

CONTRIBUTION OF PUBLIC INTEREST LITIGATION IN LABOR WELFARE

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ABSTRACT

The term Public Interest means "the larger interests of the public, general welfare and interest of the masses",¹ and the word Litigation means "a legal action including all proceedings therein, initiated in a court of law with the purpose of enforcing a right or seeking a remedy."² So, Public Interest Litigation (PIL) means "any litigation conducted for the benefit of public or for removal of some public grievance." PIL refers to legal action taken to safeguard the public interest. Judges have interpreted this to mean considering the intention of the wider public. PIL refers to litigation that is brought before a court of law not by the party who was wronged but rather by the court or another private party. In Judges Transfer Case,³ the concept of PIL has been clearly established by a 7-member Supreme Court bench. Any member of the public with a "sufficient interest" is allowed to petition the court for the enforcing of another person's legal or constitutional rights or for the redress of a group grievance.

Although labour law has its roots in the pre-independence period, when it was practised in a primitive form, it is the Supreme Court, via a number of public interest lawsuits brought in this cause, that has given the welfare state's legal framework new life. The definition of a welfare state is a political system in which the government implements different welfare initiatives for its citizens, including retirement benefits, insurance, and other social security measures. Articles 23, 24, 39(d) and (e) and others of the Indian Constitution provide specifically for labour welfare. In addition to this, the cases of Bandua Mukti Morcha v. Union of India,⁴ CERC v. Union of India,⁵ PUDR v. Union of India,⁶ and others have through PIL added to the betterment of working conditions of labour, equal pay for equal work, forced labour, abolition of child labour thereby leading to labour welfare in India.

Keywords: Public Interest Litigation, Labour welfare, Welfare State, Right against exploitation, Directive Principles of State Policy.

INTRODUCTION

PUBLIC INTEREST LITIGATION

The term "Public Interest Litigation" means, "Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected." "It does not mean anything so narrow as mere curiosity, or as the interests of the particular localities, which may be affected by the matters in question".⁷

¹ Oxford English Dictionary, 2nd Edn., Vol. XII.

² *Ibid.*

³ *SP Gupta v. President of India*, A.I.R 1982 SC 149.

⁴ AIR 1984 SC 802.

⁵ (1995) 3 SCC 42.

⁶ AIR 1982 SC 1437.

⁷ Black's Law Dictionary, VIth Edn.

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According to Indian law, a PIL is a claim produced before a Court for the benefit of the public or to address a particular public issue, not by the party who was wronged but rather either by the court or another private party.⁸ PIL stands for "public interest litigation," which covers disputes involving, among other "public interest" problems, labour rights, environmental preservation, terrorism, traffic safety, and construction site safety. No statute or law contains a definition of a public interest litigation. Judges have interpreted this to mean considering the intention of the wider public. A PIL may be filed in a variety of circumstances, even though the "Public Interest" is the only and main goal of such lawsuit. For instance, the fundamental human rights of the underprivileged may be violated, as may the nature or application of governmental regulations, the requirement of local government officials to perform public duties, or other crucial fundamental rights.

Justice P. N. Bhagwati in *SP Gupta v. Union of India*,⁹ explained PIL as, "Where a legal wrong or a legal injury is caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right or any burden is imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or illegal burden is threatened and such person or determinate class of persons by reasons of poverty, helplessness or disability or socially or economically disadvantaged position unable to approach the court for relief, any member of public can maintain an application for an appropriate direction, order or writ in the High Court under Art. 226 and in case any breach of fundamental rights of such persons or determinate class of persons, in this court under Art. 32 seeking judicial redress for the legal wrong or legal injury caused to such person or determinate class of persons."¹⁰

In *MC Mehta v. Union of India*,¹¹ Apex Court observed that Hon'ble Supreme Court is given more authority under Art. 32 than just the power to issue directives, orders, or writs for the protection of key rights. In addition, it places a constitutional duty on this Court to defend people's basic rights. Further, it "has all incidental and ancillary powers, including the power to forge new remedies and fashion new strategies designed to enforce the fundamental rights" in order to achieve this constitutional requirement.¹² The Court understood that many groups in society are unable to access the court because of acute poverty. The basic rights have no significance to them, thus in order to safeguard marginalised group's fundamental rights through judicial innovation, the courts began issuing the appropriate directives and issuing orders in the public interest.

Normally, only the person who has been wronged has the right to file a lawsuit under Article 32. However, the locus standi rule has been relaxed, allowing anyone acting in good faith who has a sufficient stake in the outcome of the case to also have locus standi and petition the court to void violations of fundamental rights and actual infractions of the law - but not for a political purpose, personal benefit, private profit, or any other tangential interest.

In *Guruvayur Devaswom Managing Committee v. C.K. Rajan*,¹³ according to Apex Court poor, deprived, illiterate, unorganised labor sector in both urban and rural areas, women, children, the handicapped, the indigent, and other downtrodden people have either been denied justice or have no access to justice. To properly accord justice to the aforementioned categories of person, a new area of legal processes known as "Social Interest Litigation" or "Public Interest Litigation" was developed. As time went on, it grew its wings. The courts ordered

⁸ Dr. Sanyogita, "Public Interest Litigation: an Instrument to Protect Child Labour in India" 5 *Paripex: Indian Journal of Research* (2016).

⁹ AIR 1982 SC 149.

¹⁰ *Ibid.*

¹¹ AIR 1987 SC 1086.

¹² *Ibid.*

¹³ (2003) 7 S.C.C. 546.

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swift trials, upheld the dignity of all people, offered relief to prisoners, and dealt with a number of other issues. Representative acts were thought to be in line with the contemporary emphasis on justice for the common man and to be critical deterrent to those who would prefer to fully ignore substantive issues by dubious reliance on unintentional procedural faults.

More than just providing relief to the harmed people and organizations is what the courts are asked to do in public interest litigation. The courts have also issued recommendations and directives in appropriate circumstances. In the absence of legislation, the courts have even developed rules to ensure that laws are being followed. The bulk of public interest litigation cases that courts have heard concern protection of the fundamental rights of socially and economically disadvantaged groups, it may be observed by looking at cases from the 1970s and 1980s. The Indian public interest litigation may have started with this.

LABOR WELFARE AND INDIAN CONSTITUTION

The term "labor welfare" has a wide definition. It implies a state of wellbeing, joy, fulfilment, preservation, and growth of human resources. Labor welfare is defined by the Committee on Labor Welfare of 1969 as "such services, as facilities and amenities as adequate canteen, rest and recreational facilities, sanitary and medical facilities, arrangement for travel to and from work and for the accommodation of the workers employed at a distance from their homes and such other services amenities and facilities which contribute to improve the condition under which workers are employed."¹⁴

The notion of labor welfare was seen as "a dynamic subject, no rigid limits could be laid down for scope of labor welfare for all industries and for all times," according to a Report on Labor Welfare Investigation Committee.¹⁵ It may be adaptable enough to cover any essential living need that a worker, as a rational being, stands to legitimately need, or it may be strictly constrained to the minimal necessities that a worker cannot function without.¹⁶ The concept of labor welfare is extremely responsive to political and social changes, and it can inevitably lag behind these changes. The reason for this is partially due to the fact that the working and living conditions of the employees differ from the social services that are available to them as citizens.

Numerous rights for the protection of labor are granted by the Indian Constitution. It provides protection, support and serves as a model for numerous labor laws to be implemented and operative in an effective manner. The relevance of the dignity of human labor and the need for protecting and safeguarding the interest of labor as human beings has been enshrined in Part III (Articles 14, 16, 19, 21, 23, 24, 32) and Part IV (Articles 38, 39, 39-A, 41, 42, 43, 43A, 46 & 47) of the Constitution of India, keeping in line with Fundamental Rights and Directive Principles of State Policy respectively, which set an aim to which the activities of the state are to be guided. These Directive Principles provide:

- assure wellness of both men and women working there¹⁷;
- ensure children are not mistreated when they are young¹⁸;
- that people are not compelled to work in jobs that are too physically or physically demanding due to financial necessity¹⁹;

¹⁴ Report of Study Investigation Committee, 1946.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ The Constitution of India, art. 39 (e).

¹⁸ *Ibid.*

¹⁹ *Ibid.*

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- Workplace conditions are fair and compassionate, and maternity leave is offered²⁰; and
- The government needs to take measures to guarantee that workers have a say in how any industry's businesses, enterprises, and other organizations are run.²¹.

Labor is a Concurrent Subject²² in the Constitution of India. Working conditions, workmen's compensation, and maternity benefits are few labor-related topics listed in the Constitution, which gives both Union and State Governments the power to enact legislation and regulate these matters. Indian Parliament has established numerous significant laws pertaining to worker welfare.

The Indian Constitution guarantees labor rights in a number of its clauses. While some provisions may not expressly safeguard labor rights, they do so indirectly. Article 14 of Indian Constitution gives idea of equality before the law. Dr. Jennings accurately sums up equality by saying, "Equality before the law means that among equals the law should be equal and should be equally administered, that like should be treated alike." In *Randir Singh v. Union of India*,²³ the Supreme Court ruled, even if our constitution does not expressly define notion of "equal pay for equal work" to be a fundamental right, Articles 14, 16, and 39(c) nonetheless declare it to be the purpose of the constitution. Therefore, this authority may be used to enforce unfair pay rates based on arbitrary categorization. In *Mewa Ram v. All India Institute of Medical Sciences*,²⁴ according to the Supreme Court, the principle of "equal pay for equal work" is not an impersonal one.

In *DK Yadav v. JMA Industries*,²⁵ according to Apex Court, right to life guaranteed by Art. 21 includes right to a means of subsistence, hence terminating a worker's employment without first providing him a reasonable opportunity to be heard is unfair, arbitrary, and illegal.

The right to get minimum wages under Article 23 had to be another component that made up "the right to life." According to the court, Art. 23 (which could be used to sue both the government and private parties) was an attempt by the founders of India to alter the nation's socioeconomic structure and promote social justice for the underprivileged. "Human trafficking", "begging", and "other similar types of forced labor" are prohibited under Art. 23. Trafficking in people encompasses the illegal trade of women, children, and other human beings for illegal, unethical, or other objectives.

The Constitution's Article 24 "prohibits employment of minors under the age of 14 in factories and other dangerous jobs." The public's health and the protection of children's lives are unquestionably served by this measure.

In *PUDR v. Union of India*,²⁶ Court carefully reviewed reach as well as the application of Art. 23. The Court ruled Art. 23 has a broad reach and prohibits "human trafficking" and "beggar and other forms of forced labor" wherever they may be found. The term "beggar" is not the only kind of forced employment that is prohibited by Art. 23; all other forms of forced labor are as well. The court gave the word "force" a broad interpretation. In the opinion of Bhagwati, J., the term "force must be interpreted to include not only physical or legal force but also force resulting from economic circumstances that compel a person in need to work or provide a service even if the

²⁰ The Constitution of India, art. 42.

²¹ *Id.*, art. 43A.

²² The Constitution of India, Schedule VII, List III, Entries No. 22, 23, 24, 55, 61, 65.

²³ 1982 AIR 879.

²⁴ 1989 AIR 1256.

²⁵ (1993) 3 SCC 258.

²⁶ AIR 1982 SC 1943.

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compensation is less than the minimum wage and prevent them from choosing another path.”²⁷ An individual who is expected to work without being paid is referred to as a "beggar" in this sort of forced labour. Nearly every international human rights treaty also expressly forbids the use of forced labour. This clause would apply to labour or services provided by a person even if payment is made if the labour or services were provided under duress, such as when someone was forced to work for them.²⁸

According to Art. 39, the State has a responsibility to make sure that workers' physical and mental well-being, both men and women, as well as children's youth, are not neglected. By emphasizing the fundamental tenet of utopian socialism and providing the Directive Principles with motivation, it states that “the State shall direct its policies towards equal pay for men and women.”

According to Part IV, the State has a responsibility to “advance welfare of the populace by preserving a social structure in which social, economic, and political fairness guide all spheres of public life”²⁹; “subject to its economic capabilities, to establish efficient provisions for protecting right to labor, education, and public aid in cases of employment, etc.”³⁰; “to make arrangements for just and humane condition of work and for maternity relief”³¹; “promoting cottage industries on an individual or collective basis in rural areas, working to guarantee that all workers have jobs, a livable wage, and working conditions that ensure a good quality of living and full enjoyment of leisure, social possibilities, and cultural experiences”,³² and “to enhance the level of nutrition and the standard of living and improve public health”³³ etc.

CONTRIBUTION OF PUBLIC INTEREST LITIGATION IN LABOR WELFARE

Although labor law has its roots in the pre-independence era, when it was practiced in a primitive manner, it was the Supreme Court that gave the welfare State's legislative framework fresh life when the country gained its freedom. By examining its decisions on labor-related cases, one can assess the judiciary's contribution to the development of industrial jurisprudence in the nation and get a clear image of how it has changed over time.

In *CERC v. Union of India*³⁴, Supreme Court found, under Articles 21, 38, 42, 43, 46, and 48A collectively, the “right to health, medical assistance to preserve a worker's health and vitality while in service, or after retirement, is a fundamental right to give the workman's life a goal.” In this instance, a PIL was brought in order to safeguard workers from occupational health risks and illnesses connected to asbestos exposure. The petitioner demanded corrective action to close legal loopholes, mandate compensation for work-related illnesses, accidents, or fatalities for workers who did not get such protection under the Employees State Insurance Act and the Workmen Compensation Act, and provide proper diagnostic and management tools for asbestosis.

The Supreme Court issued directives for execution of fundamental rights of working women under Articles 14, 19, and 21 of the Constitution in *Vishaka & Others v. State of Rajasthan & Others*³⁵. The Court issued thorough rules and standards and ordered that these rights of women be protected and upheld at their places of employment.

²⁷ *Ibid.*

²⁸ *State of Gujrat v. Hon'ble High Court of Gujrat*, 1988 Cri LJ 4561.

²⁹ The Constitution of India, art. 39.

³⁰ *Id.*, art. 41.

³¹ *Id.*, art. 42.

³² *Id.*, art. 43.

³³ *Id.*, art. 47.

³⁴ 1995 AIR 922.

³⁵ (1997) 6 SCC 241.

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All employers and those in charge of a workplace, whether they work for the government or in the private sector, should take the necessary measures to restrain sexual harassment. They should take the below stated actions:

1. Sexual harassment at work should be expressly forbidden and properly announced, published, and communicated.
2. In the actions and disciplinary policies of the public sector and government organizations, sexual harassment shall be prohibited, and such rules shall include appropriate punishments against the offender.
3. Taking action to incorporate the aforementioned prohibition in the standing order for private employees in order to comply with the Industrial Employment (Standing Orders) Act of 1946.³⁶

Bonded Labour

In *Bandua Mukti Morcha v. Union of India*³⁷, letter was sent to Supreme Court of India protesting existence of the bonded labour system in Faridabad District of Haryana State's Cutton, Anangpur, and Lakkarpur districts, where stone quarry employees were subjected to the most appalling living conditions. According to Art. 32, the letter was recognised as a writ petition. In order to investigate the working conditions of the stone quarry workers, the court appointed solicitors as commissioners. After deciding that a thorough investigation into the social and legal aspects of the situation was required, the Court further appointed Dr. S.B. Patwardan and Mr. Krishan Mahajan to investigate the existing working conditions at the various quarries within the Faridabad area, paying particular attention to any violations of the Bonded Labour System (Abolition) Act of 1976 and the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act. On June 28th, 1982, the Commissioners gave the Court their conclusions.

In addition to the merits of the case, the Court was asked several questions, the most significant of which were:

- i. In cases where there is no allegation of a basic rights infringement, can an application under Article 32 of the Constitution be upheld;
- ii. Can letter sent to court be considered as a writ petition even in the absence of an affidavit or other form of proof of the information it contains; and
- iii. To facilitate the court's ability to exercise its jurisdiction under Art. 32, does the court have the authority to appoint commissioners or an inquiry body to look into the claims made in the petition and to ask for reports to be submitted to the court.³⁸

Court granted this writ petition in order for these unfortunate stonebreakers, who live in cramped hovels, drink tainted water, breathe heavily polluted air, and spend their days breaking and blasting stone, to someday be able to understand that freedom is not only the preserve of a small group of people but also a basic human right. The following are some guidelines:

- 1) Keeping in view the instructions granted by the Court in this order, the Government of Haryana would right away form vigilance committees in each sub-division of a district in accordance with Section 13 of the Bonded Labor System (Abolition) Act, 1976. This must be completed at the very least six weeks after the directive's delivery date.
- 2) Government of Haryana would direct District Magistrates to assign task forces to identify and release bonded labor, map out areas where bonded labor is concentrated (primarily in stone quarries and brick kilns), hold

³⁶ *Ibid.*

³⁷ 1984 AIR SC 802.

³⁸ *Ibid.*

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labor camps frequently in these areas with the goal of, among other things, educating the laborers with the assistance of the nation, and make identifying bonded labor a top priority.

- 3) To ensure that the requirements of the Bonded Labor System (Abolition) Act of 1976 are followed, State Government, Vigilance Committee, and District Magistrates will enlist aid of non-political social action organizations, volunteer agencies, etc.
- 4) Government of Haryana must create a plan or programme within 3 months of receiving instructions for the rehabilitation of the freed bonded laborers in accordance with the advice contained in the letter from the Secretary to the Government of India, Ministry of Labor, dated September 2, 1982, and must put the plan or program into action to the extent that it is deemed necessary.
- 5) In accordance with the principles outlined in this decision, Central Government and Government of Haryana will take all necessary measures to ensure that workers in stone quarries and stone crushers receive minimum wages. The workmen must begin receiving a wage that is at least equal to the minimum wage outlined in this judgment within six weeks of receiving this direction, which must be carried out as quickly as possible.
- 6) Central Government shall direct the Inspecting Officers of the Central Enforcement Machinery or any other relevant Inspecting Officers to undertake surprise checks at least once a week to ensure that the trucks are not loaded above their actual measurement capacity. Appropriate action will be taken against the defaulting mine owners and/or thekedars once they immediately notify the appropriate authorities if inspecting officers find that the trucks are loaded above their genuine measurement capacity.
- 7) Central Government and Government of Haryana will take steps to ensure that owners of mines and stone crushers pay their employees directly, or at the at least do so in the presence of a representative of the owners of the mines or stone crushers. Periodic checks must be made by central government's inspecting officers and government of Haryana to ensure that the workers are receiving the required wages.³⁹

A number of other cases relating to bonded labour have been considered by Supreme Court. Court has appointed a committee to investigate the situation on ground and based upon report of committee, directions have been issued by the court. In the majority of these cases, the court concluded that unless provisions are also made for the rehabilitation, locating and freeing bonded labour would be useless.⁴⁰

Promotional Reservation

In *ABSK Sangh (Railway) v. Union of India & Ors.*⁴¹, it was contented that promotional reservations for schedule castes and schedule tribes is unconstitutional. The court conferred standing on a large body of persons who brought class action. It was held that the classification of groups or classes does not necessarily mean that the constitution has been violated. It was stated that the separate classification of scheduled castes and scheduled tribes with objective of 'adequate representation' in services under control of state must be read as justifying its justification under the fundamental right of equality of opportunity, which is sanctioned by the constitution. Dismissing the petition, the court stated "in the last analysis, privation can be banished only by production, discontent by distributive justice and litigation by socially relevant justice. The writ petitions are, regrettably, negative, although the driving force of penury deserves sympathy. This, perhaps, is a materialistic interpretation of 'service litigation' and a grim foot note to these writ petitions."⁴²

³⁹ *Ibid.*

⁴⁰ *Chhattisgarh Krishak Mazdoor Sangh v. State of Madhya Pradesh* (1984) 1 SCALE 603; *Santhal Pargana Antyodya Ashram v. State of Bihar* (1987) 1 SCALE 679.

⁴¹ (1981) 1 SCC 246.

⁴² *Ibid.*

Handicapped Person and PIL for employment

*Surender Kumar Lanka & Ors. v. Union of India & Ors.*⁴³, is a case where a PIL was filed claiming that physically handicapped persons should have a right to employment and that job should be reserved for them. The court clarified that they shall be given special preference and that they shall also be considered against for quota for physically handicapped but that will not preclude their rights for preferential treatment.

In a petition filed by an organization representing visually handicapped persons in India, a direction was sought for allowing blind applicants to compete for positions in the Indian Administrative Service and allied services with the facility of writing the examination with the help of a scribe. The court noted that the standing committee had been constituted on the basis on which policy decision were taken by Government of India. On the contention that these policies were not implemented the court declined to issue any orders.⁴⁴

Payment of Pension

In *DS Nakara & Ors. v. Union of India*⁴⁵ a petition was filed by two retired pensioners of the Central Government along with a voluntary organization, challenging a time bound stipulation that the pensioners must have retired on or after a specific date to get benefit of the order of the Government of India. While granting the locus standing to the voluntary organization the court held that for the payment of pension, the pensioners from a class. Referring to the Constitution of India, Articles 39(e), 41 and 43 (3), the court described pensions as a social welfare measure, which formed part of policy of welfare state and socialist goal of providing security from the cradle to the grave.

In *Poonamal & Ors. v. Union of India & Ors.*⁴⁶ a petition was filed by a voluntary organization on behalf of group of widows of former government servants not receiving their family pensions. The court ruled that because pension shares some characteristics with public aid in circumstances of work old age disability or comparable unjustified need, we view it not just as a statutory entitlement but also as the realisation of a constitutional promise.

Newspaper Reports as PIL

In *Labourers Working on Salal Hydro Project v. State of Jammu & Kashmir & Others*,⁴⁷ Supreme Court took notice of a news report about the working conditions of construction workers and noted that it is a dangerous occupation and that, as a result, no child younger than 14 years old can be hired in “construction work” due to the restriction imposed in Article 24. The Central Government must also uphold this constitutional ban.

In *Mukesh Advani v. State of Madhya Pradesh*⁴⁸, Supreme Court also accepted newspaper clipping alleging bonded labour as basis for a PIL suit. In this case, a letter was addressed to a judge of the Supreme Court by an advocate annexed with a news item from a national daily which depicted the horrifying plight of the bonded labourers in Madhya Pradesh. The letter was converted into a petition by the Court. Notices were issued to the relevant authorities and District Judge was appointed to assess the situation on the site.

A letter in a newspaper regarding non-payment provident fund due to a widow was converted in a writ petition by a high court acting suo moto on the matter. It was held that the provident commissioner must see that all claims

⁴³ (1992) 1 SCALE 47.

⁴⁴ *National Federation of Blind v. UPSC* (1993) 2 SCC 411.

⁴⁵ AIR 1983 SC 130.

⁴⁶ (1985) 3 SCC 345.

⁴⁷ AIR 1984 SC 177.

⁴⁸ AIR 1985 SC 1368.

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are settled within a particular date, and a deal line of three months was prescribed. (*PK Martiyani v. Regional Provident Fund Comr., Ahmedabad & Anor.*)⁴⁹

Child Labor

In *PUDR v. Union of India*,⁵⁰ on behalf of children working as construction workers in Delhi, there was a complaint of a constitutional infringement of Article 24. The Court found that the complaint also constituted a breach of Art. 21. The fundamental human right to dignity was deemed to be part of the right to life, and it was determined that the State could not deprive someone of this right because there is no way that such a deprivation could ever be seen to be reasonable, fair, or just. By using prior instances, this conclusion was reached. Both the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act of 1979 and the Contract Labor (Regulation and Abolition) Act of 1970 grant rights and benefits to employees hired by contractors with the express purpose of preserving the employees' fundamental human dignity.

In *MC Mehta v. State of Tamil Nadu*,⁵¹ a well-known environmental lawyer brought a case on behalf of the public interest, and the Supreme Court decided that young people shouldn't be permitted to work in any match factory that is actively involved in production process. However, it was made clear that youngsters might work in the packing process as long as it took place elsewhere than the manufacturing facility. Notably, the council for Tamil Nadu's state agreed that the state would be prepared to raise money so that amenities for the kids working in these companies may be provided for their education and enjoyment. However, the state was also instructed to enforce these provisions because they were a legislative duty under the Factories Act of 1948.

The Supreme Court looked at numerous laws that forbid child labour as well as the total number of workers and child labourers employed in various sectors of the nation's economy. Despite the fact that the original petition was limited to the use of child labour in one specific state, Sivakasi, in Tamil Nadu, the court took a broad view of the matter. The court reasoned that it made sense to extend the petition's scope beyond the original location since, absent a coordinated effort from the federal and state governments, this disgrace would persist. All the concerned states received comprehensive instructions on how to conduct a thorough investigation, prioritise the problem's solution (perhaps starting with the hazardous industry), and, whenever practical, look for alternative employment. A Secretary of the Indian government was required to inform the court of the directives' compliance.⁵²

Public Interest Litigation was filed in *Bandua Mukti Morcha v. Union of India*,⁵³ where the hiring of children below 14 years in a carpet industry was alleged and the Apex Court appointed a committee to investigate the issue. The committee verified that many youngsters were being forcibly employed in carpet weaving factories in Uttar Pradesh. Court stated that, "unless they are effectively implemented," the different welfare enactments passed by the Parliament and the relevant state legislatures "are only teasing illusions and a promise of unreality."

In *Rajangam, Secretary, District Beedi Workers' Union v. State of Tamil Nadu*⁵⁴ a letter was received by Supreme Court relating to the employment of child labour in *beedi* industries court initially issued notices to 3 factories referred in the letter but later extended the notice to all the other *beedi* industries within the state. On the complaint in the letter that there was large scale violation of all the labour laws, the Court appointed a social

⁴⁹ (1983) 2 Guj LR 927.

⁵⁰ 1982 AIR 1473.

⁵¹ (1999) 2 SCALE 947.

⁵² *Ibid.*

⁵³ (1997) 3 SCALE 755.

⁵⁴ 1991 (2) SCALE 1043.

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organization for making appropriate investigations and for furnishing a report to the Court. After receipt of the report from the society a scheme was directed to be formulated for consideration of the Supreme Court.

CONCLUSION

The discussion above makes it evident that the Indian judiciary has contributed positively to the interpretation of legal requirements and has occasionally issued directives for the execution of worker welfare laws. The judiciary has rendered important decisions regarding social security, the payment of benefits for occupational accident and disability, pensions, bonded labour, etc. Articles 39(a) and 41's guiding principles must be given equal weight when evaluating the scope and nature of basic rights. Affirmative action may not be used to compel the government to offer citizens sufficient means of subsistence or employment. The Constitution's Articles 21, 38, 39, 41, 42, 43, 43-A, and 47 are designed to provide guidelines for hiring labour as well as the obligation of the federal and state governments to ensure social order and living wages for labourers in accordance with the country's economic and political circumstances.

These cases show how the Supreme Court intervened to protect employees' basic human rights, but there are also many other situations where such rights are flagrantly disregarded. The people who work in unorganised area of economy, such as agriculture, forestry, livestock, textile and textile goods, construction, etc., are the ones who are most at risk. Workers in these industries typically work in the menial, lowest paying jobs with the least amount of technology. Workers frequently labour in sectors with high labour costs. They are employed in various occupations within the unorganised sector of the labour market and receive the lowest pay. There are also occasions where workers in various industries are paid less for the labour they perform than the minimum wages set by the government, such as in the tea plantations, construction, agriculture, etc.

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