



INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

VOLUME 3 ISSUE 1

Peer-reviewed, open-access, refereed journal

IJLAR

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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

ANALYSIS OF THE COMPARISON BETWEEN THE PROVISIONS OF THE FACTORIES ACT, 1948 THE MINES ACT, 1952, WITH RESPECT TO THE REGULATION OF THE WORK OF THE EMPLOYEES, IN THEIR RESPECTIVE SECTORS.

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ABSTRACT

In the particular paper an analysis have been made regarding the provisions regulating the work in the factories as well as mines, in their respective acts, finding out the loopholes of the same. For the components, within the Act, i.e. the working days, followed by the welfare conditions, and then provisions relating over time and night shifts, a clear cut comparison has been made between the factories as well as mines act, regarding in what stand they belong, with respect to rational, and justiciability to workers. Followed by that a critical analysis of certain case laws regulating the provisions are made again regarding to the rationale the same is having. Followed by this certain recommendations are made based upon the observations and analysis. Lastly a short conclusion to the entire matter has been framed.

INTRODUCTION

For both the perspectives of labor law i.e the Factories Act, 1948 as well as the Mines Act, 1952 it is that, the legal construction, is such, where we see that there should be proper balance between the work to be done in a proper manner. The main reason, for the same would be that the work structure of the particular machinery, is so much strenuous, that if on the other hand, it is found that the benefits given to these persons, are actually increased, then the work to have been done in the particular factory, has to be compromised. The basic structure of the work is actually remote, which for the purpose of having extracted out, will equalize to have made the workers compromised through their labour. On the other hand the creator of these works, would actually be not over

burdened with certain work, which will not give the instinct to those person, to carry out, with these particular works. It should also be taken into consideration, regarding the fact, that at no circumstances, the health of the particular person, is not to be compromised. Thus a balance must be created in between the smooth functioning of the work of the employer, and on other hand the protection off rights as well as interest of the people there. Thus there has been certain provisions, within the same, which actually confers, the various, rights, as well as the interests of the people. But the question to this, is there really any kind of balance of the work to have been created between these two facts. The question also lies, that whether the balance has been scrutinizing all the factors or not. It is true that regarding one thing i.e. the working structure in the factory, is all the way, taken into intense care. But on other hand i.e. the benefits, which are actually having given to those people, it must actually be given in that sufficient, way, which actually makes, the particular person, comfortable in doing the particular work, in all perspectives. Clarity to the same, has no been acquired till the date. Thus, such is actually the thing to be considered here.

So for that firstly, there is the need of having gone through thoroughly upon the factories, as well as the mines Act.

KEYWORDS: The Factories Act, 1948, The Mines Act, 1952, working conditions, regulations, welfare measures

THE FACTORIES ACT, 1948

The Factories Act, 1948, is actually formed in the year of 1948, by the Union Government, in the year 1948, hose aim as actually to have the pit certain provisions, upon the entire conditions of the workforce in the factory. Before the improvisation of the particular legislation, in the Act, the workers, were not treated in very ammicable manner, rather they are being treated in the ay, to have extracted out the maximum labor from the same. Thus in such situation there actually arose the dire necessity of having created certain legislation, which would actually contribute upon the welfare of the people. And that is all bout creating a proper balance regarding the work they actually do and the balance, which is there t be created in between them. Hence the main objective to this creation were having taken care of the health, the security measure to be given to the same, as well as accordingly, having impact, upon the working hours for the same. Apart from protecting

these laborers from the same, the exploitation, the same is actually exposed to, it also plays a great role in creating the environment, upon which it will be actually comfortable for those workers, to work upon, which would give them the zeal to work in this regard. The actual applicability of the particular Act, is actually upon the premise, where certain manufacturing process goes on, with having employed not less than 10 people, within the particular thing. The main reason for the same is that the particular workforce, in this area would actually then state the gravity of the work, complying with the manufacturing entity the same is beholding within itself. Apart from that it has been also found that the particular Act. It is also found that within the purview of the particular Act, the word 'employer', has been actually defined, which states that any person to that, who is earning wages investing their labor within the same, and is also having earned wages not more than that of 16000 in a month. The main constitutional principle of the particular Act, is to render social Justice to those people, where justice would be rendered upon the people considering the socio economic strata of the same.¹

THE MINES ACT, 1952

Followed by this comes the Mines Act, 1952. This particular Act, also has the same objective, as that of previous one. It has been found to have regulated the working conditions of the people present there within the mines. We are aware of the fact that the mines, are one of the most hazardous place for a human being to work. The way within the same, is actually not cumbersome, with the work. The atmosphere, within it i.e, the temperature, the humidity, the air pressure are quite almost unacquainted with the human body. On other hand the employers are there to have extracted the maximum benefit for these people. Thus in such situation, it is of need to have taken certain decisions, which would actually immunize the workers, from such interest of the employer, and the work to be done efficiently. Thus Act being union legislations, has been found to have a over lasting effect upon the whole of the country. But on other hand, it is to be also seen that these particular legislations, have some special provisions, upon certain kinds of mines. But the fact is that almost all the mines, within the particular country, is actually complying with the particular laws.²

¹ <https://labour.gov.in> THE FACTORIES ACT, 1948

<https://indiacode.nic.in> Factories Act, 1948

² <https://labour.gov.in> THE MINES ACT, 1952

COMPARISON ON THE BASIS OF WORKING HOURS

Hence in comparison, with the various benefits, which both the Act, tends to give, the first, which comes, in this regard is the daily working hours. Here we see that for both the factories as well as the mines, it has been seen that the daily working hours in a particular, is the same for both the legislations. For both the legislations, workers, are allowed to work not more than that of the nine hours in a day, with 48 hours in all total. And to that one day in week, usually the Sunday, is regarded to be as the holiday. And also within, three hours interval, there would come a rest. Thus in such situation, it must be taken into consideration, regarding the question, that whether such time period, is actually sufficient, for the people to work or not. Hence, to find out for the same, there is the need of having understood the various particulars of the factory, upon which the particular is found to have worked. So in this regard we see there comes various kinds of conditions, where in one type of industries it is seen that the labourers are actually involved in carrying, lifting, loading and unloading various heavy objects, inclusive of various metals, namely the iron, even the steel, etc. There are industries, where for the entire day, the people go on in doing these things. Now the fact is that, such kind of deliberations, are actually inevitable to do. It does not have any other obligations. But on other hand, as per the legislation says, that whenever, there is the continuous stretch of these works, for the period of nine hours, for a particular day, the same is actually justice able or not. And that to at the interval, of all the three hours, the break which is found to be given, is actually right at their point or not. Heavy weight like such as aforesaid involves, lifting up certain things, which are very much cumbersome in nature, where to that a healthy person has to also give strain to it's body at it's maximum stage, which actually does not come from a very comfortable stage. Thus having a continuous stress for three regular hours and after an hour rest, taking another three hours into constrain reasonably pit doubt that whether the same would really have the amicable settlement for the workers or not. Lifting certain weights, causes heavy pressure to the muscles. And also upon the entire shoulder. All these things has the probability to cause muscle fatigue, which may worsen with other complications, present in the body. Apart for that it may also create problem, even fractures in joints of the hands. Especially those with lose weight will have a high probability of such, as well as break in the ligaments, in the course of this work. Apart from that it may also create problem in the breasts, while uplifting

a particular weight from the particular thing. Especially the problem is for the light weighted people. Not only this, but also there is the problem of fracture of the backbones to these labourers. Lifting such kind of weights, by a person, whose average weight is not much to it, would create the problem in this regard. Hence a continuous span upon all these works, for a period of nine hours may create has all the probability, to create complication in the body parts. And also having done these works for such a long time, and just a blank of an hour cannot create the physical motivation, t again work for such a long period of time. After this in the factories, there are also other unavoidable situations, where for long hours one has to just stand still, for the purpose of having monitored a particular working of the factory. And having stand there for suh a long time , without having any place to take rest, for hours, without having space to sit, has the probability to create problem in the latter half. It has been found that whenever there is the need of having the particular thing, then in such situation, there is actually the probability of having come inti the influence of exhaustion. And not only that but also , another thing is needed to be taken into consideration that the people there are having very much exposed to various kinds of chemicals, and that is actually inclusive of the various paints, the dyes, drugs within the same. And to that effect long hours of standing within the presence of the same actually creates various kinds of diseases. It is being seen that such kind of problem may also lead to having of arrival of various kinds of complications within the body, which may aggravate to cancerous probabilities also. Hence for the particular law which actually imposes upon such restrictions which were put upo the employees, governing the working conditions of the same puts doubt on a very prudent basis regarding the fact, that really such is actually justiceable upon the people or not. ³

Followed by that, lets come to the regulation of the mines. It is also having a similar nature as that of other things. Here also the repetition to nine hours of working as well as one hour of break within the interval of three hours comes. But on other hand, again the question comes, regarding the fact, that whether such kind of atmosphere, the same is providing or not. In mines, it is a common phenomenon of having the scarcity of oxygen. The main reason for the same is actually the high concentration of the oxygen gas the same is actually having within the same. This is

³ <https://www.slideshare.net> Factories Act, 1948, (5) Working ours of Adult PPTX
<https://saral.pro> Working hours as per labour law in India: Rules, Limits, and Overtime
<https://www.indiacode.nic.in> Section 59

actually a very serious issue. It is actually the fact that there has been adequate protection taken for the particular matter. But in most of the mines, it has been seen that the mode of uniform protection to be given to all the people there. But the fact is that whether it is actually the fact that all the people would actually be acquainted with the similar kind of protection. It is also true that according to certain section 23 of the Mines Act, 1952, it has been mentioned that the people employees in the mines, should actually have the fitness certificate within itself. But that cannot be enough. Such is actually involved within the particular employment of the person. But there can be arrival of complications to the body of the person in the latter half. Apart from that there can be certain other illness, which would contribute to arrival of consequences. And that can actually happen at any period of time. Thus it is a such natural complexity, which can actually worsen at any point of time. Thus having fitness check at any point of time, would not lead to having of the impression that the same would totally persist for way long. Hence in that way, regular checkup is actually mandatory. So it is found that almost in every undertakings which the mines are actually executing upon the employees, there is the need of having regulations, upon the same. Not only this but also having so long hours of work, with a very miserable amount of rest, would somehow or the other create high range of danger for this particular people, Here the working conditions on the basis of the day, is presenting grounds of high doubt, regarding the immunity the same get sit is regard. Apart from that there has been also other things which makes it strenuous, There has been the extremely high temperatures, within these particular atmosphere. It has been seen that actually happen due to the absorption of geothermal heat over the same. It sometimes, also creates a vaporizing effect upon the entire thing. Hence in such situations, it may also create a great exhaustion, to the people working there. Such would also cause breathing problems to them in this regard, where they have to be within the particular thing for a period of three hours consistently. Apart from that the humidity, which is also present there has the probability to create dehydration. Another thing, which is also very important to have been discussed is that of having social vacuum, one actually follows through the same. It is very usual in this regard to have a very atmosphere, within the particular mine. And through the workers are there to work in the particular period of time, and also they had to work in such dark weather stressing themselves. Hence in that way the time actually plays a very important factor, where having worked for such a long time continuously through the particular thing keeps stress upon the people. Hence staying there for a long period of time, away for the close ones, again create a

big vacuum upon the people working there. I would create psychological issues, which may also have effect upon the mentality of the person. Hence in such situation, we see that the hours which are affixed for this kind of work, is not at all acceptable. On other hand we see that the people in the mines, working for such a long time, is actually not found to be very justiciable for their particular work.⁴

So on comparison this can actually be analyzed that the imposition of the law in this perspective is actually having a very uniform effect, where the same again fails to decipher the heterogeneity, which is very much existent in the application mode. The situation in the mine is not at all the same to that of the one, which we got for the factory. In a particular factory, it was the particular work, which appeared to be tiresome for the people at large. The working conditions through its stress is actually creating a uncomfortable situation. And that is where the long hours of the work actually intervened, and that actually made the entire thing difficult and not justiciable for the workers. But on other hand for the mines, it is seen that the particular natural constituents, within the same, which is actually making the entire thing for the workers. This has a high probability of having caused serious health issues within the workers. It is of such quality where there has not been any adequate measures to have taken from the perspective of the workers. And to that regard the graveness to the same has been increased through the addition of the hours within the same, which is found to have not gave any kind of justice to the people there. Thus for the factories it is the additional working hours itself, which caused the problem. But on other hand for the mines, which actually added the graveness through long working hours to the un-organization which was already prevailing.

COMPARISON ON THE BASIS OF WELFARE CONDITIONS

Now let's come upon the welfare facilities, which the particular Act, confers upon the employers, who are actually working upon the same. To that regard let's first come to the matter of the first aid facilities, which are actually comes in this regard. Here the entity provides with certain first aid facilities, also a personnel capable of giving assistance against any minor injuries. And it is

⁴ <https://ipblogleaders.in> The Mines Act 1952 : It's functionaries, Workings and Scope in our country.
<https://indiakanoon.org> Section 30 of the Mines Act, 1952

also the fact that these facilities, are actually a resort to the very minors injuries like that of cuts and leaking of blood etc. But on other hand, it is also to be seen that the particular injury, is not the utmost thing happening I the factory. There were also other things, which are actually needed to be taken care. It is very true that while lifting various kinds of weighty things causes various kinds of injuries but the fact, is such where even grave consequences can follow in this regard. The particular entity, can actually have certain kinds of elements, like that of gases which may create certain health problems to the people living there. It has been found that particular elements, which are actually present in the particular factory, which can cause sudden acute health problem. Apart from that the exhaustions, which are there to happen also poses a threat to serious life issues. And to all such situations, the first aid assistance, which is actually there, will not be a resort to these problems. Apart from that accident occur due to sabotage, short circuits, leakage of chemicals within the same, can actually cause serious injuries, and sometimes, death to the beings. Thus in such situations, it is always expectable that a proper medical assistance must be provided. And apart from that we also see that there is the availability of the canteens, within the particular house. And to that regard, it were to be seen that here the same should only be available if there is twenty workers, within it. This is highly unacceptable The are situations, where we find that the factories are being situated in various remote places. So for there amenities are not that much accessible. To those people who are less than that number in the factory, it is realy a problem for them to actually access. And the practical situation is such that in most of the situations, would be no application of any execution , for the benefit of the people, if there is no mandate, then there would also not be any kind of people who would work , for these people. Apart from that the other availabilities, which the same is providing actually has certain benefit within the same. And that is also inclusive of having proper restrooms, within it's ambit, and also various crèches where the females of the family of the workers keep their child there is also a very good initiative from the perspective of the law.⁵

Now let's come to the positioning of the mines, and it's legal regulations in the contemporary scenario. Here in this regard, The Mines Act, 1952, was also incorporated for providing certain

⁵ <https://farheendhanjal.law.blog> CHAPTER V Welfare the Factory Act, 1948
<https://www.slideshare.net> Factories Act, 1948 (Part 4) Welfare measures)
<https://rjhssonline.com> Welfare measures under the factories ct, A critical appraisal

kinds of benefits to the workers in the mines. They are even entitled to certain kinds of benefits, in this regard. Here the main purpose of giving certain kinds of regulations, is basically to keep them upright, for doing the work, which is actually very stressful. And that is also inclusive of the social as well as hygiene related aspects. But again the question lies regarding the fact that whether such kind of entitlement of benefits, are actually admissible to those people or not. That in this situation, let's start with the provisions, regarding the health conditions of the people there. We get to see that the mines, are providing with certain kinds of security measures, i.e. the proper ventilation, use of machinery, while working there. Now again the question arise, in this regard is that whether the ventilation facility, which the same is actually providing in the surface is actually sufficient or not, The reason behind the same is that there has been always high temperatures, within the surface area of the mines. Apart from that there has been high humidity within the surface area of the mines. Apart from that the most important thing in this regard would be the scarcity of oxygen, which is also prevalent here. Now amidst, all such challenging things, within the mines, it is now the question that within so many challenging things, within the ambit of the mine, whether the ventilation is actually adequate or not. The law within the same has only stated to have sufficient ventilation facilities, but on other hand, it fails to decipher the fact whether the particular thing has been properly installed or not. And to that effect the reality is hopelessly different. It has been found in this regard that the ventilation system there has not been properly utilized. It has been found that the maintenance work in this regard has not been made properly. It is the fact that these mines, tend to get eroded very frequently. So, keeping parity with the particular work, the maintenance thing is not done in that frequent and as well as rigorous manner. There also certain mines, which are having a very deep inclination into the ground. And for that purpose, the workers are actually entitled to go into a much deeper surface, for the purpose of extracting the minerals. Here in that situation, it is actually not possible to keep a particular mine, at such depth, and also, to that effect, those particular mines, would not work very efficiently in this regard. And not only that but also, there are certain mines, where due to past record or within the course of employment, there has been intense rock fall, which consequently found to have totally blocked the ways of proper pass out of the air. Hence in all such situations, it is always

needed to be taken into consideration, regarding the fact, that there is the need of having a proper, strong and abundant form of oxygen, to be practically established here.⁶

Followed by this comes, the other way round, other forms of habitat, and that is actually the things, which area associated with the hygiene, of the workers, working there. It has been found that the worker, who are working there are found to have been provided with fresh drinking water as well as sanitation facilities, which are easily accessible. Supply of fresh drinking water is needed. The reason behind the same is that there has been inhale of certain pollutants, within the surface area of the mines. Not only that there are also the abundance of various chemicals, within the same, as well as scarcity of the oxygen present. In this particular situation, the abundance of water is always found to be very much necessary.

Another important feature in this regard would be the providing of various medical facilities, within the particular thing. This is actually an assistance to the first Aid facilities, which were to be provided. The atmosphere on other hand to the mines, are of such nature that there is of high probability of affliction of diseases. And to that effect the first aid boxes, would actually not act as a very good resort.⁷

Another very important, thing in this regard is that there has been also incorporation of special provisions, with regard to certain kinds of mines. Now in this regard, special provisions, would be such, where for the gaseous mines, there must be restrictions taken in the form of having proper ventilation facilities. As well as prohibition of naked flames, provision of methane detectors are also there.

And certain mines, which are very deep within the earth, for them even the lighting conditions, are found to be attached. This is actually done, in order to enlarge the optical capacity of the people there.

⁶ <https://www.pib.gov.in> Health and Welfare Measures for Mine workers in the Mine

⁷ <https://www.slideshare.net> Mines Act 1952 ppt new I PPTX

And the industries, who are actually involved with the explosives, for them even, trained personnel are appointed for the escape from the particular scenario. And also training were given for the purpose of having protected themselves, when any kind of such blasts occurs.⁸

Apart from that there are also other restrictions, within the factory, i.e. having conditioned employment to women as well as no employment of a child are indicating concern about the physical as well as social aspect of the people to have worked here⁹.

So now if we come to compare with the protection level which is give to the employers in the mines, to that of the employers in the factories, then in such situation, it is always the factory, which is found to have proceeded in this regard. The level of protection for the employers is in much more abundance to that of the ones, which are actually there in the factories.

First of all the lets come to the first aid facilities, which the factories are providing to their employees. And for the factories, it is just restricting the same up to that level only. There are no provisions for bigger facilities. But for the mines the amount of protection given through provisions are much intense. Even there are the availability of provisions, where special protection are given to the employees of special kind of mines. There have been also provisions of escaping out, whenever there is any kind of leakage. But on other hand for the factories nothing such is actually provided. There are many adversities within the particular factory like high temperature, humidity, gaseous flow. But for that no proper immunization has been seen to have carried out. It is true that the factories, as well as in mines there are one time certificate required for the inspection of health. But for factories it is the personal who regularly visit for having health checkups there.

And with regard to the detection of the people to be the employees, both are there in a very similar footing on the basis of the atmosphere through which those entities actually go through. For mines, starting from temperature to other constituents, like that of humidity, air pressure, the atmosphere, and explosives in much high content, in comparison, to that of factories there. So for such people

⁹ <https://www.pib.gov.in> Health and Welfare Measures for Mine workers in the Mine
<https://www.indiacode.nic.in> The Mines And Minerals Act, 1957

it is highly risky as the probability to cause complications, out of the particular is also of high probability. Hence in such situation, it is actually not amicable for the employers to work within the same, while on other hand for the female employees, it is also to be in restriction. On other hand for the factories, we get to see that the children with certain additional requirements, are actually entitled to be there.

COMPARISON ON THE BASIS OF OVERTIME AND NIGHT SHIFTS

Another thing to compare between these two acts are regarding the overtime as well as the night shifts. Here in this regard, we see that that for the acts, it has been seen that the working hours tend to have been 9 hours a day. But on the other hand there has been difference created with regard to the amount of money, the same is actual money the same is paying. But with regard to that the question actually arises that whether, there is justification regarding the amount of money to be paid. It is very much obvious that the working condition, of the mines and that of factories, are not of same nature. The physical composition of the mines as well as the factories, are nowhere the same. Through mines, the employers, have to go through much exhaustion. The amount of chemical, explosives, and other toxic things are almost in the position of air. So exposure to all such things for such a period of time, would create more risk to life. And even if the wage level in the factories and mines are not the same but still in atmosphere having such components, would really affect in exposure with the variability of the time. Thus all such situations must be taken into heed.¹⁰

On other hand, let's then take the matter of night shifts, were also taken into consideration. For the factories, there were certain provisions, while for the mines, it is appearing to be different. For the factories, it were found that the there re situation, where night shifts, actually happen. Here according to certain provisions, of the Act, it was held that there were certain situations, where the night shifts are actually found to be very much necessary for the completion of the particular work. If such thing actually happen then the next day to that day, would actually be regarded as the holiday. After that particular worker would again join from te next day. And that day for the actual

¹⁰ <https://www.myadavo.in> Overtime polices under Labour law in India for private Companies
<https://blogpleaders.in> The Mines Act, 1952: It's functionalities, Workings and Scope in our Country.

9 hours to it will be regarded as the 24 hours. Here though the fact is actually true, regarding the fixation of another day to be considered as holiday, but on other hand another thing, which was totally ignored in this regard, was that of giving wages to these employees. Here the workers are not found to have paid any work for the particular matter. It was found that often for overtime purposes the employers are found to have paid the workers, but that can be from any point of time. But the night shifts are something very much different. Here it literally means that after having prolonged work in the day the burden is there upon the people to work in the night, after the work, which has been already done for the day. The entire work for them is very much hectic, which has been already mentioned. And now in access to the same it were to be seen that the work which are now found to have overloaded. So in this particular situation, the same can never actually be measured through the number of hours given for the purpose of rest, n matter it may be the entire day following. But if we gain go back to the case of the mines, the Mines Act, 1952 is seen to have provided with certain situations, where, it as seen well held that there has been no provisions, given for the purpose of having to be done, any kind of overtime work for the people. Hence the particular Act has the interpretability of the seriousness which attaches to the particular work. Hence now if we compare between these two acts, for this provision it is the Mines Act, which has the rationale in much more abundance in comparison to the other two acts. It is true regarding the fact that the working conditions in the mines not the same as that of the factory. But the amount of exhaustion which tends to happen in the particular situation, is not in the capacity bear the same for the whole night. And even if it happens for certain emergency situations, the same should not be left without having valued the same perfectly. And here the value is not for the extra work, but rather for the prolonged continuance of the work, which the same is in continuation, with the previous day work. The reason behind the same after done the work for such a long period of time, which may result in any sickness to those person. So in such situation, to get a relief out of all such things, such is required. Only rest for some days would not be a resort to the particular problem. And unfortunately no such provisions, on the basis of the same have been incorporated, which is actually the need of an hour.¹¹

¹¹ <https://blogpleaders.in> The Mines Act, 1952: It's functionalities, Workings and Scope in our Country.
<https://blogpleaders.in> The Mines Act, 1952: It's functionalities, Workings and Scope in our Country.

CRITICAL ANALYSIS OF CASE LAWS

Followed by this lies certain case laws, there has been found to have fallen effect upon the people. Thus we see that upon the provisions of the labor law.

In the case of Indian Hume Pipe Ltd. Vs It's workmen (AIR 1980 SC 948) it has been the declaration by the court that whether the safety provisions, should be incorporated within the particular factory and there must be the compensation to the people in the case of non abidance. But thr fact is that it just restricted itself in saying that the safety provisions, should be incorporated. But did not define the particular thing Thus in such situation, if the type is not defines, as well as the applicability regarding the same is actually not showed, then in such situation , it is actually difficult, for interpretation, which will somehow or the other affect the condition of the labour.¹²

In the case of Bhilai Steel Plant vs Shri Bramhanand Tiwari (2025), the declaration was of having incorporated canteens, within the employment house. But on other hand, it actually failed to discuss rthe regulations, which mist also be associated with the particular work. It must be seen properly whether there is a proper abidance of the hygiene rule or not. It is actually the fact that the employers working there are exposed in certain things. So in that case the canteens to such entities are needed to have taken even more importance as the users to it are the ones, who are availing the same. Nut unfortunately no such provision, with regard to the same has been incorporated.¹³

Then coming upon the case of State of Goa vs Namita Tripathi. In this particular case, it was declared that a laundry or a dry cleaning process can only be said to be a factory, if more than 20 workers work there. But having stuck to particular number would not solve the issue. Here in this regard there canbe the workers quantity close to the same. For example the same can be even 90. In all such situation depriving the welfare conditions, which the particular act provides, would be a kind of injustice to them. So in this regard the declaration should be like that where the same is

¹²<https://www.sconline.com> Indian Hume Pipe Ltd. Vs It's workmen
<https://www.indiakanoon.org> Indian Hume Pipe Ltd. Vs It's workmen

¹³ <https://scc.online.com> Bhilai Steel Plant vs Bramhanand Tiwari
<https://www.indiakanoon.org> Bhilai Steel Plant vs Bramhanand Tiwari

directing to impose certain tag upon the entities which are having employees close to that number. And unfortunately it is also not the fact that the laundries are in the developed places only, from where all the availabilities can be accessed from the perspective of the worker.¹⁴

Then followed by this particular Act, comes, another very important form and i.e. the Mines Act, 1952. In this particular Act, where in the case of Bhavani Sarkar vs State of Delhi. In this particular case we get to see that the Delhi court said that the work in a mine would be actually inclusive of the definition of work which actually comes within the definition of the 'work' under the Minimum Wages Act. But to that effect there are also certain restrictions contained and that is having entitlement to the social justice, Now in this situation, what is regarded to be a the social justice, if not found you have defined then in such situation, the same would again create a problem with regard to the application the same in the real life scenarios.

PROBABLE RECOMMENDATIONS

After having a thorough scrutinization of the particular thing, there comes certain predictions. First of all, the working hands who are found to have worked in the mines, are needed to have installed protection guards according to the physical capability. And the laws must have made certain provisions on the same.

Regarding the work content, which is there for both the factories, as well as mines, the same cannot actually be changed. But the hours which are found to have incorporated within it, are required to be changed. Three hours continuous work, must be found to have reduced to that of one hour with half an hour break and this way it must stretch for five hours work, in a day at total. A rest within an interval of an hour, gives potential to the people to work more. This thing would be applicable for both factories as well as mines.

Followed by this, there must be must be specific incorporation of the various sections, within the particular Act, with regards to the welfare conditions. And to that effect the welfare conditions

¹⁴ <https://www.sconline.com> State of Goa vs Namita Tripathi
<https://india.kannon.org> State of Goa vs Namita Tripathi

must be found to be detailed, specific and rationale. There must be variability of the welfare measures according to the variability of the nature of the workers. And that can happen through the incorporation of sections to a particular Act itself, or the same may also happen from incorporations of separate Acts I that regard.

There must also specific sections of the cat, regarding the valuation of the particular work. For both the Acts. And to that effect, the time, continuity, must play an additional role.

There must be incorporation within the particular act, on having sections, where committees must in all factories as well as in administration of mines, to discuss regarding the rights, interest as well as welfare of the people working there.

CONCLUSION

It has been seen that the way the factories as well as the mines Act, are found to have kept semblance within their provisions, it has both positive as well as negative effects. The former is in effect with regard to that, where the uniformity in the labour law courts would lead to have the probability in a smooth adjudication process, with regard to the adjudicators. If there were difference in the law then the adjudication process might not appear smooth. While on other hand both the acts have difference in application, where an uniformity of law does not always provide rationale.