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, 1988 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 and 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.

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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 thousand of the factory are suffering from a deadly disease - silicosis.

For 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 (NIOSH), Ahmedabad, Gujarat (India) to get the workers fully examined for silicosis. NIOSH examined about two hundred workers, one eighty-seven of whom were found to have silicosis. After this, the workers asked the management and Employees State Insurance Corporation (ESIC) to pay appropriate compensation. The management finally compensated the workers. But the workers are not sitting only to compensation, they are demanding a clean and properly ventilated and harm-free environment so that they are saved from OCCUPATIONAL DISEASES.

silicosis is caused due to inhaling very very small silica particles whose size is even less than five micrometers. 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 stops 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 fine grape-like structure called alveoli (air sacs) and hinder 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...
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 crusher plants, dust controlling equipments like electrostatic precipitator may be installed. Masks and other respiratory equipments also prevent dust and other harmful materials from entering into the lungs through breathing.

**Who is responsible for saving workers from Occipational 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 a right to ask for their safety if they find any material, substance or process which poses any danger to their health. Thus the management still does not respect 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.

**Editorial Contd.***

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.
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 very 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 Mangalal Prasad 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 Jallunder based NGO, PRIA organized a two-day 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 I 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. 1,2 Epox Butane is used primarily as a stabilizer in Chlorinated hydrocarbon solvents.

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A consultation meeting among Trade Unions and NGOs was organized in Arsikere, near Bangalore during Sept. 5-7, 1986. It was sponsored by ILO and organized by Trans National Centre, Dharwad. PRIA was one of the co-organisers in the Occupational Health & Safety section of the consultation. It was attended by twenty participants. A plan of action was evolved to involve NGOs & TUs to work together on the issue of industrial pollution and work place hazards.

* An International Seminar on Workers Education in Asia held at Colombo, Sri Lanka, during October 24-26, 1986. It was sponsored by I C A E, ASPBAE, NATE & SLFC. The seminar shared and analysed grass-roots worker education experiences in selected Asian countries. PRIA was actively involved in the coordination of the seminar. 19 worker educators from eleven Asian countries along with I C A E executive committee members attended the seminar.

* A day-long consultation on "Occupational Health & Safety programme was held on Nov. 23, 1986 at New Delhi. Various groups & individuals associated in this programme with PRIA participated in the deliberations. The participants laid down the future thrust on the overall activities of the programme.

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DO WE HAVE A RIGHT TO KNOW?

Educational Materials

Pills, Pesticides and Profits: The International Trade in Toxic Substances

It deals with international trade of chemicals used in pesticides and pharmaceutical companies. It exposes the dynamics of spreading of hazardous chemicals from developed to developing countries. It calls for international action to check this trading of toxic chemicals.

Edited by Roth Norris
Contact: North River Press INC
Box 241, Carton-on-Hudson, New York, 10520, USA

The Bhopal Tragedy.

it tries to tell the Bhopal story simply and directly. It is directed towards the citizens in the USA and spells out their responsibilities so that the lessons of Bhopal are not forgotten. The story of Bhopal enumerated in this book is also of interest to Indian citizens.

Written by Ward Morehouse and Arun Subramaniam.
Available From: Council on International and Public Affairs, 777 United Nations Plaza, New York, NY 10017, USA
Overuse Injuries: Their Causes & Prevention.

Slide kit with more than sixty colour slides and runs for approximately thirty minutes. Themes of this kit includes:
- What are overuse injuries?
- Myths surrounding the causes of the injuries.
- The real causes of overuse injuries.
- Case studies in prevention.

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