

CHAPTER-VIII

LAW AND SOCIAL JUSTICE

2marks Answer Questions

1. How are the people of working class exploited economically?

Answer: They are made to work for lower pay and for longer hours.

2. What does the right against exploitation state?

Answer: The Right against Exploitation says that no one can be forced to work for low wages or under bondage.

3. Why do the workers willingly work in unsafe conditions?

Answer: Since there is so much unemployment, there are many workers who are willing to work in unsafe conditions in return for a wage.

4. Why are companies and contractors able to violate environmental laws?

Answer: Companies and contractors are able to violate environmental laws because these laws are not strictly enforced.

5. What does Article 21 of the Constitution state?

Answer: Right to Life is a Fundamental Right under Article 21 of the Constitution and it includes the right to the enjoyment of pollution-free water and air for full enjoyment of life.

6. Who sets the minimum wages?

Answer: The Minimum Wages Act 1948 is an Act of Parliament concerning Indian labour law that sets the minimum wages that must be paid to skilled and unskilled labours.

7. Why do we need laws?

Answer: We need laws because it protects our general safety, and ensure our rights as citizens against abuses by other people, by organizations, and by the government itself.

8. Can you suggest some ways in which enforcement can be improved?

Answer: Ways to improve the enforcement

- Recruitment of adequate number of enforcement staff
- Anyone found violating the law must be penalised with a strict punishment

9. What are the problems in enforcement?

Answer: Problems in enforcement are:

- Inadequate staff
- Lack of training
- Large population

10. What are the three basic rights of workers?

Answer: Basics rights of workers are:

- Right to work
- Right to a fair wage
- Decent work conditions

11. Why do we need a law on minimum wages?

Answer: We need a law on minimum wages so that workers may get fair wages by their employers. Most often they are denied fair wages by their employers. The employers usually take advantage of their poverty and pay them low wages.

12. How can the government ensure social justice?

Answer: Through making, enforcing and upholding the laws, the government can control the activities of individuals or private companies so as to ensure social justice. Many of these laws have their basis in the Fundamental Rights guaranteed by the Indian Constitution.

13. Can you point to a few other situations where laws (or rules) exist but people do not follow them because of poor enforcement?

Answer: Yes, they are

- Over-speeding by motorists
- Boarding a running bus
- Not using Zebra crossing for crossing the road

4marks questions

1. Why do you think enforcement of safety laws is important in any factory?

Answer: Enforcement of safety laws is important in any factory for the safety of the workers and general public. As the lawmaker and enforcer, the government is supposed to ensure that safety laws are implemented. It is also the duty of the government to ensure that the Right to Life guaranteed under Article 21 of the Constitution is not violated.

2. Why are advanced countries relocating the toxic and hazardous industries to developing countries?

Ans. Advanced countries are relocating the toxic and hazardous industries to developing countries to take advantage of the weaker laws in these countries and keep their own countries safe. South Asian countries – particularly India, Bangladesh and Pakistan – play hosts for industries producing pesticides, asbestos or processing zinc and lead.

3. How can the government meet the challenges where everyone can benefit from the clean environment?

Answer: One way this can be done is to gradually move to cleaner technologies and processes in factories. The government has to encourage and support factories to do this. It will need to fine those who pollute. This will ensure that the workers livelihoods are protected and both workers and communities living around the factories enjoy a safe environment.

4. Point out the role of government and citizens in establishing a state of law and social justice?

Answer: A major role of the government is to control the activities of private companies by making, enforcing and upholding laws so as to prevent unfair practices and ensure social justice. While the government has a leading role in this respect, people can exert pressure so that both private companies and the government act in the interests of society.

5. A ‘clean environment is a public facility.’ Can you explain this statement?

Answer: The environment is something that people over generations will share, and it could not be destroyed merely for industrial development. The courts also gave a number of judgments upholding the right to a healthy environment as intrinsic to the Fundamental Right to Life. It includes the right to the enjoyment of pollution-free water and air for full enjoyment of life.

6. How did Bhopal gas tragedy occur?

Answer: The world’s worst industrial tragedy took place in Bhopal 24 years ago. Union Carbide (UC) an American company had a factory in the city in which it produced pesticides. At midnight on 2 December 1984 methyl-isocyanite (MIC) – a highly poisonous gas – started leaking from this UC plant. Within three days, more than 8,000 people were dead. Hundreds of thousands were maimed.

7. What are the reasons for the sharp differences in safety standards between the two Union carbide factories in the USA and India?

Answer: In India, one worker can easily replace another. Since there is so much unemployment, there are many workers who are willing to work in unsafe conditions in return for a wage. Making use of the workers' vulnerability, employers ignore safety in workplaces. Thus, there were the sharp differences in safety standards between the two Union carbide factories in the USA and India.

7Marks Answer Questions

1. How can laws ensure that markets work in a manner that is fair? Give two examples to support your answer.

Answer: To ensure that workers are not underpaid, or are paid fairly, there is a law on minimum wages. A worker has to be paid not less than the minimum wage by the employer. There are also laws that protect the interests of producers and consumers in the market. These help ensure that the relations between these three parties – the worker, consumer and producer – are governed in a manner that is not exploitative.

2. Do you think the victims of the Bhopal gas tragedy got justice? Discuss.

Answer: No, the victims of Bhopal gas tragedy did not get justice. The company which owned this factory- union carbide refused to accept the responsibility of its actions. They got away by paying a small compensation to the survivors. Most of those exposed to the poison gas came from poor, working-class families, of which nearly 50,000 people are today too sick to work. Among those who survived, many developed severe respiratory disorders, eye problems and other disorders. Children developed peculiar abnormalities.

3. Can you think of other ways in which the environment can be protected? Discuss in class.

Answer: Ways to protect environment

- Use reusable bags
- Print as little as necessary
- Recycle
- Use a reusable beverage containers
- Save electricity!
- Save water
- Avoid taking cars or carpool when possible

4. Write a short note on Child Labour Prevention Act.

Answer: According to the 2001 census, over 12 million children in India aged between 5 and 14 work in various occupations including hazardous ones. In October 2006, the government amended the Child Labour Prevention Act, banning children under 14 years of age from working as domestic servants or as workers in dhabas, restaurants, tea shops etc. It made employing these children a punishable offence. Anyone found violating the ban must be penalised with a punishment ranging from a jail term of three months to two years and/or fine of Rs 10,000 to Rs 20,000.

5. Write a brief note on Bhopal gas tragedy.

Answer: The world's worst industrial tragedy took place in Bhopal 24 years ago. Union Carbide (UC) an American company had a factory in the city in which it produced pesticides. At midnight on 2 December 1984 methyl-isocyanite (MIC) – a highly poisonous gas – started leaking from this UC plant. Within three days, more than 8,000 people were dead. Hundreds of thousands were maimed. Most of those exposed to the poison gas came from poor, working-class families, of which nearly 50,000 people are today too sick to work. Among those who survived, many developed severe respiratory disorders, eye problems and other disorders.

6. What are the advantages to foreign companies in setting up production in India?

Or

Why did Union Carbide set up its plant in India?

Answer: Advantages to foreign companies in setting up production in India are:

Cheap Labour: India provides cheap labour compare to some other countries. Wages that the companies pay to workers, say in the U.S.A., are far higher than what they have to pay to workers in poorer countries like India. For lower pay, companies can get longer hours of work. Additional expenses such as for housing facilities for workers are also fewer. Thus, companies can save costs and earn higher profits.

Cost Cutting: Cost cutting can also be done by other more dangerous means. Lower working conditions including lower safety measures are used as ways of cutting costs.

7. In what ways was the government responsible for the Bhopal tragedy? Or

What was the government doing when there were such blatant violations of safety standards in the UC plant?

Answer: First, the safety laws were lax in India. Second, even these weak safety laws were not enforced.

Government officials refused to recognise the plant as hazardous and allowed it to come up in a populated locality. When some municipal officials in Bhopal objected that the installation of an MIC production unit in 1978 was a safety violation, the position of the government was that the state needs the continued investment of the Bhopal plant, which provides jobs. Government inspectors continued to approve the procedures in the plant, even when repeated incidents of leaks from the plant made it obvious to everybody that things were seriously wrong.

8. How was environment treated earlier? What has been the change in perception? Discuss.

Answer: There were very few laws protecting the environment in India, and there was hardly any enforcement of these laws. The environment was treated as a 'free' entity and any industry could pollute the air and water without any restrictions. Whether it was our rivers, air, groundwater – the environment was being polluted and the health of people disregarded. Now there has been the change in perception. Indian government introduced new laws on the environment. Henceforth, the polluter was to be held accountable for the damage done to environment. The courts also gave a number of judgments upholding the right to a healthy environment as intrinsic to the Fundamental Right to Life.

9. What do we mean when we speak of law enforcement? Who is responsible for enforcement? Why is enforcement so important?

Answer: Law enforcement is any system by which some members of society act in an organized manner to enforce the law by discovering, deterring, rehabilitating, or punishing people who violate the rules and norms governing that society. The government is responsible for the enforcement of law.

Enforcement is so important because merely making laws is not enough. The government has to ensure that these laws are implemented. Enforcement becomes even more important when the law seeks to protect the weak from the strong. For instance, to ensure that every worker gets fair wages, the government has to regularly inspect work sites and punish those who violate the law.

10. Write a paragraph on the various roles of the government that you have read about in this unit.

Answer: The government plays a large number of roles in any state. This includes providing public facilities like water supply, healthcare and sanitation and ensuring that these amenities are not overtaken by private enterprises; the government also plays a pivotal role in law enforcement, which is of utmost importance in the economic sector. The government makes laws to protect workers in production factories- laws on minimum wages, controlling working conditions and safety measures. It also makes laws for markets that protect consumers against over-pricing and sub-standard products. The government has a law against child labour and it also punishes organizations that do not follow policies put in place to protect the environment against pollution.

11. What do you think the famous cartoonist R.K. Laxman is trying to convey in this cartoon? How does it relate to the 2006 law that you read about on page 125?

Answer: The famous cartoonist R.K. Laxman, in this cartoon, is trying to convey an ironical perception of the double standards and hypocrisy some of us follow. A mother is complaining about the heavy bags that children are made to carry to school, but she hires another “child” servant to do the same without a wee bit of sympathy for the less fortunate child who has to work and earn a living.

This relates to the 2006 Child Labour Prevention Act that banned children under the age of 14 years from work, making it a punishable offence for those who employed these children. Unfortunately, 74% of child domestic labour today is under the age of 16. R.K. Laxman, in his cartoon, is pointing towards this very glitch and how the government has not taken adequate action to enforce this law

Multiple Choice Questions (MCQs)

Question 1.

According to census over 12 million children in India aged between 5 and 14 work in various occupations including hazardous ones.

- (a) 2002
- (b) 2001
- (c) 2011
- (d) None of the above

Answer: (b) 2001

Question 2.

Which gas has been leaked from UC plant in Bhopal gas tragedy.

- (a) Nitrogen oxide
- (b) Methyl – isocyanite
- (c) Carbon dioxide
- (d) Carbon monooxide

Answer: (b) Methyl – isocyanite

Question 3.

In which years did the Bhopal gas tragedy happen?

- (a) 1984
- (b) 1994
- (c) 1992
- (d) 1985

Answer: (a) 1984

Question 4.

Right to Life is under which Article of the Constitution?

- (a) Art 22
- (b) Art 25
- (c) Art 23
- (d) None of the above

Answer: (d) None of the above

Question 5.

Emissions from vehicles are a major cause of

- (a) Environmental pollution
- (b) Air pollution
- (c) soil pollution
- (d) All of the above

Answer: (a) Environmental pollution

Question 6.

What are Power looms?

- (a) Small units with 4 – 6 looms
- (b) Workers of textile mill
- (c) Both (a) & (b)
- (d) None of these

Answer: (c) Both (a) & (b)

Power looms are small units with 4-6 looms. The owners operate them with hired and family labor. It is well known that conditions of work in the power looms are far from satisfactory.

Question 7.

The government of India gives what status to deny workers from their wages?

- (a) legal
- (b) Justice
- (c) Illegal
- (d) All of above

Answer: (c) Illegal

It is Illegal by government to deny workers from their wages. To stop injustice with unpaid workers government of India made it illegal.

Question 8.

Where did the Supreme Court of India is located?

- (a) Chandigarh
- (b) Punjab
- (c) Haryana
- (d) New Delhi

Answer: (d) New Delhi

The Supreme Court of India is located in New Delhi. On 26 January 1950 Supreme Court of India was established.

Question 9.

Under which articles the Right to Life is provided to people?

- (a) 21
- (b) 22
- (c) 25
- (d) 24

Answer: (a) 21

Right to life is a Fundamental Right under Article 21 of the Constitution and it includes the right to the enjoyment of pollution-free water.

Question 10. All persons are equal before whom?

- (a) Police
- (b) Minister
- (c) Law
- (d) Court

Answer: (c) Law

All persons are equal before law. Rights are available to all Indians equally. It is the principle that each independent human being must be treated equally by the law and that all people are subject to the same laws of justice.

Question 11.

How can the government ensure social justice?

- (a) By enforcing less money
- (b) By enforcing laws
- (c) By enforcing command
- (d) None of these

Answer: (b) By enforcing laws

Through making, enforcing and upholding laws, the government can control the activities of individuals or private companies and thus, ensure social justice.

Question 12.

What does the Right against Exploitation state?

- (a) No promotion in salary is given
- (b) No one can force to work
- (c) No salary is given
- (d) None of these

Answer: (b) No one can force to work

The Right against Exploitation states that no one can be forced to work under bondage or for low wages. Similarly, the Constitution lays down no child below the age of 14 shall be employed to work in any factory or mines or any other hazardous employment.

Question 13.

why foreign companies choose india workers?

- (a) Cheap labor
- (b) Cheap transportation
- (c) Higher demands
- (d) None of these

Answer: (a) Cheap labor

Foreign companies come to India for cheap labor. Wages that the companies pay to workers say in the U.S.A. are far higher than what they have to pay to workers in poorer countries like India.

Question 14. Why do we need laws?

- (a) To protect our right
- (b) To protect our goods
- (c) To protect our labor
- (d) None of these

Answer: (a) To protect our right

We need laws to protect our rights. To protect people from exploitation, the government makes certain laws. These laws try to ensure that the unfair practices are kept at a minimum in the markets.

Question 15.

What is a market?

- (a) Place of depositing money
- (b) Place of selling and buying things
- (c) Place of hiring labor
- (d) None of these

Answer: (b) Place of selling and buying things

A market is that place where the process of buying and selling takes place. Markets everywhere tend to be exploitative of people whether as workers, consumers or producers.

Fill in the blanks

1. countries – particularly India, Bangladesh and Pakistan – play hosts for industries producing pesticides, asbestos or processing zinc and lead

Answer: South Asian

2. The government has to make and also has to enforce them.

Answer: appropriate laws

3. The Supreme Court had ordered all public transport vehicle using diesel to switch to

Answer: Compressed Natural Gas (CNG)

4. In, there were very few laws protecting the environment in India

Answer: 1984

5. In case of (1991), the Supreme Court held that the Right to Life is Fundamental Right under Art 21 of the Constitution and it includes right to the enjoyment of water and air for full enjoyment of life.

Answer: Subhash Kumar vs State of Bihar, Pollution free

Law and Social Justice SUMMARY

In an 8th-grade context, understanding "Law and Social Justice" involves recognizing how legal systems are designed to promote fairness, equality, and the well-being of all members of society. Here's a summary:

1. Definition of Law:

- Law refers to a system of rules and regulations established by a government or authority to govern behavior and maintain order in society.

2. Social Justice Definition:

- Social justice is the concept of fairness and equality in the distribution of resources, opportunities, and privileges within a society. It aims to address and rectify inequalities and promote the well-being of all individuals.

3. Role of Law in Social Justice:

- Laws play a crucial role in promoting social justice by ensuring that all members of society are treated fairly and have equal access to rights and opportunities.

4. Protection of Rights:

- Legal systems are designed to protect the fundamental rights and freedoms of individuals, including the right to equality, freedom of expression, and protection against discrimination.

5. Anti-Discrimination Laws:

- Many legal systems have specific laws that prohibit discrimination based on characteristics such as race, gender, religion, ethnicity, and disability. These laws aim to promote equal treatment for all.

6. Criminal Justice System:

- The criminal justice system, a component of the legal system, is tasked with ensuring that individuals are treated fairly and justly when accused of crimes. It includes principles like the presumption of innocence and the right to a fair trial.

7. Access to Justice:

- Social justice is closely linked to ensuring that all individuals have access to legal resources and representation, regardless of their economic or social status.

8. Legal Aid:

- Legal aid programs provide assistance to those who cannot afford legal representation. This contributes to leveling the playing field and ensuring that everyone has a fair chance in legal proceedings.

9. Human Rights Laws:

- International and national laws protect human rights, addressing issues such as torture, discrimination, and violations of personal freedoms. These laws contribute to a global framework for social justice.

10. **Legal Reforms:**

- Societies evolve, and legal systems may undergo reforms to better align with contemporary notions of justice. This can include changes in laws related to civil rights, family rights, and other areas.

11. **Public Interest Litigation:**

- Individuals or organizations may engage in public interest litigation to address societal issues and advocate for social justice. This involves using legal avenues to bring about positive change.

12. **Restorative Justice:**

- Restorative justice approaches focus on repairing harm and addressing the needs of victims and offenders. This alternative to traditional punitive measures aligns with social justice principles.

Understanding the relationship between law and social justice is crucial for 8th-grade students as it helps them appreciate the role of legal systems in creating fair and equitable societies while protecting the rights and well-being of all individuals.