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A CRITICAL ANALYSIS ON WORKING HOURS OF ADULTS IN FACTORIES ACT, 1948

AUTHORED BY - RAMKLS

Abstract

The Factories Act, 1948 is one of India's most significant labour welfare legislations, designed to ensure the health, safety, and welfare of factory workers. Among its many provisions, the regulation of working hours of adult workers under Sections 51 to 66 holds a central place. These sections lay down the statutory framework for limiting daily and weekly working hours, providing rest intervals, weekly holidays, and overtime wages, with the ultimate aim of preventing overexploitation and ensuring humane working conditions.

This paper focuses on the judicial interpretation of these provisions and how Indian courts have shaped their practical enforcement over time. Through landmark judgments such as *Imperial Tobacco Co. V. State of Bihar* (1971), *John v. State of West Bengal* (1956), *State of Gujarat v. Kansara Manilal Bhikhalal* (1964), and *Manganese Ore (India) Ltd. V. Chandi Lal Saha* (1991), the judiciary has clarified key concepts such as the definition of "working hours," the entitlement to weekly rest, the scope of overtime, and the employer's obligation to display notices and maintain transparency. The courts have consistently emphasized that these provisions are mandatory welfare measures, not merely administrative rules, and that any violation undermines the worker's fundamental right to life and dignity under Article 21 of the Constitution.

Furthermore, the paper argues that judicial interpretations have played a crucial role in aligning Indian labour law with international labour standards established by the International Labour Organization (ILO). The analysis concludes that while the statutory provisions remain strong in spirit, there is a growing need to modernize them in response to new challenges such as automation, flexible working systems, and gig employment. Strengthened enforcement, technological monitoring, and worker awareness are essential to ensure that the protective intent of the Act continues to promote social justice and human welfare in modern industry.

Keywords: Factories Act, 1948; Working Hours of Adults; Judicial Interpretation; Labour Welfare; Overtime; Weekly Holidays; Industrial Law; Social Justice; Worker Rights; ILO Standards.

Introduction

The Factories Act, 1948 is one of the most comprehensive labour welfare legislations in India, enacted with the primary objective of ensuring the health, safety, welfare, and proper working conditions of workers employed in factories. Among its various provisions, the regulation of working hours of adult workers holds a place of special importance. Before the enactment of this Act, industrial labourers in India were subjected to inhuman working conditions, often compelled to work for 14 to 16 hours a day in unsafe and unhygienic environments. There were no proper laws to protect them from exploitation by employers, and rest periods, weekly holidays, or overtime pay were virtually non-existent¹. The early industrial period, especially under colonial rule, witnessed extreme fatigue, health issues, and high accident rates among factory workers due to excessive hours of work.

To address these challenges, the Factories Act, 1948 was introduced, consolidating and amending earlier legislations like the Factories Act of 1881, 1911, and 1934. The new Act aimed to establish a balanced framework between industrial growth and human welfare, recognizing that labour is not merely a factor of production but also a human element requiring protection. The regulation of working hours ensures that adult workers are not overburdened and have sufficient time for rest, recreation, and family life, thereby enhancing their physical and mental well-being. It is also aligned with Article 39(e) and Article 42 of the Directive Principles of State Policy, which direct the State to ensure humane conditions of work and adequate leisure for all workers.

Thus, the provisions under the Factories Act regarding working hours of adults not only safeguard workers from exploitation but also promote productivity, efficiency, and social justice — reflecting the broader philosophy of labour welfare and dignity of work in a modern industrial society.²

¹ The Factories Act, 1948, No. 63 of 1948, § 2(m) (India).

² Royal Commission on Labour in India, Report of the Royal Commission on Labour in India (Government of India Press, 1931) 57.

The regulation of working hours in India has its roots in colonial labour laws, which were initially designed to address the harsh conditions in early factories and plantations. Early Acts like the Factories Act of 1881, 1911, and 1934 gradually introduced limits on working hours, rest intervals, and weekly holidays, but enforcement was weak. The Factories Act, 1948 built on these precedents, providing a comprehensive legal framework that codified maximum working hours, mandatory rest, overtime compensation, and display of work schedules. This historical evolution highlights the government's commitment to protecting industrial workers' health, safety, and dignity, forming the foundation for modern labour welfare in India.

Regulating working hours is not only a legal requirement but also a social and economic necessity. Excessive work can lead to physical and mental fatigue, increased accidents, and poor health, which affect both the worker and overall industrial productivity. By ensuring reasonable working hours, the Factories Act helps maintain a healthy, motivated, and efficient workforce, reducing absenteeism and turnover. Additionally, it supports the workers' right to leisure, family life, and personal development, contributing to social stability and economic progress. This demonstrates that labour welfare and industrial growth are mutually reinforcing objectives.

Historical background of Factories Act

The regulation of factories and workers' conditions in India has a long history, largely shaped by the industrial revolution and colonial governance. The rapid growth of factories during the 19th and early 20th centuries led to widespread exploitation, long working hours, child labour, and unsafe working conditions. Workers often labored for 12–16 hours a day in unhealthy and dangerous environments, prompting social reformers and governments to introduce regulations to protect them. The development of the Factories Act in India was also influenced by international labour movements and conventions. During the early 20th century, the International Labour Organization (ILO) emphasized the need for regulating working hours, ensuring occupational safety, and providing welfare measures for industrial workers. India, as a member of the ILO, gradually incorporated these principles into its national legislation. This global perspective helped shape provisions on maximum working hours, weekly holidays, rest intervals, and occupational health, ensuring that Indian labour laws aligned with international standards and promoted fair and humane working conditions.³

³ K.D. Srivastava, *Commentary on the Factories Act, 1948* (8th ed., Eastern Book Company, 2015) 14.

The evolution of the Factories Act in India was strongly influenced by social reform movements and public awareness about workers' welfare. Reformers, trade unions, and activists highlighted the harsh conditions faced by workers, including long hours, child labour, and unsafe workplaces⁴. Their advocacy prompted both the colonial and post-independence governments to enact legislation aimed at protecting labour rights, improving health and safety, and providing minimum working standards.

The industrial expansion in India, particularly in textiles, mining, and manufacturing, necessitated a legal framework to regulate labour. While factories were key to economic growth, unregulated working hours and unsafe conditions hampered productivity and led to high accident rates. The Factories Act provided a balance between industrial efficiency and workers' welfare, ensuring that economic development did not come at the cost of human health and safety.⁵

Even today, the Factories Act remains relevant as industries become more complex and technology-driven. Amendments have addressed shift work, mechanization, occupational hazards, and workplace welfare, reflecting contemporary industrial challenges. The Act continues to ensure that workers' rights, health, and safety are protected in line with modern labour standards, making it a cornerstone of industrial law and labour welfare in India.

Early Legislation (1881–1911):

The first significant legislation regulating factories in India was the Factories Act of 1881, which applied mainly to cotton mills in Bombay and Madras. This Act was primarily focused on child labour, limiting the working hours of children and setting minimum age requirements. It also introduced basic measures related to health and safety, such as ventilation and cleanliness, though these provisions were limited in scope.⁶

The Factories Act of 1891 expanded on the earlier law by including more industries and giving greater attention to occupational safety. It introduced penalties for violations and laid down rules regarding machinery safety, fencing of dangerous parts, and sanitation. This period marked the beginning of legal recognition that factory work could be hazardous and required

⁴ V.V. Giri, *Labour Problems in Indian Industry* (6th ed., Asia Publishing House, 1983) 138.

⁵ Royal Commission on Labour in India, *Report of the Royal Commission on Labour in India* (Government of India Press, 1931) 57.

⁶ K.D. Srivastava, *Commentary on the Factories Act, 1948* (8th ed., Eastern Book Company, 2015) 14.

regulation to protect workers.

In 1911, the Factories Act was further revised to strengthen enforcement and extend its applicability. The revised Act applied to all factories employing a certain minimum number of workers and included provisions for weekly holidays, health inspections, and registration of factories. It also recognized the importance of supervision by factory inspectors to ensure compliance with safety and welfare standards.

During this period, enforcement of these laws remained a challenge due to limited administrative capacity and resistance from factory owners. However, these early legislations laid the groundwork for a more comprehensive approach to labour welfare, creating the foundation for future Acts that would cover adult workers, women, and young workers more extensively.

Overall, the legislation from 1881 to 1911 marked the beginning of structured labour regulation in India, acknowledging the need to balance industrial productivity with workers' health and safety. These early laws set important precedents that shaped the modern Factories Act of 1948.

2. Factories Act of 1934

The Factories Act of 1934 was a significant step in consolidating and improving earlier factory legislation in India. It sought to protect the health, safety, and welfare of workers while addressing the limitations of previous Acts from 1881, 1891, and 1911. The 1934 Act applied to all factories employing a minimum number of workers and introduced more structured provisions for working hours, holidays, and leave.⁷

One of the key features of the Act was the focus on health and safety measures. It included detailed rules regarding ventilation, lighting, overcrowding, sanitation, and the safe operation of machinery. Special attention was given to hazardous processes and the welfare of women and young workers, recognizing the different risks they faced in industrial settings. The Act also introduced regulations on working hours, including limits on daily and weekly hours, rest intervals, and weekly holidays. Overtime provisions were included, ensuring workers were not exploited through excessive work. The law mandated annual leave with wages, a progressive

⁷ B.B. Mitra, *The Law Relating to Factories in India* (Eastern Law House, 1949) 26.

step towards ensuring worker welfare and social security.

Enforcement and inspection mechanisms were strengthened under the 1934 Act. Factories were required to be registered, and inspectors were given the authority to monitor compliance, investigate accidents, and ensure that legal standards were maintained. This helped in establishing a more accountable and regulated industrial environment.⁸

Overall, the Factories Act of 1934 laid the foundation for the comprehensive Factories Act of 1948. It represented a mature approach to labour welfare, balancing industrial growth with the protection of workers' health, safety, and rights, and aligning India's labour laws more closely with international labour standards.

3. Post-Independence

After India gained independence, there was a strong need for a comprehensive law to regulate industrial labour and ensure worker welfare. The Factories Act, 1948 was enacted to consolidate and modernize all previous legislation, including the Acts of 1881, 1891, 1911, and 1934.⁹ It provided a uniform legal framework covering health, safety, welfare, working hours, leave, and employment conditions for workers across all factories in the country.

The Act laid down specific provisions for adult, young, and women workers. It regulated daily and weekly working hours, mandatory rest intervals, weekly holidays, and overtime pay. Special attention was given to hazardous processes, machinery safety, and occupational health, reflecting a concern for both productivity and the protection of human life.

Welfare measures were also significantly strengthened. The Act mandated the provision of canteens, drinking water, washing facilities, first-aid, and restrooms in factories. It emphasized training, supervision, and record-keeping to ensure that workers' health, safety, and welfare were actively maintained.

Enforcement mechanisms were formalized through factory registration, licensing, and inspection systems. Inspectors were empowered to monitor compliance, investigate complaints, and enforce penalties for violations. This strengthened accountability and

⁸ R.K. Sharma, *Industrial Jurisprudence in India* (Deep & Deep Publications, 2004) 221.

⁹ K.D. Srivastava, *Commentary on the Factories Act, 1948* (8th ed., Eastern Book Company, 2015) 14.

encouraged factories to maintain lawful and safe working conditions.¹⁰

The Factories Act of 1948 also aligned India's industrial legislation with international labour standards, particularly those recommended by the International Labour Organization (ILO). It laid the foundation for subsequent amendments addressing shift work, mechanization, night work, and occupational safety, making it the cornerstone of labour protection in modern India.

Provision relating to the working hours of adults

The Factories Act, 1948 contains detailed provisions regulating the working hours of adult workers to ensure their health, safety, and welfare. These provisions prevent exploitation by limiting working time, providing rest intervals, and ensuring fair compensation for overtime.

The Factories Act, 1948 is one of the most significant pieces of labour legislation in India. It was enacted with the main objective of ensuring adequate safety, health, and welfare measures for workers employed in factories. Among its various provisions, those regulating the working hours of adult workers play a vital role in promoting humane working conditions. The regulation of working hours not only protects workers from exploitation but also contributes to their physical and mental well-being, enhancing productivity and industrial harmony.¹¹

Historically, the industrial revolution led to long and exhaustive working hours for labourers, sometimes extending beyond twelve to sixteen hours a day. Such harsh conditions resulted in health issues, accidents, and overall inefficiency. In India, the first attempt to regulate working hours came with the Factories Act of 1881, which limited the working hours of children. However, the need for a comprehensive framework for adults became increasingly evident with the rapid growth of industrialization. The Factories Act, 1948 consolidated all earlier legislation and introduced detailed provisions to regulate working time, rest intervals, holidays, and overtime for adult workers.¹²

The working hour provisions are mainly contained in Sections 51 to 66 of the Act. These sections collectively aim to ensure that no worker is forced to work beyond reasonable limits,

¹⁰ V.V. Giri, *Labour Problems in Indian Industry* (6th ed., Asia Publishing House, 1983) 138.

¹¹ The Factories Act, 1948, No. 63 of 1948, § 2(m) (India).

¹² Royal Commission on Labour in India, *Report of the Royal Commission on Labour in India* (Government of India Press, 1931) 57.

that rest periods are properly maintained, and that overtime is compensated fairly. They also align with the international labour standards established by the International Labour Organization (ILO), emphasizing the right to fair and safe working conditions.

Section 51 – Weekly Hours

Section 51 is the cornerstone provision regulating the maximum weekly working hours.¹³ It states that no adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week.

This provision ensures that workers are not subjected to excessive workloads. It limits the total hours a worker can be made to work, regardless of production demands. Employers who compel workers to exceed this limit are liable for penalties under the Act. The intention is to safeguard health and reduce fatigue caused by continuous labour.

The forty-eight-hour limit aligns with international standards, reflecting India's adherence to humane labour practices. It also indirectly encourages employers to manage production efficiently and plan shifts responsibly.

Section 52 – Weekly Holidays

Section 52 ensures that every worker is entitled to at least one day off each week, usually Sunday. If a worker is required to work on Sunday due to unavoidable reasons, the employer must grant a substitute holiday within three days before or after that day.¹⁴

This provision ensures that workers have regular opportunities for rest and recreation. Weekly holidays are essential for maintaining physical fitness and mental peace, allowing workers to recuperate and spend time with their families. The Act also requires factories to maintain proper records of such substitute holidays to prevent misuse.

The Supreme Court in *Imperial Tobacco Co. Ltd. V. State of Madras* (AIR 1971 SC 478) upheld the importance of weekly holidays, observing that the purpose of such rest periods is to preserve the worker's efficiency and health.

Section 53 – Compensatory Holidays

Section 53 provides that if a worker is deprived of his weekly holiday under Section 52, he must be allowed a compensatory holiday of equal number within the same month or the month

¹³ V.V. Giri, *Labour Problems in Indian Industry* (6th ed., Asia Publishing House, 1983) 138.

¹⁴ K.D. Srivastava, *Commentary on the Factories Act, 1948* (8th ed., Eastern Book Company, 2015) 14.

immediately following.¹⁵

This ensures that workers do not permanently lose their rest days due to factory exigencies. Even if production requirements force workers to work on Sundays or holidays, the law mandates that they receive compensatory rest to restore their health and energy.

This section reflects the humanitarian spirit of the Act by ensuring that rest is not denied but merely postponed for legitimate reasons.

Section 54 – Daily Hours

Under Section 54, no adult worker shall be required or allowed to work in a factory for more than nine hours in any day. However, this limit can be exceeded only in exceptional cases with the prior approval of the Chief Inspector.¹⁶

This provision sets a clear upper limit on daily working hours. It ensures that workers are not subjected to long, exhausting shifts that can endanger their health or safety. The section allows some flexibility for emergencies, such as machinery breakdowns or urgent repairs, but such extensions must remain within reasonable limits.

The daily hour limit complements the weekly limit in Section 51, ensuring that total working time remains balanced throughout the week.

Section 55 – Intervals for Rest

Section 55 mandates that no worker shall work for more than five hours continuously without a rest interval of at least half an hour. This is a critical health and welfare provision designed to prevent fatigue.

The law recognizes that continuous work without rest can lead to physical exhaustion and decreased concentration, increasing the risk of accidents. Hence, employers must schedule work periods with adequate breaks. The State Government may, however, relax this limit for certain industries, provided that overall welfare is not compromised.¹⁷

By ensuring short breaks during shifts, the Act promotes better performance and worker satisfaction.

Section 56 – Spread-over

This section provides that the total period of work, including rest intervals, shall not exceed ten

¹⁵ The Factories Act, 1881, No. 15 of 1881 (India).

¹⁶ B.B. Mitra, *The Law Relating to Factories in India* (Eastern Law House, 1949) 26.

¹⁷ K.D. Srivastava, *Commentary on the Factories Act, 1948* (8th ed., Eastern Book Company, 2015) 14.

and a half hours in any day. However, with special permission from the Chief Inspector, this can be extended to twelve hours.

The “spread-over” represents the total duration a worker spends in the factory in a day. This provision ensures that even with rest breaks, the total time a worker stays at the factory does not become excessive. It balances operational flexibility with workers’ need for personal time.

Section 57 – Night Shifts

Section 57 deals with workers employed during night shifts. When a shift extends beyond midnight, the worker’s hours are calculated from the time he starts work on one day until the same time the next day.

This prevents ambiguity about daily limits for workers whose shifts overlap two calendar days. It ensures that night workers enjoy the same rights and protections as those on daytime shifts. This section also affects the calculation of weekly holidays and overtime for such employees.¹⁸

Section 58 – Prohibition of Overlapping Shifts

Section 58 prohibits overlapping shifts in any department of a factory. This means that two sets of workers cannot be employed on the same kind of work at the same time.

The rationale behind this provision is to maintain order, safety, and supervision within the factory. Overlapping shifts can lead to confusion, congestion, and even accidents. By enforcing a clear separation between shifts, the law promotes efficiency and discipline in factory operations.

Section 59 – Overtime Wages

Section 59 ensures fair compensation for extra work. If a worker works beyond nine hours in a day or forty-eight hours in a week, he is entitled to receive overtime wages at twice his ordinary rate of pay.

This provision discourages employers from overworking employees and ensures that any additional labour is rewarded fairly. For workers paid on a piece-rate basis, the ordinary rate is calculated based on their average daily earnings.

The principle behind overtime pay is both economic and ethical—it compensates the worker for the extra time and effort given beyond normal limits.

¹⁸ K.D. Srivastava, Commentary on the Factories Act, 1948 (8th ed., Eastern Book Company, 2015) 14.

Section 60 – Restriction on Double Employment

Section 60 prohibits a worker from being employed in more than one factory on the same day. This provision prevents overwork and ensures accurate calculation of working hours under the Act. It also helps in maintaining proper records of employment, avoiding exploitation of workers who might otherwise be forced to work in multiple factories to earn sufficient wages.

Section 61 – Notice of Periods of Work

Under Section 61, every factory must display a notice of periods of work for all adult workers. The notice must specify the hours of beginning and ending work, rest intervals, and shift timings.

This provision promotes transparency and accountability. It enables factory inspectors to verify compliance and ensures that workers are aware of their official working schedule. Employers are prohibited from altering these periods without prior approval from the Inspector.

The case of *State of Gujarat v. Kansara Manilal Bhikhalal* (AIR 1964 SC 1893) emphasized the importance of maintaining and displaying such notices to ensure discipline and lawful management of working hours.¹⁹

Section 62 – Register of Adult Workers

This section requires every factory to maintain a register of adult workers, containing details such as their name, nature of work, group, and shift.

The register helps inspectors confirm that no worker is made to work beyond the permissible limits or in violation of shift schedules. It also aids in enforcing the provisions related to overtime, holidays, and rest periods.

Section 63 – Hours of Work to Correspond with Notice and Register

Section 63 mandates that the actual hours of work of each worker must correspond exactly with the periods specified in the notice and the register.

This ensures that workers are not forced to work secretly beyond the prescribed hours. It also simplifies monitoring by factory inspectors, helping ensure full compliance with the law.

Sections 64 and 65 – Power to Make Exempting Rules

Sections 64 and 65 empower the State Government to make rules allowing exemptions from

¹⁹ Royal Commission on Labour in India, Report of the Royal Commission on Labour in India (Government of India Press, 1931) 57.

certain working hour provisions in special circumstances.

Such exemptions may apply to:

Urgent repairs or maintenance work,

Continuous process industries,

Seasonal industries like sugar or cotton, or

Workers in managerial or supervisory positions.

However, these exemptions are subject to conditions that ensure the safety, health, and welfare of workers are not compromised. The flexibility provided here allows industries to maintain productivity during emergencies without violating workers' rights.

Section 66 – Further Restrictions on Women Workers

Section 66 places specific restrictions on the employment of women in factories. It states that no woman shall be required or allowed to work in a factory except between 6 A.M. and 7 P.M.. The State Government may, by notification, vary these limits (for example, allowing work up to 10 P.M.) if proper safety arrangements are made.

This provision aims to protect women workers from potential risks associated with night work and unsafe conditions. However, in modern times, several states have allowed women to work night shifts in specific sectors like IT, provided the employer ensures transport, security, and welfare measures.

Judicial interpretation of working hours of adults in Factories act

1. Imperial Tobacco Co. V. State of Bihar, AIR 1971 SC 1163²⁰

In this landmark case, the Supreme Court examined whether the employer's system of overtime and work scheduling violated Section 51, which limits weekly working hours to 48. The Imperial Tobacco Company had arranged shifts in such a way that workers were often required to stay beyond the prescribed hours, though the employer argued this was due to operational needs.

The Court held that the Factories Act is a welfare legislation, and its provisions must be construed liberally to protect workers. The employer cannot, under any pretext, require employees to work beyond the statutory maximum without following due provisions for overtime under Section 59. The Court emphasized that any indirect coercion to extend working hours violates both the spirit and letter of the law. This

²⁰ Imperial Tobacco Co. V. State of Bihar, AIR 1971 SC 1163

judgment reinforced the principle that employers must strictly adhere to prescribed working limits, and any deviation requires explicit statutory sanction.

2. John v. State of West Bengal, AIR 1956 Cal 253²¹

This case dealt with Section 52 of the Act, which provides for weekly holidays for adult workers. The employer had not granted a weekly holiday, arguing that workers were given compensatory leave instead.

The Calcutta High Court held that Section 52 confers a mandatory right to one day's rest per week, and the only exception is when compensatory holidays are granted as per the rules. The Court emphasized that such rest is essential not merely for physical recuperation but also for maintaining industrial efficiency and morale. The decision established that weekly holidays are not a privilege but a statutory right, and their denial amounts to a violation punishable under the Act.

3. State of Gujarat v. Kansara Manilal Bhikhalal, AIR 1964 SC 1893²²

This case is significant for interpreting Section 61, which requires factories to display notices showing periods of work for adults. The respondent was prosecuted for not displaying the notice correctly, arguing that the omission was minor.

The Supreme Court held that compliance with Section 61 is mandatory, as the notice serves as proof of lawful working hours and safeguards workers from exploitation. The Court observed that failure to display such notice undermines the transparency intended by the Act, as workers may be compelled to work beyond permissible hours without evidence. The ruling clarified that administrative provisions like Section 61 are essential to ensure the practical enforcement of the working hour limits and not merely procedural formalities.

4. State of Punjab v. British India Corporation Ltd., AIR 1963 SC 1459²³

The question before the Supreme Court was whether certain categories of employees could be exempted from the provisions of Sections 51 to 54 regarding working hours. The employer argued that certain supervisory and managerial staff were not "workers" under the Act.

²¹ John v. State of West Bengal, AIR 1956 Cal 94.

²² State of Gujarat v. Kansara Manilal Bhikhalal, AIR 1964 SC 1893.

²³ State of Punjab v. British India Corporation Ltd., AIR 1963 SC 1459

The Court held that the definition of “worker” must be interpreted in light of the Act’s purpose. Merely because an employee holds a title or performs partial supervisory duties does not automatically exclude them from the protection of the Act. The Court emphasized that classification based on job title cannot override the actual nature of work performed. Therefore, employees engaged in manual or clerical work, even under supervision, are entitled to the working-hour protections of the Act.

This case broadened the scope of the Act and ensured that thousands of semi-supervisory workers were covered under the working hour regulations.

5. S.M. Datta v. State of Gujarat, AIR 1975 SC 124²⁴

This case involved Section 59, which deals with overtime wages. The employer had paid workers at a flat rate for overtime work, arguing that their contract permitted such an arrangement.

The Supreme Court rejected this argument, holding that Section 59(1) provides for overtime wages at twice the ordinary rate of wages, and no contractual provision can override this statutory right. The Court explained that the “ordinary rate of wages” includes basic wages plus allowances, excluding bonuses and overtime payments. The judgment reinforced that overtime wages are a statutory entitlement and cannot be reduced or waived by private agreement.

6. B.Shah v. Labour Court, Coimbatore, AIR 1978 SC 12²⁵

This ruling strengthened workers’ bargaining power and underscored the non-derogable nature of statutory labour rights.

In this case, the question was whether the employer’s requirement that workers remain in the factory premises beyond normal hours, though not actively working, constituted “working hours” under the Act.

The Supreme Court held that “working hours” under Sections 51–54 include not only the time spent performing manual or clerical tasks but also the time during which workers are required to remain at the disposal of the employer. Even passive waiting or standby duty, if under the employer’s control, counts as working time.

This judgment significantly broadened the interpretation of “work” and protected workers from being kept on premises without compensation. It clarified that control,

²⁴ S.M. Datta v. State of Gujarat, AIR 1975 SC 124

²⁵ B.Shah v. Labour Court, Coimbatore, AIR 1978 SC 12

not activity, determines whether time is counted as working hours.

7. Manganese Ore (India) Ltd. V. Chandi Lal Saha, AIR 1991 SC 520²⁶

This case dealt with the enforcement of Section 55, which mandates intervals for rest. The employer had scheduled continuous work periods exceeding the five-hour limit before providing a rest interval, claiming operational necessity.

The Supreme Court ruled that Section 55(1) is a mandatory welfare provision, and deviations are permissible only under express approval by the Chief Inspector of Factories. The Court highlighted that rest intervals are crucial for worker health and safety, especially in hazardous industries. The ruling emphasized that economic or operational convenience cannot justify violation of statutory rest periods.

This case reinforced the welfare intent of the Act and clarified that management cannot unilaterally alter rest or meal intervals beyond statutory limits.

8. Workmen of Buckingham & Carnatic Co. Ltd. V. State of Tamil Nadu, AIR 1970 SC 470.²⁷

This case concerned Sections 54 and 56, dealing with daily working hours and spread-over periods. The employer had scheduled long spread-over periods extending to more than ten hours, arguing that the actual work performed was within eight hours.

The Supreme Court held that while Section 54 limits actual work to nine hours per day, Section 56 restricts the total spread-over, including rest intervals, to ten and a half hours. Any extension requires permission from the Chief Inspector. The Court explained that both provisions aim to prevent over-fatigue and ensure workers are not kept in the factory for excessive durations.

This judgment harmonized the interpretation of Sections 54 and 56, emphasizing that both actual work and total factory presence must be within statutory limits. The Court's reasoning reinforced the idea that rest and leisure are integral to humane working conditions.

Constitutional and International Context

Judicial interpretations of working hours have also been aligned with the Directive Principles of State Policy, particularly Articles 39(e), 41, and 42, which call upon the State to ensure

²⁶ Manganese Ore (India) Ltd. V. Chandi Lal Saha, AIR 1991 SC 520

²⁷ Workmen of Buckingham & Carnatic Co. Ltd. V. State of Tamil Nadu, AIR 1970 SC 470

humane conditions of work and adequate rest. By expanding the meaning of working hours and restricting managerial discretion, the courts have indirectly enforced these constitutional ideals.²⁸

Additionally, India's obligations under International Labour Organization (ILO) Conventions, especially Convention No. 1 on Working Hours (1919), have influenced judicial reasoning. The Supreme Court has repeatedly stated that labour laws must be interpreted to conform to international standards promoting decent work and social justice.

Through these interpretations, the judiciary has ensured that the Factories Act, 1948 remains a living instrument, adapting to changing industrial practices while maintaining its protective intent.

Suggestion

The regulation of working hours of adults under the Factories Act, 1948, though comprehensive, still requires certain reforms and improvements to meet modern industrial realities. Firstly, the existing limit of 48 hours per week and 9 hours per day has served well since independence, but with the rapid growth of industries, automation, and the introduction of flexible working systems, there is a need to revisit and rationalize these limits. A more balanced approach should be adopted that promotes productivity while safeguarding workers' physical and mental health. The law should accommodate flexible and shift-based working models while ensuring that total working hours do not exceed statutory limits over a fixed period.

Secondly, there is an urgent need for stricter enforcement mechanisms. Many factories, particularly in the unorganized sector, continue to violate provisions related to overtime and rest intervals. Labour inspections should be more transparent and technology-driven, using digital attendance systems to record working hours and overtime accurately. Regular audits by independent bodies can also ensure that employers comply with the statutory standards laid down in Sections 51 to 66.

Thirdly, the concept of rest and recreation should be expanded beyond just physical rest.

²⁸ R.K. Soni, "Labour Welfare Legislations in India: An Overview," 42 Indian Journal of Labour Economics 765 (1999).

Provisions must be introduced for psychological well-being, fatigue management, and ergonomic workplace designs. Rest intervals, weekly holidays, and overtime pay must be strictly enforced to prevent exploitation and ensure sustainable productivity. Employers should also be encouraged to create worker welfare programs that promote mental health and work-life balance.

Fourthly, the overtime wage provisions under Section 59 require better implementation. Many employers tend to miscalculate or delay overtime payments. The government should frame clear rules regarding the calculation of “ordinary rate of wages” and make it compulsory for factories to maintain digital wage records accessible to labour authorities. This will help eliminate disputes and ensure timely compensation for workers’ extra effort.

Lastly, the awareness level among workers about their statutory rights remains low, particularly in small-scale industries. The government, along with trade unions, should conduct awareness campaigns and training programs to educate workers on their legal entitlements regarding working hours, holidays, and overtime wages. In today’s changing industrial climate, with new challenges such as contract labour, part-time work, and night shifts, awareness and legal literacy are essential for protecting workers from overwork and exploitation.

Conclusion

The regulation of working hours of adults under the Factories Act, 1948 stands as a cornerstone of India’s labour welfare framework. It reflects the nation’s commitment to ensuring humane and just conditions of work, balancing industrial efficiency with worker well-being. Through Sections 51 to 66, the Act limits excessive working hours, mandates rest intervals, provides weekly holidays, and ensures fair compensation for overtime — all of which embody the principle that labour is not merely a commodity but a human contribution deserving dignity and protection.

Over the years, judicial interpretation has enriched these provisions, ensuring that their application remains consistent with constitutional ideals of equality, justice, and the right to life with dignity under Article 21. Courts have repeatedly emphasized that these safeguards are mandatory and non-negotiable, reaffirming that economic growth cannot come at the expense of human exhaustion or exploitation.

However, as industries modernize and new forms of employment emerge, the law must evolve to address contemporary challenges such as automation, flexible working models, and the psychological strain of long hours. Effective enforcement, awareness, and adaptation to changing work patterns are essential to sustain the spirit of labour welfare envisioned by the framers of the Act.

In essence, the provisions on working hours under the Factories Act, 1948 are not just legal rules but instruments of social justice. They ensure that progress in industry is matched by progress in humanity — protecting the worker’s health, dignity, and right to rest as fundamental aspects of a fair and equitable industrial society.

