

PETITIONER:
M.C. MEHTA

Vs.

RESPONDENT:
STATE OF TAMIL NADU AND ORS.

DATE OF JUDGMENT 31/10/1990

BENCH:
MISRA, RANGNATH (CJ)
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MISRA, RANGNATH (CJ)
KANIA, M.H.

CITATION:
1991 AIR 417 1990 SCR Supl. (2) 518
1991 SCC (1) 283 JT 1990 (4) 263
1990 SCALE (2) 947

ACT:

Constitution of India: Articles 39(f) & 45: Children employees of match factories of Sivakasi--Safety and well being of--Directions regarding.

HEADNOTE:

In terms of Article 39(f) of the Constitution childhood and youth are to be protected against exploitation and given facilities to develop in a healthy manner. In terms of Article 45 they are meant to be subjected to free and compulsory education until they complete the age of 14 years. Economic necessity, however, forces grown up children to seek employment.

The petitioner assailed the employment of children in match factories in the respondent State by way of public interest litigation. The manufacturing process in such factories is hazardous one so much so that almost every year, notwithstanding improved techniques and special care taken accidents including fatal cases occur. Working conditions involve health hazards too.

Disposing of the writ petition, the Court,

HELD: 1. Employment of children within the match factories directly connected with the manufacturing process upto final production of match sticks or fireworks should not at all be permitted. They can, however, be employed in the process of packing which should be done in an area away from the place of manufacture to avoid exposure to accident. [520D-G]

2. They should be given at least 60 per cent of the prescribed minimum wage for an adult employee in the factories doing the same job. [521A]

3. Under the Factories Act, there is a statutory requirement for providing facilities for recreation and medical attention. The respondent State is directed to enforce these two aspects so that the basic requirements are attended to. Attention may also be given to ensure

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provision of a basic diet to these children during the working period with a view to ensuring sound physical growth. Facilities for general education as also job oriented education should be made available to them and the school

time should be so adjusted that employment is not affected. [521G-H]

4. The State shall take appropriate steps in the matter of creating the welfare fund and finalising the method of contribution and collection thereof by 1st January, 1991 so that the consolidated money would be available for implementing welfare schemes. [521E-F]

5. The State shall also ensure that every employee working in these match factories is compulsorily insured for a sum of Rs.50,000. The premium for the insurance policy should be the liability of the employer to meet as a condition of service. [522A-B]

6. A committee consisting of the District Judge of the area, the District Magistrate of the District, a public activist operating in the area, a representative of the employees and local labour officer to oversee all the directions of the Court. [522D]

JUDGMENT: