

Mandatory Registration of Establishments Employing Ten or More Workers under the OSH Code, 2020: A Statutory Analysis, Procedure, Timelines and Compliance Risks

OSH कोड (व्यावसायिक सुरक्षा, स्वास्थ्य एवं कार्यदशा संहिता), 2020 के अंतर्गत दस या उससे अधिक श्रमिकों को नियोजित करने वाले प्रतिष्ठानों का अनिवार्य पंजीकरण: विधिक विश्लेषण, प्रक्रिया, समय-सीमा एवं अनुपालन जोखिम



29th January'2026

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NB: Assistance is available for registration of eligible establishments under the OSH Code, 2020 and for obtaining the Registration Certificate on nominal professional charges. For support, one may contact skpfdelhi@gmail.com or Raj Kumar (7210314940) / Yash Sarda (8851100441) between 8:00 AM and 6:00 PM. In case of any difficulty, the author may also be contacted directly. The step-by-step procedure for registration is provided below.

1. Introduction

The Occupational Safety, Health and Working Conditions Code, 2020 ("OSH Code, 2020") represents a comprehensive consolidation of several erstwhile labour enactments governing safety, health and working conditions in industrial as well as non-industrial establishments. One of the most fundamental compliance obligations under the Code is the **mandatory registration of every establishment** to which the Code applies.

Section 3 of the OSH Code, 2020, read with the relevant Occupational Safety, Health and Working Conditions Rules, 2025 ("OHS Rules, 2025"), mandates that no establishment can lawfully commence or continue operations unless it is duly registered in the prescribed manner and within the prescribed time.

For clarity, the statutory definition of "establishment" under Section 2(v) of the OSH Code, 2020 is reproduced:

Section 2(v) – “Establishment” means a place where any industry, trade, business, manufacture or occupation is carried on and includes—

- (i) a factory;
- (ii) a motor transport undertaking;
- (iii) a newspaper establishment;
- (iv) a plantation;
- (v) a mine;
- (vi) a dock;
- (vii) a building or other construction work; and
- (viii) any other place or premises as may be notified by the appropriate Government.

Important: In establishments where hazardous or life-threatening activities are carried on, as defined under Section 2(za) and listed in the First Schedule to the Code, the statutory threshold of ten or more workers does not apply, and the Code becomes operative irrespective of the number of workers employed.

This article examines the statutory framework, threshold of applicability, procedure, timelines, legal consequences, penal provisions and appellate remedies relating to registration, with special emphasis on establishments employing ten or more workers.

2. Statutory Framework: Section 3 of the OSH Code, 2020

Section 3 of the OSH Code, 2020 mandates that:

- Every establishment to which the Code applies shall be registered in the manner prescribed;
- The obligation is cast squarely upon the employer; and
- Registration is not optional but a condition precedent for lawful functioning of the establishment.

Section 3(1) provides in substance:

No establishment shall commence or carry on business unless it is registered under this Code in such manner and within such time as may be prescribed.

Thus, registration is not a post-facto procedural formality. It is a jurisdictional requirement, failure of which renders the operation itself unlawful.

The Code applies, inter alia, to factories, mines, docks, building and construction establishments, and other establishments employing the threshold number of persons as notified.

3. Coverage Threshold: General Establishments and Hazardous Industries

3.1 General Rule – Ten or More Workers

For most categories of establishments, the Code applies where **ten (10) or more workers** are employed, or such other threshold as may be notified by the appropriate Government.

The expression “worker” includes:

- Regular workers;
- Contract labour;
- Employees engaged through contractors; and
- Any person employed for wages in connection with the establishment.

The headcount is to be reckoned on the basis of employment on any day during the preceding twelve months.

Once the prescribed threshold is crossed, the obligation to obtain registration is triggered with effect from 01st April, 2026, or from the date of notification of the Central Rules, 2025 or the State Rules, whichever is later.

3.2 Exception – Hazardous Industries

In the case of **hazardous industries**, as defined under Section 2(za) and listed in the First Schedule to the Code:

- The statutory threshold of ten or more workers does not apply;
- Any number of workers is sufficient to attract the applicability of the Code; and
- Registration is mandatory from the very inception of operations.

This reflects the legislative policy of stricter regulation in activities involving serious safety and health risks.

4. Time Limit for Registration – Sixty Days (Section 3)

The Code prescribes a strict statutory time limit.

Every employer shall submit an application for registration within sixty (60) days from:

- The date on which the Code becomes applicable to the establishment;
or
- The date of commencement of the establishment,

whichever is later.

Delay beyond sixty days constitutes a contravention of the Code and exposes the employer to inspection, penalty and prosecution.

5. Mode and Manner of Registration – Form No. I (See Rule 3)

The registration process is governed by Section 3 of the Occupational Safety, Health and Working Conditions Code, 2020 read with the Occupational Safety, Health and Working Conditions Rules, 2025. Form No. I (Common Registration Form) is the prescribed statutory form for seeking registration of an establishment.

5.1 Statutory Basis

- **Section 3 read with Rule 3** mandates that every employer shall apply for registration of the establishment in the prescribed **Form-I** within **sixty (60) days** from the date on which the Act becomes applicable to the establishment.
- **Section 4 read with Rule 4** provides that an aggrieved employer, whose application for registration has been rejected, may prefer an appeal within thirty (30) days from the date of communication of the order of rejection.

5.2 Digital Filing through Common Portal

In furtherance of e-Governance and Ease of Doing Business, Form No. I is required to be filed through the designated common labour portal, such as:

- Shram Suvidha Portal (Ministry of Labour & Employment), or
- The notified integrated State labour portal.

A single common registration number is generated for multiple labour law compliances.

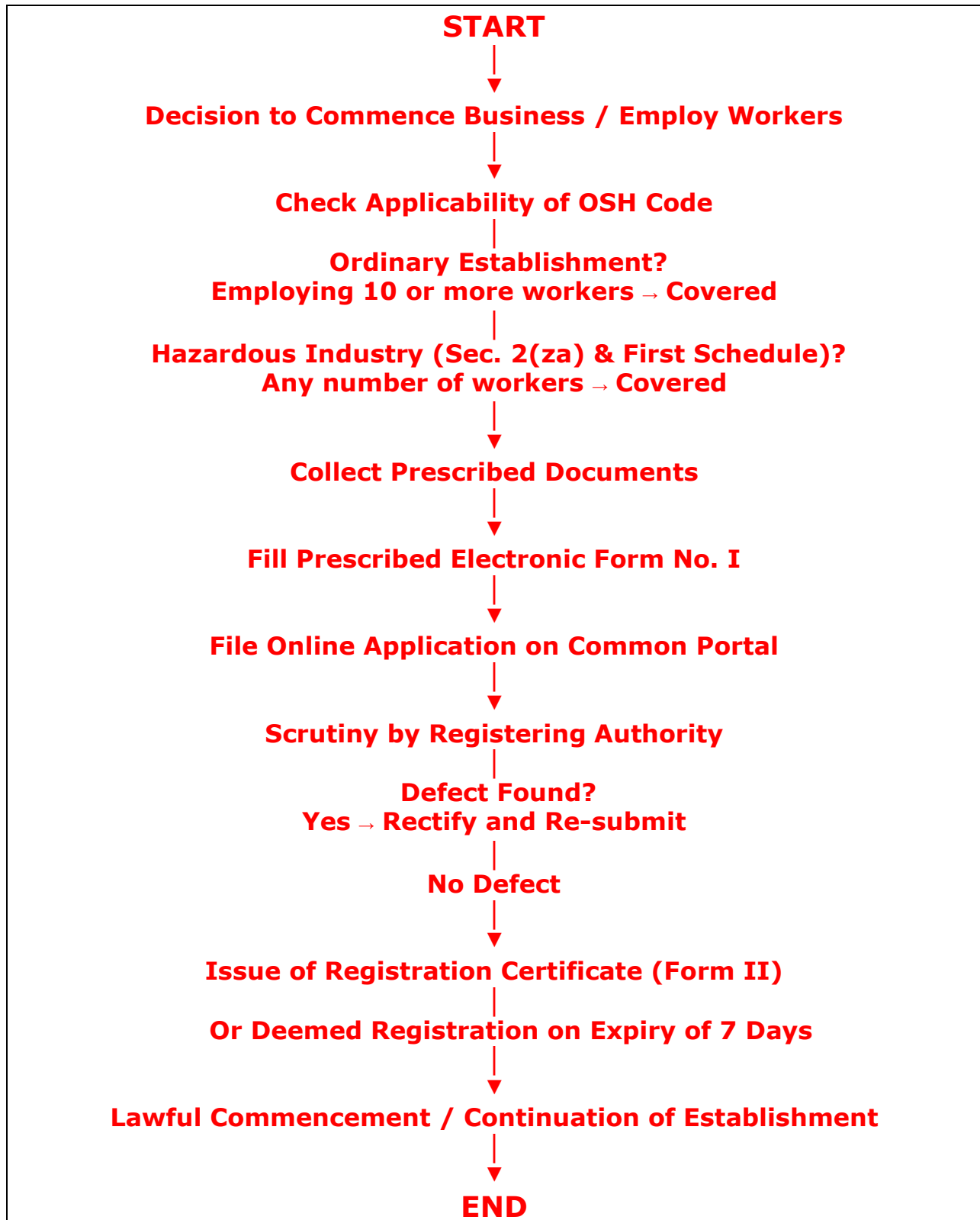
5.3 Particulars Required in Form No. I (See Rule 3)

The application generally contains:

- Name and address of the establishment;
- Nature of industry or business;
- Date of commencement of business;
- Total number of persons employed (including contract labour);
- Details of employer, occupier and manager;
- Nature of manufacturing process or hazardous activity, if any;
- Registration details under other labour laws.

Any false declaration attracts action under the penalty provisions of the Code.

6. Step-by-Step Registration Flow Chart



7. Grant of Registration – Seven Days and Deemed Registration

Upon receipt of a complete application:

- The Registering Officer shall issue the Registration Certificate within seven (7) days;
- Defects, if any, must be communicated within the same period; and
- In absence of communication, the principle of deemed registration { **Rule 3(iii)** } applies, subject to verification.

The certificate bears a unique registration number, date of registration and category of establishment.

8. Legal Effect of Registration

Registration has important legal consequences:

1. The establishment becomes a lawfully recognized unit under the Code;
2. It becomes subject to safety, health and welfare obligations;
3. It enables lawful engagement of workers and application for licences, where required.

Operating an unregistered establishment after crossing the threshold is a continuing offence.

9. Cancellation of Registration and Right of Appeal (Section 4 & Rule 4)

Registration may be cancelled on grounds such as:

- Suppression or misrepresentation of material facts;
- Closure or permanent discontinuance;
- Repeated or serious contraventions.

Before cancellation, the employer is entitled to a show-cause notice and opportunity of hearing.

An appeal lies under Section 4 to the prescribed appellate authority, ordinarily within 30 days+30 days , and the same appeal shall be decided within 30 days after granting an opportunity for hearing.

10. Penal Consequences of Non-Registration (Section 94)

Non-registration attracts:

- Monetary penalties;
- Enhanced penalties for continuing default;
- Possible prosecution for wilful or repeated violations; and
- Disqualification from statutory benefits.

The emphasis under the Code is on graded civil penalties, but persistent non-compliance is treated with seriousness.

11. Conclusion

Mandatory registration under Section 3 of the OSH Code, 2020 is the first and foundational compliance obligation for every covered establishment.

The law prescribes:

- Registration within 60 days;
- Application through Form No. I On line
- Grant of certificate within 7 days in Form No. II ; and
- A statutory right of appeal against adverse orders within 30 days

In the era of consolidated labour codes, registration is not merely a procedural formality but the gateway to the entire regulatory framework of occupational safety, health and working conditions. Employers must, therefore, ensure timely and accurate compliance.

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