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WORKING HOURS IN INDIA: LEGAL FRAMEWORK AND CHALLENGES

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ABSTRACT

The majority of developed nations have seen a significant change in working hours in recent decades. In the majority of nations, there has been a general trend toward fewer hours spent working. The amount of weekly working hours and the trend in working hours over time, however, differ significantly between nations. This research paper examines the regulation of working hours in India, focusing on the legal framework, challenges, and implications for workers and employers. The paper traces the evolution of working hour laws, beginning with the Factories Act of 1948, which established the first significant limits on working hours in industrial settings. Today, working hours are regulated by various laws, including the Factories Act, Shops and Establishments Act, and sector-specific regulations, such as the Mines Act, 1952. Despite these legal provisions, the paper highlights persistent issues such as overwork, non-compliance, and inadequate enforcement, particularly in the informal sector. The research further explores the impact of long working hours on workers' health, work-life balance, and productivity. It also delves into the evolving nature of work in India, with increasing gig and contract-based employment, which challenges traditional labor laws. In response, recent labor law reforms, including the Labor Codes, aim to address these issues by introducing flexibility while ensuring workers' rights. The paper concludes by advocating for more robust enforcement mechanisms, greater awareness among workers and employers, and continuous updates to labor laws to adapt to the changing economic landscape and ensure fair 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 economic lifeline in the modern 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 become a developed country. This corresponds to 700 minutes a day, assuming a six-day workweek, spent on work-related tasks. It also demonstrates how it treats its population, who are the cornerstones of the future. In India, labor laws stipulate that Under the Factories Act of 1948, adult employees in India are not to work more than 48 hours per week, with a maximum of 9 hours per day. However, recent statistics reveal a considerable gap between these legal

provisions and actual workplace practices. According to the International Labour Organization (ILO), in 2023, approximately 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 average working hours, with an average of 47.7 hours per week.

This ongoing trend of long working hours has raised serious concerns about worker health and quality of life. A survey by Indeed found that 88% of Indian employees are contacted by their employers outside standard working hours, and 85% even during personal time such as sick leave or public holidays. Such a demanding work culture has been associated with negative

health effects, including heightened stress and burnout. The untimely death of a 26-year-old Ernst & Young audit professional in 2024, reportedly due to work-related stress and overload, brought this issue to national attention.

The Economic Survey 2024-25 has suggested that existing limitations on working hours might be hampering economic progress and reducing income opportunities for workers. It calls for greater flexibility in work schedules to align with global norms and to promote the growth of small and medium-sized enterprises (SMEs), while also aiming to generate more jobs.

However, this viewpoint remains contentious. Critics argue that many Indian workers are already subjected to excessive hours without fair compensation or adequate rest. The key concern is to ensure that workers can lead balanced lives, irrespective of productivity demands. Whether the proposed changes in India's working hours policy genuinely serve the public interest remains a topic for critical examination.

REVIEW OF LITERATURE

1. The paper titled "Review of Working Hours in the Light of Increasing Unemployment, Automation and Falling Ethical Standards – An Indian Perspective" by Sarvesh Kumar Tripathi and Dr. Avjeet Kaur examines the relevance of the standard 8-hour workday and 48-hour workweek within the Indian context. It explores the feasibility of reducing paid working hours to six per day as a means to boost employment levels. The authors argue that balanced work hours positively influence both personal and societal health, which in turn contributes to the overall ethical fabric of society, suggesting that ethical standards are closely tied to individual and collective well-being.
2. Time to work : a comparative analysis of preferences for working hours by Haya Stier and Noah Lewin- Epstein (2003) this paper explored whether working hours reflect

workers preferences and tasted of whether they were a constraint imposed by the organization of the labor market and economic considerations.

3. A study on employee perception of a 4 day work schedule in a week with reference to it industry by Mrs.K Hemashree this study analyzed the employee perception of a 4 - day work schedule in a week, To study the productivity accomplishment in reduced week , To analyse the benefits of a reduced week schedule.
4. A study on labour laws in India (2024) CA. Rajkumar S Adukia this paper explored the various labour laws and overall structure of labour laws prevail in India and Overview of important labour laws in India.

HISTORY OF WORKING HOURS ACROSS WORLD (8 HOURS PER DAY):

1. **Industrial Revolution (18th-19th centuries):** During the Industrial Revolution, factory workers often labored for long hours—typically 12 to 16 hours a day. There were no standardized working hours, and working conditions were harsh.
2. **Early Labor Movements (mid-19th century):** In response to these conditions, workers began organizing and advocating for better working hours and conditions. One of the most notable early movements was led by Robert Owen, a Welsh industrialist and social reformer, who famously promoted the idea of an 8-hour workday with the slogan "Eight hours labor, eight hours recreation, eight hours rest."
3. **The Haymarket Affair (1886):** A pivotal moment in labor history came in the United States during the Haymarket affair in Chicago. The incident, which followed a strike for an 8-hour workday, resulted in violence, but it raised awareness of workers' rights and the push for reduced hours.
4. **Ford Motor Company (1914):** Henry Ford made a major change in the U.S. labor market by reducing the workday at his

factories to 8 hours (down from 9) and increasing wages. This move was not only beneficial to workers but also designed to boost productivity and stimulate the economy by giving workers more leisure time and purchasing power.

5. **The Fair Labor Standards Act (1938):** In the U.S., the 8-hour workday was legally solidified with the passing of the Fair Labor Standards Act (FLSA), which established a maximum 44-hour workweek, later reduced to 40 hours. This was part of New Deal legislation under President Franklin D. Roosevelt
6. **In 1919–** the International Labour Organization (ILO) established the Hours of Work (Industry) Convention, advocating for the eight-hour workday.
7. **By 1921–** India ratified ILO Convention C001, which set the eight-hour workday standard, and this convention remains in effect today (ILO, 2019).
8. **By 2016–** 52 countries had ratified the ILO's eight-hour workday convention. The success of the eight-hour day movement is commemorated through the celebration of Labour Days and May Days worldwide. In India, the eight-hour workday has been in place since 1921 without change.

INDIA'S WORKING CULTURE

The legal status of work hours in India stems from the industrialized economy, which was later adopted globally. Organized sectors adhere to set work hour limits, but unorganized sectors exhibit variations due to the nature of work and societal factors. Indian economy has largely been agriculture based and society had largely been dominated by sub grouping of family. Agriculture sector contributes to 17-18 % of GDP and employs approximately 50% of work force.¹⁶⁷² In traditional Indian families, work is not strictly regulated by labor laws but is based on the principle of "Dharma," where family

members contribute according to their capacity. It is considered immoral to take advantage of others' work without contributing.

Family members share earnings, with the eldest member generally overseeing consumption. The family unit functions as both a social and economic entity. While some family members work in the formal sector and are recognized as workers, those working within the family, such as housewives, are not considered formal workers under labor laws. Housewives often work long hours without pay but still have a right to share in the family income. Much of the work within the family is exchanged in a barter system, where services like child-rearing and elder care are provided without monetary exchange. The more capable family members contribute more to maintain and grow the family.

This unique family-centered economic system, where services are bartered within the family and exchanged for currency outside, has contributed significantly to India's economic development. The family also serves as a form of social security, addressing issues like loneliness, mental health, and care for children and the elderly. However, the growing pressure to extend work hours is straining the traditional family structure, leading to social problems seen in more developed countries. Workers face a difficult balance between meeting employer demands and maintaining family and social obligations.

The concept of work hours in India is flexible, with formal sector workers working 8 hours, while students, housewives, farmers, and watchmen work significantly more. The shift towards nuclear families and urban migration of rural labor is weakening traditional family structures. Moreover, some employees in organized sectors exaggerate their work hours to appear more committed, a phenomenon that needs further investigation.

¹⁶⁷² Review of Working Hours in the Light of Increasing Unemployment, Automation and Falling Ethical Standards- An Indian Perspective Sarvesh Kumar Tripathi and Dr. Avjeet Kaur, Vol 9, Spl Issue 3, May 2019.

LEGAL ANALYSIS ON WORKING HOUR LAWS

FACTORIES ACT, 1948¹⁶⁷³

Working Hours

A worker cannot work more than 48 hours per week. [Section 51]. A weekly day off is mandatory, and if the worker is required to work on this day, they must be given an alternative full day off within three days, either before or after the regular day off. [Section 52(1)]. The worker cannot be employed for more than 9 hours in a single day. [Section 54]. After working for 5 hours, the worker should be given at least a 30-minute break. [Section 55]. The total work time, including rest breaks, should not exceed 10.5 hours in a day. [Section 56]. Workers must have a weekly day off, and overlapping shifts are not allowed. [Section 58]. The work schedule must be posted for notice. [Section 61].

Overtime Wages

If a worker exceeds 9 hours of work in a day or 48 hours in a week, they are entitled to overtime pay at double the regular wage rate. [Section 59(1)]. A worker is not allowed to work for two different factories at the same time, as double employment is prohibited. [Section 60]. However, overtime pay is not applicable when the worker is on a work-related tour. The total working hours, including overtime, should not exceed 60 hours per week, and the total overtime hours in a quarter should not surpass 50 hours. A register of overtime hours must be maintained. Workers on tours outside the factory premises, such as field workers, are not eligible for overtime pay.

R Ananthan v. Avery India¹⁶⁷⁴

This case dealt with the issue of overtime pay and whether employees working outside the factory premises (such as field workers) are entitled to overtime compensation. The Madras High Court ruled that employees who work on tours outside the factory premises, such as field workers, are **not entitled to overtime pay** under

the Factories Act. The decision clarified the distinction between workers performing duties within the factory and those on field assignments, thereby setting the precedent for non-entitlement to overtime for workers working outside their regular factory environment.

Director of Stores v. P S Dube¹⁶⁷⁵

This case focused on the issue of overtime wages and the proper calculation of working hours. The case involved a dispute between the employer (Director of Stores) and an employee (P.S. Dube) regarding overtime compensation. The court ruled on the application of overtime wages under the Factories Act, emphasizing the necessity for accurate record-keeping of working hours and overtime. It reinforced the importance of adhering to labor laws regarding the calculation and payment of overtime, particularly when it came to ensuring that workers were paid according to the law for any additional hours worked beyond the regular schedule.

Employment of Women

A female worker cannot be employed beyond the hours of 6 a.m. to 7 p.m. The State Government may grant an exemption for specific factories or groups of factories, but no woman can be allowed to work between 10 p.m. and 5 a.m. Shift changes can only occur after a weekly or other designated holiday, not in between shifts. [Section 66].

Night Shift for Women

The Factories Act is proposed to be amended to permit the employment of women workers during night shifts. The government has decided to amend Section 66 of the Factories Act, 1948, to allow women to work between 7 p.m. and 6 a.m. This change follows the demands of women's organizations and aligns with the current economic globalization. It will apply to all manufacturing sectors, including apparel. The decision came after discussions with both employer representatives and trade

¹⁶⁷³ Factories Act, 1948

¹⁶⁷⁴ 1972 (42) FJR 304 (Mad HC)

¹⁶⁷⁵ 1978 Lab IC 390.

unions. The proposed amendment would empower State Governments to grant the necessary flexibility for employing women in night shifts. However, the employer must ensure the safety and protection of women workers. The State Government, or an authorized representative, will only allow the employment of women at night after consulting with the workers' representatives and relevant employers or their representatives. State Governments will also have the authority to create their own rules for granting such permissions.

Leave

A worker is entitled to annual leave with wages in every calendar year, at a rate of one day for every 20 days of work completed in the previous year, provided they have worked at least 240 days in that year. For child workers, the entitlement is one day of leave for every 15 days worked. When calculating the 240 days, earned leave, maternity leave (up to 12 weeks), and layoff days are considered, but leave is not earned during these periods. [Section 79]. Leave can be accumulated up to 30 days for adults and 40 days for children. The leave period excludes holidays that fall during or at the start or end of the leave. Wages for leave must be paid before the leave starts if it is for four or more days. [Section 81]. Leave cannot be taken more than three times a year, and applications for leave should generally not be denied. [These are minimum entitlements, and employers may offer additional or enhanced benefits].

Wages for Overtime and Leave Salary

Wages for leave encashment and overtime will include the dearness allowance and the cash equivalent of any benefits. However, it will not include bonuses or overtime pay.

SHOPS AND ESTABLISHMENT ACT, 1948¹⁶⁷⁶

The Shops and Establishment Act plays a vital role in regulating the working conditions and hours for employees in shops, commercial

establishments, and related workplaces, with its provisions varying across different Indian states. As per the general guidelines of the Act, employees are not permitted to work more than 9 hours a day or 48 hours a week. Additionally, a rest break of at least 30 minutes is mandated after five consecutive hours of work.

If employees are required to work beyond these daily or weekly limits, they must receive overtime pay at double their regular rate, with overtime hours capped at 12 per week. To support a healthy work-life balance, the Act also mandates a full day of rest each week, usually on Sundays. In cases where employees work on their designated weekly off, they are to be provided with an alternate day off within the next three days.

The Act further regulates business operating hours, generally limiting them to between 7 a.m. and 9 p.m., unless special permission is granted for extended hours. Additional protections are in place for certain groups, such as women and young workers, including restrictions on night shifts for female employees. Moreover, the Act guarantees annual leave with pay, calculated based on the number of days worked.

In essence, the Shops and Establishment Act is a cornerstone of labor law aimed at protecting employees in the commercial sector by ensuring fair working hours, adequate rest, and just employment practices.

ECONOMIC IMPACT OF WORKING HOUR REGULATION IN INDIA

Restrictions on working hours are designed to safeguard workers' health and prevent excessive workloads. However, the various daily, weekly, quarterly, and annual limits often lead to complications that can reduce a worker's ability to increase their income. For instance, Section 56 of the Factories Act permits a maximum of 10.5 working hours per day in factories, amounting to around 63 hours over six days. Out of this, only 48 hours are classified as standard working hours under Section 51, with three hours allocated for breaks and the

¹⁶⁷⁶ Shops And Establishment Act, 1948

remaining 12 designated as overtime. While employees can accumulate up to 156 overtime hours in a 13-week period, Section 65 restricts this to just 75 hours per quarter. This mismatch effectively curtails the earning potential of workers, impacting their financial stability.

In response, seven Indian states—Maharashtra, Haryana, Himachal Pradesh, Odisha, Punjab, Karnataka, and Uttar Pradesh—have revised their labor laws to raise the overtime limit from 75 to 144 hours per quarter. The Economic Survey 2024-25 views this development as beneficial, suggesting it could stimulate business expansion and employment opportunities, while still safeguarding workers' rights and enabling them to earn more.

Prominent business leaders, including Infosys Foundation's N.R. Narayana Murthy and Larsen & Toubro's S.N. Subramanian, have advocated for extended workweeks of 70 to 90 hours. Meanwhile, the Economic Survey highlights that current labor laws hinder manufacturers' ability to respond to sudden demand surges and to compete effectively in global markets. These challenges are surfacing at a time when many employers are urging staff to return to offices and commit to longer hours.

The survey also explores generational divides in the workforce, particularly around themes like flexible schedules and work-life balance, which have become key points of debate. It argues that existing restrictions may limit the flexibility manufacturers need to scale production quickly, thereby affecting their competitiveness and increasing operational costs and risks. Globally, several countries offer more adaptable models, allowing businesses to average working hours over longer periods. The International Labour Organization (ILO), for example, recommends averaging hours over a three-week span. In contrast, India's rigid approach may put its manufacturers at a disadvantage.

Nevertheless, experts caution against simply extending working hours. Nirmala Menon, founder of Interweave Consulting—which specializes in diversity and gender equity—

warns that pushing employees, especially factory workers, beyond current limits may yield only short-term gains. In the long run, such strategies could be unsustainable, particularly if managerial staff responsible for enforcing longer hours choose to leave. A balanced approach to working time, the survey concludes, could result in stronger economic performance, improved worker productivity, and lower long-term healthcare costs.

CHALLENGES IN WORKING HOURS AND OVERTIME REGULATIONS UNDER THE FACTORIES ACT, 1948

1. Working Hours Regulations

The Factories Act, 1948, sets a maximum of 48 hours per week and 9 hours per day for adult workers. These regulations aim to prevent overwork and ensure that workers have sufficient time for rest. However, industries with fluctuating production demands often struggle to comply with these limits. The need for extended working hours during peak production times can result in workers being asked to exceed the prescribed hours.

2. Overtime Regulations

Overtime is allowed under the Act, but it should not exceed 50 hours per quarter. Overtime work must be compensated at double the regular wages. Despite this, many workers, particularly in sectors like textiles and manufacturing, face the challenge of working excessive overtime without receiving adequate compensation. Overtime often becomes a norm rather than an exception, leading to exploitation in some cases.

3. Enforcement Challenges

One of the key challenges is the lack of effective enforcement. Although the Act mandates strict working hour and overtime rules, monitoring compliance remains difficult, particularly in small and medium enterprises. There is insufficient regulatory oversight, and many workers are unaware of their rights, making them vulnerable to exploitation.

4. Impact on Workers' Health

Non-compliance with the working hour regulations often results in worker fatigue, health issues, and diminished productivity. Data from the Ministry of Labour and Employment highlights that workers in some sectors regularly exceed the prescribed working hours without proper rest, leading to long-term health problems and reduced work efficiency.

5. Need for Stricter Implementation

There is a significant need for better monitoring and enforcement mechanisms to ensure compliance with working hour and overtime regulations. Increased awareness and stricter penalties for violations could help improve the working conditions for factory workers across the country.

INTERNATIONAL LABOUR STANDARDS ON WORKING HOURS IN INDIA:

The International Labour Organization (ILO) standards on working time aim to regulate hours of work, daily and weekly rest periods, and annual holidays, with a focus on establishing an 8-hour day and 48-hour week as a legal standard.¹⁶⁷⁷

International Labour Standards, as set by the International Labour Organization (ILO), serve as a global reference for fair labor practices, including working hours in India. The ILO, a specialized agency of the United Nations, outlines guidelines aimed at ensuring decent working conditions globally. The ILO recommends a maximum 40-hour workweek, typically spread over five days, with a daily cap of eight hours. This standard is intended to prevent worker fatigue and promote a healthy work-life balance. It also mandates that overtime should be voluntary and compensated at a higher rate to avoid worker exploitation. In contrast, India's standard workweek is 48 hours, reflecting a more rigorous approach by international standards. The ILO stresses the importance of rest days and paid

leave. Workers should receive at least one rest day per week and a specified number of paid holidays annually. These provisions are vital in reducing conflicts over working hours by clearly defining the responsibilities of both employers and employees. Adopting such standards in India could help regulate working hours more effectively and reduce labor-related disputes.

The ILO also advocates for transparent monitoring systems to ensure adherence to working hour norms in India. This includes using time-tracking technologies and performing regular audits, which increase accountability and help address working-hour conflicts. These measures are crucial in aligning national labor laws with international standards and fostering fair working conditions. Although India's recent labor codes have made strides in updating labor regulations, further alignment with international standards is an ongoing effort. The introduction of flexible work arrangements and digital monitoring systems in India reflects global trends. However, the gap in maximum permissible working hours remains an area for potential improvement. Addressing this discrepancy is key for India to meet international standards and improve its labor laws to better protect workers' rights.

INTERNATIONAL PERSPECTIVE:

UNITED STATES OF AMERICA

In the United States, regulations regarding working hours are primarily established by the Fair Labor Standards Act (FLSA), which outlines the standards for wages, overtime, and hours of work. Typically, a full-time schedule consists of 40 hours per week, usually spread across five 8-hour days. Employers may ask employees to work beyond this 40-hour threshold, unless a contract or state-specific law limits such requirements.

Under the FLSA, eligible employees must be compensated with overtime pay—calculated at 1.5 times their regular hourly rate—for any hours worked beyond 40 in a given week. Some states, such as California, also require overtime pay for

¹⁶⁷⁷ILO on working hours available at: <https://www.ilo.org/resource/other/ilo-helpdesk-business-and-working-time>

hours exceeding 8 in a single day. Certain employees, such as those in executive, administrative, or professional roles who meet specific salary and job duty criteria, are exempt from receiving overtime pay. The FLSA does not mandate employers to provide rest or meal breaks, though short breaks ranging from 5 to 20 minutes are typically considered paid work time. Meal periods, often lasting 30 minutes or more, are generally unpaid if the employee is fully relieved of duties during that time. Participation in training sessions, meetings, or similar events is not regarded as work time if four conditions are satisfied: the activity occurs outside regular hours, is voluntary, unrelated to the employee's current job duties, and no work is performed concurrently. Some states, including California, New York, and Washington, have their own laws that require employers to provide specific meal and rest breaks. At the federal level, there is no cap on the number of hours an adult employee can work in a day or week. However, specific industries like transportation, healthcare, and aviation have separate regulations to ensure safety. Youth employment is subject to limitations under Child Labor Laws, which restrict the number of hours minors can work. Additionally, several states provide further employee protections, such as higher minimum wage rates, more stringent overtime rules, and laws mandating paid sick leave.

UNITED KINGDOM

In an international context, Here the working hours are calculated as average working hours over a 'reference' period, normally 17 weeks. working hour regulations differ significantly by region. The European Union (EU) Working Time Directive enforces a 48-hour weekly limit, including overtime, unless an employee voluntarily opts out. Meanwhile, countries such as the United States operate under different frameworks, such as the Fair Labor Standards Act (FLSA), which primarily focuses on overtime pay rather than setting a strict weekly limit. Similarly, some Asian economies, including Japan and South Korea, have been

implementing reforms to curb excessive working hours due to concerns over employee health and productivity.

Working hour in UK includes: Job-related training, Time spent traveling as part of work duties (e.g., sales representatives), Business-related working lunches, Time spent working abroad, Both paid and mandated unpaid overtime, Time spent on call at the workplace, Any period classified as "working time" under contractual agreements, Travel between home and work when there is no fixed place of work, Conversely, the following are generally excluded from working hours calculations; On-call time spent away from the workplace, Breaks where no work is performed (e.g., lunch breaks), Travel outside normal working hours, Voluntary unpaid overtime (e.g., staying late without employer instruction), Paid or unpaid holidays, Commuting to a fixed workplace, Considerations for International Workforces.¹⁶⁷⁸

RECOMMENDATIONS

- ❖ Implement a flexible working hour model which means introduce a four day work week option with extended daily hours while maintaining the 48 hours weekly cap as proposed under the new labour codes.
- ❖ Strengthen overtime regulation to allow 125 hours of overtime per quarter, which is higher than ILO standards inorder to prevent excessive workloads and ensuring fair payment.
- ❖ Enhance work life balance regulations by encouraging mandatory disconnect of poliicies to prevent in sectors like IT,BPO etc...
- ❖ Promoting paid leave policies in line with international norms for example providing at least 20 days of annual leave as in the EU.

CONCLUSION

Disputes over working hours are a significant challenge in labor relations in India. Resolving these issues effectively requires a combination of strong legal frameworks, efficient conflict resolution mechanisms, and transparent

¹⁶⁷⁸ <https://www.gov.uk/maximum-weekly-working-hours/calculating-your-working-hours>

workplace policies. By addressing the underlying causes of these disputes, India can create a fair labor environment that supports both economic development and employee well-being. Technology plays a crucial role in improving transparency and accountability in tracking work hours. Digital monitoring systems ensure precise record-keeping and provide reliable evidence for resolving disputes quickly and fairly. When paired with stronger labor regulations, these advancements contribute to a more equitable work environment.

The regulation of working hours in India reflects the need to balance economic growth with worker rights. Continuous improvements in labor laws, along with closer alignment with international standards, can help build a work culture that enhances both productivity and employee welfare. Ensuring fair resolution of working hour disputes is key to maintaining this balance, protecting workers' rights while allowing businesses to thrive.

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