

HUMAN RIGHTS *analysis*



RIGHTS *corner*



Health standards in factories: Myth or reality

Nepal: Civilians at risk as conflict resumes

World must curb abuses by army, Maoists

Barrister Md. Abdul Halim

THE main law dealing with the health and safety conditions in factories is the Factories Act 1965. Apart from safety matters there are some health conditions prescribed by this legislation which are hardly followed by owners of factories. The Factories Act has given much accent to maintaining the physical fitness and welfare of the workers by requiring certain minimum standards of occupiers to keep factories clean and free from effluvia arising from drain, privy or refuse in and around the factory premises. Detailed provisions are inserted in the Act to keep inside and outside the factories clean and safe. The principal rules relating to health and hygiene are as follows:

A. Cleanliness: Section 12 provides that:

(i) Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance;

(ii) The accumulation of dirt and refuse shall be moved daily by sweeping or by any other effective method;

(iii) The floor of every work-room shall be cleaned at least once in every week by washing, using disinfectant where necessary or by some other effective method;

(iv) All inside walls and partitions, all ceilings, or tops of rooms, and walls, side and tops or passages and staircases shall be repainted or revarnished at least once in every five years;

(v) Where walls are painted or varnished and have smooth impervious surfaces, they shall be cleaned at least once in every fourteen months;

(vi) In any other case, they shall be kept white-washed or colour-washed and the white-washing or colour-washing shall be carried out at least once in every fourteen months.

B. Disposal of wastes and

effluents: Section 13 provides that effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein;

C. Ventilation and temperature: Section 14 provides:

(i) Every occupier shall take effective and suitable measures for securing and maintaining in every work-room adequate ventilation by circulation of fresh air;

(ii) Such temperature will be maintained as will secure to workers therein reasonable conditions of comfort and prevent injury to health;

(iii) The walls and roofs shall be of such material and so designed that temperature shall not be exceeded but kept as low as practicable;

(iv) Where the nature of the work carried on in the factory involves, or is likely to involve, the production of excessively high temperature, such adequate measures as are practicable, shall be taken to protect the workers there by separating the process which produces such temperature from the work-room by insulating the hot parts or by other effective means.

D. Dust and fume: Section 15 provides:

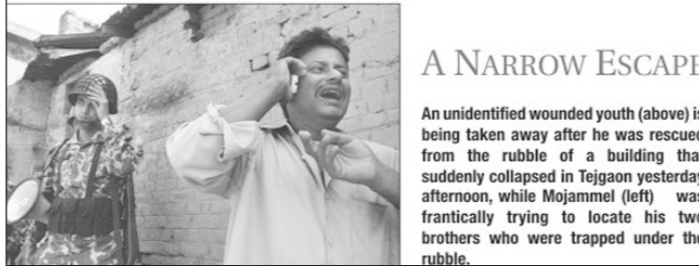
(i) Dust, fume or other impurity which is injurious or offensive to the workers arising due to the manufacturing process must be diverted by effective measures so as to prevent dust inhalation and accumulation in any work-room;

(ii) Exhaust appliance or other safeguards must be used for this.

E. Artificial humidification: Section 16 provides:

(i) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply, or other source of drinking water, or shall be effectively purified before it is so used.

(ii) If it appears to an Inspector that the water used in a factory for increasing humidity which is



A NARROW ESCAPE

An unidentified wounded youth (above) is being taken away after he was rescued from the rubble of a building that suddenly collapsed in Tejgaon yesterday afternoon, while Mojammel (left) was frantically trying to locate his two brothers who were trapped under the rubble.

required to be effectively purified is not effectively purified, he may serve on the manager of the factory an order in writing, specifying the measures which, in his opinion, should be adopted, and requiring them to be carried out before a specified date.

F. Overcrowding: Section 17 provides:

(i) No work-room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein.

(ii) There shall be provided for every worker employed in a work-room at least five hundred cubic feet of space in the case of a factory built after the commencement of this Act.

G. Lighting: Section 18 provides:

(i) In every part of a factory where workers are working or passing through, there shall be provided and maintained sufficient and suitable lighting, natural or artificial,

or both.

(ii) In every factory all glazed windows and skylights used for the lighting of the work-room shall be kept clean on both the outer and inner surfaces and free from obstruction as far as possible.

(iii) In every factory effective provisions shall be made for the prevention of glare either directly from any source of light or by reflection from a polished surface etc.

H. Drinking water: Section 19 provides:

(i) In every factory effective arrangement shall be made to provide and maintain at a suitable point conveniently situated for all workers employed therein, a sufficient supply of wholesome drinking water.

(ii) All such points shall be legibly marked "Drinking Water" in a language understood by the majority of the workers.

(iii) No such point shall be situ-

ated within twenty feet of any washing place, urinal or latrine, unless a shorter distance is approved in writing by the Chief Inspector.

(iv) In every factory wherein more than 250 workers are ordinarily employed, provision shall be made for cooling the drinking water during the hot weather.

I. Latrines and urinals: Section 20 provides that in every factory--

(i) Sufficient latrines and urinals of prescribed types shall be provided conveniently situated for and accessible to workers at all times while they are in the factory;

(ii) Enclosed latrines and urinals shall be provided separately for male and female workers;

(iii) Such latrines and urinals shall be adequately lighted and ventilated and no latrine or urinal shall, unless specially exempted in writing by the Chief Inspector, communicate with any work-room except through an intervening open space or ventilated passage;

(iv) All such latrines and urinals shall be maintained clean and sanitary or disinfected or both;

(v) The floors and internal walls of the latrines and urinals and the sanitary blocks shall, up to a height of three feet, be finished to provide a smooth polished impervious surface.

Penalties: In order to protect the interest of workers in factories, both the occupier and manager of a factory are jointly and severally liable to a fine for an offence under the Act. Under section 93 any contravention by the occupier or manager of any provision of the Act or Rules would expose them to penalty of fine which may extend to taka one thousand and, if the contravention is continued after conviction, with a further fine which may extend to Taka seventy-five for each day of the period over which the contravention continues.

It is to be noted that the general penalty remains with an offence punishable with fine only and the

amount of the fine is so meagre that every manager and owner of a factory can easily flout the whole provision. Secondly, the Act does not make any provision for imprisonment in case of contravention of the provisions. In India there is a provision of imprisonment up to two years as general punishment. Thus the provisions of this Act are toothless to frighten employer-owners and managers to ensure safety measures in factory.

Conclusion: In view of recent repeated accidents in various factories, the above Factories Act, 1965 needs to be amended so that it conforms to the demand of the modern times. Breach of any of the provisions of the Act should meet with both penal and civil provisions and amount of fine in case of breach of safety and health standards should be raised. Negligence on the part of the authorities under the Act should be subject to penalty also. If an Inspector fails visit factories at a regular interval or makes any faulty report, or does not visit, or fails to prosecute the owner and manager of the factory in case of breach of safety and health standards, the Inspector himself should be rigorously penalised and fined. The real problem lies with the enforcement of the law by the authorities under the Act.

There is inherent lack of checks and balances among government bodies. If some authorities under the Factories Act, 1965 were punished for the incidence of mass killing by fire and stampede due to non-compliance of laws pertaining to safety and security, the authorities would never forget to take care of safety measures which is their responsibility. It is the weakness or lack of enforcement by the authorities which encourages the owners to flout and violate the safety and health standards under the law.

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LAW *vision*

Theorising the crime and violence of Dhaka city

SHEIKH HAFIZUR RAHMAN KARZON

SOCIO-ECONOMIC reality of urban areas is totally different from that of rural areas, hence the types of crime are different. All the banks, shopping centres, government offices are situated in the cities. People carry hard currency, females wear valued ornaments, huge amounts transacted for business purpose. All these realities create huge opportunities for miscreants to commit different types of crimes such opportunities are almost absent in rural areas. People of cities experience two types of realities, one during day-time, and another at night. For instance, as soon as night falls the drug dealers start selling their contraband items. In mega cities like Dhaka and Chittagong, a number of professional criminal gangs commit various types of delinquencies. The criminal gangs are often alleged to have patronisation of police and politicians. People of urban areas, therefore, always run the risk of falling victim to any type of crime. The crimes committed in urban areas are hijack, murder, kidnapping and abduction, burglary, pick-pocketing, rape, smuggling and abuse of drugs, smuggling of gold, suppression of domestic servants, acid throwing, fraud and deceit, and also white collar crimes.

Social process and urban crime

An agro-based peasant society is relatively uniform and consistent. China exemplified this situation until recently. An individual was brought up in a large family, which determined his career. An individual had full security within this group. In case of sickness, accident, old age, or any other emergency the group cared for him/her. Surrounding communities were harmonious in their traditional culture and they supported the large families. Under such uniform social organisation there was few opportunities to develop 'individualism', also few opportunities for committing crime.

Because of uniform and consistent character of society crime was almost absent, except some occasional offences.

Consistency and uniformity are not seen in urban centres developed in line with western civilisation. This situation is considered as 'social disorganisation'. Under this circumstances a society cannot determine uniform societal goals for all its members and even cannot prescribe means of achieving agreed-upon societal goals. Consequently, the members of the society are confronted with alternative goals or means. An individual discovers that behaviour which is 'correct' to one group is 'wrong' to another group. S/he falls in a condition of anomie. Social disorganisation has taken place because of this heterogeneity of norms on the ground that uniform and consistent social organisation has disappeared or is disappearing.

Competition, mobility and cultural conflict are three components of the process with which social organisation of modern cities has developed. Obvious concomitant of these processes is an individualistic ideology, which is logically and intellectually may turn a bit criminalistic when a premium has been placed both on committing crime and on refraining from it. In such differential social organisation of a city the crime rate is relatively high.

Economic and political individualism is not a positive ideology for a sound social organisation. It creates selfish interests among the people and disregards social welfare and solidarity. Industrial revolutions have created ambition for luxurious life and materialistic culture has set everyone to pursue money. In a modern urban society poverty is considered a disgrace and simple life is no longer satisfying. Wealth is the symbol of prestige and status; easy money has made the social organisation unstable, which augments the frequency of crime in urban areas.

In earlier societies people and obtaining conditions were controlled by some

social practices, namely, large family, religion, social values and homogeneous culture. Because of mobility the large family and homogeneous neighbourhood which had been the principal agents of social control, disintegrated. They are replaced by small families, consisting of parents and children and by a neighbourhood where the mores are no longer so homogeneous. Now the individuals are detached from one another and the behaviour of one person is a matter of relative indifference to other persons. The role of religion and social values have been marginalised. Cumulative result of all these conditions is the high rate of criminality in urban areas.

Growth

Between the recently filled Dhulai Khal and Buriganga river Dhaka city started its journey sometime before seventeenth century. The present Dhaka city was first formally established in 1610 as the capital of Subah Bangalah. In 1905 because of the partition of Bengal, Dhaka was made the capital of new province East Bengal. As capital of East Pakistan, Dhaka experienced rapid expansion after 1947. But it recorded titanic growth as capital of an independent country, Bangladesh. Mughals selected Dhaka as the capital of Bengal because it was surrounded by a ring of rivers and was protected against any possible enemy attacks. Being at the centre of a productive agricultural area and good communication with the hinterland through its rivers made Dhaka city convenient location for trade and commerce.

Professor Nazrul Islam in his recent book, "Dhaka Now: Contemporary Urban Development", has pointed out that Dhaka city has been developing at a faster rate than other cities of South Asian region. In 1985 United Nations assessed Dhaka city as the 31st largest city in the world. Because of its speedy expansion it has already become the eleventh largest mega-city in 2000. It will be the sixth most populous city by 2010

and the second largest mega-city in 2015.

By all functional and socio-economic indicators Dhaka occupies urban hierarchy. Administrative functions and employments, educational, cultural and political activities, financial and banking services, international commerce and business services -- all are largely concentrated in Dhaka. Development of Dhaka city is not the result of urbanisation, rather mitigating cause of the rural people. Poverty, periodic famine, river

Crime and violence

New phenomenon of crime and violence of Dhaka city is that more than half of the crimes are committed by the juvenile delinquents, their age ranging from 12 to 20. Everyday there happens one incident of killing, sometimes the frequency is less. Every month 5-6 persons are kidnapped for ransom. There happens about 12 incidents of hijackings everyday. Moreover another 35 to 40 different types of crimes are committed in Dhaka



erosion compel hundreds of thousands rural people to migrate to Dhaka city. Now this city has been characterised by high level of illiteracy, low level of energy consumption, huge traffic jam and environmental pollution. Being a poorly managed city, Dhaka now stands as one of the least developed mega-cities in the world.

increasing trend. In 1990 crimes were committed in Dhaka city at a rate 5.1, in 2002 it increased to 8.9. An article published in the Detective, the official publication of the Police Department, has revealed all these information. (The Daily Janakantha, 12.01.2003)

There are 80 crime syndicates in the whole country out of which 28 are operating in Dhaka city. Usually they use small arms. There are 2 lac such small arms in the whole of Bangladesh out of which 50 thousand are in the hands of the crime syndicates. Voluntary organisation South Asian Partnership (SAP) revealed this information. The situation has turned grave because of the use of small arms, availability of arms and political patronisation of terrorists. The deplorable situation is that Bangladesh is being utilised as a transit point in the trafficking of illegal arms. All these 80 syndicates are alleged to be somehow patronised by political parties. They allegedly control the commitment of the criminal activities. Getting pat from these syndicates criminals are committing crimes all over the country. Criminals at the lower level are arrested sometimes, but high profile members of the syndicates and godfathers remain beyond the reach of the police and criminal justice system. (The Daily Sangbad, 03.12.2003)

'Anomie'
Emile Durkheim, a French sociologist, invoked the term "anomie" in his book "The Division of Labour in Society", published in 1893. When any deregulation occurs in any society, that condition is depicted as anomie. In such a condition the rules, according to which people behave with each other, have broken down and people do not know what to expect from one another. Anomie may be defined as a situation where norms are confused, unclear and not present. Simply it is normlessness, which leads to deviant behaviour. Durkheim delineates the transformation of a simple and non-specialised 'mechanical' society into highly complex and specialised 'organic' society. 'Mechanical' society is charac-

terised by likeness of thought and behaviour. They think and behave alike and do the same works and pursue similar social goals. When society becomes organic, people are divided into different professional groups, social bonds become impersonal, people live a life of anonymity.

By anomie Durkheim means the breakdown of social norms where those no longer control the activities of the societal members. "Individuals cannot find their place in society without clear rules to help guide them. Changing conditions as well as adjustment of life leads to dissatisfaction, conflict and deviance. Durkheim observed that social periods of disruption brought about greater anomie and higher rates of crime, suicide, and deviance."

Is it possible to explain present situation of Dhaka city in terms of the anomie theory propounded by Durkheim? Have the rules regulating the behaviour of the people of Dhaka city totally broken down? Has total normlessness occurred in Dhaka city? How can we explain high rate of crime and deviance in Dhaka city? Anomie situation has not totally devoured the urban life of Dhaka, rather the situation of Dhaka can be termed as "anomie-like". Normlessness has not totally occupied the social life of Dhaka, but the norms are confused and unclear.

If everything is all right, why no one in Dhaka city is secured? Social disorganisation, together with 'anomie-like' situation, may be the cause of high degree of insecurity, crime and deviance. Derogation of norms and values has taken strong hold among the young generation of Dhaka city. Many of the people have been confronting with erosion of values and bad impact of pornography and satellite culture. Cont..

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