EDITORIAL

Whose Liability?

Since the Bhopal gas disaster in December 1984, a lot of debate has taken place, both in India and abroad, on the issue of liability for compensation to those affected by the gas leakage. The Union Carbide Corporation, its subsidiaries and supporters have always tried to maintain their liability for Bhopal gas disaster is limited and they had taken full precautions in the normal course of their business. On the other hand, many other activists, lawyers and social action groups have attempted to pin down the liability on UCC and its subsidiaries.

This issue of liability has now been settled by a recent Supreme Court judgement on December 20, 1986 in connection with Oleum gas leakage from Shriram Foods and Fertilizer Industries (SFFI) New Delhi in December 1985. In this historic judgement, the Court held a unanimous view that any enterprise engaged in a hazardous or inherently dangerous activity will be strictly absolutely liable to give compensation to all those affected from an accident caused by it.

It further proclaimed that the amount of compensation should be fixed in accordance with the size and prosperity of the concerned enterprise. The Court also observed that the social cost of production of a hazardous process or product is presumed to have been taken into consideration while granting licences for such enterprises; and such enterprise is tolerated only on condition it will be fully liable for compensation to all those affected by it, regardless of whether the industrial activity by the enterprise was carried out carefully or not.

In the light of this judgement, there now appears to be some hope of making Union Carbide to pay a just compensation for thousands of affected people in Bhopal.
THE ALEMBIC WORKERS SHOWED THE WAY

Alembic Glass Industries is one of the biggest glass factories in India. The factory is situated at Vadodara in Gujarat. The factory has a crusher plant in which limestone is crushed to powder. More than 150 workers out of total strength of about two thousands of the factory are suffering from a deadly disease — SILICOSIS.

For the many years, the management of the factory used to misguide the workers by saying that they were affected by T.B. which is not an occupational disease. By saying so the management could save their liability of paying compensation to the workers.

But the workers of the Alembic Glass never believed the management. The workers union debated one of its leaders to look into health problems of the workers. His study showed that the workers working in dusty environment appeared to be more affected by the disease. This appeared to be caused by the nature of their work.

So he approached National Institute of Occupational Health (NIOH), Ahmedabad, Gujarat (India) to get the workers fully examined for SILICOSIS. NIOH examined about two hundred workers, one eighty-seven of which were found to have SILICOSIS. After this the workers asked the management and Employers State Insurance Corporation (ESIC) to pay appropriate compensation. The management finally compensated to the workers. But the workers are not sticking only to compensation, they are demanding neat, clean and properly ventilated and harm-free environment so that they are saved from OCCUPATIONAL DISEASES.

- Declining health of the workers working in environment contaminated by dust (or powders similar to dust) was a matter of great concern. The workers were extremely prone to a disease which seemed to be like Tuberculosis (T.B.). But rigorous medical examinations showed that disease was not T.B. This disease was caused by silica particles and was therefore termed SILICOSIS.

Silicosis is an Occupational Disease.

Silicosis is caused due to inhaling very very small silica particles whose size is even less than five micromillimeters. Generally extent of the SILICOSIS depends on the quantity of the dust inhaled and the degree to which it has penetrated the lungs. Workers working in dusty environments for example those working with crushers, limestone and quartz crushing plants and bowl mills are much prone to this deadly disease — SILICOSIS.

The workers working in cement, China clay and glass factories in which stone and clay powder containing silica is a major raw material, are also found to be affected by SILICOSIS.

HOW DOES DUST CAUSE ILLNESS?

Dust enters through the nose and the mouth and reaches the lungs of the workers who work in dusty environments. Lungs in our body purify blood by taking Oxygen from the air and by throwing away the Carbon-dioxide. When we breathe, a sticky substance coats all the invisible and harmful particles like dust etc. from entering the lungs. But when the quantity of these particles is increased considerably, this sticky substance fails to stop invisible harmful particles entering. Now harmful dust particles enter into a flat grape-like structure called alveoli (airsacs) and hinders the process of blood purification. Gradually the dust particles are deposited in several layers in alveoli. This creates difficulty in breathing and causes cough, phlegm, chest pain, etc. Generally, the workers working in dusty environments start facing problems...

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like cold, cough and sneezing within 5 to 6 months of joining the work. The symptoms of **silicosis** becomes crystal clear over a much longer period of four to eight years. After nine to twelve years of having contacted **silicosis**, the worker's health rapidly deteriorates until he dies.

### Can workers be saved from silicosis?

Yes, by controlling dust particles in the factory premises and at the job place, can be saved. To control dust in cement and crushing plants, dust controlling equipments like electrostatic precipitator may be installed. Masks and other respirator equipments also prevent dust and other harmful materials from entering into the lungs through breathing.

### Who is responsible for saving workers from occupational disease?

According to the existing Factory Act, owners of the factory are fully responsible for providing neat, clean and properly ventilated work places. The workers have right to ask for their safety if they find any material, substance or process which poses any danger to their health. If the management still does not respond the workers must ask the Factory Inspector to visit the work place and take appropriate action against the management. If a worker has a doubt that the decline in his/her illness is due to his/her job they should undergo a thorough medical examination. It is the workers basic right to be compensated for any illness caused by the hazards of his/her occupation. It is the responsibility of the management to make the environment dust free and to provide protective equipments to the workers. Only an ideal and harm free work environment can prevent Occupational Diseases.

All workers must ask for neat, clean and properly ventilated work place. It is their right. The best way to prevent occupational diseases is to have ideal work environment and conditions free of health hazards.

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**EDITORIAL CONT'D...**

The judgement should also act as a warning to govt. and corporations and their managements. This may perhaps influence a few of them to take seriously the issues of health and safety inside and outside the workplace.

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HANDSAUR - a district in the grip of SILICOSIS

HANDSAUR, a district in Madhya Pradesh (India) is famous for its slate and pencil industry. This industry is responsible for the deadly disease of SILICOSIS in children, females and old people of the district. In this industry workers cut slate stone into pieces of thickness of about half a inch by electrically operated cutting machines. In the process a large quantity of slate dust produced. Workers breathe these particles and get affected by SILICOSIS.

In the last twenty years more than three thousands workers have died in Mandaur because of SILICOSIS. Thousands of people are still suffering from SILICOSIS. Most of the youths of village Multanpura in Mandaur have already died because of SILICOSIS.

The Supreme Court of India has asked the District Collector of Mandaur to provide all the information relating to Slate and Pencil Industry and the list of victims in response to a writ petition filed by Mangal Forwal of Mandaur.

EVENTS OF INTEREST

In a consultation convened on behalf of International Programme on Chemical Society (IPCS) by the French Ministry of Health (in Paris in July 1986) it was recognised that while the provision of information and training on health and safety in the workplace is the responsibility of the employer, there is also a need for generating and collecting unbiased information. For such a task it was decided that the IPCS (a joint venture of the ILO, ILO and UNEP) will take up the preparation of International Chemical Safety Cards.

* As a sequel to the Chernobyl nuclear disaster that sent shock waves all over the world, an anti-nuclear rally was held at Narora, Uttar Pradesh, India) on December 13, 1986, at the site of Narora Atomic Power Project. Concern was expressed about the safety of thousands of citizens and workers whose lives would be endangered by the construction of the proposed plant.

In collaboration with Volunteers For Social Justice, a Jallandher-based NGO, PRIA organized a twoday workshop on Occupational Health and Safety on December 7 and 8, 1986. The main area of discussion were pesticide hazards among agricultural labourers and work hazards among construction workers.

* According to Chemical and Rubber Workers Union in Turkey, lead poisoning has increased by 13% in the last four years. It has been established by the survey result of three major battery plant in Istanbul. The Union had taken one case to Court in Istanbul and was successful in proving the company's neglect in the workers suffering from lead poisoning.

* Caution ! Four chemicals viz., Bromochloromethane, Dimethylphosphonate, 1, 2-Epoxybutane and methyl carbamate have been shown to be carcinogenic according to a US National Toxicology Program Advisory Panel. Workers who may be exposed to any of these chemicals would therefore be wise to treat them with caution. In addition to workers being occupationally exposed, the general public are exposed to Bromochloromethane in drinking water and in a variety of food substances. Dimethyl methylphosphonate workers are exposed to it during its manufacture and use as a
flame retardant, an anti-
foam agent, a plasticizer
and stabilizer, a textile
conditioner and anti-static
agent, and an adhesive
for solvent and low temp.
hydraulic fluids. Epoxy
Butane is used primarily
as a stabilizer in Chlori-
nated hydrocarbon solvents.

Methyl Carbamate is a
pesticide and a chemical
intermediate used by the
textile industry for cur-
acle - press finishes on
polyester / cotton blend
fabrics.

* A consultation meeting
among Trade Unions and
NGOs was organized in
Arsinakunte, near
Bangalore during Sept.
5-7, 1986. It was spon-
sored by ILO and
organised by Trans
National Centre, Dharwad.
PRIA was one of the co-
organisers in the Occu-
pational Health & Safety
section of the consulta-
tion. It was attended by
twenty participants. A
plan of action was evolu-
ted to involve NGOs &
TUs to work together on
the issue of industrial
pollution and work place
hazards.

* An International Semi-
inar on Workers Education
in Asia held at Colombo,
Sri Lanka, during October
24-26, 1986. It was
sponsored by I C A E,
ASTRE, NATE & SLEFG.
The seminar shared and
analysed grass-roots
worker education experi-
ences in selected Asian
countries. PRIA was ac-

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