

Conclusion:

Extended sickness benefits given by the ESIC (Employees State Insurance Corporation) doesn't only help the insured person (I.P.) during the sickness period but helps them to recover their health and also ensures them of certain financial stability. It helps them to recover from sickness without making stressful situations hardened

enough by the financial loss occurred by them due to unemployment during their sickness period and helps by enabling them to concentrate in constructing their health without any fear for monetary losses or financial instability. Thus ESIC (Employees State Insurance Corporation) covers the insured persons (i.p.s) under the act from CRADLE to GRAVE or rather WOMB to TOMB.

OCCUPATIONAL DISEASES – EMPLOYERS RESPONSIBILITY AND WORKERS RIGHT!

By

—ASHA PANDE, Asst. Professor of Law,
Bhaskar Law College, HYDERABAD

Occupational Health is essentially preventive medicine. Joint ILO/WHO Committee on Occupational Health gave the following definition "Occupational Health should aim at Promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations, the Prevention among workers of departures from health caused by their working conditions and the Protection of workers in their employment from risks resulting from factors adverse to health, the placing and maintenance of worker in an occupational environment adapted to his physiological and psychological equipment's. To summarize, the adaptation of work to man and of each man to his job.

Occupational environment is the sum of external conditions and influences which prevail at the place of work and which have a bearing on the health of the working population. Industrial worker is exposed to three types of interactions.

1. Man and physical, chemical & biological agents.
2. Man and Machine.
3. Man and man

Occupational hazards:

An industrial worker can be exposed to following hazards

- (a) Physical Hazards -
 - (1) Heat & Cold
 - (2) Light
 - (3) Noise
 - (4) Vibration
 - (5) U.V. Radiation
 - (6) Ionising Radiation
- (b) Chemical Hazards -
 - (1) Local Action
 - (2) Inhalation –
 - (i) Dusts
 - (ii) Gases
 - (iii) Metals & compounds
 - (3) Ingestion
- (c) Biological Hazards - Agricultural workers and those working in Laboratories.
- (d) Mechanical Hazards - Protruding and moving parts causing accidents
- (e) Psychosocial Hazards -
 - (1) Due to - (i) Lack of job satisfaction

- (ii) Insecurity
- (iii) Failure to adapt to working environment.
- (iv) Poor human relationship.
- (2) Causing
 - (i) Hostility, aggressiveness, anxiety, depression, alcoholism, sickness absenteeism.
 - (ii) Psychosomatic - fatigue, headache, pain in neck, back, peptic ulcer, Hypertension and rapid ageing.

Occupational Diseases :

Diseases arising out of or in the course of employment are termed as occupational diseases. They may be grouped as under.

- I. Diseases due to physical Agents.
 1. Heat - Hyperpyrexia, Heat Exhaustion, heat syncope heat cramps, burns, prickly heat.
 2. Cold - Trench foot, Frost Bite, Chilblains.
 3. Light - Cataract, Nystagmus
 4. Pressure - Caissons disease, air embolism.
 5. Noise - Deafness
 6. Radiation - Leukaemia, aplastic anaemia, pancytopenia.
 7. Mechanical - Physical injuries
 8. Electricity - Burns
- II. Diseases due to Chemical agents
 1. Gas poisoning - Co₂, Co, HCN, CS₂, NH₃, NH₂, H₂O, HCL, SO₂
 2. Dusts (Pneumoconiosis)
 - (i) Inorganic - a) Coal - Anthracosis
 - (b) Silica - Silicosis
 - (c) Asbestos - Asbestosis
 - (d) Iron - Siderosis
 - (ii) Organic (a) Cane - Bagassosis
 - (b) Cotton - Byssinosis
 - (c) Tobacco - Tobaccosis
 - (d) Hay - Farmer's wing
 3. Metals & their compounds - Lead, Mercury, Cadmium, Manganese, Arsenic, Chromium, Beryllium

4. Chemicals - Acids, Alkalies, Pesticides
5. Solvents - CS₂, Benzene, Trichloroethylene, Chloroform

III. Diseases due to Biological agents :

Brucellosis, Leptospirosis, Anthrax, Actinomycosis, Hydatidosis, Tetanus, Encephalitis, Fungal Infection *etc.*

IV. Occupational Cancers - of Skin, Lungs, bladder

V. Occupational Dermatoses - Dermatitis, Eczema

VI. Diseases of Psychological origin- Industrial Neurosis, Hypertension, Peptic-ulcer *etc.*

Medical Board is setup to assess the exact extent of disablement caused to the workers at their workplaces due to an employment injury or occupational disease and to assess the loss of earning capacity in order to provide cash compensation under ESI Scheme.

Each Medical Board shall normally consist of three Medical Officers and one of them be nominated as Chairman. Among them one is a Specialist in the branch of Medicine from which an IP, to be examined is suffering.

The number of Medical Boards required to be constituted in each State will depend upon the number of Insured Persons and the areas and the distances between these areas.

Special Medical Board is constituted for the purpose of determining the extent of disability in case of occupational diseases.

Prevention Methods:

- ♦ Medical methods such as periodical examinations, pre-placement examination, medical and health care services, working environment supervision and health education must be given the priority. Notification, maintenance and analysis of records and counseling are also steps towards prevention.
- ♦ Engineering measures such as proper design of plant, ventilation dust isolation through enclosure isolation and

protective devices for statistical monitoring and environmental monitoring, should be adapted in all working places.

- ♦ Legislative protection like The Factories Act of 1948 and Employees State Insurance Act of 1948, Mine and Mineral Act, (Development & Regulation) Act 1957, The Air (Prevention & Control of Pollution) Act 1981, Noise Pollution (Regulation and Control) Rules 2000, The Child Labour (Prohibition & Regulation) Act 1986, play a major role in providing protection and safe-guarding the workers, and providing relief from the ailment of occupational diseases.

Conclusion:

To prevent occupational disease effectively, health professionals must know how to anticipate and recognize conditions in those who present with symptoms and those who are pre-symptomatic. Every workplace shall have a sense of responsibility to ensure it follows the relevant rules and regulations. The employer should make sure they do everything they can to get it right. Equally the employee should also be aware of their own responsibilities : as well as what their rights are and what their employer should be doing with regard to.

IT'S NOT A CRY, IT'S A COSMIC CONCERN OF THE NATION

By

**—SYED KALEEMULLA, Junior Civil Judge
Tadipatri, Anaparthi District,
ANDHRA PRADESH**

All Newspapers dated 25th April, electronic media in all its forms exhibited that the Chief Justice of India Justice T.S. Thakur on 24th April 2016 at a conference among Chief Justices and Chief Ministers of the States of Union of India at Delhi broke down and appealed to the Prime Minister Mr. Narendra Modi to make Judicial appointments, which are vacant for a long time with the words "I beseech you.....". The highly revered man of our nation breaking down stunned the whole world and gave scope for speculations.

Justice Satya Brata Sinha, Former Judge of the Apex Court of India, in his speech delivered on 5th July 2008 at the inaugural function of a Mediation Center at High Court of Bombay said that about 3 crore cases are pending in different courts at different levels and in each case at least 3 persons are involved, that is to say, nearly 10 crore citizens of this Country are waiting for justice from the Indian Judiciary.

About a year ago, the then Chief Justice of High court of Judicature at Hyderabad Justice Kalyan Jyothi Sen Gupta, while inaugurating an ADR (Alternative Dispute Resolution) Center in A.P stated that only about 16% of the population are approaching the Judiciary for justice and due to lack of infrastructure and less number of courts and existing unfilled vacancies of Judges, the Judiciary is unable to deliver the goods in time and recommended for ADR. He went to the extent of saying that if he had to face any litigation personally, he would opt for ADR rather to approach regular Judiciary.

A decade ago the Judges of the Apex Court expressed their deep concern that though the institution of future litigations is stopped, the back-log of pending cases across the country would take at least a couple of centuries for disposal. Since then no steps were taken by the Central Government or the State Governments to increase the number of Courts to meet the vision of the