



Law is very important. The issue of worker's wages. Private companies, contractors, businesspersons normally want to make as much profit as they can. In the drive for profits, they might deny workers their rights and not pay them wages, for example. In the eyes of the law it is illegal or wrong to deny workers their wages. Similarly to ensure that workers are not underpaid, or are paid fairly, there is a law on minimum wages. A worker has to be paid not less than the minimum wage by the employer.

As with the law on minimum wages, which is meant to protect workers, there are also laws that protect the interests of producers and consumers in the market. These laws ensure that the relations between these three parties- the workers, consumer and producer- are governed in a manner that is not exploitative. Merely making laws is not enough. The government has to ensure that these laws are implemented. This means that the law must be enforced. Enforcement becomes even more important when the law seeks to protect the weak from the strong. For instance, to ensure that every worker gets fair wages, the government has to regularly inspect work sites and punish those who violate the law. When workers are poor or powerless, the fear of losing future earnings or facing reprisals often forces them to accept low wages. Employers know this well and use their power to pay workers less than the fair wage. In such cases, it is crucial that laws are enforced.

Through making, enforcing and upholding these laws, the government can control the activities of individuals or private companies so as to ensure social justice. Many of these laws have their basis in the fundamental rights guaranteed by the Indian constitution. For instance, the Right against Exploitation says that no one can be forced to work for low wages or under bondage. Similarly, 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 A Worker's Worth:

If we are to understand the events leading to Bhopal disaster, we have to ask: why did Union Carbide set up its plant in India?

One reason why foreign companies come to India is for cheap labour. Wages that the companies pay to workers, say in the U.S.A., are far higher than what they have to pay, companies can get longer hours of work. Additional expenses such as for housing facilities for workers are also fewer. Thus, companies can save costs and earn higher profits.

One part of the answer lies in what is perceived as the worth of an Indian worker. One worker can easily replace another. Since there is so much unemployment, there are many workers who are willing to work in unsafe conditions in return for a wage. Making use of the workers' vulnerability employers ignore safety in workplaces. Thus, even so many years after the Bhopal gas tragedy, there are regular reports of accidents in construction sites, mines or factories due to the callous attitude of the employers.

Enforcement of Safety Laws:

As the lawmaker and enforcer, 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.



First, the safety laws were lax in India. Second, even these weak safety laws were not enforced. Government officials refused to recognize the plant as hazardous and allowed it to come up in a populated locality. When some municipal official in Bhopal objected that the installation of an MIC production unit in 1978 was a safety violation, the position of the government was that the state needs the continued investment of the Bhopal plant, which provides jobs. It was unthinkable, according to them, to ask UC to shift to cleaner technology or safer procedures. Government inspectors continued to approve the procedures in the plant, even when repeated incidents of leaks from the plant made it obvious to everybody that things were seriously wrong.

New laws to protect the environment:

In 1984, there were very few laws protecting the environment in India, and then 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.

Thus, not only was UC a beneficiary of lower safety standards, it didn't have to spend any money to clean up the pollution. In the U.S.A, this is a necessary part of the production process.

The Bhopal disaster brought the issue of environment to the forefront. Several thousand of persons who were not associated with the factory in any way were greatly affected because of the poisonous gases leaked from the plant. This made people realize that the existing laws, though weak, only covered the individual worker and not persons who might be injured due to industrial accidents.

In response, to this pressure from environment activists and others, in the year following the Bhopal gas tragedy, the Indian government introduced new laws on the environment. Henceforth, the polluter was to be held accountable for the damage done to environment. The environment is something that people over generations will share, and it could not be destroyed merely for industrial development.

Laws are necessary in many situations, whether this be the market, office or factory so as to protect people from unfair practices. Private companies, contractors, business persons, in order to make higher profits, resort to unfair practices such as paying workers low wages, employing children for work, ignoring the condition of work, ignoring the damage to the environment (and hence to the people in the neighborhoods) etc.

A major role of government, therefore, is to control the activities of companies by making, enforcing and upholding laws so as to prevent unfair practices and ensure social justice. This means that the government has to make 'appropriate laws' and also has to enforce the laws. Laws that are weak and poorly enforced can cause serious harm, as the Bhopal gas tragedy showed.

