

# Law and Social Justice

## 1. WHAT IS WORKER'S WORTH?

- One reason why foreign companies come to India is for cheap labour. Wages that the companies pay to workers, say in U.S.A., are far higher than what they must pay to workers in poorer countries like India.
- Companies can save costs and earn higher profits.
- Between 1980 and 1984, the work crew for the MIC plant was cut in half from 12 to 6 workers. The period of safety training for workers was brought down from 6 months to 15 days.

## 2. ENFORCEMENT OF SAFETY LAWS.

- As the law-makers and enforcers, 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.
- The safety laws were lax in India and even these weak safety laws were not enforced.
- In 1978, some municipal officials in Bhopal objected that the installation of an MIC production unit was a safety violation, the position of the government was that the state needs the continued investment of the Bhopal plant, which provides jobs.
- As we know, this is contrary to what the role of a law making, and enforcement agency should be. Instead of protecting the interests of the people their safety was being disregarded both by the government and by private companies.
- With more industries being set up both by local and foreign business in India, there is a great need for stronger laws protecting workers, rights and better enforcement of these laws.

## 3. NEW LAWS TO PROTECT THE ENVIRONMENT.

- In 1984, 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.
- The Bhopal disaster brought the issue of environment to the forefront. Several thousands of persons who were not associated with the factory in any way were generally affected because of the poisonous gases leaked from the plant.
- In response to the pressure from environmental activists and others, in the years following the Bhopal gas tragedy, the Indian government introduced new laws on the environment.

- The courts also gave several judgements upholding the right to a healthy environment as intrinsic to the Fundamental Right to life.
  - In Subhash Kumar vs. State of Bihar (1991), the supreme court held that the Right of 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.
  - The government is responsible for setting up laws and procedures that can check pollution, clean rivers and introduce heavy fines for those who pollute.
- 
- 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.
  - To ensure that workers are not underpaid but are paid fairly, minimum wages has been set by governments.
  - There are laws that protect the interests of producers and consumers in the market.
  - The government has to ensure that these laws are implemented which means that the law must be enforced.
  - Enforcement becomes even more important when the laws, the government can control the activities of individuals or private companies so as to ensure social justice.
  - Fundamental Rights guaranteed by the Indian Constitution like 'Right against Exploitation' say that no one can be forced to work for low wages or under bondage.
  - The Constitution lays down no child below the age of 14 years shall be employed to work in any factory or mines or engaged in any other hazardous employment.
  - The Constitution has also make provisions against any sort of exploitation of human being irrespective of gender and sex.
  - By making constitutional rights governments always try to ensure social justice to every section of society.
  - The Social and Just society makes the basis of Gandhian socialism and avail the resources to everyone and stop the discrimination.

#### **Bhopal Gas Tragedy:**

- 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. MIC, a highly poisonous gas, started leaking on 2 December 1984, at midnight from the factory.
- Within three days more than 8,000 people were dead, Hundreds of thousands were maimed.

- US stopped its operations but left behind tons of toxic chemicals.
- 24 years later, people are still fighting for justice, for safe drinking water, for healthcare facilities and jobs for the people poisoned by UC. After effects still haunts the generations of victims.
- Governments come and go but people are waiting for justice. To stop any such sort of incidents in future the developers and business class should make liable by making strict laws. So that such incidents could not take place in future.

#### **What is a Worker's worth:**

- Foreign companies come to India for cheaper labor.
- Wages in USA are higher than that compared to workers in poorer countries like in India.
- For lower pay, companies can get longer hours of work.
- Cost cutting can be done by other more dangerous means, e.g., lower working conditions including lower safety measures are used as ways of cutting costs.
- Since there is as much unemployment, there are many workers who are willing to work in unsafe conditions in return for a wage.
- In the grave situation of unemployment where people are ready to work in corrosive situation as well, it become the duty of government to ensure the safety of its citizens.
- Proper safety laws should be present to protect the people from damages and incidents.

#### **Enforcement of Safety Laws:**

- As the lawmaker and enforcer, the government is supposed to ensure that safety laws are implemented.
- It is the duty of the government to ensure that the Right to Life guaranteed under Article 21 of the Constitution is not violated.
- Instead of protecting the interests of the people, their safety was being disregarded both by the government and by private companies.
- With more industries being set up both by local and foreign business in India, there is a great need for stronger laws protecting workers rights and better enforcement of these laws.
- Before approval of any industry laws and codes must be satisfied with and after assessment permission should be given.

#### **New Laws to Protect the Environment:**

- In 1984, there were very few laws protecting environment (Environment protection act 1986) in India and there was hardly any enforcement of these laws.
- Environment was treated as a 'free' entity and industry could pollute the air and water without any restricted.
- Whether it was our rivers, air or groundwater the environment was being polluted and the health of people disregarded.

- The polluter was to be held accountable for the damage done to environment.
- The Government is responsible for setting up laws and procedures that can check pollution, clean rivers and introduce heavy fines for those who pollute.
- Supreme Court in many of judgments has also said about the right to healthy life and safe drinking water as essential part of article 21 that is right to life.
- Recently by invoking swatch Bharat Abhiyan, Namami Gangay and Rally for rivers government has shown its commitment towards environment protection.
- By imposing high carbon tax and high taxes of petroleum government is deterring individual from misusing these resources.
- At international level as well India is showing its commitment towards environment issue.

#### **Environment as a Public Facility:**

- Environment issue in India has highlighted the fact that the growing concern for the environment among the middle classes is often at the expense of the poor.
- The challenge is to look for solutions where everyone can benefit from a clean environment.
- The government has to encourage and support factories to gradually move to cleaner technologies.
- This will ensure that the workers livelihoods are protected and both workers and communities living around the factories enjoy a safe environment.
- By heavy dependency of rich on air condition and vehicles the problem of pollution is getting enhanced and burnt has to be faced by poor.

#### **Conclusion:**

- Laws are necessary in many situations, whether this be the market, office or factory so as to protect people from unfair practices.
- Laws that are weak and poorly enforced can cause serious harm.
- While the government has a leading role in the respect, people can exert pressure so that both private companies and the government act in the interests of society.
- Here the role has to be played by government by making better policies and by implementing them in effective manner.