

CIVICS

CHAPTER 10

LAW AND SOCIAL JUSTICE



WHY LAWS ARE IMPORTANT?

- **To save poor people from exploitation**
- **The issues of worker's wages**
- **It is illegal or wrong to deny worker's their wages**
- **To unsure that workers are not underpaid**
- **There is a law on minimum wages**
- **To protect the interests of producers and consumers in the market**
- **Laws must be enforced**
- **Government has to be more strict and vigilant to ensure justice in the country**

- **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.**

WHAT IS WORKERS WORTH?

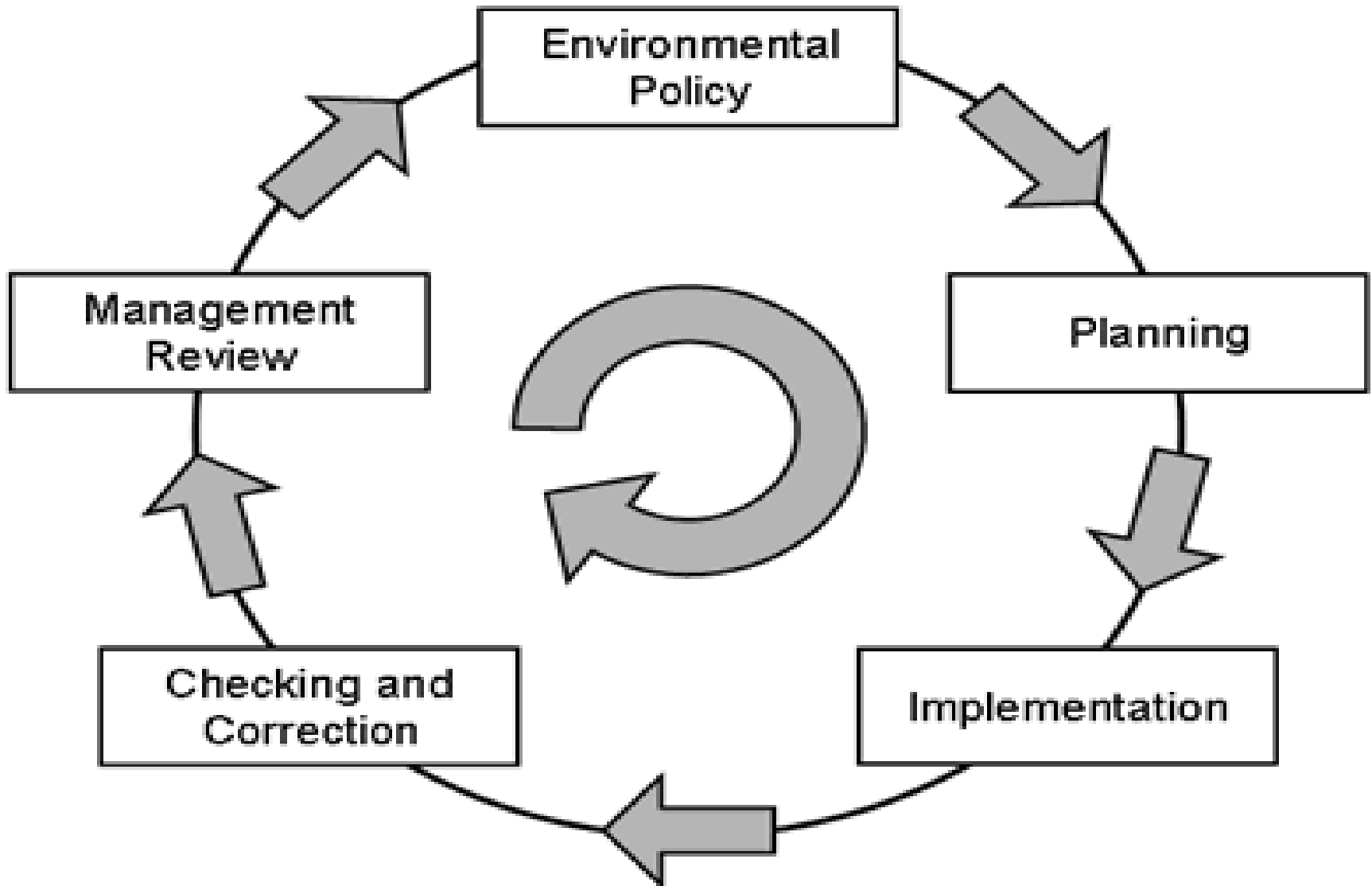
- **Foreign companies set up their business in India for cheap labour**
- **Wages paid to workers are higher in other countries compared to India**
- **Companies get longer hours of work**
- **Additional they don't give any facilities to the these workers and can save cost and earn higher profits**
- **Lower working conditions including lower safety measures**
- **Example of Bhopal Gas tragedy**

DECEMBER 3, 1984





SAFETY MEASURES



CHECK LIST

Applicability of the Act

Any premises whereon 10 or more persons with the aid of power or 20 or more workers are/were without aid of power working on any dayd preceding 12 months, wherein Manufacturing process is being carried on.

Sec.2(ii)

Employer to ensure health of workers pertaining to

- Cleanliness Disposal of wastes and effluents
- Ventilation and temperature dust and fume
- Overcrowding Artificial humidification Lighting
- Drinking water Spittons.

Secs. 11 to 20

Registration & Renewal of Factories

To be granted by Chief Inspector of Factories on submission of prescribed form, fee and plan.

Secs. 6

Safety Measures

- Fencing of machinery
- Work on near machinery in motion.
- Employment prohibition of young persons on dangerous machines.
- Striking gear and devices for cutting off power.

- Self-acting machines.
- Casing of new machinery.
- Prohibition of employment of women and children near cotton-openers.
- Hoists and lifts.

Welfare Measures

- Washing facilities
- Facilities for storing and drying clothing
- Facilities for sitting
- First-aid appliances – one first aid box not less than one for every 150 workers.
- Canteens when there are 250 or more workers.
- Shelters, rest rooms and lunch rooms when there are 150 or more workers.
- Creches when there are 30 or more women workers.
- Welfare office when there are 500 or more workers.

Working Hours, Spread Over & Overtime of Adults

Weekly hours not more than 48.

Daily hours, not more than 9 hours.

Intervals for rest at least ½ hour on working for 5 hours.

Spreadover not more than 10½ hours.

Overlapping shifts prohibited.

Extra wages for overtime double than normal rate of wages.

Restrictions on employment of women before 6AM and beyond 7 PM.

Secs. 51, 54 to 56, 59 & 60

Employment of Young Persons

- Prohibition of employment of young children e.g. 14 years.
- Non-adult workers to carry tokens e.g. certificate of fitnekss.
- Working hours for children not more than 4 ½ hrs. and not permitted to work during night shift.

Secs. 51, 54 to 56, 59 & 60

Annual Leave with Wages

A worker having worked for 240 days @ one day for every 20 days and for a child one day for working of 15 days. Accumulation of leave for 30 days.

Secs. 79

OFFENCE	PENALTIES	Sec.92 to
• For contravention of the Provisions of the Act or Rules	• Imprisonment upto 2 years or fine upto Rs.1,00,000 or both	
• On Continuation of contravention	• Rs.1000 per day	
• On contravention of Chapter IV pertaining to safety or dangerous operations.	• Not less than Rs.25000 in case of death.	
• Subsequent contravention of some provisions	• Not less than Rs.5000 in case of serious injuries.	
• Obstructing Inspectors	• Imprisonment upto 3 years or fine not less than Rs.10,000 which may extend to Rs.2,00,000.	
• Wrongful disclosing result pertaining to results of analysis.	• Imprisonment upto 6 months or fine upto Rs.10,000 or both.	
• For contravention of the provisions of Sec.41B, 41C and 41H pertaining to compulsory disclosure of information by occupier, specific responsibility of occupier or right of workers to work imminent danger.	• Imprisonment upto 6 months or fine upto Rs.10,000 or both.	
	• Imprisonment upto 7 years with fine upto Rs.2,00,000 and on continuation fine @ Rs.5,000 per day.	
	• Imprisonment of 10 years when contravention continues for one year.	

ENFORCEMENT OF SAFETY LAWS

- **The government is supposed to ensure that safety laws are implemented**
- **To ensure that Right to Life is guaranteed under Article 21 of the Constitution is not violated**
- **Regular inspections of factories, industries and other work places by the government officials**
- **Strict punishments to the people who break these laws**

LAWS TO PROTECT THE ENVIRONMENT

- **Environment was treated free entity by the industries**
- **Government introduced laws that polluter was to be held accountable for the damage done to the environment**
- **The courts also has given number of judgements upholding the right to a healthy environment as intrinsic to the fundamental Right to Life**
- **The government is responsible for setting up laws and procedures that can check pollution**
- **Introduce heavy fines for the culprits**

Environment laws of India

In India the law relating to pollution control is more than 100 years old. The earliest of them is the (Bombay) Nuisance Act 1853. The history of legislative fight against pollution started with Indian Penal Code, 1860. Sec 268 defined what is public nuisance.

Legislative fight against pollution continued in Independent India. Now, there is a host of legislation in India aimed at protecting the environment from pollution and maintaining the ecological balance. The Environment (protection) Act, 1986 is one of the latest and major Act for environmental protection.

Environmental protection law in India

Constitution of India has a number of provisions demarcating's the responsibility of the central and state/governments towards 'environmental protection'. The constitution of India makes provision for environmental protection in the chapters on:

- Fundamental Rights
- Directive Principles of State Policy
- Fundamental Duties
- The parliament of India has passed several acts and laws in order to protect the environment.

