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## **Introduction**

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

## **Preface**

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

## **Description**

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

# **JUDICIAL SAFEGUARDS ON OIL AND GAS INDUSTRY WORKERS RIGHTS – AN ANALYSIS**

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## **ABSTRACT**

The oil and gas industry is a key contributor to economic development but remains one of the most hazardous sectors for workers. Employees are exposed to toxic substances, fire and explosion risks, and long-term occupational diseases, often due to inadequate safety measures and weak enforcement of labour laws. In this context, judicial intervention has played a crucial role in protecting workers' rights and ensuring employer accountability. The judiciary has expanded the scope of fundamental rights under the Constitution of India to include the right to health, safety, and dignified working conditions. Landmark decisions such as Consumer Education and Research Centre v. Union of India and M.C. Mehta v. Union of India (Oleum Gas Leak Case) have strengthened legal safeguards in hazardous industries. This study examines the effectiveness of judicial safeguards, identifies implementation challenges, and highlights the need for stronger enforcement mechanisms to ensure worker safety and welfare.

**Keywords:** Oil and Gas Workers, Judicial Safeguards, Occupational Health, Labour Rights, Industrial Safety, Indian Judiciary

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## 1. Introduction

The judiciary in India has played a pivotal role in expanding the ambit of labour rights through interpretation of the Constitution. The scope of such rights has expanded under Article 21 of the Constitution of India. The judiciary itself has interpreted the right to life as inclusive of the right to safe and healthy working conditions.

## 2. Objectives of the Study

The present study aims to:

1. To identify the nature as well as the extent of an occupational hazard faced by the oil industry workers.
2. To Investigate the constitutional and statutory framework related to workers rights in hazardous industries.
3. To analyze the function of judiciary in protecting the rights of workers through landmark verdicts.
4. To evaluate how effective judicial safeguards are in ensuring occupational safety and health.
5. To identify weaknesses in the application and enforcement of labour laws.
6. Propose amendments of laws and policies to strengthen protection of workers.

## 3. Research Questions

This study aims to find answers to the following.

1. What are the risks and threats oil and gas industry employees encounter while at work?
2. How do laws in India safeguard the entitlements of employees in dangerous industries?
3. What has been the role of the judiciary in expanding and enforcing workers' rights?
4. To what extent have judicial interventions been effective in making workplaces safe?
5. What difficulties arise when dealing with judicial and statutory safeguards?
6. What are the improvements in the existing legal framework that will better protect workers

## 4. Research Methodology

### 4.1 Research Design

This study adopts a **doctrinal and analytical research design**, focusing on legal principles, case laws, and statutory provisions. It also incorporates a limited empirical perspective where relevant.

### 4.2 Nature of Study

The research is primarily **qualitative**, relying on secondary data sources, including legal texts, judicial decisions, and academic literature.

### 4.3 Sources of Data

#### Primary Sources

- Constitution and labour legislations
- Landmark judgments such as:
  - Bandhua Mukti Morcha v. Union of India
  - M.C. Mehta v. Union of India (Oleum Gas Leak Case)
- Government reports and policy documents

#### Secondary Sources

- Books on labour law and industrial safety
- Journal articles and research papers
- Reports from international organizations like the International Labour Organization
- Theses and dissertations related to occupational health

## 5. Literature Review

The issue of occupational safety and workers' rights in hazardous industries such as oil and gas has attracted considerable scholarly and judicial attention. Studies reveal that despite a robust legal framework, implementation gaps continue to expose workers to significant risks.

Early work by the International Labour Organization emphasizes that hazardous industries require stringent occupational safety and health (OSH) mechanisms supported by legal enforcement. Convention No. 155 highlights employer responsibility in ensuring a safe working environment.<sup>3</sup>

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<sup>3</sup> International Labour Organization, Convention No. 155 (1981)

Scholars such as S.C. Srivastava argue that Indian labour jurisprudence has progressively expanded workers' rights through constitutional interpretation, particularly under Article 21 of the Constitution of India.<sup>4</sup> Judicial activism has played a transformative role in converting non-justiciable rights into enforceable protections.

In the landmark judgment of *Consumer Education and Research Centre v. Union of India*, the Supreme Court recognized occupational health as a fundamental right. This case has been widely analyzed in legal literature as a turning point in labour welfare jurisprudence.<sup>5</sup>

Similarly, the doctrine of absolute liability established in *M.C. Mehta v. Union of India* (Oleum Gas Leak Case) has been discussed extensively as a judicial innovation ensuring accountability of hazardous industries.<sup>6</sup> Scholars note that this principle is particularly relevant to oil and gas operations due to their inherently dangerous nature.

Recent studies on the Occupational Safety, Health and Working Conditions Code, 2020 highlight its attempt to consolidate labour laws but criticize its weak enforcement mechanisms and lack of clarity regarding contract labour protections.<sup>7</sup>

Empirical research indicates that workers in oil refineries and drilling units face chronic exposure to harmful chemicals leading to long-term health issues, yet compensation claims remain underreported.<sup>8</sup> Studies focusing on South India, including regions around Chennai, reveal that contractualization and outsourcing reduce employer accountability.<sup>9</sup>

Overall, the literature establishes that while judicial safeguards are progressive, their practical effectiveness depends on enforcement, awareness, and institutional capacity.

## 6. Nature of Risks in the Oil and Gas Industry

The oil and gas industry is known as a high-risk industry because of the complexities associated with their operations such as drilling, refining, transporting and storing hazardous substances. People working in this sector are exposed to many occupational hazards having immediate and long-term consequences.

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<sup>4</sup> S.C. Srivastava, *Industrial Relations and Labour Laws* (Vikas Publishing)

<sup>5</sup> *Consumer Education and Research Centre v Union of India* (1995) 3 SCC 42

<sup>6</sup> *M.C. Mehta v Union of India* (1987) 1 SCC 395

<sup>7</sup> Occupational Safety, Health and Working Conditions Code 2020

<sup>8</sup> K. Park, *Textbook of Preventive and Social Medicine*

<sup>9</sup> Government of Tamil Nadu, Labour Department Reports

### **6.1 Exposure to Hydrocarbons and Toxic Gases**

Workers are often subjected to inhalation of poisonous gases like benzene, hydrogen sulphide, and methane. If exposed for long, it can cause respiratory illness, neuro damage and cancer. Research has shown that exposure of benzene is related to leukemia and other blood diseases.<sup>10</sup>

### **6.2 Fire and Explosion Hazards**

The highly flammable nature of petroleum products makes oil and gas installations prone to fires and explosions. Industrial disasters often occur due to equipment failure, human error, or lack of safety protocols. Judicial responses to such incidents emphasize strict liability and accountability of industries handling hazardous materials.<sup>11</sup>

### **6.3 Ergonomic Stress and Long Working Hours**

In offshore drilling or refinery units, workers frequently put in additional hours, causing fatigue and stress, and lowering their productivity. Another common ailment is musculoskeletal disorder such as repetitive strain injury.<sup>12</sup>

## **7. Constitutional Safeguards**

The system of justice in India has transformed the ambit of fundamental right of the labour welfare and occupational safety.

### **7.1 Article 21 – Right to Life and Dignity**

Article 21 of the Constitution of India guarantees the right to life and personal liberty. The Supreme Court has interpreted this provision to include the right to health, safe working conditions, and human dignity.

In *Consumer Education and Research Centre v. Union of India*, the Court held that the right to health and medical care is a fundamental right under Article 21. The judgment emphasized that industries must ensure adequate safety measures to protect workers from occupational hazards.<sup>13</sup>

This case marked a significant shift in labour jurisprudence by recognizing occupational health as an integral part of the right to life.

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<sup>10</sup> International Labour Organization, *Safety and Health in the Oil and Gas Industry* (ILO 2013).

<sup>11</sup> *M.C. Mehta v Union of India* (1987) 1 SCC 395.

<sup>12</sup> K Park, *Textbook of Preventive and Social Medicine* (23rd edn, Bhanot 2015).

<sup>13</sup> *Consumer Education and Research Centre v Union of India* (1995) 3 SCC 42

## 7.2 Directive Principles of State Policy

The Directive Principles under Part IV of the Constitution provide a framework for labour welfare:

- **Article 39:** Ensures adequate livelihood and protection of workers' health
- **Article 41:** Provides for the right to work and public assistance
- **Article 42:** Mandates humane working conditions and maternity relief

Although non-justiciable, these principles guide judicial interpretation and legislative action. Courts have consistently relied on these provisions to strengthen labour protections and impose obligations on the State and employers.<sup>14</sup>

## 8 Statutory Framework Governing Workers' Rights

India has enacted several labour legislations aimed at protecting workers in hazardous industries.

### 8.1 Key Legislations

- Factories Act, 1948
- Employees' Compensation Act, 1923
- Occupational Safety, Health and Working Conditions Code, 2020
- Employees' State Insurance Act, 1948

### 8.2 Scope and Application

The **Factories Act, 1948** lays down provisions for health, safety, and welfare of workers, including ventilation, hazardous process regulation, and safety committees.<sup>15</sup>

The **Employees' Compensation Act, 1923** provides for compensation in cases of injury, disability, or death arising out of employment.<sup>16</sup>

The **Occupational Safety, Health and Working Conditions Code, 2020** consolidates multiple labour laws and introduces provisions for inter-state migrant workers, contract labour, and workplace safety. However, concerns remain regarding its enforcement and coverage.<sup>17</sup>

The **Employees' State Insurance Act, 1948** ensures medical benefits and social security for workers in case of sickness, maternity, and employment injury.<sup>18</sup>

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<sup>14</sup>Constitution of India, arts 39, 41, 42.

<sup>15</sup> Factories Act 1948.

<sup>16</sup> Employees' Compensation Act 1923.

<sup>17</sup> Occupational Safety, Health and Working Conditions Code 2020.

<sup>18</sup> Employees' State Insurance Act 1948.

These statutes collectively impose **legal obligations on employers** to maintain safety standards, provide compensation, and ensure workers' welfare.

## 9. Judicial Safeguards and Landmark Judgments

The judiciary has played a crucial role in strengthening workers' rights through progressive interpretations and doctrines.

### 9.1 Expansion of Employer Liability

In *M.C. Mehta v. Union of India (Oleum Gas Leak Case)*, the Supreme Court introduced the doctrine of absolute liability, holding that industries engaged in hazardous activities are strictly liable for any harm caused, without exceptions.<sup>19</sup>

This principle marked a departure from the traditional rule of strict liability and has significant implications for the oil and gas industry.

### 9.2 Right to Health and Occupational Safety

In *Bandhua Mukti Morcha v. Union of India*, the Court emphasized the protection of workers from exploitative and inhuman working conditions. It directed the State to ensure proper implementation of labour laws.<sup>20</sup>

This case reinforced the role of the judiciary in safeguarding vulnerable workers.

### 9.3 Compensation and Social Justice

In *Workmen v. Nilgiri Cooperative Marketing Society*, the Court clarified the criteria for determining employer-employee relationships, ensuring that workers are not denied statutory benefits due to contractual arrangements.<sup>21</sup>

The judgment is significant in addressing issues of contractual labour prevalent in the oil and gas sector.

The term "disability" as so used, ordinarily means loss or impairment of earning power and has been held not to mean member of body. If the physical efficiency because of the injury has substantially impaired or if he is unable to perform the same work with the same ease as before he was injured or is unable to do heavy work which he was able to do previous to his injury, he will be entitled to suitable compensation. Disablement benefits are ordinarily graded on the basis of

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<sup>19</sup> *M.C. Mehta v Union of India (Oleum Gas Leak Case)* (1987) 1 SCC 395.

<sup>20</sup> *Bandhua Mukti Morcha v Union of India* AIR 1984 SC 802.

<sup>21</sup> *Workmen v Nilgiri Cooperative Marketing Society Ltd* (2004) 3 SCC 514.

the character of the disability as partial or total, and as temporary or permanent. No definite rule can be established as to what constitutes partial incapacity in cases not covered by a schedule or fixed liabilities, since facts will differ in practically every case.<sup>22</sup>

#### **9.4. Role of Public Interest Litigation (PIL)**

PIL has been a powerful tool in addressing labour exploitation. Courts have intervened suo motu in industrial accidents, directing compensation and safety reforms.

Public Interest Litigation (PIL) has emerged as a powerful judicial tool for protecting labour rights, particularly for marginalized workers who lack access to justice.

Courts have entertained PILs in cases of industrial accidents, environmental hazards, and labour exploitation, often taking suo motu cognizance. Through PILs, the judiciary has:

- Directed compensation to victims
- Ordered closure of unsafe industries
- Mandated implementation of safety standards

PILs have thus democratized access to justice and strengthened accountability mechanisms.<sup>23</sup>

### **10. International Standards and Judicial Influence**

India's labour jurisprudence is influenced by international norms, particularly those of the International Labour Organization.

Key conventions include:

- **Convention No. 155** – Occupational Safety and Health
- **Convention No. 170** – Safety in the Use of Chemicals at Work

Indian courts frequently refer to these conventions to interpret domestic laws in line with global standards. This approach ensures that workers' rights are aligned with international best practices.<sup>24</sup>

### **11. Challenges in Implementation**

Despite a robust legal and judicial framework, several challenges hinder effective protection of workers' rights:

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<sup>22</sup> Ramchandrapa v. Royal Sundaram Alliance Insurance Co. Ltd.

<sup>23</sup> S.P. Sathe, *Judicial Activism in India* (OUP 2002)

<sup>24</sup> International Labour Organization, Convention No. 155 (1981).

### 11.1 Weak Enforcement Mechanisms

Labour laws often suffer from poor implementation due to inadequate inspection systems and lack of accountability among regulatory authorities.<sup>25</sup>

### 11.2 Contractualization of Labour

The increasing use of contract labour allows employers to evade statutory obligations, leading to job insecurity and denial of benefits.<sup>26</sup>

### 11.3 Lack of Awareness Among Workers

Many workers are unaware of their legal rights, resulting in underreporting of violations and occupational diseases.<sup>27</sup>

### 11.4 Delayed Compensation Mechanisms

Procedural delays and bureaucratic inefficiencies hinder timely compensation for injured workers or their families.<sup>28</sup>

These challenges highlight the need for stronger enforcement, awareness programs, and institutional reforms.

## 12. Conclusion & Recommendations:

Judicial safeguards have significantly enhanced the protection of oil and gas workers in India. However, enforcement gaps remain a major concern. A proactive approach combining judicial activism, legislative reforms, and administrative efficiency is essential to ensure safe and dignified working conditions.

### Recommendations

- Strengthening inspection mechanisms
- Specialized labour courts for industrial hazards
- Mandatory health audits in oil and gas industries
- Worker participation in safety governance
- Strict penalties for non-compliance

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<sup>25</sup> Government of India, Labour Inspection Reports.

<sup>26</sup> S.C. Srivastava, *Industrial Relations and Labour Laws* (Vikas Publishing).

<sup>27</sup> National Human Rights Commission Reports on Labour.

<sup>28</sup> Ministry of Labour and Employment, Annual Report.

## REFERENCE

1. International Labour Organization, Convention No. 155 (1981)
2. S.C. Srivastava, *Industrial Relations and Labour Laws* (Vikas Publishing)
3. *Consumer Education and Research Centre v Union of India* (1995) 3 SCC 42
4. *M.C. Mehta v Union of India* (1987) 1 SCC 395
5. Occupational Safety, Health and Working Conditions Code 2020
6. K. Park, *Textbook of Preventive and Social Medicine*
7. Government of Tamil Nadu, Labour Department Reports
8. International Labour Organization, *Safety and Health in the Oil and Gas Industry* (ILO 2013).
9. *M.C. Mehta v Union of India* (1987) 1 SCC 395.
10. K Park, *Textbook of Preventive and Social Medicine* (23rd edn, Bhanot 2015).
11. *Consumer Education and Research Centre v Union of India* (1995) 3 SCC 42
12. Constitution of India, arts 39, 41, 42.
13. Factories Act 1948.
14. Employees' Compensation Act 1923.
15. Occupational Safety, Health and Working Conditions Code 2020.
16. Employees' State Insurance Act 1948.
17. *M.C. Mehta v Union of India (Oleum Gas Leak Case)* (1987) 1 SCC 395.
18. *Bandhua Mukti Morcha v Union of India* AIR 1984 SC 802.
19. *Workmen v Nilgiri Cooperative Marketing Society Ltd* (2004) 3 SCC 514.
20. *Ramchandrapa v. Royal Sundaram Alliance Insurance Co. Ltd.*
21. S.P. Sathe, *Judicial Activism in India* (OUP 2002)
22. International Labour Organization, Convention No. 155 (1981).
23. Government of India, Labour Inspection Reports.
24. S.C. Srivastava, *Industrial Relations and Labour Laws* (Vikas Publishing).
25. National Human Rights Commission Reports on Labour.
26. Ministry of Labour and Employment, Annual Report.