



Regulation of working hours under Indian labour laws A critical legal study

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Abstract

In recent years, many developed nations have witnessed significant transformations in the structure of working hours, with a general movement toward shorter work schedules. Despite this common trend, the exact number of working hours per week and the pace of change differ greatly from country to country. This research paper examines the regulation of working hours in India, focusing on the legislative framework, existing challenges, and the consequences for both employers and workers. The paper traces the evolution of working hour regulations, beginning with the Factories Act, 1948, which first introduced major limitations on industrial working time. At present, working hours in India are governed by multiple statutes, including the Factories Act, the Shops and Establishments Act, and specific laws such as the Mines Act, 1952.

Even with these legal protections, issues like excessive work hours, frequent violations, and weak enforcement remain widespread, particularly in the informal sector. The analysis also explores the impact of prolonged working hours on employee health, productivity, and work-life balance. Furthermore, it reflects on the changing nature of employment in India, driven by the increasing prevalence of gig and contract-based labour, which challenges the applicability of traditional labour laws. Recent reforms, including the Labour Codes, attempt to address these concerns by introducing provisions aimed at balancing employer flexibility with employee protection. The paper concludes by recommending stronger enforcement of legal provisions, greater awareness among stakeholders, and the continuous reform of labour legislation to adapt to economic developments and ensure decent working conditions for all.

Keywords: Working hours, factories, work life balance, employees, working conditions

Introduction

The hours of working are a major factor in determining the nation's profitable lifeline in the ultramodern world. Their main argument is that people in India will need to put in at least 70 hours a week of work if they wish to come a advanced country. This corresponds to 700 twinkles a day, assuming a six- day workweek, spent on work- related tasks. It also demonstrates how it treats its population, who are the keystones of the future. In India, labour laws stipulate that Under the Manufactories Act of 1948, adult workers in India are not to work further than 48 hours per week, with an outside of 9 hours per day. still, recent statistics reveal a considerable gap between these legal vittles' and factual plant practices. According to the International Labour Organization (ILO), in 2023, roughly 50.5 of Indian workers reported working over 49 hours a week. While this marks a decline from 63.4 in 2018, it still places India among the nations with the longest normal working hours, with a normal of 47.7 hours per week.

This ongoing trend of long working hours has raised serious enterprises about worker health and quality of life. A check by Indeed set up that 88 of Indian workers are communicated by their employers outside standard working hours, and 85 indeed during particular time similar as sick leave or public leaves. Such a demanding work culture has been associated with negative health goods, including heightened stress and collapse. The early death of a 26-time-old Ernst & Young inspection professional in 2024, reportedly due to work- related stress and load, brought this issue to public attention.

The Economic Survey 2024- 25 has suggested that being limitations on working hours might be hampering profitable progress and reducing income openings for workers. It calls for lesser inflexibility in work schedules to align with global

morals and to promote the growth of small and medium-sized enterprises (SMEs), while also aiming to induce further jobs.

Still, this standpoint remains contentious. Critics argue that numerous Indian workers are formerly subordinated to inordinate hours without fair compensation or acceptable rest. The crucial concern is to ensure that workers can lead balanced lives, irrespective of productivity demands. Whether the proposed changes in India's working hours policy authentically serve the public interest remains a content for critical examination.

History Of Working Hours Across World (8 Hours Per Day)

During the Industrial Revolution of the 18th and 19th centuries, factory workers were subjected to extremely long working hours, often ranging from 12 to 16 hours a day, with no standardized limits or protections in place. These harsh conditions marked the beginning of serious concerns about labour rights and the need for regulated working hours. In the mid-19th century, early labour movements emerged in response to these exploitative conditions. One of the most significant leaders was Robert Owen, a Welsh industrialist and social reformer, who advocated for the principle of dividing the day into three equal parts "Eight hours labour, eight hours recreation, eight hours rest" which became a foundational slogan for the labour rights movement. A major turning point came in 1886 with the Haymarket Affair in Chicago, where workers protesting for an 8-hour workday were involved in violent clashes. Though tragic, the incident heightened global awareness regarding workers' rights and strengthened the campaign for reduced working hours.

Further progress occurred in 1914 when Henry Ford of the Ford Motor Company reduced the workday in his factories from 9 hours to 8 and simultaneously raised wages. This step not only benefited workers but was also intended to increase productivity and stimulate economic growth by providing employees greater leisure time and purchasing power. The movement towards fixed working hours became legally recognized in the United States with the passing of the Fair Labour Standards Act of 1938, which established the 40-hour workweek as a national standard. At the international level, the International Labour Organization (ILO) played a crucial role by introducing the Hours of Work (Industry) Convention in 1919^[4], formally advocating for the 8-hour workday. India ratified this ILO Convention in 1921, making the eight-hour workday a legal standard in the country, and this convention remains valid even today. By 2016, a total of 52 countries had ratified the ILO's eight-hour workday convention, illustrating the global recognition of limiting working hours. The success of the eight-hour day movement is celebrated worldwide through Labour Day and May Day observances, and in India, the eight-hour workday established in 1921 continues without change.

India's Working Culture

The legal framework of work hours in India originated from the industrial economic model, which was later accepted across the world. In the organized sector, regulated limits on working hours are followed, whereas the unorganized sector shows variations due to socio-economic and occupational differences. The Indian economy has historically been driven by agriculture, which still contributes around 17–18% of the GDP and employs nearly half of the total workforce. In traditional Indian family structures, labour is not governed by formal labour laws but guided by the principle of Dharma, where every family member contributes according to their ability. It is morally unacceptable to exploit another's labour without contribution. Income or output is shared among the family members, usually managed by the eldest member, and the family operates both as an economic as well as a social institution. While some members work in the formal sector and are recognized as workers under labour law, those working within the household such as homemakers are not legally recognized as workers despite working long hours without remuneration. They still have the right to share the family's resources and income. Much of the labour within the family functions in a barter-like system, where services such as caregiving and household management are exchanged without monetary payments. Those who are more capable contribute more to sustain and grow the family unit.

This family-centric economic structure, where labour within the household works on a barter system and labour outside is exchanged for currency, has played a vital role in India's development. The family also acts as an informal social security system, providing emotional support, care for children and the elderly, mental well-being, and protection against social isolation. However, increasing pressure to extend working hours is undermining traditional family arrangements and giving rise to problems similar to those seen in developed nations. Workers today struggle to balance employer expectations with family and social responsibilities. In India, the concept of working hours remains flexible formal sector employees work eight hours a

day, while students, farmers, housewives, watchmen, and many others work far longer. The breakdown of joint family systems and the migration of rural labour towards cities are weakening these traditional systems. Additionally, some employees in organized sectors tend to overstate their working hours to appear more dedicated, a behaviour that requires further study.

Legal Analysis On Working Hour Laws

a. FACTORIES ACT, 1948^[1]

Working Hours

Under the Factories Act, a worker cannot be required to work for more than 48 hours in a week (Section 51). A weekly holiday is compulsory, and if the worker is made to work on this designated holiday, they must be given a compensatory full day off within the next three days, either before or after the original weekly holiday (Section 52(1)). Further, no worker can be employed for more than 9 hours in a single day (Section 54). After 5 hours of continuous work, the worker must be given a rest interval of at least 30 minutes (Section 55). The total working time in a day, including rest intervals, cannot exceed 10.5 hours (Section 56). Weekly off is compulsory, overlapping shifts are prohibited (Section 58), and the working time schedule must be displayed in the workplace (Section 61).

Overtime Wages

If a worker works beyond 9 hours in a day or more than 48 hours in a week, they are entitled to receive overtime wages at twice the normal wage rate (Section 59(1)). A worker is also prohibited from taking employment in more than one factory simultaneously, as dual employment is not allowed (Section 60). Overtime wages are not payable to workers who are on official tours or assignments outside the factory premises. Further, the total number of working hours, including overtime, cannot exceed 60 hours in a week, and overtime in a quarter must not be more than 50 hours. The employer is required to maintain a record/register of overtime hours. Workers who perform duties outside the factory, such as field employees on tours, are not eligible for overtime pay.

R. Ananthan v. Avery India, this case examined whether workers performing duties outside the factory were entitled to overtime wages. The Madras High Court held that employees working outside the factory premises, including field workers, are not eligible for overtime benefits under the Factories Act. The judgment distinguished factory workers from those employed for field duties and established the principle that overtime provisions apply only to those working within the factory premises.

Director of Stores v. P. S. Dube, this case dealt with the issue of overtime pay and the correct calculation of working hours. The dispute was between the Director of Stores and an employee, P. S. Dube, over entitlement to overtime wages. The court clarified the application of overtime provisions under the Factories Act and highlighted the importance of maintaining proper records of work and overtime hours. The judgment reinforced that employers must strictly comply with labour law requirements regarding the calculation and payment of overtime, and workers must be compensated for any work performed beyond the prescribed working hours.

Employment of Women

Women workers cannot be employed during the period between 6 a.m. and 7 p.m. The State Government may issue exemptions for specific factories or classes of factories, but in no case can women be allowed to work between 10 p.m. and 5 a.m. Further, women may change shifts only after a weekly or designated holiday, and not between shifts (Section 66).

Night Shift for Women

There is a proposed amendment to the Factories Act permitting employment of women during night shifts. The amendment seeks to revise Section 66 to allow women to work between 7 p.m. and 6 a.m. This amendment is driven by demands from women's associations and aligns with modernization and economic globalization. It will apply to all manufacturing sectors, including the garment industry. The decision was finalized after consultations with trade unions and employer organizations. The amendment aims to grant State Governments the authority to permit women to work at night, subject to ensuring safety and protection for women workers. Before granting such permissions, the State Government or authorized authority must consult employer representatives and workers' representatives. The State Governments will also be empowered to frame rules prescribing conditions and safeguards for allowing women to work at night.

Leave Provisions

Every worker is entitled to annual paid leave in each calendar year at the rate of one day for every 20 days worked during the preceding year, provided the worker has worked at least 240 days in that year (Section 79). For child workers, the entitlement is one day of leave for every 15 days worked. For the purpose of counting 240 days, periods of earned leave, maternity leave up to 12 weeks, and layoff days are included, although leave does not accrue during these periods. Leave may be accumulated up to 30 days for adults and 40 days for children. Holidays falling during or at the beginning or end of the leave period are not included. If leave exceeds four days, wages must be paid before the commencement of leave (Section 81). Leave can be availed not more than three times in a year, and leave applications should not ordinarily be refused. These provisions prescribe the minimum entitlement, and employers are free to provide additional benefits.

Wages for Overtime and Leave Salary

The calculation of wages for leave encashment and overtime includes the dearness allowance and the cash value of any other benefits. However, it excludes bonuses and overtime wages themselves.

b. Shops And Establishment Act, 1948 ^[2]

The Shops and Establishment Act is a significant legislation that governs the working hours and employment conditions of workers in shops, commercial establishments, and similar workplaces, with its provisions differing from state to state. Generally, the Act stipulates that no employee can be made to work for more than 9 hours per day or 48 hours per week. It also requires employers to provide a minimum rest interval of 30 minutes after five continuous hours of duty. If employees are required to work beyond these prescribed limits, they must be paid overtime at twice their ordinary

wage rate, and overtime cannot exceed 12 hours per week. To promote work-life balance, the Act mandates a weekly holiday, typically on Sundays. If an employee is required to work on the weekly day off, an alternative holiday must be provided within the next three days.

The Act also specifies opening and closing hours of establishments, usually prohibiting business operations before 7 a.m. or after 9 p.m., unless special permission is granted. It provides additional safeguards for specific groups such as women and younger workers, including restrictions on night work for women. Moreover, the Act provides for annual paid leave, which is calculated based on the number of days the employee has worked.

Overall, the Shops and Establishment Act acts as an important legal framework to safeguard workers in the commercial sector, ensuring reasonable working hours, adequate rest periods, and fair employment practices.

Economic Impact Of Working Hour Regulation In India

Laws limiting working hours are intended to protect workers' health and prevent overwork. However, the multiple restrictions imposed on daily, weekly, quarterly, and yearly working hours often create challenges that can hinder workers from increasing their income. For example, under Section 56 of the Factories Act, the maximum working time per day is 10.5 hours, amounting to around 63 hours over six workdays. Out of this, only 48 hours are counted as regular working hours under Section 51, while three hours are for breaks and the remaining 12 hours are considered overtime. Although workers are technically allowed to work up to 156 hours of overtime in 13 weeks, Section 65 limits the overtime to just 75 hours per quarter. This inconsistency reduces workers' potential earnings and affects their financial well-being.

To address this issue, seven Indian states Maharashtra, Haryana, Himachal Pradesh, Odisha, Punjab, Karnataka, and Uttar Pradesh have amended their labour regulations to increase the permissible overtime limit from 75 to 144 hours per quarter. According to the Economic Survey 2024–25, this change is expected to benefit industries by allowing business growth and creating employment opportunities, while still protecting workers' rights and improving their earning capacity.

Prominent industry leaders such as N.R. Narayana Murthy of Infosys Foundation and S.N. Subramanian of Larsen & Toubro have advocated for longer workweeks of 70 to 90 hours. At the same time, the Economic Survey observes that existing labour laws make it difficult for manufacturers to respond to sudden increases in demand and to remain competitive globally. These issues have become more pronounced as employers push for a return to office and longer working hours.

The survey also notes generational differences in attitudes towards work, highlighting increasing emphasis on flexible schedules and work-life balance. It argues that current restrictions may limit manufacturers' ability to expand output quickly, thereby affecting their efficiency and increasing operational risks and costs. Several countries adopt more flexible systems that allow for averaging of work hours over longer periods. The International Labour Organization (ILO), for example, recommends averaging working hours over a three-week duration. India's stricter rules in comparison may disadvantage its manufacturing sector.

However, experts warn against merely extending working hours. Nirmala Menon, founder of Interweave Consulting, which works in the domain of diversity and gender equity, cautions that compelling employees especially industrial workers to work beyond existing limits may offer only temporary benefits. In the long term, such measures may prove unsustainable, particularly if supervisors or managerial staff tasked with implementing extended hours choose to leave. The survey concludes that a balanced approach to regulating work time could lead to greater economic growth, better productivity, and reduced long-term healthcare costs.

Challenges In Working Hours And Overtime Regulations Under The Factories Act, 1948 ^[1]

1. Working Hours Regulations

The Factories Act, 1948 ^[1] prescribes a maximum of 48 working hours per week and 9 hours per day for adult workers, with the intention of preventing excessive work and ensuring adequate rest. However, industries that experience variable production needs often find it difficult to adhere to these limits. During high-demand periods, employers frequently require workers to work beyond the specified hours.

2. Overtime Regulations

While the Act permits overtime, it restricts the maximum overtime to 50 hours per quarter and requires payment at twice the normal wage rate. Despite these provisions, many workers especially in industries such as textiles and manufacturing face excessive overtime without being fairly compensated. Overtime tends to become routine instead of an occasional requirement, leading in some cases to unfair labour practices.

3. Enforcement Challenges

A major issue is the weak implementation of the Act. Although specific rules exist for working hours and overtime, ensuring compliance remains difficult, particularly in small and medium-scale industries. Regulatory oversight is limited, and many workers lack awareness of their legal entitlements, putting them at greater risk of exploitation.

4. Impact on Workers' Health

Failure to comply with working hour norms often result in physical and mental fatigue, poor health, and reduced productivity. Reports from the Ministry of Labour and Employment indicate that workers in certain sectors regularly exceed the prescribed hours without adequate rest, leading to chronic health issues and lower efficiency.

5. Need for Stricter Implementation

There is an urgent need for more effective monitoring and enforcement of working hour and overtime provisions. Improved awareness among workers and stronger penalties for violations could significantly enhance working conditions and ensure better compliance with the law.

International Labour Standards On Working Hours In India

International Labour Standards laid down by the International Labour Organization (ILO) aim to regulate the duration of work, daily and weekly rest, and paid holidays,

with emphasis on the principle of an 8-hour workday and a standard 48-hour workweek. The ILO, which functions as a specialized UN agency, provides globally recognized benchmarks for fair and decent working conditions. One of the core recommendations of the ILO is the adoption of a 40-hour workweek, usually distributed over five working days, with a maximum of eight working hours per day. These norms are framed to prevent excessive workload, reduce physical and mental exhaustion, and promote a healthier work-life balance. The ILO also specifies that overtime should be voluntary and should be remunerated at a higher wage rate in order to safeguard workers from exploitation. Compared to these international norms, India's standard workweek continues to be 48 hours, indicating a more stringent working hour regime than the ILO's recommended framework.

Along with regulating working hours, the ILO places significant emphasis on provisions relating to weekly rest days and paid leave. Every worker is entitled to a minimum of one weekly rest day and a prescribed number of paid holidays each year. These standards are considered essential for minimizing disputes surrounding working hours by clearly defining employers' duties and workers' rights. The adoption of such international standards in the Indian labour system could contribute significantly to controlling excessive work hours and reducing conflicts between employees and management.

ILO further encourages transparency in the implementation of working-time norms through effective monitoring and accountability mechanisms. This includes the use of technological tools for tracking work hours, regular audits, and enforcement measures to ensure compliance. These practices are vital for bringing national legislative frameworks closer to international labour commitments. Although India's new labour codes reflect considerable reform and modernization of labour laws, complete harmonization with ILO norms remains a continuing challenge. The introduction of flexible working arrangements and technology-enabled monitoring systems in India shows alignment with global labour trends. However, the difference between the ILO-recommended maximum work hours and India's current legal limit is still prominent. Bridging this gap is essential for achieving international benchmarks and enhancing labour protections for Indian workers.

International Perspective

United States of America

In the United States, working hours are governed primarily by the Fair Labour Standards Act (FLSA), which sets forth rules related to wages, overtime, and hours of employment. A standard full-time work schedule generally comprises 40 hours a week, typically allocated as five 8-hour days. Employers may require employees to work for more than 40 hours unless there are contractual clauses or state laws that impose limitations. Under the provisions of the FLSA, eligible workers are entitled to overtime wages calculated at one-and-a-half times their usual hourly pay for all hours worked beyond 40 in a week. Certain states, such as California, have more stringent requirements, mandating overtime payment when an employee exceeds eight hours of work in a single day. Some workers in executive, administrative, and professional occupations are exempt from overtime if they meet prescribed salary and duty-based criteria.

The FLSA does not obligate employers to offer meal or rest breaks, although short breaks of 5 to 20 minutes are generally considered compensable work time. Meal breaks lasting approximately 30 minutes or more are treated as unpaid when the employee is relieved from duties entirely. Attendance at training, meetings, and similar engagements is not counted as working time if four specific criteria are met: the event takes place outside regular working hours, participation is voluntary, it bears no direct relation to the worker's current job duties, and the individual does not perform any work during the activity. Various states such as California, New York, and Washington have enacted laws that require certain breaks for employees. While federal law places no explicit limit on the number of hours an adult may work in a day or week, particular industries such as healthcare, transportation, and aviation are governed by separate safety-oriented standards. Child labour regulations impose strict restrictions on the working hours of minors. Many states also provide additional safeguards, including higher minimum wages, stricter overtime rules, and obligations regarding paid sick leave.

United Kingdom

In the United Kingdom, working hours are often measured as an average over a fixed reference period, usually 17 weeks. The legal framework is significantly influenced by the European Union Working Time Directive, which enforces a weekly limit of 48 hours inclusive of overtime unless a worker willingly opts out. In contrast to the European approach, the United States focuses on overtime rules rather than imposing a maximum limit on working time. In several Asian countries like Japan and South Korea, reforms have recently been undertaken to reduce excessive working hours due to increasing concerns about workers' health and productivity.

In the United Kingdom, working time includes job-related training, work-related travel, business lunches, time worked abroad, paid and contractually required unpaid overtime, time spent on call at the workplace, and travel between home and work in cases where employees do not have a fixed worksite. On the other hand, certain periods are excluded from working time calculations. These exclusions include on-call hours away from work, breaks during which no duties are performed, travel undertaken outside normal working hours, voluntary unpaid overtime, paid or unpaid holiday periods, and commuting to a fixed workplace. These diverse provisions indicate the importance of different legal approaches to regulating working hours, particularly in countries managing international or transnational workforces.

Recommendations

- a. Introduce a flexible working hour framework that allows a four-day work week with longer daily working hours while still adhering to the 48-hour weekly limit as envisioned under the new labour codes.
- b. Strengthen the regulations governing overtime by permitting up to 125 hours of overtime per quarter, which exceeds ILO recommendations, to discourage excessive workloads and ensure fair remuneration.
- c. Improve work-life balance mechanisms by promoting mandatory disconnection policies, particularly in sectors such as IT and BPO, to safeguard employees from constant digital availability.

- d. Align paid leave provisions with global standards by promoting policies that ensure at least 20 days of annual leave, similar to those followed in the European Union.

Conclusion

Disagreements related to working hours remain one of the major challenges in labour relations in India. Effective resolution of these conflicts requires robust legal frameworks, efficient dispute-resolution processes, and clear workplace policies. By tackling the root causes of such disputes, India can move towards a fair labour system that supports economic progress while safeguarding employees' welfare. Technology has become essential in increasing transparency and responsibility in tracking working hours. Digital tracking mechanisms ensure accurate documentation and provide reliable evidence to resolve conflicts efficiently and impartially. When combined with stronger labour regulations, these technological advancements help create a more just work environment.

India's approach to regulating working hours demonstrates the ongoing effort to balance economic advancement with the protection of workers' rights. Further reforms in labour legislation, together with closer alignment to international labour benchmarks, can strengthen a workplace culture that enhances both productivity and employee welfare. Ensuring fair mechanisms for resolving working hour disputes is vital in maintaining this balance, protecting workers' interests while also enabling businesses to grow.

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