

Chapter – 8: Law and Social Justice

- ‘story of shirt’ class VII – chain of markets – links producer of cotton to buyer of shirt – buying and selling – every step in the chain
- Many people – directly or indirectly – involved in production – face unfair situation
- Markets – everywhere – exploit (treat unfairly) people – workers, consumers, producers
- To protect people – govt. makes laws
- These laws – ensure – unfair situations – minimum
- Common market situation – law – very imp. – workers’ wages
- Private companies, contractors, businesspersons – want to make maximum profit – might deny workers of their rights – not pay them wages
- In front of law – illegal to deny wages to workers
- To ensure – workers – paid fairly – there’s a law – minimum wage
- Worker – to be paid – more than minimum wage – revised every few years
- Some laws – protect interests of producers and consumers as well
- These laws – ensure – relation between – worker, consumer, producer – do not exploit anyone
- Laws –
 - Minimum Wages Act – wage should always be more than specified minimum
 - Some law – require – enough safety measures in the workplace
 - Alarm system, emergency exits, etc
 - Some law – require – quality of goods – certain standards
 - Electrical appliances – meet safety standards
 - Some law – require – factories – do not pollute air or water
 - Laws against – child labour
 - Laws – form workers unions
- Making laws – not enough – govt. – ensure – these laws – implemented – must be enforced
- Enforcement – more imp. – law protects – weak from strong
- To ensure – fair wage for every worker – govt. inspect regularly – punish those – who violate law
- Workers – poor or powerless – fear – losing future earnings – forces them – accept low wages
- Employers – know this well – use their power – pay less wages – imp. – laws are enforced
- Making, enforcing these laws – govt. control – activities of individuals, private companies – ensure social justice
- Many of these laws – based on fundamental rights
 - Right against Exploitation – no one – forced to work – low wages or under bondage
 - Child below 14 years – cannot work – any factory, mine, other hazardous works

Bhopal Gas Tragedy

- World’s worst industrial tragedy – Bhopal – 24 years ago
- Union Carbide (UC) – American company – factory in the city – produced pesticides
- Midnight – 2nd December 1984 – methyl-isocyanate (MIC) – highly poisonous gas – started leaking
- Aziza Sultan (survivor) states – about 12:30 AM – she woke up – baby coughing loudly – room filled with white cloud – people shouted – run, run – she also started coughing – eyes were burning
- Within 3 days – more than 8,000 people – died – hundreds of thousands – maimed – hurt so badly – some part of body – no longer usable

- Most people – exposed to gas – poor, working-class families – nearly 50,000 – too sick to work
- Those who survived – many developed – severe respiratory diseases, eye problems, etc
- Children – developed – strange diseases
- This disaster – not an accident
- UC – ignored – imp. safety measures – cut costs
- Before Bhopal disaster – many incidents – gas leak – killing a worker – injuring several others
- So many evidences – pointing responsibility on UC – it refused to accept responsibility
- Legal battle – govt. represented victims – civil case against UC
- Filed a \$ 3 billion case – 1985 – accepted \$ 470 million – 1989
- Survivors – appealed against the settlement – Supreme Court stated – settlement amount – sufficient
- UC – stopped working – left behind – tons of toxic chemicals – mixed into ground – contaminate water
- Dow chemical – new owner of the plant – refuses to clean up
- 24 years later – people still fighting – justice – safe drinking water – health-care facilities, jobs for people – poisoned by UC
- People – also demand – Anderson – UC chairman – facing criminal charges – should be punished

What is a Worker's Worth?

- To understand – events – leading to Bhopal tragedy – understand – why Union Carbide – set up plant in India?
- One reason – foreign companies – set up in India – cheap labour
- Wages – paid in India – much lower than wages – paid in U.S.A.
- Lower pay – longer working hours – additional expenses – housing for workers – very fewer
- Companies – save expenses – earn higher profits
- Cost cutting – several other methods – more dangerous
- Lower working conditions – lower safety measures – ways of cost cutting
- UC plant – all safety devices – not working or short supply
- 1980-1984 – work crew for MIC plant – reduced by half – 12 to 6 workers
- Period of safety training – reduced from 6 months to 15 days
- Night-shift post – MIC plant – removed
- West Virginia (U.S.A.) –
 - Computerised warning and monitoring systems
 - Emergency evacuation plans in place
- Bhopal (India) –
 - Manual gauges and human senses
 - No evacuation plans
- Why such difference in safety standards?
- Why so low compensation, after disaster?
- Part of answer – worth of Indian worker – one worker – easily replace another
- So much unemployment – many workers – ready to work – unsafe conditions
- Using this weak point – employers – ignore safety precautions
- Even after Bhopal tragedy – regular reports – accidents – construction sites, mines, etc – non-caring attitude – employers

Enforcement of Safety Laws

- Govt. – lawmaker and enforcer – responsible – ensure – safety laws – implemented
- Duty of govt. – ensure – Right to Life – Article 21 – not violated
- During Bhopal tragedy – safety laws – not very strict – EVEN – weak laws – not enforced
- Govt. officials – refused to recognise – UC plant as hazardous (harmful) – allowed it in populated area
- Some municipal officials – objected (against something) – installation of MIC production unit – 1978 – safety violation – BUT – position of govt. – required continued investments – Bhopal plant – generated jobs
- Govt. – believed – not a good idea – ask UC to shift to cleaner technology or safer procedures
- Govt. inspectors – approved the procedures in plant – EVEN – repeated incidents – made it obvious – plant was dangerous
- All this – opposite – role of govt.
- Instead of protecting – govt. and private companies – treated people as not imp.
- More industries – local and foreign companies – setting up in India – need for stronger laws – better enforcement – increased

New Laws to Protect the Environment

- 1984 – very few laws – protect the environment – no enforcement of these laws
- Environment – treated as ‘free’ – any industry – pollute air and water – without any problems
- Our rivers, air, groundwater – environment – polluted – health of people – ignored
- UC – earned high profits – low safety standards – spend no money to clean up the pollution
- In U.S.A. – all this – necessary part of production process
- Bhopal tragedy – highlighted – issue of environment
- Several thousand people – not related to the factory – affected too much
- People realized – existing laws – may be weak – BUT – covered only the workers – not other persons – might be injured – industrial accidents
- Pressure from environmental activists – govt. introduced new laws – protect environment
- Polluter – pollutes environment – responsible for – damages
- Environment – shared by people – different generations – not to be destroyed for industrial development
- Courts – lots of judgements – supporting healthy environment – part of Right to Life
- Case – *Subash Kumar vs. State of Bihar (1991)* – Supreme Court stated – Right to Life – Fundamental Right – Article 21 – includes – right to enjoy – pollution free environment
- Govt. – responsible – set up laws – control pollution, clean rivers – introduce fines – who pollute

Environment as a public facility

- Recent years – courts – strong orders – environmental issues – sometimes affected people’s life
- Courts in Delhi – ordered industries in residential areas – close down or shift out of city
- These industries – polluting neighbourhood – discharge from factories – polluting river Yamuna – reason – set up without following rules
- Courts’ action – solved one problem – created other
- Industries – closed down – many workers – lost jobs – many others – goto far-away places

- New areas – faced same problems – pollution – issue of safety – remained as it is
- Recent research – highlighted – growing concern for environment – affects the poor
- Slums – cleaned up – part of city’s beautification drive – above case – factory – moved out of city
- This awareness – need for clean environment – increasing – little concern for safety of workers
- Challenge – look for solutions – everyone benefits
- One way – move to cleaner technologies in factories
- Govt. – support and encourage factories – ensure – workers lives and livelihoods – protected