NIC Code:

9. Identification of the establishment e-sign/ digital sign of employer/ representative:

**B. Details of Employer:-**

1. Name & Address of Employer / Occupier / Owner/Agent/ Chief Executive/ port authority etc. :
2. Designation :
3. Father's/ Husband's Name of the Employer :
4. Email Address, Telephone& Mobile No. :

**C. Manager/ Agent Details**

1. Full name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment
2. Address of Manager/ Agent:
3. Email Address, Telephone& Mobile No. :

**D. Contractor Details**

Name and Address Contractor	Email address & Mobile of Contractor	Name of Work	Maximum No. of Contract labour engaged	Date of Commencement /Probable date of Completion of work
1	2	3	4	5

**E. Others Details:-**

Dated:-  
Place:-

Signature/ E-sign/digital sign of employer

**FORM-II**  
**(See rule-3(1))**

**Certificate of Registration of Establishment**

Registration No.

Date

A Certificate of registration containing the following particulars is hereby granted under sub section (2) of section 3 of the Occupational Safety, Health and Working Conditions Code, 2020(...37.of 2020) to..... (Name of the establishment)

1. Nature of work carried on in the establishment (Please tick mark) 2.

- |   |  |
|---|--|
| (a) Factory                               | (b) Mining                             |
| (c) Dock work                             | (d) Contract Work                      |
| (e) Building and Other Construction Works | (f) any other work (not covered above) |

2. Details of the establishment:

- a. Total Number of employees engaged directly in the establishment:
- b. Total Number of the employees engaged through contractor .....
- c. Total Number of Contractors and their details:
- c. Number of inter-state migrant workers engaged:

**3 (a) For factories**

Details of the manufacturing process	Full postal address and situation of the factory along with plan Approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day
1	2	3	4

**3 (b) For mines**

Name of Mineral(s)	Lease extent of the mine (in Acres)	Name and address of the owner	Average Monthly output, targeted (Tonne)	Maximum number of persons to be employed on any day
1	2	3	4	5

**3 (c) For Dock work**

Name of Dock Work / Major Port	Types of Dock Works	Name of the Cargo handled and stored along with quantity	Name of the chemicals handled and stored along with quantity	Name of the hazardous Chemicals handled and stored along with quantity
1	2	3	4	5

**3 (d) For building and other construction work**

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
1	2	3	4

## 4. Remarks of registering officers

Place:

Date:

/Signature E -Sign/DSC of Registering Officer  
along with designation

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**Conditions of Registration**

- (1) Every certificate of registration issued under rule 4 shall be subject to the following conditions, namely:
- (a) the certificate of registration shall be non-transferable;
  - (b) The number of workers employees employed in an establishment directly and contract employees shall not, on any day, exceed the maximum number specified in the certificate of registration; and
  - (c) Save as provided in these rules, the fees paid for the grant of registration certificate shall be non-refundable.
- (2) The employer shall intimate the change, if any, in the number of workers employees or the conditions of work to the registering officer within 30 days.
- (3) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment or as the case may be work is to be executed, intimating the actual date of the commencement or, as the case may be, completion of establishment such work in Form IV annexed to these rules electronically.
- (4) A copy of the certificate of registration shall be displayed at the conspicuous places at the premises where the work is being carried on.

**FORM-III**  
**(See rule-3(8))**  
**Register of Establishment**

Sl.No.	Nature of work	Registration No. and Date	Name and Address, location of the establishment registered	Name, Address and Contact Details of Employer	Total number of Workers and Total Horsepower ( if any)	Total number of Contract Workers	Remarks
1	2	2	3	4	5	6	
	(a) Factories (b) Mines (c) Dock Work (d) Building and other Construction work (e) Contract work (f) Interstate Migrant Work (g) Any other work(not covered above)						

**FORM-IV****(See rule-3(9) and rule- 5)****A-Notice of Commencement / completion of work /cessation of Establishment:**

1. Registration No:
2. Name and Address of Establishment:-
3. Name and Designation of employer/ Port authority (who has ultimate control over the affairs of the establishment :-
4. Full address to which communication relating to the establishment to be sent :-
5. Nature of work of the establishment :-
6. In case of the notice is for commencement of work the approximate duration of work:-
7. in case of completion of work/cessation of establishment, the date of completion /cessation:

I/We here by intimate that the work of establishment having registration No. ....dated  
 ..... is likely to commence/cessation is likely to be completed with effect from  
 ..... (Date)/ On..... (Date)

**In case of cessation of work:**

I/we hereby certify that the payment of all dues to the workers employed in the establishment has been made and the premises are kept free from storage of hazardous chemicals and substances.

Signature of the Employer

To,

The Inspector-cum-Facilitator

**FORM-V**  
**(rule-6)**  
 HEALTH EXAMINATION  
 (Except mine employees)

**PART –A (Sl.No.1-11) : To be filled by the Employee:**

1. Name of employee.....2. Sex.... 3. Age (with DOB).....

4. Company..... 5.Designation.....5a. UAN:.....

6. In-charge Employer / Executive Contacts.....

7. Complete personal /plant Address .....

8. Mobile /Phone ..... 9.Email.....

10. Medical illness (Current) and under treatment & medication, If any.....

-----

11. Nature of Job (furnish more details, if hazardous and work-related viz. Physical, Chemical, Biological, Ergonomic etc)  
 .....

Date:

Signature of Employee

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**PART-B:**

12. Medical Test Carried out & Reports to be Attached as Annex . Medical Officer's interpretation/ Opinion of the Tests below (To indicate only if abnormal , referring the attached Test reports) :

- a. Ht. Wt. Chest, Waist Circumference, Body Mass Index: .....
- b. Vision (Ophthalmologist tests):
  - i. Visual Acuity both Right & left eyes .....
  - ii. Colour Vision.....
- c. Blood Pressure .....
- d. Complete Blood Count: .....
- e. Blood Sugar (Fasting/PPBS/HbAC1).....
- f. SpO<sub>2</sub>.....
- g. Blood Urea Nitrogen (BUN).....
- h. SGOT/SGPT.....
- i. Lipid profile.....
- j. ESR.....
- k. Thyroid profile.....
- l. X-ray Chest etc.....
- m. ECG.....
- n. Others if any.....

-----  
13. Final Diagnosis/ Opinion / Treatment if any, advise by qualified medical practitioner .....

14. Does the person has seizure (s) related disorders or difficulties working at Height ? If yes, explain the works to be avoided:  
Yes/No/ NA (Not applicable)

Date:

Signature of the qualified medical practitioner

SEAL

NOTE: All the above information is highly confidential between the Applicant and the Examining Physician. Sharing of the above with Employer or any other agency/persons is permitted only on obtaining Consent from the Applicant/Employee.

**FORM VA**  
**(For mine employees only)**

[See rule 102(1) (2) and (3) & rule 131]

**Report of medical examination under rule 102 (3)**  
**(To be issued in triplicate)**

Certificate No.....

Certified that Shri/Shrimati/Miss..... employed as ..... in .....mine, Serial number..... of **Form**\_\_\_\_\_ Register (in case of PME) has been examined for an Initial/Periodical Medical Examination. He/she appears to be..... years of age. The findings of the examining authority are given in the attached sheet. It is considered that Shri/Shrimati/Miss.....

- (a) is medically fit for any employment in mines.
- (b) is suffering from..... and is medically unfit for
  - (i) any employment in mine; or
  - (ii) any employment below ground; or
  - (iii) any employment or work.....

(c )He/She is suffering from..... is should get this disease/disability cured/controlled and should be again examined within a period of .....months. He/She will appear for re-examination with the result of test of..... and the opinion of .....Specialist from..... He/She may be permitted/not permitted to carry on his duties during this period.

**Space for affixing Passport  
Size Photograph of the  
Candidate.**

Place :                      Signature & name of the examining authority      With date and seal

### Report of the examining authority

(to be filled in for every medical examination whether initial or periodical or re-examination or after cure/control of disability).

Annexure to Certificate No.....as result of medical examination on .....

Identification Mark.....

Left thumb impression and Signature of The candidate

1. General development- Good/Fair/Poor

2. Height.....Cms.

3. Weight.....kg.

4. Eyes :

- (i) Visual acuity-Distant vision (with or without glasses): Right eye.....Left eye.....
- (ii) any organic disease of eyes
- (iv) night blindness
- (iv) Color blindness (to be tested in IME )
- (v) Squint

5. Ears :

- (i) Hearing: right ear.....Left ear .....
- (ii) Any organic diseases.
- (iii) Audiometry Findings :

Conduction Type	Left Ear	Right Ear
Ear Conduction	Normal/Abnormal	Normal/Abnormal
Bone Conduction	Normal/Abnormal	Normal/Abnormal

Enclosed Audiometry Report.

6. Respiratory system.

Auscultatory Finding:

Chest measurement :

- (i) after full inspiration .....cms.  
 (ii) after full expiration.....cms.

Result of Lung Function Test (Spirometry)

Parameters	Predicted Value	Performed Value	% of Predicted
Forced Vital Capacity (FEV)			
Forced Vital Capacity 1 FEV1			
FEV1/FVC			
Peak Expiratory Flow			

Enclose Spirometry Report

7. Circulatory system:

Blood Pressure

Pulse

Cardiological Assessment

Auscultation	S1	
	S2	
	Additional Sound	
Electrocardiograph (12 leads) findings :		Normal/Abnormal
Echocardiography finding (to be tested in IME)		Normal/Abnormal

Enclose ECG

Enclose Echocardiography report

8. Abdomen :

Tenderness.

Liver.

Spleen.

Tumour.

Ultrasonography of Whole Abdomen (to be tested in IME )  
(Enclose Ultrasonography report)

9. Nervous system:

History of fits or epilepsy

Paralysis.

Mental health.

Neurological Assessment

Findings	Normal/Abnormal
Superficial Reflexes	
Deep Reflexes	
Peripheral Circulation	
Vibrational Syndromes	

Special Tests for Manganese exposure

Behavioral Disturbances		Present/Not Present
	Speech Defect	Present/Not Present
Neurological Disturbances	Tremor	Present/Not Present
	Adiadocokinesia	Present/Not Present
	Emotional Changes	Present/Not Present

10. Locomotory system

11. Skin.

12. Hydrocele.

13. Hernia.

14. Teeth

15. Speech

16. Pathological Investigations:

S.No.	Tests	Findings
1	Blood-Tc,Dc,Hb,ESR, Platelets	WNL/Abnormal

2	Blood Sugar- Fasting & PP	WNL/Abnormal
3	HbA1c(to be tested in IME and for diabetic person during PME )	WNL/Abnormal
4	Lipid profile	WNL/Abnormal
5	Blood Urea, Creatinine	WNL/Abnormal
6	Urine (Reaction, Albumin, Sugar)	WNL/Abnormal
7	Stool Routine	WNL/Abnormal
8	Sputum test for AFB(For Food handling employee)	
9.	Hemoglobin Electrophoresis for sickle cell disease /trait (to be tested in IME )	WNL/Abnormal
10.	Bilirubin	WNL/Abnormal
11.	SGOT	WNL/Abnormal
12.	SGPT	WNL/Abnormal
13.	delta aminolevulinic acid in urine ( for person exposed to Lead)	WNL/Abnormal

Enclose all Investigation Reports.

17. Skiagram of chest.

ILO Classification of Chest Radiograph :

Profusion of Pneumoconiotic opacities	Grades	Types
Present/Absent		

Enclose Chest Radiograph

18.Any other abnormality.

19. Any other test considered necessary by the examining authority.

20. Any opinion of specialist considered necessary.

Place:

Signature & name of the examining authority  
With date and seal

**Medical Standard of Fitness for Persons to be employed in Mines (Initial Medical Examination).**

1. The person should be in good physical and mental health and free from any physical defect, likely to interfere with efficient employment in mines.
2. Speech must be without serious impediment.
3. Teeth are in good order and if he/she is provided with dentures, where necessary, for effective mastication (well filled teeth will be considered as sound). Gums should be in healthy condition.
4. Skin: - There should be no evidence of extensive and chronic skin disease or ulceration. In case of infective type of skin disease, the candidate could be made fit after he has undergone a treatment.
5. Hearing in each ear should be good and that there is no sign of disease in the ear. Audiometric examination should be normal & free from deafness in each ear.
6. Distant vision of eye with or without glass should not be less than following standard :
  - a) For underground workers

Better eye	6/6
Worse eye	6/9
  - b) For surface/opencast workers

Better eye	6/9
Worse eye	6/12
  - c) Intra-ocular lens implant: In the case of a person who has undergone intraocular lens implant, if the visual activity with intra-ocular lens is according to the standards laid down, the person concerned may be considered fit

- d) Fundus examination: In myopia -2Diopter or more, Fundus examination should be carried out and the results recorded. In the event of pathological condition being present, which is likely to be progressive and affect the efficiency of the candidate, he shall be declared unfit.
  - e) Color vision: - The testing of color vision is compulsory and the results should be normal. The Ishihara's Plates shall be used for testing color vision.
  - f) There should be no night blindness for persons employed below ground and for persons employed in open cast working in shifts other than in morning's shifts.
  - g) Any organic disease or a progressive refractive error which is likely to result in lowering the visual acuity should be considered a disqualification.
  - h) Squint:-Presence of binocular vision is essential, squint even if the visual acuity is of prescribed standard, should be considered a disqualification.
  - i) One eyed person - Presence of binocular vision is essential, one functional eye should be considered a disqualification.
  - j) There shall be no Nystagmus.
7. Respiratory system: Chest must be well formed .Respiratory system should be sound and free from any chronic laryngeal, bronchial pulmonary disease. Tuberculosis of lungs if not active should not be a disqualification.
- a) A full sized postero-anterior chest radiograph (not less than 11 inch. X 14 inch.) enough to include thoracic inlet and both costophrenic angles obtained by an X-ray machine (analog /digital) of atleast 300 Milli-Ampere strength shall be classified as per ILO international Classification of Radiographs of Pneumoconiosis by Medical Officer trained in such ILO classification. X-ray shall be classified using LED view box accommodating at least four chest radiographs of 14 inch. X 17inch size.
  - b) Lung function tests (spirometry) to record forced vital capacity (FVC) and forced expiratory volume in one second (FEV1) shall be made. Findings of spirometry shall be within normal limit.

8. Circulatory system: - There should be no evidence of cardiac or vascular disease which may interfere with his efficient employment in a mine. The Blood pressure shall not be more than 130/80 mm Hg. Detailed cardiovascular assessment of employees should be done. This should include 12 leads electrocardiogram, echocardiography and complete lipid profile.
9. Locomotor System: The limbs, hands, fingers, feet and toes should be well formed and developed & without any deformity, and function of all limbs should be within normal limits.
10. There should not be any evidence of disease of abdominal organs which is likely to affect his efficient discharge of duty in a mine. Ultrasonography (whole abdomen) report shall be normal.
11. In case the candidate has hernia, he may be declared fit after he has been successfully operated for the same.
12. Hydrocele if present should not be large enough to impede the normal activities of the person. If it is large enough he may be declared fit after being successfully operated.
13. The nervous system should be sound. Persons with history of epilepsy or any other type of organic or historical fits should not be declared fit for employment in a mine. Detailed neurological examinations including testing of all major superficial and deep reflexes shall be done.
14. Fasting, Post- prandial Blood sugar and Glycoslated Hb level (HbA1c) shall be tested .GlycoslatedHb level (HbA1c) by a medical specialist as Diabetes Mellitus is known to damage of target organs. GlycoslatedHb level (HbA1c) shall not be more than 6.0. Only such cases of well controlled Diabetes Mellitus with no associated complications may be considered for appointment.
15. Serum Urea and Creatinine shall be within normal limit.
16. Bilirubin, SGOT and SGPT shall be within normal limit.
17. Routine Stool shall be within normal limit.

18. The medical examination should include examination of urine. Mere presence of albumin and sugar in the urine without any gross organic disease producing signs and symptoms should not be a disability.

19. There should not be sickle cell disease /trait. Hemoglobin Electrophoresis test shall be done.

### **Medical Standard of Fitness for Persons Employed (Periodical Medical Examination)**

1. The person should be in good mental and bodily health and free from any physical defect likely to interfere with his efficient employment in a mine.
2. Speech must be without serious impediment.
3. Teeth are in good order and if he/she is provided with dentures, where necessary, for effective mastication (well filled teeth will be considered as sound). Gums should be in healthy condition.
4. Locomotor System: The limbs should be well formed and developed, and the function of all the limbs should be within normal limits. Any deformity should be recorded. There should be no deformity or paralysis which may interfere with his efficient employment in a mine.
5. Skin: - There should be no evidence of extensive and chronic skin disease or ulceration. In case of infective type of skin disease, the candidate could be made fit after he has undergone a treatment. All occupational skin diseases should be noted.
6. Eye :
  - (a) Vision with or without glass should not be less than the following standard:

i. Better eye	6/9
ii. Worse eye	6/12
  - (b) There should be no night blindness for persons employed below ground and for persons employed in open cast working in shifts other than in morning's shifts.

- (c) A person having only one eye which functions normally should not be employed below ground, For employment on surface the vision of such a person in the other eye should be 6/9 with or without glasses.
7. Hearing should be good, any progressive disease affecting hearing/or occupational deafness should be recorded. Audiometric examination shall be conducted in every case.
8. Respiratory System: Respiratory system should be sound and free from any chronic laryngeal, bronchial pulmonary disease. Tuberculosis of lungs if not active should not be a disqualification.
- a) A full sized postero-anterior chest radiograph (not less than 14 inch. X11 inch.) enough to include thoracic inlet and both costophrenic angles obtained by an X-ray machine (analog /digital) of at least 300 mA Milli-Ampere strength shall be classified as per ILO international Classification of Radiographs of Pneumoconiosis by Radiologist / Medical Officer trained in such ILO classification.
- b) Lung function tests (spirometry) to record forced vital capacity (FVC) and forced expiratory volume in one second (FEV1) shall be made. Findings of spirometry shall be within normal limit.
9. Circulatory system – There should be no evidence of any heart or vascular disease which may interfere with his efficient employment in a mine. Detailed cardiovascular assessment of employees should be done. This should include 12 leads electrocardiogram and complete lipid profile. The Blood pressure shall not be more than 140/90 mm Hg.
10. There should not be any evidence of disease of abdominal organs which is likely to affect his efficient discharge of duty in a mine.
11. The nervous system should be sound. Persons with history of epilepsy or any other type of organic or historical fits should not be declared fit detailed neurological examinations including testing of all major superficial and deep reflexes shall be done.
12. Persons exposed to manganese, In addition to the basic neurological examination, special emphasis should be given to behavioral and neurological disturbances such as speech defect, tremor, impairment of equilibrium, adiadochokinesia and emotional changes.
13. Persons exposed to lead; PME should include delta aminolevulinic acid in urine.

14. Persons engaged in food handling and preparation and handling of stemming material activities should undergo routine sputum for Acid Fast Bacilli (AFB).
15. Fasting & Post- prandial Blood sugar shall be tested. Diabetes shall be under controlled. Target organ shall not be affected by diabetes.
16. Serum Urea and Creatinine shall be within normal limit.
17. Bilirubin, SGOT and SGPT shall be within normal limit.
18. Routine Stool shall be within normal limit.
19. In case the candidate has hernia he may be declared fit after he has been successfully operated for the same.
20. Hydrocele if present should not be large enough to impede the normal activities off the candidate. In such cases he may be declared fit after being successfully operated.

The medical examination should include examination of urine and of other system for evidence of disease. Mere presence of albumin and sugar in the urine without any gross organic disease producing signs and symptoms should not be considered as a disability.

**FORM-VI**  
**(See rule-8)**  
**NOTICE OF ACCIDENT OR DANGEROUS OCCURRENCE**

E.S.I.C. Employer's Code number:

E.S.I.C. Insurance

Number of the injured person :

1. Name of employer :

2. Address of  
works / premises  
where the  
accident or  
dangerous

Occurrence took place :

3. Nature  
of industry  
and LIN of  
the  
establishment:

4. Branch or department and  
Exact place where the  
accident or dangerous  
occurrence took place :

5. Name and address of the injured person:

6. (a) Sex :

- (b) Age (at the last birthday) :
- (c) Occupation of the injured person :

7. Local E.S.I.C. Office to which the injured person is attached :

8. Date, shift and hour of accident or dangerous occurrence :

9. (a) Hour at which the injured person started work on the day of accident or dangerous occurrence :

(b) whether wages in full or part are payable to him for the day of the accident or dangerous occurrence :

10. (a) Cause or nature of accident or dangerous occurrence :

(b) If caused by machinery-

- (i) Give the name of machine and the part causing the

accident or  
dangerous  
occurrence :

- (ii) State  
whether it  
was moved  
by  
mechanical  
power at the  
time of  
accident or  
dangerous  
occurrence :

(c) State exactly what  
the injured person was  
doing at the time of  
accident or dangerous  
occurrence :

(d) In your opinion,  
was the injured person  
at the time of accident  
or dangerous  
occurrence -

- (i) acting in  
contravention of  
provisions of any  
law applicable to  
him; or  
(ii) acting in  
contravention of

any orders given by  
or on behalf of his  
employer; or

(iii) acting without  
instructions from  
his employer?

(e) In case reply to (d)  
(i), (ii) or (iii) is in the  
affirmative, state  
whether the act was  
done for the purpose  
of and in connection  
with the employer's  
trade or business.

:

11. In case the  
accident or  
dangerous  
occurrence took  
place while travelling  
in the employer's  
transport, state  
whether-

(a) the  
injured  
person  
was  
travelling

g as a  
passeng  
er to or  
from his  
place of  
of works; :

(b)the injured person  
was travelling  
with the express  
or implied  
permission of his  
employer; :

(c)the transport is being operated  
by or on behalf of  
the employer or  
some other person  
by whom it is  
provided in  
pursuance of  
arrangements  
made with  
the employer; and :

(d)the vehicle is  
being/not  
being  
operated in  
the ordinary  
course

of public transport service :

12. In case the accident or dangerous occurrence took place while meeting emergency, state-

(a) its nature; and

(b) whether the injured person at the time of accident or dangerous occurrence was Employed for the purpose of his employer's trade or business in or about the premises at which the accident or dangerous occurrence took place. :

13. Describe briefly how the accident or dangerous occurrence took place :

14. Names and addresses of witnesses : (1)  
(2)

15. (a) Nature and extent of injury(e.g. fatal,

loss of finger,  
fracture of leg,  
scald, scratch  
followed by sepsis, etc.) :

(b) Location of injury  
(e.g. right leg, left hand,  
left eye, etc.)

16. (a) If the accident or dangerous

Occurrence was  
not fatal, state  
whether the  
injured person  
was disabled for  
more than 48  
hours :

(b) date and hour of return of work :

17. (a) Physician, dispensary  
or hospital from whom or  
which the injured person  
received or is receiving treatment :

(b) Name of dispensary/panel doctor  
elected by the injured person :

18. (a) Has the injured person died ? :

(b) If so, date of death :

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Signature and Name and Designation of owner/ employer /manager/agent

Date of  
dispatch of  
report :  
Place:

**FORM-VII**  
**[See rule-63]**  
**NOTICE OF PERIODS OF WORK**

Name of the Establishment.....Place.....District.....

Periods of work Groups, Relays	Men				Women								Description of Groups, Nature of work	Remarks						
	Total no. of men employed				Total no. of women employed															
	A	B	C	D	E	F	G	H												
	1	2	3	1	2	3	1	2	3	1	2	3			1	2	3	1	2	3

On working days

From ..

To ..

From ..

To ..

From ..

To ..

On partial

Working

days From ..

To ..

From ..

To ..

Date on which this notice is first exhibited :

Signature of manager or agent :

Date :

**FORM-VIII**  
**[(See rule 64)]**  
**EMPLOYEE REGISTER**

(The register can also be maintained in electronically capturing, inter-alia the following details)

<b>Name of Establishment:</b>		
<b>Name of the Employer/owner:</b>		
<b>Labour Identification Number (LIN)/Registration Number of Establishment</b>		
<b>To be maintained for all employees of the establishments</b>		
1.	Employee Code	
2.	Name	
3.	Surname	
4.	Gender	
5.	Father's/Spouse's Name	
6.	Date of Birth	
7.	Place of Birth	
8.	Nationality	
9.	Education level	
10.	Date of Joining	
11.	Designation	
12.	Category (unskilled, semi-skilled, skilled or highly skilled)	
13.	Type of employees / worker	
14.	Mobile Number	
15.	Universal Account Number (UAN)	
16.	PAN	
17.	PPF No.	
18.	Nominee	

19.	EPS/NPS	
20.	Details of Family	
21.	Details of Posting	
22.	Scale of Pay	
23.	Promotion	
24.	ESIC Insurance No.	
25.	Aadhaar number	
26.	Bank A/c No.	
27.	Bank	
28.	Branch(IFSC)	
29.	Present address	
30.	Permanent address	
31.	Service Book No.	
32.	Date of Exit	
33.	Reason for Exit	
34.	Mark of Identification	
35.	Photo	
36.	Specimen Signature/Thumb Impression	
37.	Remarks	