



## M.C. Mehta v. State of Tamil Nadu, et al.(Sivaski child labor case)

AIR 1991 SC 417; (1991) 1 Mlj 44 (SC); 1990 (2) SCALE 947); [1991] 3 SCR 312

**Country:** India

**Region:** Asia

**Year:** 1990

**Court:** Supreme Court

**Health Topics:** Child and adolescent health, Occupational health, Poverty

**Human Rights:** Right to education, Right to favorable working conditions, Right to work

### Facts

The Petitioner was an individual concerned about the high rate of employment of children in the Match factories of Sivakasi in Kamaraj District of the State of Tamil Nadu. Petitioner contended that such employment was hazardous and unconstitutional. He filed a writ petition under Article 32 of the Constitution seeking educational, medical and health facilities for the children. The Respondent Government did not deny the existence of child labour, but instead offered suggestions to ameliorate the problem.

### Decision and Reasoning

On the issue of employment of children directly involved in the process of manufacturing in the factories, the Court held that it should not be permitted. The Court held that such employment was unconstitutional and that children should spend their formative years being educated. However, the Court held that children could be employed in the packing process but "in an area away from the place of manufacture to avoid exposure to accident."

As to whether special facilities for children, such as educational and recreational facilities, were required, the Court held in the affirmative. The Court upheld the suggestion made by the Respondent Government concerning the establishment of a Welfare Fund. The Fund would ensure that children are provided with educational and recreational activities. The Court held that such Fund would be contributory, based upon terms decided by the Government.

On the issue of the provision of medical facilities, the Court held that it was statutorily mandated by the Factories Act 1948. The Court directed the State Government to enforce this provision. The Respondent Government was also directed to provide additional mobile medical vans regularly. The Court held that the Respondent Government should make provisions for "basic diet during the working period and medical care with a view to ensuring sound physical growth."

As to whether the employees should be compulsorily insured, the Court held in the affirmative. The Court directed the Respondent-Government to insure every employee, both child and adult, for a sum of Rs 50,000. The Court held that if the insurance companies offer viable group insurance schemes, the payment of the premium for such a group insurance, would be borne by the employer.

### Decision Excerpts

"Working conditions in the match factories are such that they involve health hazards in normal course and apart from the special risk involved in the process of manufacturing, the adverse effect on health is a serious problem. Exposure of tender aged to these hazards requires special attention." Para. 3.

"It is necessary that special facilities for providing the quality of life of children should be provided. This would require facility for education, scope for recreation as also providing opportunity for socialisation. Facility for general education as also job oriented education should be available and the school time should be so adjusted that employment is not affected." Para. 8.