
THE PROTECTION AND EMPOWERMENT OF LABOUR: A CRITICAL REVIEW OF THE REGULATORY FRAMEWORK FOR WORKING CONDITIONS IN THE FACTORIES ACT, 1948

A Mario Mishal, VIT School of Law, Chennai

Vijayendra Kumar, VIT School of Law, Chennai

ABSTRACT

The Factories Act, 1948¹, has long played an important role in shaping labour welfare in India by regulating the working conditions of factory workers. When it was first introduced, the focus of the Act was to protect workers from unsafe environments, long working hours, and exploitation during the early stages of industrial growth. It established several important provisions relating to health, safety, welfare, working hours, and leave, with the aim of ensuring that workers were treated fairly and worked under humane conditions. Over time, however, the idea of labour regulation has evolved. Modern labour laws are not only concerned with protecting workers but also with empowering them by promoting dignity, participation, and a better quality of working life. In this context, this research article examines the regulatory framework of working conditions under the Factories Act, 1948, and evaluates how far it meets the changing needs of today's workforce. The study discusses the key provisions of the Act and looks at how effectively they safeguard workers while also considering whether they contribute to worker empowerment. It also reviews certain amendments, judicial interpretations, and recent labour reforms that influence the implementation of these provisions. Attention is given to the transition towards broader labour reforms such as the Occupational Safety, Health, and Working Conditions Code, 2020. Through this analysis, the article highlights both the achievements and limitations of the existing legal framework. While the Factories Act laid a strong foundation for worker protection, there is a growing need to strengthen enforcement and move towards a more empowerment-based approach that ensures not only safe working conditions but also greater respect for workers' rights and well-being.

Keywords: Factories Act 1948, labour welfare, working conditions, worker empowerment, industrial safety.

¹ Factories Act, 1948 (Government of India)

INTRODUCTION

The development of industries in India played a major role in economic growth, but it also created several challenges for workers. In the early stages of industrialization, factory workers were often forced to work for long hours in unsafe and unhealthy environments. Poor ventilation, dangerous machinery, lack of safety equipment, and inadequate welfare facilities were common problems faced by workers. These conditions not only affected the health and safety of workers but also violated basic principles of human dignity and fairness.

To address these issues, the Government of India enacted the Factories Act, 1948², which became one of the most important pieces of labour welfare legislation in the country. The main objective of the Act was to regulate the working conditions in factories and ensure the safety, health, and welfare of workers. It introduced several provisions relating to sanitation, safety precautions, working hours, welfare facilities, and leave benefits. By doing so, the Act aimed to prevent exploitation and improve the overall working environment for factory laborers.

Over time, however, the concept of labour welfare has evolved. Modern labour policies³ are not only concerned with protecting workers from exploitation but also with empowering them. Empowerment includes ensuring worker participation, protecting labour rights, and creating a work environment that promotes dignity and well-being. In this context, it becomes important to critically examine whether the regulatory framework under the Factories Act, 1948, still meets the needs of today's workforce.

This article attempts to review the working conditions regulated under the Factories Act and analyze how far the law has moved from mere protection toward empowerment of workers. It also examines relevant constitutional provisions and important judicial decisions that have shaped labour welfare in India.

CONSTITUTIONAL FRAMEWORK FOR LEGAL WELFARE:

Labour welfare in India is not governed solely by statutory laws like the Factories Act. The Constitution of India also provides important protections for workers. Several provisions in the Constitution emphasize the importance of humane working conditions and protection from

² S.C. Srivastava, *Industrial Relations and Labour Laws*, Vikas Publishing House.

³ International Labour Organization, *Labour Administration and Inspection – Labour Welfare Principles*

exploitation.

One of the most significant provisions is Article 21, which guarantees the right to life and personal liberty. The Supreme Court has interpreted this article broadly to include the right to live with dignity and the right to a healthy working environment. Unsafe workplaces, exposure to harmful substances, and hazardous conditions can therefore be considered violations of the fundamental right to life.

Another important provision is Article 23, which prohibits forced labour and exploitation. This article ensures that workers cannot be compelled to work under unfair conditions or without adequate wages. The Constitution also includes several Directive Principles of State Policy that guide the government in framing labour laws.

HEALTH PROVISIONS UNDER THE FACTORY ACT:

One of the key objectives of the Factories Act is to protect the health of workers. The Act contains several provisions that require factory owners to maintain hygienic and healthy working environments.

Section 11 of the Act deals with cleanliness in factories. It requires that factories be kept clean and free from waste materials, dirt, and other harmful substances. Regular cleaning of floors, walls, and machinery is mandatory in order to maintain proper hygiene.

Section 12 focuses on the proper disposal of waste and effluents generated during manufacturing processes. Factories must ensure that waste materials are safely removed so that they do not cause harm to workers or the environment.

Another important provision is Section 13, which deals with ventilation and temperature. Factories must ensure proper airflow and maintain reasonable temperatures so that workers can perform their tasks comfortably. This provision is particularly important in industries where workers are exposed to heat or chemical processes.

Similarly, Section 14 addresses the issue of dust and fumes. Many industrial processes release harmful gases, dust, or fumes that can cause serious health problems. The Act requires factories to implement preventive measures such as exhaust systems and protective equipment to minimize these risks.

These health provisions demonstrate that the Act recognizes the importance of maintaining safe and hygienic working conditions for workers.

SAFETY MEASURES IN FACTORIES:

Safety Measures in Factories

In addition to health provisions, the Factories Act⁴ also includes several safety regulations aimed at preventing accidents and injuries in workplaces.

Section 21 of the Act requires that dangerous machinery be securely fenced. This means that machines with moving parts must be properly covered or guarded so that workers cannot accidentally come into contact with them.

Section 22 deals with work on dangerous machines. It states that workers should not operate hazardous machinery unless they are properly trained and instructed. This provision helps prevent accidents caused by lack of knowledge or experience.

The Act also places restrictions on the employment of young persons in hazardous operations. Under Section 23, young workers cannot operate dangerous machines unless they receive proper training and supervision.

Another important safety provision relates to fire hazards. Section 38 requires factories to take adequate precautions against fire. This includes providing fire extinguishers, maintaining emergency exits, and conducting fire safety training for workers.

These safety provisions highlight the responsibility of employers to ensure that workers are protected from industrial hazards.

WELFARE MEASURES FOR WORKERS:

Apart from health and safety regulations, the Factories Act also emphasizes welfare measures that improve the quality of life of workers.

Section 42 requires factories to provide adequate washing facilities so that workers can

⁴ Factories Act, 1948

maintain personal hygiene during work hours. Section 45 mandates that factories must maintain first-aid boxes and provide medical facilities to treat injured workers.

Factories employing more than 250 workers are required to provide canteen facilities under Section 46. This ensures that workers have access to affordable and hygienic food during their work shifts.

Similarly, Section 47 requires factories to provide restrooms and shelters where workers can relax during breaks. This is particularly important in physically demanding industries.

Another significant welfare provision is Section 48, which requires factories employing a certain number of women workers to establish crèches for their children. This provision helps working mothers balance their work responsibilities with childcare.

These welfare provisions demonstrate the Act's attempt to create a supportive and humane work environment for workers.

REGULATION OF WORKING HOURS:

Another important aspect of labour protection under the Factories Act⁵ is the regulation of working hours. The Act seeks to prevent exploitation by limiting the number of hours workers can be required to work.

According to Section 51, workers cannot be required to work more than 48 hours per week. Similarly, Section 54 limits daily working hours to nine hours per day. These restrictions ensure that workers are not overburdened with excessive work.

Section 52 provides that workers must receive at least one holiday every week. This provision recognizes the importance of rest and recovery for maintaining the physical and mental health of workers.

In situations where workers are required to work beyond the prescribed limits, Section 59 requires employers to pay overtime wages at double the ordinary rate of pay.

⁵ Factories Act, 1948

These provisions help create a balanced work schedule and protect workers from being overworked.

IMPORTANT JUDICIAL DECISIONS:

The judiciary has played an important role in strengthening labour protections and interpreting labour laws in favor.

One landmark case is *Consumer Education and Research Centre v. Union of India* (1995)⁶. In this case, workers employed in asbestos industries were exposed to dangerous substances that caused serious health problems. The Supreme Court held that the right to health and medical care is part of the fundamental right to life under Article 21. The court directed employers to provide medical facilities and protective measures for workers.

Another important case is *People's Union for Democratic Rights v. Union of India* (1982)⁷, commonly known as the *Asiad Workers Case*. The Supreme Court ruled that paying workers below minimum wages amounts to forced labour under Article 23 of the Constitution.

Similarly, in *Bandhua Mukti Morcha v. Union of India* (1984)⁸, the Court addressed the issue of bonded laborers working under hazardous conditions. The Supreme Court held that bonded labour violates Articles 21 and 23 and directed the government to take measures to improve working conditions and rehabilitate workers. In *Bandhua Mukti Morcha v. Union of India* (1984), the issue of bonded labour was brought before the Supreme Court of India by the organization *Bandhua Mukti Morcha*, which worked for the rights of bonded labourers. The organization wrote a letter to the Court describing the terrible conditions faced by labourers working in stone quarries in Faridabad, Haryana. These workers, including children, were forced to work in inhuman conditions with extremely low wages, no safety measures, and no freedom to leave their employment. The Supreme Court treated the letter as a Public Interest Litigation (PIL) and conducted an investigation into the situation. The Court found that many labourers were indeed working under bonded conditions, which violated their fundamental rights under Constitution of India, particularly Article 21, which guarantees the right to life and dignity, and Article 23, which prohibits forced labour. The Court emphasized that the

⁶ *Consumer Education and Research Centre v. Union of India*, (1995) 3 SCC 42; AIR 1995 SC 922

⁷ *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235; AIR 1982 SC 1473.

⁸ *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161; AIR 1984 SC 802

government has a constitutional duty to identify, release, and rehabilitate bonded labourers. It also directed authorities to ensure proper implementation of the labour welfare laws and to provide better working conditions. This judgment was important because it expanded the scope of fundamental rights and demonstrated that the judiciary could have actively intervened to protect vulnerable sections of the society.

These cases highlight the important role played by the judiciary in protecting labour rights and ensuring humane working conditions⁹. The judiciary has played an important role in strengthening labour protections and interpreting labour laws in favor of workers.

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⁹ Occupational Safety, Health and Working Conditions Code, 2020, No. 37 of 2020, Gazette of India.

these two cases played a crucial role in strengthening labour rights in India and highlighted the role of the judiciary in promoting social justice and ensuring that constitutional protections are meaningfully implemented in practice.

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CONCLUSION:

The Factories Act, 1948, remains one of the most significant pieces of labour welfare legislation in India. By introducing provisions related to health, safety, welfare facilities, and working hours, the Act laid the foundation for protecting factory workers from exploitation and unsafe working conditions.

Over the years, constitutional principles and judicial interpretations have been strengthened these protections and emphasized the importance of humane working environments. However, modern labour challenges require a shift from merely protecting workers to empowering them. This means ensuring better enforcement of labour laws, expanding coverage to workers in the informal sector, and promoting worker participation in workplace decisions. Only by combining protection with empowerment can labour laws effectively support both economic development and worker welfare.