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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

EMPLOYMENT REGULATIONS IN FACTORIES: SAFEGUARDING THE RIGHTS OF YOUNG PERSONS, CHILDREN, AND WOMEN

AUTHORED BY - JYOTI BAISOYA

ABSTRACT

This research paper examines the legal framework governing the employment of young persons, children, and women in factories in India, focusing on key legislative provisions such as the Factories Act, 1948, the Occupational Safety, Health and Working Conditions Code, 2020, and the Code of Wages, 2019. Through an analysis of relevant case laws and statutes, the paper explores the historical evolution, current status, and challenges in safeguarding the rights and well-being of these vulnerable demographics in the industrial workforce.

Keywords: *Factories Act, child labor, women's employment rights, occupational safety, legal framework.*

INTRODUCTION

In the realm of industrialization and economic progress, the employment landscape within factories stands as a cornerstone of societal development. However, intertwined with the wheels of production are complex ethical and legal considerations, particularly concerning the employment of vulnerable groups such as young persons, children, and women.¹ This research paper delves into the additional provisions regulating the employment of these demographics within factory settings, shedding light on the historical context, current status, and potential future trajectories of these regulations.

From the early days of the Industrial Revolution to the present era of technological advancements, the issue of employing young persons and children in factories has been a subject of considerable debate and legislative action. The exploitation of child labor, often characterized by grueling working conditions, meager wages, and little to no access to education, has prompted successive generations to enact laws aimed at protecting the rights and well-being of these vulnerable individuals. Consequently, examining the effectiveness and implementation of these regulations becomes imperative in understanding the extent to which

¹ Vikaspedia domains, Vikaspedia. Available at: <https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/legal-awareness-for-women/laws-relating-to-working-women> (Accessed: 16 March 2024).

they serve their intended purpose.

Moreover, the inclusion of women in the industrial workforce has been a transformative aspect of modern economies. Yet, women have historically faced discrimination, exploitation, and inadequate working conditions within factory settings. For example, *Vishaka v. State of Rajasthan*², while not specifically related to factories, this case is significant in the context of women's employment rights and workplace safety. The Supreme Court recognized sexual harassment at the workplace as a violation of fundamental rights under Article 21 of the Constitution and laid down guidelines to prevent and address such harassment, providing a framework for protecting the dignity and safety of women workers. Recognizing the unique challenges faced by female workers, additional provisions regulating their employment have been instituted to ensure equitable treatment, safety, and opportunities for advancement. This paper seeks to explore the evolution of such provisions, assess their impact, and identify areas for improvement in safeguarding the rights and dignity of women in the industrial sector.

The Labour laws in India are a comprehensive set of legislation designed to protect the rights and welfare of workers and employees. With a rich history rooted in social justice and economic development, labor laws in India aim to create a fair and equitable working environment for millions of workers across different sectors and industries. These laws govern various aspects of employment, ranging from wages and working hours to social security and industrial disputes. The laws apply to both the organized and the unorganized sectors which is inclusive of but not limited to factories, establishments, including agricultural sector, real estate, and domestic work. These laws seek to prevent exploitation, discrimination, and unfair labor practices. They establish minimum standards for wages, working conditions, and safety measures. Labour laws also provide mechanisms for resolving labour disputes, enforcing employment contracts, and protecting workers' interests during layoffs or retrenchments.

Some of the prominent labor laws in India include among others, the Industrial Disputes Act, 1947, the Minimum Wages Act, 1948 the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, the Factories Act, 1947 and the Maternity Benefit Act, 1967. These laws are enforced by government agencies such as the Ministry of Labor and Employment, Government of India and other state labor departments. These laws have also allowed for setting up the Labour Tribunals and Courts which have in-depth knowledge and working experience over these laws for any help that the legislators will require with the enforcement

² (1997) 6 SCC 241:

of these aforementioned laws.

At present, there are 44 labour related statutes enacted by the Central Government dealing with concepts such as minimum wages, accidental and social security benefits, occupational safety and health, conditions of employment, disciplinary action, formation of trade unions, industrial relations, etc.³ Labour laws in India have specific provisions to address the issue of child labor, while setting age restrictions for employment, and these laws also cover industry-specific employment aspects.

This research aims to provide a comprehensive understanding of the employment regulations governing young persons, children, and women in factories. By critically examining existing frameworks and drawing insights from past experiences, this paper endeavors to contribute to ongoing discussions surrounding labor rights, social justice, and the pursuit of equitable employment practices in industrial settings. Ultimately, it is through informed dialogue and concerted action that we can aspire to create a future where every individual, regardless of age, gender, or background, can thrive in the workplace with dignity and respect.

WOMEN, YOUNG PERSON AND CHILDREN SPECIFIED UNDER FACTORIES ACT, 1948

Provisions for Women

There are several sections under the Act which safeguard the interests of the women and with the aim to provide a healthy working environment.⁴ Healthy environment imply provisions for crèches, separate washroom facilities, safety & health measures and prohibition of night shift. Separate washroom facilities have been enumerated under **Section 19** of the Act where it clearly declares that the "separate enclosed accommodation shall be provided for male and female worker".

Section 22(2) states "No woman or young person shall be allowed to clean, lubricate or adjust any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery." The inclusion of children or 'young person' shows the quantum of risks for them to handle.

Provisions for Young Person And Children

³ <https://labour.gov.in/about-ministry>

⁴ The Factories Act, 1948 (no date) People's Archive of Rural India. Available at: <https://ruralindiaonline.org/en/library/resource/the-factories-act-1948/> (Accessed: 16 March 2024).

There is a strict regulation that young people or children are prohibited to work on dangerous machines.⁵ **Section 23** confirms the fact that:

“(1) No young person [shall be required or allowed to work] at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and—

(a) Has received sufficient training in work at the machine, or

(b) It should be under adequate supervision by a person who has a thorough knowledge and experience of the machine.”

Then there is **Section 27** which claims that *“No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work:*

Provided that if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.”

Next is **Section 42** where it says that:

“In every factory—

(a) Adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein;

(b) Separate and adequately screened facilities shall be provided for the use of male and female workers;

(c) Such facilities shall be conveniently accessible and shall be kept clean.”

This habit of clean sanitary conditions is not only important for women and children but also other workers irrespective of gender.

The system of crèches is helpful for mostly single mothers and whereas also extends to every woman. Therefore **Section 48** says:

“Creches.—(1) In every factory wherein more than 2

[thirty women workers] are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.

(2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

⁵ Children – all about their working under various acts, WageIndicator Foundation. Available at: <https://paycheck.in/labour-law-india/fair-treatment/child-labour> (Accessed: 16 March 2024).

(3) *The State Government may make rules—*

(a) *Prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;*

(b) *requiring the provision in factories to which this section applies of additional facilities for the care of children belonging to women workers, including suitable provision of facilities for washing and changing their clothing;*

(c) *Requiring the provision in any factory of free milk or refreshment or both for such children;*

(d) *Requiring that facilities shall be given in any factory for the mothers of such children to feed them at the necessary intervals."*

Though **Section 54** of the Factories Act, 1948 doesn't specify the gender therefore working hours for adults (men or women) remain unisex.

Certain safety and security measures have been also kept in consideration for the women where they are stated as further restrictions on employment of women. **Section 66(1)** asserts:

"(1) the provisions of this Chapter shall, in their application to women in factories, be supplemented by the following further restrictions, namely:—

(a) *No exemption from the provisions of section 54 may be granted in respect of any woman;*

(b) *No woman shall be [required or allowed to work in any factory] except between the hours of 6 A.M. and 7 P.M.:*

Provided that the State Government may, by notification in the Official Gazette, in respect of [any factory or group or class or description of factories,] vary the limits laid down in clause

(b), but so that no such variation shall authorize the employment of any woman between the hours of 10 P.M. and 5 A.M.

[(c) There shall be no change of shifts except after a weekly holiday or any other holiday.]"

In the case of **Vasantha R. v. Union Of India (UOI) And Ors.**,⁶ it was found that Section 66(1)(b) is unconstitutional in nature and is violative under Articles 14, 15 and 16 of the Constitution of India. Now the time period expressed in section can be altered with the help of notification but only restricted to 5am to 10pm. The notification was released by the government of Karnataka on November 20, 2019 which allows women to work in night shifts between 7pm to 6am.

Chapter VII of the Act purely deals with the provisions related to children where every action is accounted for **Section 67** proposes that children under 14 have no room to work under the

⁶ (2001) ILLJ 843 Mad

Act.

Section 68 ensures that though the child is above 14 but then he/she is capable to carry out the work throughout without any medical emergency. A fitness certificate is a compulsory requirement which should be agreed by the factory manager.

Details of the fitness certificate are incorporated in **Section 69**. This fitness certificate of the child should consist of age proof, medical information and which should not extend more than 12 months.

Section 71 produces the limit of working hours of 4½ and prohibition of night shift for children. And no female child should work other than the specified hours i.e., 8am to 7pm.

Sections 72 to 77 state notice periods, registration, medical examination, power to make rules and other law provisions which are not barred under the Act for children only.

Section 79(1)(b) encapsulates the right to have maternity leave for any number of days but the limit should not exceed 12 weeks.

AGE BAR FOR EMPLOYMENT:

India has ratified the Minimum Age Convention, 1973 (International Labour Organization) which sets the minimum age for employment at 15 years. The convention allows for certain exceptions and provides guidelines for the protection of young workers. However, there is no specific and fixed age limit defined in the labor laws for most industries at present which has led to creation of confusion amongst employers across these industries. Labour laws in India primarily focus on setting minimum age requirements for employment to protect the rights and welfare of children and young persons. The employment opportunities are generally open to all individuals who are capable and willing to work, regardless of their age, as long as they meet the required qualifications and fulfill the job responsibilities. Here are some key labor laws with specific focus on provisions related to age bar:

1. Child Labor (Prohibition and Regulation) Act, 1986: This act prohibits the employment of children in certain occupations and processes and regulates the conditions of work for children in permissible occupations. It sets the age bar for employment and defines a child as a person under the age of 14 years in section 2(ii) of the Act. In section 3A of the Act, the minimum age limit is set at 18 years to work in certain hazardous occupations and processes. In the event that an employer employs such children as mentioned above they may face penal provisions under section 14 of the C&A Labour Act as has been provided above in this article.
2. Factories Act, 1948 (“Factories Act”): This act sets the minimum age for employment in a

factory at 14 years. However, it allows the employment of adolescents (persons between the ages of 15 and 18 years) under certain conditions, such as restrictions on working hours and types of work.⁷

3. Mines Act, 1952 (“Mines Act”) The Mines Act prohibits the employment of children below the age of 18 years in mines.⁸

4. Apprentices Act, 1961 (“Apprentice Act”): The Apprentices Act governs the training and engagement of apprentices in various trades and industries. It sets the minimum age for apprenticeship at 14 years, except in hazardous occupations where the minimum age is 18 years.⁹

5. Shops and Establishments Acts: Each state in India has its own Shops and Establishments Act that regulates the conditions of work in shops, commercial establishments, and service sectors. These acts generally set the minimum age for employment at 14 years.

OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS, 2020

Article 14 of the Constitution of India, 1949 clearly mentions that every person in the State shall be given equality before law and equal protection of laws. Article 15 of the same provides that no person shall be discriminated on the grounds of only sex, religion, caste, race and place of birth. Despite the fact that these two Articles are part of the fundamental rights which form the base of every other laws in the country, the law makers at times infringe it by making certain provision which gives additional benefits to the women and the children.

*Standard Vacuum Refining Co. of India Ltd. v. Its Workmen and Ors.*¹⁰, is another landmark case that addressed the issue of equal pay for equal work, which is relevant to ensuring fair treatment of women in factories. The Supreme Court held that where men and women perform the same work or work of similar nature, they are entitled to equal pay, emphasizing the principle of non-discrimination based on gender in employment.

The Occupational Safety, Health and Working Conditions Code, 2020 and Code of Wages, 2019 is also not different in this context. They also provide additional safeguards to women and children. They are:

Key terms in the Act:

Adult: It refers to the person who has completed the age of 18 years. It is defined under section

⁷ The Factories Act, 1948; Section 67, 27

⁸ The Mines Act, 1952; Section 45

⁹ The Apprentices Act, 1961; Section 3

¹⁰ AIR 1961 SC 955

2 (b) of the code.

Adolescent: It means a person who has completed 15 years of age but has not completed the age of 18 years. It is mentioned under 2(a) of the code.

WOMEN

Section 43 stipulates that women have the right to be employed in all the establishments to do all or any kind of the work in it but if they are required by the employer to work before 6 AM or after 7 PM then their prior consent has to be taken keeping in mind the rules and regulations prescribed by the appropriate government in context of safety, holiday, working conditions along with working hours.

Section 44 prescribes that if the appropriate government is of the opinion that employment in an establishment or classes of establishments or in any of the process or processes of the establishment is likely to create disadvantage to the health and safety of the women then it can bound the employer to create additional safeguards apart from the regular safeguards. Only after arranging the prescribed safeguards can employer employ women. The regular safeguards being those mentioned in section 23 are arrangements for cleanliness, hygiene, ventilator, temperature, humidity, environment free from all kind of impurities, portable drinking water, urinal accommodation for all genders, adequate lighting, treatment of waste as well as effluents and adequate standards to ensure that overcrowding in the place of work does not takes place or any other as such central government deems fit.

The **Section 24** mentioned in this code clearly asserts that any establishment where 50 or more than 50 workers are currently employed or were employed in any day of the preceding 12 months, the employer is strictly required to provide welfare facilities for all the employees. Among all the welfare facilities, the subsection (3) provides for the set- up of a crèche or, a room for the children of the employees who are below the age of 6 years. This facility shall be in the same location of the establishment or at a suitable location from there.

Subsection (b) of section 82 states that the state government where the manufacturing process or operation carried on has the potential to expose any person to serious bodily injury, poisoning or disease then it may prohibit the employer of such process or operation from recruiting pregnant women.

Only central government under section 136 consistent with the code can make provisions for prohibiting, restricting or regulating the employment of women in case of mines or classes of mines or any other establishments where there is danger to life, safety and health of such person or for limiting the weight of any single load carried by such person.

CHILD

Section 25(4) prescribes that in case of a child the working hours shall not be the one mentioned in the code rather it would be that which has been mentioned in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 provides that work hours for every day shall be fixed which shall not be less than 6 hours. Each child after 3 hours has to be given break of at least an hour only after which he can be made to work. The 6 hour time limit cannot be increased and has to inculcate in it the time given for break. No child shall be permitted to work between 7 PM to 8 AM. No child can do overtime and will not be allowed to work in any establishment if he has worked in any other establishment on that day notwithstanding whether it was owned by the same employer or not or whether he has worked for 6 hours or not. In other cases, the number of working hours fixed is 8 hours.

One of the provisions under this law that is **section 32** expresses that in case an adolescent has completed 180 days of work in a year he shall be entitled to one leave for every further 15 days of work. In other cases, it is one leave for every 20 days.

Section 42 lays down that the appropriate government may prescribe that a medical practitioner be appointed in factories, mines, motor transport undertaking and in any other establishment who shall be the medical officer for ascertaining whether the adolescent is fit for work.

Section 70 postulates that no person below the age of 18 years will be allowed to work in any mine or any part thereof. But, along with it, it also mentions that no one can be employed yet people of the age group 16 – 18 can be trainees or apprentices in it. The trainees and apprentices can only be appointed with the prior approval of the Inspector cum Facilitator or Chief Inspector Facilitator.

They are required to work under the supervision of manager or occupier of the factory. In such case, the central government may also direct the employer to do medical examination of those people to be appointed as apprentices or trainees to make sure that they are not below the age of 16 years and are fit enough to work in the given establishment of process.

There are many other landmark decisions by Indian courts highlighting the judiciary's role in upholding labor rights and promoting social justice surrounding the employment of young persons, children, and women in factories in India, some of which are as follows:

M.C. Mehta v. State of Tamil Nadu¹¹: This landmark case dealt with the issue of hazardous industries employing children in violation of the Factories Act, 1948. The Supreme Court of India laid down stringent guidelines to prevent child labor in hazardous occupations,

¹¹ (1991) 1 SCC 235

emphasizing the right to education and the protection of children's health and well-being.

Ganesh Manjhi v. State of Bihar¹²: In this case, the Supreme Court reiterated the prohibition of child labor under the Factories Act, 1948, and emphasized the duty of the state to enforce such provisions rigorously. The court held that the employment of children in factories violates their fundamental rights and is detrimental to their physical and mental development.

D.K. Basu v. State of West Bengal¹³, While primarily focused on custodial rights and human rights violations, this case underscores the importance of protecting the dignity and safety of all individuals, including women and young persons, in various contexts, including the workplace. The Supreme Court laid down guidelines to prevent custodial torture and emphasized the need for humane treatment of all individuals, irrespective of their status or gender.

Punishment

Any person other than those who have been exempted under this code, if contravenes any of the provision regarding regulation, restriction or prohibition of women or any one below the age of 18 years shall be punished under section 97. The person will be liable to penalty of not less than Rupees 50,000 but which may be extended to Rupees 2, 00,000.

CODE OF WAGES, 2019

This code does not provide an extensive list of section as the previous one mentioned in this article provide.

Section 3 of the said code says that there should be no discrimination done by the employer on the basis of the gender of the employee. The employer cannot reduce the wages of an employee in respect of same work or work of similar nature. He shall also not make any discrimination while recruiting for work of same nature or similar work on in the working conditions except where employment of women is prohibited or restricted under this code or any other law for the time being in force.

INDUSTRY-SPECIFIC EMPLOYMENT ASPECTS

Factories Act, 1948: The Factories Act applies to any premises including the precincts thereof— (i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on

¹² (1982) 2 SCC 411

¹³ (1997) 1 SCC 416

with the aid of power, or is ordinarily so carried on, or (ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,— but does not include a mine subject to the operation of the Mines Act, 1952, or a mobile unit belonging to the armed forces of the Union, railway running shed or a hotel), restaurant or eating place.¹⁴ Some of the provisions include:

- i. Regulation of working hours, overtime, and rest intervals.
- ii. Ensuring workplace safety, cleanliness, and ventilation.
- iii. Provisions for hazardous processes, welfare facilities, and health measures.
- iv. Employment of young persons and women.
- v. Prohibition of employment of certain classes of workers.

Mines Act, 1952: The Mines Act was enacted to amend and consolidate the law relating to the Regulation of labour and safety in mines. It applies to any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes: (i) all borings, bore holes, oil wells and accessory crude conditioning plants, including the pipe conveying mineral oil within the oilfields; (ii) all shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not; (iii) all levels and inclined planes in the course of being driven; (iv) all open cast workings; (v) all conveyors or aerial rope ways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom; (vi) all adits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belonging to a mine; (vii) all protective works being carried out in or adjacent to a mine; (viii) all workshops and stores situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management; (ix) all power stations, transformer substations, convertor stations, rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management; (x) any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such sand, refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine; (xi) any premises in or adjacent to and belonging to a mine on which any process ancillary to the getting, dressing or preparation for

¹⁴ The Factories Act, 1948; Section 2(m)

sale of minerals or of coke is being carried on.¹⁵ The Act includes provisions such as:

- i. Regulations for working hours, rest intervals, and overtime.
- ii. Measures for safety, health, and welfare of mine workers.
- iii. Provisions related to the employment of women in mines.
- iv. Guidelines for the appointment and duties of mine managers.

Shops and Establishments Acts: Each state in India has its own Shops and Establishments Act, which regulates the employment conditions in shops i.e., any premises where any trade or business is carried on or where services are rendered to customer and includes a shop run by a co-operative society an office, a store room, godown, warehouse or work place, whether in the same premises or otherwise, used in connection with such trade or business and such other establishments as the Government may, by notification, declare to be a shop for the purposes of this Act;¹⁶ commercial establishments i.e., an establishment which carries on any trade, business, profession or any work in connection with or incidental or ancillary to any such trade, business or profession or which is a clerical department of a factory or an industrial undertaking or which is a commercial or trading or banking or insurance establishment and includes an establishment under the management and control of a co-operative society, an establishment of a factory or an industrial undertaking which falls outside the scope of the Factories Act, 1948, and such other establishment as the Government may, by notification, declare to be a commercial establishment for the purposes of this Act¹⁷ The provisions may include:

- i. Regulation of working hours, overtime, and weekly off days.
- ii. Rules for opening and closing hours of establishments.
- iii. Leave entitlements, including annual leave, sick leave, and maternity leave.
- iv. Provisions related to employment of young persons and women.
- v. Health, safety, and welfare measures.

Contract Labour (Regulation and Abolition) Act, 1970 (“CLRA”): This act governs the engagement of contract laborers i.e., workmen who are employed in or in connection with the work of an establishment when they are hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer.¹⁸ Contract Laborers are

¹⁵ The Mines Act, 1952; Section 2(j)

¹⁶ The Telangana Shops & Establishments Act, 1988; Section 2(21)

¹⁷ The Telangana Shops & Establishments Act, 1988; Section 2(5)

¹⁸ The Contract Labour (Regulation And Abolition) Act, 1970; Section 2(b).

engaged with a particular work and their term ends when the work is completed whereas the term of a regular laborer is continuous in nature. It regulates the employment of contract laborers across various industries and provides for their welfare, working conditions, and other entitlements. It includes provisions such as:

- i. Registration of contractors and establishments employing contract labor.
- ii. Regulation of working conditions and wages of contract laborers.
- iii. Prohibition of employment of contract labor in certain circumstances.
- iv. Welfare measures for contract laborers.

Industrial Employment (Standing Orders) Act, 1946 (“Industrial Standing Orders”): This act applies to industrial establishments i.e., (i) an industrial establishment as defined in clause (ii) of Section 2 of the Payment of Wages Act, 1936, or (ii) a factory as defined in clause (m) of Section 2 of the Factories Act, 1948, or (iii) a railway as defined in clause (4) of Section 2 of the Indian Railway Act, 1890, or (iv) the establishment of a person who, for the purpose of fulfilling a contract with the owner of any industrial establishment, employs workmen. The Act requires employers in industrial establishments to define and display standing orders that govern terms and conditions of employment, work shifts, holidays, etc. It provides provisions related to:

- i. The requirement of standing orders, which specify the terms and conditions of employment.
- ii. The content of standing orders, including disciplinary procedures, working hours, leave provisions, etc.
- iii. Procedure for certification and modification of standing orders.
- iv. Obligation of employers to display the standing orders at the workplace.

Industrial Disputes Act, 1947 (“ID Act”): This act deals with the settlement of industrial disputes i.e., any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;¹⁹[xv] and includes provisions such as:

- i. Definition of industrial disputes and modes of settlement.

¹⁹ The Industrial Disputes Act, 1947; Section 2(k)

- ii. Procedures for conciliation, arbitration, and adjudication.
- iii. Provisions related to strikes, lockouts, and layoff compensation.
- iv. Protection against unfair practices by employers and employees.

The Building and Other Construction Workers Act, 1996 (“BOCW”): BOCW aims to regulate the employment and welfare of building workers i.e., a person who is employed to do any skilled, semi- skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, in connection with any building or other construction work but does not include any such person- (i) who is employed mainly in a managerial or administrative capacity; or (ii) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature. It includes provisions for safety, health, and social security. Here are some provisions related to industry-specific employment aspects under the BOCW Act:

- i. Registration of Establishments
- ii. Welfare Measures
- iii. Safety and Health Measures
- iv. Employment Conditions
- v. Welfare Board
- vi. Licensing of Contractors

CONCLUSION AND SUGGESTIONS

In conclusion, the legal framework surrounding the employment of young persons, children, and women in factories has undergone significant evolution over the years, driven by societal concerns, economic imperatives, and a growing recognition of human rights principles. From the enactment of the Factories Act, 1948, to the more recent legislative measures such as the Occupational Safety, Health and Working Conditions Code, 2020, and the Code of Wages, 2019, there has been a concerted effort to address the vulnerabilities faced by these groups in the industrial workforce.

The Factories Act, 1948, laid down foundational provisions aimed at regulating various aspects of factory operations, including the employment of young persons and children. Subsequent amendments and the introduction of additional regulations have sought to strengthen

protections for these demographics, with a focus on ensuring their safety, health, and access to education. The Occupational Safety, Health and Working Conditions Code, 2020, represents a comprehensive overhaul of labor laws, consolidating and rationalizing existing provisions to enhance compliance and enforcement mechanisms. Similarly, the Code of Wages, 2019, aims to streamline wage-related regulations, promoting fairness and transparency in remuneration practices.

However, despite these legislative interventions, challenges persist in effectively implementing and enforcing these regulations. Issues such as child labor, gender discrimination, and unsafe working conditions continue to plague certain sectors of the industrial workforce. Therefore, it is imperative that stakeholders, including policymakers, employers, trade unions, and civil society organizations, collaborate to address these challenges comprehensively.

SUGGESTIONS

1. Strengthen Enforcement Mechanisms: Enhance monitoring and inspection mechanisms to ensure strict compliance with existing regulations, particularly concerning the employment of young persons, children, and women. This may involve increasing the number of inspectors, leveraging technology for better data management, and imposing stringent penalties for non-compliance.

2. Promote Awareness and Education: Conduct outreach programs and awareness campaigns to educate employers, workers, and communities about the rights and protections afforded to young persons, children, and women in factories. Empowering individuals with knowledge can help prevent exploitation and foster a culture of compliance with labor laws.

3. Enhance Social Protection Measures: Expand social protection measures, including access to healthcare, education, and financial support, for vulnerable groups in the industrial workforce. This can help mitigate the socio-economic factors driving child labor and gender-based discrimination while ensuring the well-being of workers and their families.

4. Foster Gender Equality and Inclusion: Promote gender equality and inclusion in the workplace through affirmative action policies, gender-sensitive training programs, and initiatives to address barriers to women's participation and advancement in the industrial workforce.

5. Encourage Multi-Stakeholder Collaboration: Foster dialogue and collaboration among government agencies, employers, trade unions, civil society organizations, and international bodies to address systemic issues related to the employment of young persons, children, and

women in factories. By working together, stakeholders can develop holistic solutions that promote sustainable and inclusive development.

By implementing these suggestions and building upon the legislative frameworks provided by the Factories Act, 1948, the Occupational Safety, Health and Working Conditions Code, 2020, and the Code of Wages, 2019, we can strive towards creating safer, more equitable, and dignified workplaces for all individuals involved in industrial production. Through concerted efforts and collective action, we can uphold the principles of social justice and human rights, ensuring that no one is left behind in the pursuit of economic progress and prosperity.

