



Constitutional status of the minimum wages of the tea workers in Bangladesh

Md. Shoaib-Bin-Habib¹, Raisa Hossain Eshna¹, Rukhshan Muhammad Aquibun Ashrar²

¹Lecturer, Department of Law and Human Rights, Varendra University, Rajshahi, Bangladesh

²Department of Law and Human Rights, Varendra University, Rajshahi, Bangladesh

Abstract

Bangladesh's tea workers' daily minimum wages appear too low despite being one of the top tea-producing countries. Its depravity shocks the workers and makes their lives miserable while increasing profits for the owners. The paper aims to ascertain whether the extremely low minimum wage can satisfy the rights guaranteed to workers under the constitution, whether it is consistent with the constitutional principles that govern the state, and what the probable solutions are to provide the workers their guaranteed rights. The article employs the doctrinal method to analyse minimum wage frameworks and seeks to identify gaps, inconsistencies, and interpretive challenges. Ultimately, the article advocates for the protection of Bangladeshi tea workers' constitutional right to adequate and humane minimum pay, the actual and effective protection of the right to life along with other constitutional rights, a sustainable mechanism to determine minimum wage consistent with human dignity, and the amendment of several laws and provisions.

Keywords: Minimum wage, tea workers, constitution, fundamental rights, right to life

Introduction

Minimum wage is an effective measure to shield workers from unfairly low compensation. But, in Bangladesh one million two hundred and twenty-two thousand employees at two hundred and twenty-nine tea plantations are paid below the minimum wage^[1]. About 2% tea of the world grows in Bangladesh which is the world's 10th-biggest tea producing country^[2]. The East India Company^[3] began trading tea from the Sylhet highlands when Britain controlled the region. Additionally, Greater Chittagong saw the introduction of tea planting in 1840.² the state-run Bangladesh Tea Board (BTB) said that in September of this year, tea output in Bangladesh hit a record high of 14.74 million kilograms (kgs), an increase of almost 17 percent from the previous year.

Low wages for tea workers have become an increasing issue in Bangladesh in recent years. It has sunk to shockingly low and brutal depths. After a brief protest and work stoppage by tea workers on August 27, 2022, the Government of the People's Republic of Bangladesh, ordered tea estate owners to raise tea workers' daily minimum wage to tk 170 from tk 120 along with the commitment to proportionally increase other benefits, such as the plucking bonus (benefit for plucking additional tea leaves), festival bonus, earned leave and sick leave allowances, provident fund, ration card, and retirement facilities^[4].

Though the tea workers returned to work after accepting the Government's decision, they now complain that the government isn't looking out for their best interests. Constitutionally, the workers' best interests include emancipation from all forms of exploitation, a reasonable wage, reasonable rest, ensuring leisure and recreation, ensuring equitable distribution of wealth, and a wage that secures basic necessities and social securities as per article 14 and 15 of the Constitution of the People's Republic of Bangladesh. Further, as per Article 19, the Government must work to guarantee that all citizens have access to the same opportunities, regardless of where they live in the Republic. Although these all belong from the Part II of the Constitution but holds a persuasive value in legislation.

Apart from these, the Part III that is the Fundamental Rights, includes rights such as right to special treatment of citizens of backward section under article 28(4), and right to life under article 32. The right to life extends significantly and sometimes enforces the rights outlined in Part II. With all these factors, the constitutional status or validity of the minimum wage for tea workers remains questionable.

The Constitutionality of Minimum Wages Legislation

▪ The United States of America

The creation of Minimum Wages Laws, 1910s in the United States of America was a significant historic achievement in American history^[5]. The establishment of a federal minimum wage for individuals of all genders in the United States represented a significant milestone in the country's past. Nonetheless, a significant portion of the scholarly discourse surrounding its inception has centred on the male participants involved in a 1937 Supreme Court ruling and the consequent enactment of a statute in 1938^[6]. The creation of minimum wage has been largely attributed to the justices of the Supreme Court and President Franklin Delano Roosevelt^[7]. However, this focus has overshadowed the significant contributions made by women who dedicated years of their lives to the pursuit of minimum wage. In 1937, Elsie Parrish filed a lawsuit against her employer for compensating her below the minimum wage established by the state of Washington^[8].

The case, *West Coast Hotel Company v. Parrish, et ux.*, was elevated to the Supreme Court, where Parrish emerged victorious, marking a significant legal precedent^[9]. The aforementioned case reversed the decision of *Adkins v. Children's Hospital of the District of Columbia*, a *laissez-faire* case from 1923, which had deemed minimum wage for women unconstitutional on the grounds that it violated their Fifth Amendment right to free contract^[10]. Frances Perkins, who served as the Secretary of Labour during President Roosevelt's administration, played a pivotal role in the passage of the Fair Labour Standards Act (FLSA) in 1938. This legislation, which was a significant milestone, marked the first time that a national minimum wage was established,

irrespective of gender. It is worth noting that Perkins was the first woman to hold a position in any presidential cabinet.

▪ India

The Minimum Wages Act was implemented in India in 1948, thereby granting the Central and State governments the authority to establish wage rates. The legislation in question lacks enforceability in a legal sense, yet it is mandated by statute. Compensation that falls below the legally mandated minimum wage rate constitutes a form of coerced labour.

Wage Boards are established with the purpose of assessing the industry's ability to remunerate and establishing a minimum wage that is sufficient to meet the basic needs of a family of four, including but not limited to food, housing, clothing, education, healthcare, and leisure. Differences in living costs, regional industries' capacity to pay, consumption patterns, and other factors contribute to variations in wage rates across states, sectors, skills, regions, and occupations within the framework of the law governing scheduled employment. Consequently, a standardized minimum wage rate does not exist throughout the nation, resulting in an excessively intricate system^[11].

The constitutional soundness of the Minimum Wages Act, 1948 was initially contested in the legal matter of *Bijay Cotton Mills Ltd. v. The State of Ajmer*, 1954^[12]. The proposition that providing labourers with living wages that guarantee not only basic physical sustenance but also the preservation of health and dignity is advantageous to the overall welfare of society is a point that is difficult to contest. Article 43 of the Indian Constitution embodies one of the directive principles of the state policy^[13]. Nevertheless, it was later accepted that the Act does not violate Article 14 and 19(1) of the Indian Constitution based on the landmark judgements provides in the cases of *Bhikusa Yamasa Kshatriya vs Sangammar Akola Bidi Kamgar Union*, AIR 1963 SC306, *C.B. Boarding & Lodging, Re* (1970) II LLJ 403; AIR 1970: SC 2042: 38 FIR I, *Uchinoy vs State of Kerala*, 1962 SC12, and *N.M.Wadia Charitable Hospital vs State of Maharashtra*, 1993.

Bangladesh

The Constitution of the People's Republic of Bangladesh is the supreme law of the land and it guarantees protection of certain rights of its citizens. Some of those rights are judicially enforceable and some are not as per the constitution. However, all of the rights which are mentioned in the Constitution are considered as constitutional rights. Though there is no direct reference to any provision concerning the right to minimum wages in the Constitution of the People's Republic of Bangladesh, one can impliedly find its existence in certain relevant provisions. However, Bangladesh has yet to adopt a specific national minimum wages legislation containing provisions concerning national minimum wages for workers, including tea workers. The Labour Act, 2006 sets or generalizes some principles or regulations to determine minimum wages of workers. Yet, there is no provision concerning minimum wages of tea workers in Bangladesh in the Act.

The Tea Act 2016 and the Bangladesh Tea Workers Welfare Foundation Act, 2016, and the Labour Act, 2006 are the current major laws applicable for all the administrative, legislative, executive, and judicial procedures concerning tea plantation and tea workers in Bangladesh having various provisions but has no provision regarding the minimum

wages of tea workers in Bangladesh which is indeed a matter of sorrow and great regret for us.

Existing Laws Concerning the Tea Workers in Bangladesh

In Bangladesh, a range of legislative actions have been implemented to protect the rights of labourers employed in tea plantations. Several legislative acts and ordinances have been enacted in Bangladesh to address the welfare of workers in the tea plantation industry.

These include The Maternity Benefit (Tea Estate) Act of 1950, The Bangladesh Plantation Employees Provident Fund Ordinance of 1959, The Tea Plantation Labour Ordinance of 1962, The Tea Plantation Labour Rules of 1977, and the Bangladesh Cha Sramik Kalyan Fund Ordinance of 1986; replacing and repealing most of the aforementioned, The Bangladesh Labour Act 2006 (BLA), the Bangladesh Labour (Amendment) Rules 2015, the Tea Act, 2016, and the Bangladesh Tea Workers Welfare Act 2016 were implemented^[14]. The BECA, or the Basic Conditions of Employment Act, has been enacted to encompass the entirety of the labour force, including those employed in the tea industry, and The Labour Rules of 2015 were enacted by the government through the authority granted by Section 351 of the BLA 2006. Nevertheless, the legislation presents various issues within its framework.

The initial challenge lies in ascertaining the classification to which the labourers employed in tea plantations belong. According to the BLA, a tea plantation is defined as a piece of land that is utilized for the cultivation of tea, and encompasses tea factories. However, the BLA does not provide a definition for tea workers. As per the definition provided in the BLA, in Section 2(40), a plantation refers to a location where the cultivation and/or preservation of rubber, coffee, or tea takes place; and the comprehensive definition of an industrial establishment as stipulated in Section 2(61) encompasses plantations^[15]. The tea plantations may be considered as a component of the industrial sector, with the tea plantation labourers being classified as industrial workers. The Act has made several references to the tea workers, distinguishing them from the industrial workers and affording them specific treatment.

Further, Section 115 of the BLA explicitly stipulates that every employee is eligible for ten days of paid casual leave annually. Nevertheless, the aforementioned legislation prohibits labourers working in tea plantations from availing themselves of such leave. In comparison to other industries, where employees are granted a day of leave every 18 days per year, tea workers are allotted a day of leave every 22 days. Consequently, the Act treats them in a disparate manner, thereby contravening the provisions of Article 26 of the International Covenant on Civil and Political Rights (ICCPR) and Article 27 of the Constitution of Bangladesh. In addition to the distinct differential treatment outlined in the Act, the minimum wage rate for tea plantation labourers differs from that of industrial workers and other labourers, thereby establishing a distinct classification for this group of workers whose rights are safeguarded under the BLA.

The term "minimum wage" refers to the lowest level of compensation that cannot be subject to reduction through either collective bargaining or individual contractual agreements. According to Chapter XI of the BLA, 2006, it is the responsibility of the government to establish the Minimum Wage Board, and according to its Section 139, 2006, the government is authorized to direct the wage board to propose a minimum wage rate for a specific industry, if it

is deemed appropriate ^[16]. The minimum wage of an industry can be determined by either employer, workers, or both, through a petition to the government. Following the submission of a recommendation by the wage board, the government has the authority to declare the minimum wage by means of publication in the official gazette.

According to Section 140, the minimum wage rate is deemed conclusive and immune from any legal or administrative challenge. The regulation possesses the legal power and is mandated to undergo revision every quinquennial period, as directed by the governing authority. The minimum rate holds legal force for both employees and employers. However, it is important to note that the implementation of a minimum wage should not infringe upon the entitlement of any employee to receive remuneration above the established minimum threshold. It can be inferred from the regulations that the government is legally bound to institute a wage board; however, the process of determining the minimum wage is also beset with difficulties. The legislation explicitly prohibits the examination of the government-fixed rate in a judicial proceeding.

The remuneration of tea workers is determined by a memorandum of understanding that is executed between the employer's delegate and the Bangladesh Tea Association, and the Cha Sramik Union, which represents the tea plantation workers. This arrangement is noteworthy. The duration of the agreement is typically established for a period of two years. The determination of the minimum wage for tea workers is not established by the wage board, but rather by the agreement ^[17]. The remuneration of labourers is contingent upon their daily productivity, and is disbursed on a weekly basis. In order to meet the daily quota, it is necessary to harvest approximately 23 to 24 kilogrammes of leaves. Failure to achieve this target results in a proportional reduction in remuneration. The implementation of a daily target completion system necessitates an increase in workload for individuals, resulting in a commensurately inadequate remuneration ^[18]. The government-mandated minimum wage in tea gardens has remained consistently low over a prolonged period of time. During their labour protest, the workers advocated for a wage of 300 taka. However, the Prime Minister ultimately established a fixed wage of 170 takas.

The Right to Minimum Wages of Tea Workers in Bangladesh as per the Fundamental Principles of State Policy of the Constitution of the People's Republic of Bangladesh

One of the initial provisions of Part II, namely Article 10, pertains to the establishment of a socialist economic society ^[19]. The primary objective of this establishment is to ensure the realization of a society that is both just and egalitarian, and one that is free from any form of exploitation of one individual by another. The minimum wage for tea workers should be set at a level that guarantees their protection from exploitation. The analysis of the minimum wages of tea workers in Bangladesh is conducted in accordance with the aforementioned provision.

Article 14 of the Constitution of the People's Republic of Bangladesh mandates the State with the fundamental responsibility of emancipating peasants, workers, and other marginalized sections of society from all forms of exploitation. With reference to the aforementioned provision in Part II of the Constitution of the People's Republic of Bangladesh, it can be inferred that the minimum wages

allocated to tea workers in Bangladesh ought to be sufficient to liberate them from that.

Further, according to article 15 the state must ensure planned economic growth to improve living standards and secure basic necessities like food, clothing, shelter, education, and healthcare; the right to work with fair wages based on effort and quality; reasonable rest, recreation, and leisure; and social security, including support for unemployment, illness, disability, widows, orphans, and the elderly for its citizens ^[20].

Minimum daily wage that fails to confirm such economic growth that improves the living standard of the tea workers and deprives them of the said necessities violates article 15 of the constitution.

Article 16 of the constitution mandates the State to implement measures that will gradually eliminate the gap in living standards between rural and urban areas, with a focus on rural development and agricultural revolution.²⁰ To ensure the attainment of the goal of this provision, it is imperative that tea workers, who predominantly reside in rural areas, are guaranteed a humane amount of minimum wage as a constitutional right.

The Constitution of the People's Republic of Bangladesh, in its Article 19, Clauses (1) and (2), stipulates that the State shall strive to guarantee equal opportunities to all citizens and shall implement efficient measures to eliminate social and economic disparities among individuals, as well as to ensure the fair allocation of resources among citizens, with the ultimate goal of achieving a consistent level of economic advancement across the Republic. The concept of equality of opportunity encompasses various types of opportunities, including the prospect of receiving a minimum wage. Hence, it is imperative that the tea labourers in Bangladesh receive a minimum wage that is commensurate with their counterparts and is in accordance with the constitutional provision that prohibits any form of discrimination in terms of opportunities.

Nonetheless, the infringement of the aforementioned rights pertaining to the minimum wage scale of tea workers in Bangladesh does not confer an individual with the entitlement to seek legal redress unless it can be substantiated that such rights concerning the minimum wage scale of the tea workers in Bangladesh are linked to any provision of the judiciously enforceable Fundamental Rights of Part III of the Constitution of the People's Republic of Bangladesh.

The Right to Minimum Wages of Tea Workers in Bangladesh as per the Fundamental Rights of the Constitution of the People's Republic of Bangladesh

The Fundamental Rights of the citizens in Bangladesh are protected by Article 27 of Part III of the Constitution of the People's Republic of Bangladesh, which ensures equality before the law and equal protection under the law. Hence, if in the event that the tea workers in Bangladesh are not remunerated a minimum wage equivalent to that of other workers in similar positions, it would give rise to concerns of discriminatory practices and consequently, a grave infringement of their fundamental rights. As per Article 28 (1) of the Constitution of the People's Republic of Bangladesh, it is mandated that the State refrain from any form of discrimination against its citizens solely based on their religion, race, caste, sex, or place of birth. The Bangladeshi tea workers are comprised of individuals belonging to the low-caste Hindu and ethnic indigenous communities, hailing from diverse Indian states, who were

relocated to East Bengal (present-day Bangladesh) by British tea cultivators during the mid-1800s, under the pretext of providing them with improved living standards. As a result of being disconnected from their origins, they experienced a significant loss of their linguistic, cultural, and traditional practices.¹⁴ So, if the minimum wages of tea workers in Bangladesh is not sufficient enough compared to other workers in identical sectors on the basis of their religion, race, cast or place of birth, it violates their fundamental right guaranteed by this provision of the Constitution of the People's Republic of Bangladesh.

The safeguarding of the fundamental right to life is ensured by Article 32 of Part III of the Constitution of the People's Republic of Bangladesh. Remuneration constitutes a crucial factor in facilitating the complete realization of an individual's quality of life. The absence of an adequate minimum wage impedes an individual's ability to exercise their right to life.

Hence, if the remuneration received by tea workers in Bangladesh fails to meet the minimum wage standards, it constitutes a breach of their inherent entitlement to life, which is safeguarded by the aforementioned provision of the Constitution of the People's Republic of Bangladesh. The Fundamental Rights enshrined in Part III of the Constitution of the People's Republic of Bangladesh are subject to judicial enforcement. The interdependence between minimum wage and the fundamental rights mentioned above is evident. The absence of minimum wage would result in the inability to guarantee the constitutional rights of Bangladeshi citizens, particularly those employed in the tea industry. In accordance with the Constitution of the People's Republic of Bangladesh, an individual has the right to pursue legal recourse under Article 44 and 102 (Writ Petition) in the event of a breach of their fundamental rights before the honourable High Court Division of the Supreme Court of the People's Republic of Bangladesh.

The Judicial Enforcement of the Right to Minimum Wages of Tea Workers in Bangladesh as per the Constitution of the People's Republic of Bangladesh

The Constitution of the People's Republic of Bangladesh comprises two primary segments that pertain to rights. Part II of the constitution comprises the Fundamental Principles of State Policy, which are delineated from Article 8 to Article 25^[21]. Part III of the constitution encompasses Fundamental Rights, which are delineated from Article 26 to Article 47. The Fundamental Principles of State Policy hold significant importance in the governance of Bangladesh, despite their non-enforceability in the judiciary. In *Kudrat-E-Elahi Panir vs. Bangladesh*^[22] case, the Appellate Division of the Supreme Court of the People's Republic of Bangladesh expressed opinion that the Fundamental Principles of State Policy of Part II of the Constitution of the People's Republic of Bangladesh are not laws but policies and are not enforceable by the judiciary. These directive or declaratory principles are utilized by the State during the legislative process and serve as a guiding framework (guiding principles) for interpreting the Constitution and other laws of Bangladesh. Furthermore, they form the basis for the work of the state and its citizens. In accordance with the provisions of Article 8 (2) of the Constitution. In contrast to the Fundamental Principles of State Policy, the Fundamental Rights enshrined in the Constitution are mandatory and subject to judicial enforcement. As per Article 26 of Part III, laws inconsistent with fundamental rights, to the extents of such inconsistency

are void.¹⁹ The Constitution of Bangladesh does not contain any explicit provision pertaining to the entitlement of minimum wages (of/for tea workers in/of Bangladesh). Nonetheless, certain provisions in both Parts can be linked to the entitlement of minimum wages via interpretations.

The Expanding Scope of the Right to Life

The protection of life and limbs is only one aspect of the right to life; other aspects include the preservation of health, the enjoyment of clean air and water, the bare necessities of life, educational opportunities, maternity benefits, and the maintenance and enhancement of public health by establishing and maintaining conditions that promote good health and guarantee a standard of living that is consistent with human dignity^[23].

According to court rulings, the judicially enforceable right to life of Article 32 of the Constitution of Bangladesh includes the following: the right to health, the right to education, the right to necessities of life, the right to maternity benefits, and—above all—the right to a standard of living that is consistent with human dignity. The right to life in a wider sense is thus violated whenever the fundamental principles of state policy are devastated.

The High Court Division of the Supreme Court has the authority of judicial review under article 102, which is found in Part VI of the Constitution, to guarantee that the requirements of the Constitution are followed. The power is broad enough to encompass any individual or location where injustice exists^[24]. The minimum wage laws for tea workers have been unfair; they are paid a salary that not only violates the other aspects of the right to life but also fails to provide them with a standard of living that is consistent with human dignity. This egregious injustice occurred, and justice must be served. The injustice towards tea workers in rural areas shall end as the authority to enforce the right to life under judicial review is so broad that it can reach any location.

The Hidden Injustice within Minimum Wage

The tea workers of Bangladesh demanded a Tk300 daily wage and went on strike in August 2022; as a result the pay was increased by Tk50, bringing it to Tk168–170. While tea workers in Sri Lanka receive 1700 Sri Lankan Rupees, or Tk674, those in the neighbouring Indian state of Assam make Tk330, or 250 Indian Rupees; despite Bangladesh's \$2,784 per capita income, a tea worker only makes Tk170, or \$1.43, a day^[25]. While it came to formulating and presenting reasonable suggestions regarding the pay structure for tea workers, the wage board failed miserably; the workers' representative on the board actually resigned and disapproved of the wage board's actions, and the Minimum Wage Board, which excluded the tea workers' representative, gave in to the demands of the tea garden owners^[26]. Here, the owners of the tea garden won and the workers lost; this loss caused them to lose a life with human dignity, and the nation failed to keep its principles embodied in Part II of its constitution.

This egregious hidden injustice in determining the minimum wage for tea labourers places them in an environment where their children are deprived of education, proper healthcare, and a life with basic human dignity. This whole minimum wage system is designed to trap the workers' children in a cycle where they will have no other options but to become tea workers. This would allow the owners to secure enough labour at a low cost. Stressing over these kind of situations, Syed Sultan Uddin Ahmed, executive director of the

Bangladesh Institute of Labour Studies (BILS), said, “We must break the cycle where tea workers’ children are destined to become tea workers themselves. Without change, their lives will never improve^[27].”

The State must use planned economic growth and ongoing progress to guarantee the provision of basic necessities of life, such as food, clothing, shelter, education, and healthcare as per Article 15 of the Constitution of Bangladesh. However, the situation produced by such a minimum wage leaves no room for planned economic growth to fund healthcare and education. Furthermore, it denies the bare minimum of the workers right to life in accordance with the interpretation of the right to life provided by the court. The fact that there are so many fundamental rights violations, injustices, traps, and a never-ending cycle of work and suffering with inadequate wages suggests that the stated and implied intentions of the law are not the same.

Observed Phenomena

- **Constitutional Invalidity:** Both judicially enforceable constitutional laws and the constitutional principles that are fundamental to governance have been violated in the settlement of such a low wage.

It violated the promise of a socialistic economic system and the broader meaning of the right to life. As a result, the minimum wage, both in a political and legal sense, becomes constitutionally invalid.

- **Substandard Wage:** The current minimum daily wage of 170tk is extremely unsatisfactory to the tea workers in Bangladesh. They are unhappy and consider it inhumane, ironic and cruel as it is nothing comparing to the recent price hikes of everything. So, in terms of their fundamental right to life guaranteed by the Constitution of the People’s Republic of Bangladesh, low minimum wages are making it catastrophic for them to enjoy their constitutional human rights.
- **Undermining of Socialism:** The tea workers’ inadequate pay is incompatible with the socialistic economic system that the constitution of Bangladesh guarantees. The tea workers’ lives are devastated by the wage they receive, but the owners profit greatly from it, facilitating the wealthy to get richer and the poor to live more miserable lives. It is a severe infraction of the socialistic economic system and goes against the fair distribution of wealth and profits.
- **Denial of the Right to Life:** The tea workers who receive nominal wages are merely living out their souls in their bodies; they are not experiencing the real life that is described by the judicial interpretation and the general human conscience. With such a wage, they cannot ensure their basic needs, hygiene, health, and human dignity. Their right to life is thus profoundly defied by the minimum wages set for them. Ultimately, the substandard wage itself is a denial of the right to life consistent with human dignity.
- **Condemned Secret Agendas:** The primary reason for these low wages could be the covert plan to maintain economic inequality and keep the poor disadvantaged in order to ensure that capitalists always have workers. This raises questions about the settlers’ incentives and

intentions for setting such low minimum wages. It might be a malicious attempt to permanently undermine the socialistic economic system and deny workers the bare minimum of human dignity in the hopes of retaining them as workers endlessly.

Proposed Solutions and Corrective Measures

Implementing Certain and Sustainable Mechanisms for Minimum Wage Legislation: An alternative to the minimum wage board concept may be put into place to ensure the stability and sustainability of the minimum wage provisions. It is possible to calculate the amount required for a minimum standard of living and relate it proportionately to the commodity whose price fluctuates with the market. The minimum wage, for example, would vary with market fluctuations and maintain such a standard for a sustainable period, which would likely be both certain and relieving at the same time. This would be the case if the minimum wage were set at a specific percentage of the price of any gold unit, which at the time ensured the minimum standard of living.

- **Upholding Core Constitutional Values:** Bangladesh’s constitution, as stated in part II, stipulates that the government must adhere to the fundamental principles of state policy to govern, uphold these as fundamental constitutional values, and incorporate them into policies, laws, and legislation.

The government shall concentrate on ensuring that citizens’ necessities are met through planned economic growth and policymaking related to it. Furthermore, by enshrining the socialistic economic system, the government shall eliminate economic injustices.

- **Ensuring the Right to Life in Accordance with Judicial Interpretation:** The judiciary provides a broad definition of the right to life, which the government must consider and guarantee in all laws, policies, and actions. Policies that don’t adhere to the definitions will be null and void, so they should be avoided.
- **Amending Statutory Laws and Provisions:** The laws such as- the Labour Act, 2006, should be met with some certain amendments. The term ‘Minimum Wages’ should be defined by the Act. There should be special provisions added in the Act regarding the rights of tea workers including their right to a certain minimum wage in the light of the rights as the citizens of Bangladesh guaranteed by the Constitution of the People’s Republic of Bangladesh. Further, it shall also be considered that tea workers, being citizens of the backward section, are entitled to some special treatments.
- **Forming a Legal Authority to Regulate Employer Misconduct:** Enforcing laws, policies, and provisions alone will not be sufficient if they are not carried out correctly. The workers shall receive adequate support to liberate them from all forms of injustice. The workers shall be aided by the laws and provisions, and they will be eligible for free legal assistance. An officially established authority shall frequently regulate the employers’ misconduct to uphold their constitutional rights, including the right to life.

Conclusion

The current low minimum wages of the tea workers in Bangladesh can be said to be inconsistent with the Constitution of the People's Republic of Bangladesh because they are not in accordance with the rights guaranteed. The government should be aware that if it does not take steps to provide a level playing field, there would be no institutions. This is a crucial fact that must be accounted for. There is a terrible trend of business owners abusing their staff for financial gain, and these business owners must learn to stop this practice. In order to maximize their own prospective gains, the profiteers have succeeded in their goal of depriving low-wage employees of their entitled to proper income and other privileges, such as overtime dues and leaves. The Constitution of the People's Republic of Bangladesh guarantees equal treatment for all citizens in every aspect. The constitution asserts the commitment of the state to achieve a socialist society, devoid of exploitation, through democratic means. This society is envisioned to uphold the principles of the rule of law, fundamental human rights and freedom, equality and justice, and political, economic, and social security for all its citizens. As previously demonstrated, the current state of tea workers in Bangladesh is suboptimal. The daily minimum wage of 170tk is significantly low, particularly given the current global as well as national economic condition where there is a general increase in the prices of goods across all categories. The constitutional analysis has been made here to provide help to a community which a very few people have time to think of.

References

1. In an urgent need of national minimum wage [Internet]. New Age, m2022. Available from: <https://www.newagebd.net/article/180018/in-an-urgent-need-of-national-minimum-wage>
2. Halder. Tea production hits record. The Daily Star [Internet], 2022. Available from: <https://www.thedailystar.net/business/economy/news/tea-production-hits-record-3148356>
3. The Editors of Encyclopaedia Britannica. East India Company Definition, History, & Facts [Internet]. Encyclopaedia Britannica, 2025. Available from: <https://www.britannica.com/topic/East-India-Company>
4. Star Report. Tea workers' wages: PM sets it at Tk 170 a day. The Daily Star [Internet], 2022. Available from: <https://www.thedailystar.net/news/bangladesh/news/tea-workers-wages-pm-sets-it-tk-170-day-3104596>
5. The constitutionality of minimum wage: The legal battles of Elsie Parrish and Frances Perkins for a fair day's pay [Internet]. Department of History. Available from: <https://history.princeton.edu/academics/undergraduate/princeton-historical-review/constitutionality-minimum-wage>
6. Carson JL, Kleinerman BA. A switch in time saves nine: institutions, strategic actors, and FDR's court-packing plan. *Public Choice*, 2002;113(3-4):301-24.
7. Knowles HJ. Making minimum wage: Elsie Parrish versus the West Coast Hotel Company. Norman: University of Oklahoma Press, 2021, 226.
8. West Coast Hotel Co v Parrish, 300 US 379 (1937).
9. Adkins v. Children's Hospital, 261 U.S. 525 (1923).
10. An Act to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes, Public Law 75-718, U.S. Statutes at Large 52 (1938): 1060.
11. Legal Service India. The Constitutional Validity of the Minimum Wages Act, 1948. [Internet]. Available from: <https://www.legalservicesindia.com/article/1770/The-Constitutional-Validity-of-The-Minimum-Wages-Act,1948.html>
12. India. The Minimum Wages Act, 1948 [Internet]. Available from: <https://www.indiacode.nic.in/bitstream/123456789/1730/1/A1948-011.pdf>
13. West Coast Hotel Company v. Parrish, 300 U.S. 379 (1937).
14. Rozario R. No end to slavery for Bangladesh's tea workers. UCA News [Internet], 2020. Available from: <https://www.ucanews.com/news/no-end-to-slavery-for-bangladeshs-tea-workers/89989>
15. Bangladesh Labor Act, 2006.
16. Jones D. Tea and justice: British tea companies and the tea workers of Bangladesh. BLAG, 1986.
17. Reza SM, Baul TK. Story of the tea workers: subsistence against hegemony. Empowerment through Law of the Common People (ELCOP), 2014.
18. Nousheen S. Systematic exploitation of the tea workers in Bangladesh: within the legal framework and beyond [Internet]. Dhaka Law Review, 2022. Available from: <https://www.dhakalawreview.org/blog/2022/10/systematic-exploitation-of-the-tea-workers-in-bangladesh-within-the-legal-framework-and-beyond-6124>
19. Aftab Uddin (MD) vs. Bangladesh, represented by Secretary, Ministry of Establishment, Government of People's Republic of Bangladesh and others, 48 DLR.
20. The Constitution of the People's Republic of Bangladesh, 1972.
21. The Constitution of the People's Republic of Bangladesh, 1972.
22. Kudrat-E-Elahi Panir vs. Bangladesh 44 DLR (AD) 319.
23. Bangladesh & ors Vs. Professor Nurul Islam & anr 9 SCOB AD 46, 2017.
24. Mohiuddin Farooque vs Bangladesh 1997 17 BLD (AD) 1
25. Ratri RB. Will the tea workers ever get fair wages? The Business Standard [Internet], 2024. Available from: <https://www.tbsnews.net/thoughts/will-tea-workers-ever-get-fair-wages-942361>
26. Admin. Tea workers' wages finalised Owners win, workers lose | Philip Gain - Philip Gain [Internet]. Philip Gain, 2023. Available from: <https://philipgain.com/tea-workers-wages-finalised-owners-win-workers-lose-philip-gain/>
27. Call for Labour Act reforms to protect tea workers' rights. Daily Sun. 2024. Available from: <https://www.daily-sun.com/post/774853>