



COMMENTARY ON THE FACTORIES ACT, 1948 (2002). By S.C. Srivastava. Universal Law Publishing Co. Pvt. Ltd., Delhi. Pp. xxxvii + S1-S20 + 623. Price Rs. 575/-.

THE OBJECT of industrial revolution that started in the nineteenth century in Europe was to provide more goods and services to the society, yet the industrial development and growth brought horrendous consequences for the working class who were employed by the private entrepreneurs in the industry. The consequences of such development was that the workers, including female workers and children, were made to work for unrestricted long working hours and under inhuman and unsafe working conditions. Therefore, through the socialists and Marxists writings the exploitation of workers by the factory employers was exposed. Hence a need was felt in England even by the end of nineteenth century that there should be a Factories Act in order to regulate hours of work, health, safety, welfare and leave with wages along with the improvement of working conditions within the factory premises.

In India also, with the development of textile industry in Bombay and jute industry in Bengal, the need was felt to introduce factory legislation as early as in the year 1880 and it was amended a number of times in the years 1891, 1911, 1922 and 1934. However, after the second world war a radical change was needed in the conditions of work of the workers and a comprehensive Factories Act, 1948 was enacted. The book under review¹, is one of the first book which deals critically with the evolution and development of law relating to factories in a comprehensive fashion. The book also includes some important provisions of the Constitution of India as are important for the workers employed in industries.²

The book has been divided into eleven chapters. The first chapter deals with the scope and the object of the Factories Act, 1948 and also the interpretation clauses provided under section 2 of the Act. In this chapter, the author has also highlighted the significance of the special interpretation of the Factories Act through the case of *Hindustan Machine Tools v. Labour Court*.³ In the instant case the Rajasthan High Court held that the Factories Act is a piece of welfare legislation and, therefore,

1. S.C. Srivastava, *Commentary on the Factories Act, 1948* (2002).

2. *Id* at 21-28.

3. (1993) 2 LLJ 1219.



while interpreting the Act, the well recognized canon of interpretation which favours working class which fulfills the object of the legislation has to be adopted by the court; an interpretation which restricts or curtails benefits admissible to the workers under the Act has to be avoided.

Chapter two of the book deals with the general duties of the occupiers of the factories and also the general duties of the manufacturers with regard to articles and substances for use in factories. The chapter also provides for the duties of the inspectors for the purposes of enforcement of statutory provisions. Chapter three deals with the provisions relating to health under the Factories Act like cleanliness, disposal of wastes and effluents, required ventilation and temperature, dust and fumes, artificial humidification, overcrowding and lighting etc. Chapter four deals with the statutory requirements relating to safety of machinery and premises as well as the statutory precautions required in case of fire, and maintenance of buildings etc and chapter 4A deals with provisions relating to hazardous processes.

Further the book deals in details about the welfare provisions required for the factory workers under the Act. The welfare provisions relating to washing facilities, facilities for storing and drying clothing, facilities for sitting, first aid appliances, canteens, shelter, rooms and lunch rooms, crèches and the requirement of welfare officers under the Act have been discussed under chapter five. The utility of this chapter is that it does not only deal with the basic provisions and the case law but also deals with the concept and scope of labour welfare. Moreover the chapter also highlights appropriately the recommendations of the Royal Commission on Labour, the report of the Committee on Labour Welfare and the National Commission on Labour (1969) and also the I.L.O. recommendations relating to the welfare aspects of the workers in the factories.

Chapter six of the book deals with the restriction of working hours of the adults in the form of minimum weekly holidays, compensatory holidays, maximum daily hours of work with intervals for rest, night shifts, extra wages for overtime etc. It also discusses about the register to be maintained for the adult workers in the factory premises. It also discusses the restriction on the employment of women at night except between 6 a.m. and 7 p.m. Chapter seven deals with the conditions of employment of young persons in the factories. The Factories Act provides that no child who has not completed the age of 14 year shall be required or allowed to work in any factory. This has been done on the basis of the Report of the Labour Investigation Committee, which found that in various industries, mainly in small industries, the prohibition of employment of children was disregarded blatantly. This was more prevalent in the factories because of the inadequacy of the inspecting



staff under the Act of 1934.⁴

Chapter eight of the book deals with the compulsory annual leave with wages. Annual leave with wages is an important aspect and has an important place in the lives of the workers in the factories. This is granted on the principles of social justice. Under section 79 of the Factories Act every worker who has worked for a period of 240 days or more during a calendar year shall be entitled to leave with wages. Annual leave with wages available to an adult at the rate of one day for every twenty days of work performed and to a child for one day for every fifteen days of work performed by him during the previous shall not operate to the prejudice of any right to which a worker may be entitled under any other law or under the terms of any award, agreement or the contract of service. The author has very rightly discussed the case of *Alembic Chemical Works v. The Workmen*.⁵ In this case the Supreme Court held that the assumption that section 78(1) is confined to existing arrangements is plainly inconsistent with a fair and reasonable construction of the provisions.⁶

On the whole it can be observed that the treatise is written comprehensively dealing with not merely the provisions of the Factories Act, 1948 and the relevant cases relating to the Act but also has incorporated the useful recommendations of Royal Commission on Labour, 1929; National Commission on Labour, 1969 and also the recommendations of the I.L.O. at the appropriate places.

The printing and the cover of the book is excellent. This is highly recommended for the students of labour law, the teachers and scholars dealing with labour laws, the factory managers, lawyers, trade union leaders, administrators working in labour department, labour tribunals and the public at large. The book must be kept in every library.

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4 *Supra* note 1 at 471

5 AIR 1971 SC 647

6 *Supra* note 1 at 491-492

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