

Law and Our Rights

The Divested Workers And Their Legal Rights

by Tareq Hasan Siddiqui

THE modern civilization is the contribution of depressed class of society, sometimes of the untouchables. From the very outset of society this kind of people are giving their indefatigable labour but unheeded and despised, and this is the use and wont of recruiting them. For them life is like a nightmare, they work by the sweat of their brow but all of such labour goes in vain for fortune derides them and material comforts become mirage or cloud-castle dream for them. It seems an indissoluble riddle fixed only for this class of people.

On 1st of May of 1886 such divested people of the world proclaimed a strike for violent change of sweating system, which led them to acquire reasonable rights as human beings.

But after such great agitation how far the rights are achieved and how far the workers enjoy them in the concrete it may be a question. We have to know, whether the rights are saved just as provisions of law or they have enforcement in the sphere of reality.

Rights protected by law:

Law protects rights and claims of workers against swindling and intrigues of the employers. These are written down in different Acts and Ordinances. We have to know, however, how their rights are saved in law.

Generally a calendar year is completed with 365 days. But for workers of a shop or commercial or industrial establishment a year is completed with 240 working days and six months are completed with 140 working days. But they have to fulfill a condition before i.e. they must work during the preceding twelve calendar months. In computing the number of such working days the days, on which he has been laid-off, he has been on leave with or without wages due to sickness or accident; in case of a Female, she has been on maternity leave not exceeding 12 weeks; shall be counted.

With this context it should be mentioned that for how many hours a worker works in a day or a week. In normal case to adult worker including a worker employed in vehicles will work for more than nine hours in a day or forty-eight hours in a week and no young person (who is more than twelve years of age but has not completed eighteen years of age) in excess of seven hours a day or forty-two hours a week. If he works for more than the said period in any day or in any week, he shall, in respect of overtime work, be entitled to allowance at the rate of twice his ordinary rate of wages which will not include any bonus or any other additional payment in lieu of bonus. (This rule is not for workers employed in vehicle.) However, including overtime, no adult worker shall work in a factory or establishment exceeding ten hours in a day and sixty hours in a week and on the average fifty-six hours per week in a year; in case of a young person employed in any shop or establishment such total number of hours of work including overtime will not exceed fifty-two hours in a week. In case of road transport workers, they shall not be employed overtime in any year in excess of one hundred and fifty working hours and a worker employed overtime shall be paid in respect of ordinary rate of his wages per hour, which shall not include any bonus or any other additional payment made in lieu thereof. No worker employed in any establishment or factory shall be liable to work either for more than six hours in any one day unless he has been allowed an interval for rest or meal of at least one hour during that day; or for more than five hours in any one day unless he has been allowed an interval for rest or meal of at least half an hour during that day. Also in case of a worker employed on a vehicle, he shall not be employed for more than five hours at a time before he has had an interval for rest of at least half an hour or for more than eight hours before he has had at least two such intervals.

The working period for woman and young person of any establishment is between the hours of 7 am and 8 pm. No employer may compel them to work exceeding this period. However, such worker may be employed exceeding this period only with the permission of the Chief Inspector. Like wise, for woman and child worker (who is less than fifteen years of age) of any tea plantation, working period is between the hours of 6am and 7pm. To work exceeding this limitation Chief Inspector's permission is to be achieved necessarily. Any person who has not completed twelve years of age is strictly prohibited to be employed to work in any establishment or in any tea plantation and any person of less than fourteen years of age is prohibited to work in any factory. No employer may compel any child (who is under sixteen years of age) or adolescent (who is more than sixteen years but has not completed eighteen years of age) to work for more than five hours and exceeding the period between 7am and 7pm.

No person, other than a driver, shall be employed in any road transport service unless he has attained the age of eighteen years and no person shall be employed in any road transport service for the purpose of driving a vehicle unless he has attained the age of twenty-one years.

Now, I shall highlight what is prescribed by law about leave and holidays of the workers. No adult worker shall be required or allowed to work in a factory on a Sunday or a Friday as the case may be, unless he has had or will have a holiday for a whole day, on one of the three days immediately before or after that Sunday or Friday. For road transport workers and labourers of any tea plantation at least 24 hours of consecutive rest in a week must be allowed. However, if a worker is willing to work on any day of rest which is not a closed holiday in the tea plantation he may do so, but in so doing a worker does not work for more than ten days consecutively without holiday for a whole day intervening.

If any worker of a factory is deprived of the weekly holidays, he shall be allowed compensatory holidays of equal number to the holidays so deprived of where an adult worker in a factory works on a shift which extends beyond midnight, a holiday for a whole day shall mean a period of twenty-four consecutive hours beginning from the end of his shift. In case of workers employed in any establishment such weekly holidays will amount one and half days consecutively.

Beside the weekly holidays any young person or adult worker of an establishment is entitled to obtain one day leave for every fourteen days or eighteenth days of work, respectively, actually performed by him. For workers of a factory this rule is slight different. Any adult worker or a child gets such one day leave for every twenty two days of work or fifteen days of work, respectively, performed by him during the previous period of twelve months. However, there is a condition to get

such leave that the worker has to complete a period of twelve calendar months of continuous service in the establishment or factory before. If a worker does not, in any period of twelve months, take such leave wholly or partly, such leave not taken by him shall be added to the leave in the succeeding period of twelve months. But any worker of establishment will cease to earn any leave when such leave due to him, in case of adult, amounts to thirty days and in case of young person, amounts to forty days; and any worker of a factory will cease to earn any leave when such leave due to him, if he is a total accumulation to twenty days and if he is a child, amounts to thirty days. Any leave applied for by a worker but refused by his employer shall be added to the credit of such worker beyond the aforesaid limit.

Law gives the workers right to another leave and holidays which I shall construe now. Every worker of an establishment and factory shall be allowed at least ten days festival holidays and a worker of a tea plantation shall be entitled to such leave for five days. Likewise, any worker of an establishment or factory or road transport shall be entitled to casual leave for ten days a year which shall not be carried forward beyond that calendar year; and the said workers shall be entitled to sick leave for fourteen days a year which, in case of road transport workers and factory-workers, shall not be carried forward beyond that calendar year; but in case of a worker of an establishment such leave not availed of by any worker during a calendar year may be carried forward, but the total accumulation of such leave shall not exceed twenty-eight days at any one time. Every worker of any tea plantation shall be allowed in a year fifteen days' sick leave.

The writer is a student of Law, University of Dhaka.

unlucky protection or conservation of resources. More over lack of consciousness amongst the implementers and the general public as to the very existence and scope of these laws rendered them ineffective functionally.

In such a backdrop, BELA started its mission as a legal advocacy group of young lawyers and its latest publication on environmental laws reflects its committed continuity towards the desired goal of maintaining a sound environmental and ecological order in Bangladesh.

No doubt, this book will offer the readers a comprehensive guide to the status of environmentally laws of the country. Besides, it will effectively contribute in creating consciousness amongst the readers and users of the book as to their environmental obligations and consequently ensuring wider participation of those agencies entrusted with statutory responsibility, the citizen groups, NGO community, students of law and the members of the professional legal community.

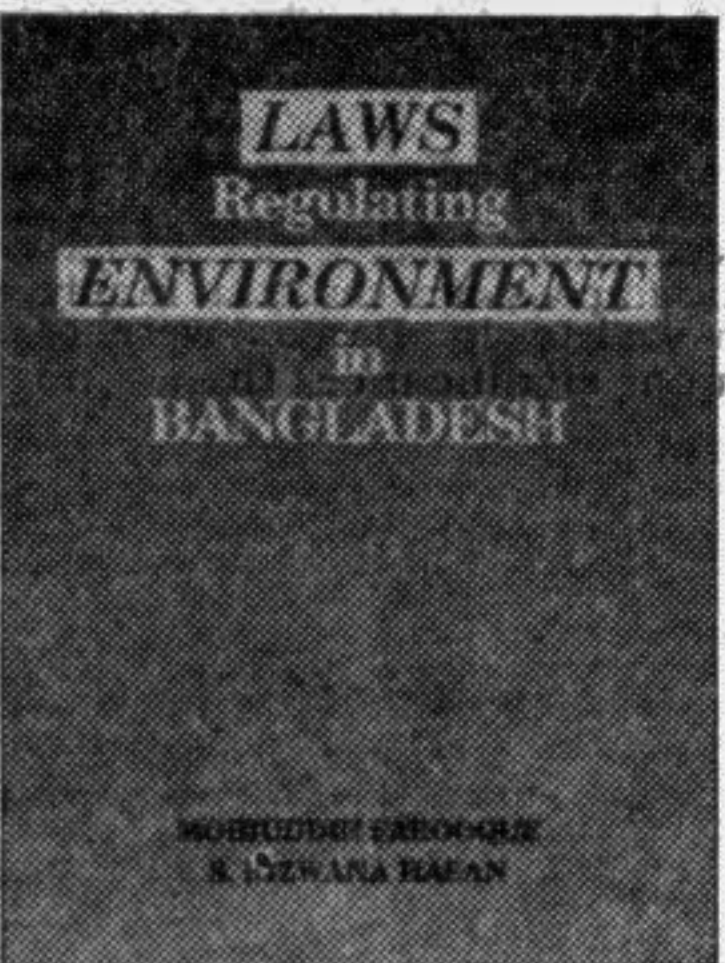
Law Regulating Environment in Bangladesh

Edited by: Mohiuddin Farooque, S Rizwana Hasan
Published by: Bangladesh Environmental Lawyers Association (BELA)
Pages: 761
Price: Tk 500/US \$25.00

REVIEW

Laws Regulating Environment in Bangladesh A Pioneer Publication on Green Laws

by Abul Hasnat Monjurul Kabir



A research in the regulatory regime shows that there are about 185 laws which have bearing on environment, directly, indirectly and causally. These laws, provide for measures relevant for environment conservation, offer protection, against various environmental offenses and by prescribing or prohibiting certain activities, lay down rights and duties. The book contains environment related laws adopted as orders, Ordinances and Acts on 19 different sectors such as Pollution and Conservation, Health, Food and Consumer Protection, Occupational Rights and Safety, Public Safety and Dangerous Cargo, Displacement, Relief and Rehabilitation, Land Use and Administration, Agriculture and Agro-Chemicals, Water Resources, Fisheries, Forestry, wildlife, and Domestic Animals, Energy and Mineral Resources. Local Government Laws, Rural and Urban Plan-

ning and Protection, Transportation and Safety, Cultural and Natural Heritage, Vulnerable Group and Miscellaneous.

At its Appendices, unofficial English version of the Bangladesh Environmental Conservation Act, 1995, the Environment Policy, 1992, the Environment Action Plan 1992 Treaties having bearing on Environment of which Bangladesh is a party have also been included. The publication also added a list of legislation and relevant articles of the Constitution of the People's Republic of Bangladesh, 1972. A great bulk of these environmental legislation were existent in the country right from the 19th century although they remained either unenforced to a large extent due to several factors or vaguely known to the responsible public agencies. The traditional practices prevailing in the legal regime were not much conducive to reading the law with new ideas like envi-

ment and forest was established to address the emerging environment related issues. The government started to take measures, drafted the national conservation strategy, adopted the National Environment Policy, 1992, and revised the old law by enacting the Bangladesh Environment Conservation Act, 1995 which has also re-structured the Department of

Law Scape

What it Means to Know

by Stanley Cohen

INFORMING the world of atrocities that have taken place has not spurred action to prevent their recurrence. Stanley Cohen in this Inter Press Service column.

JERUSALEM (IPS) — The human rights movement is sustained by the belief that communicating information will actually have an effect on its audiences: if people know what is going on, they will wake up and do something.

The problem is that this belief is contradicted in daily practice. The massive amount of information we generate is not matched by public response appropriate to the scale of atrocities. Nor are the resources devoted to collecting this information matched by sustained thinking about how it should be disseminated or what effect it might have on its intended audiences.

Reports are simply "released" — without any evaluation or monitoring of their impact — and most human rights organisations are not interested in trying to evoke reactions in the general public. Their information circulates in a closed circuit made up of other like-minded organisations, governments, the United Nations and other intergovernmental agencies, lawyers and academics.

The information simply doesn't reach a wider public and, when it does, it drops into a kind of cognitive black hole. The information itself is not denied, but simply gotten used to.

Even with the dramatic stories that pass the media threshold — Bosnia, Somalia, Rwanda, Burundi, Haiti — the initial attention, compassion and outrage seem to burn themselves out. There is even a term for it. The "Chad Rule": no one wants to hear about places like Chad!

The crux of the issue is the gap between knowledge and action — what you know, and what you do. In a way the problem is no different from that faced in marketing, education or persuasion. Why does information about the dangers of tobacco not lead everyone to give up smoking?

Human rights organisations seldom see things this way. Their discourse is dominated by lawyers, the monopoly of a specialised professional elite. They hardly regard themselves as being in the business of mass communication and, with the notable exception of Amnesty International, they resist seeing their information as a product or a means of persuasion.

Their particular style of communication is impenetrable to those outside the loop, often so abstract, non-pictorial and non-specific that it is unclear what exactly is being talked about. Victims do not seem to appear on the agenda. Names of perpetrator countries ("state parties") are sometimes not even mentioned. A country five years late in submitting a report to a committee will gen-

erally be reminded to be on time next year.

The activist and monitoring NGOs on the edges or right outside this official circuit are more interested in reaching a wider public. Unlike the proprietors of the official human rights business, the activists in these organisations are genuinely concerned about what happens to all his information.

Their reports try to balance professional dialect and vivid, accessible descriptions but they are often difficult to read, and even people within a community confess that they have never been able to get through a whole report.

The primary way to reach the public, however, is not the report itself (which would have a maximum circulation of 2,000 members or subscribers, similar organisations, funders, academics, libraries) but through the mass media.

Much effort is devoted to obtain good coverage in the media but few organisations have the time or resources to follow up the impact of their reports. Often they keep no more than an old-fashioned album of press cuttings and this gives no clue to how the media regime operates while leaving crucial questions unanswered.

How have journalists come to rely less on human rights organisations as primary sources (an Amnesty report is no longer the "news" it was 20 years ago)?

Why are some stories selected for coverage rather than others?

What is the competition from other similar stories (aid, disaster, environment)?

Why do some stories die a media death?

Understanding how human rights issues fare in the media, however, would still not explain how the resulting stories or visual images are absorbed by audiences.

The reason why human rights organisations do not monitor this type of public

communication is obvious: as soon as they end one campaign, they have to start working on another. Their timetables are structured from report to report.

The 'fetishisation' of the written text — scholarly, reliable and vivid as it might be — is a touching tribute to our faith in the power of knowledge but a poor guide to public consciousness, let alone action.

Human rights organisations and the media need far more solid findings about how their materials are processed. Discussions about the impact of atrocity images and appeals produce catch-phrases such as 'compassion fatigue', 'brutalisation', 'desensitisation' or 'donor burnout', but these are neither proved nor provable and so of little use.

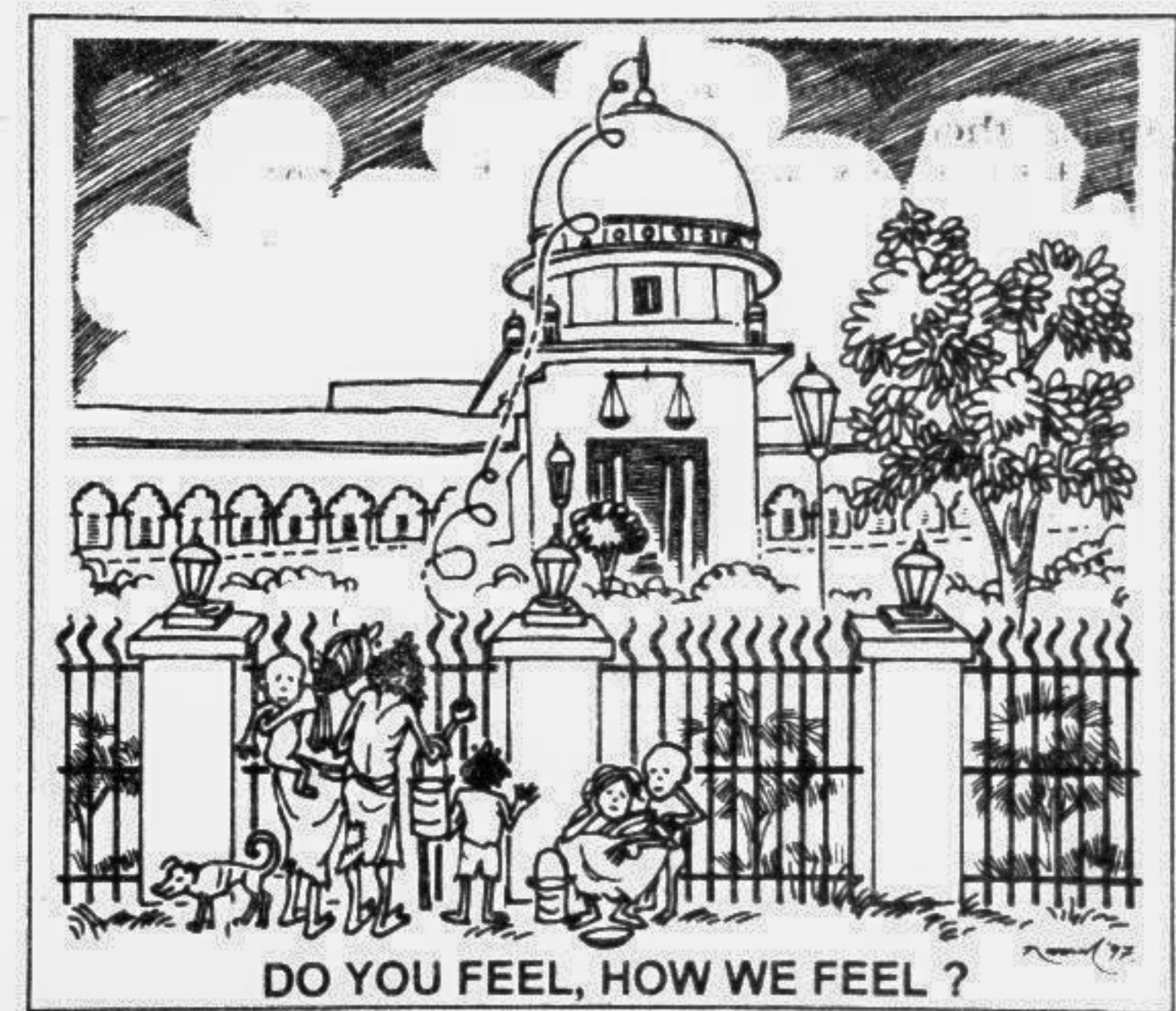
But, even taking into account explanations like 'compassion fatigue', it is evident that the sheer accretion of knowledge about violations has not had the effect desired by those who collect all this information.

Certainly political obstacles to the development of mass-based human rights movements are beyond the reach of human rights organisations themselves, but it is clear that we can do better.

More factual information is not the issue. The "Rodney King Effect" showed that not even the clearest video images will produce the same response from everyone. Some serious thinking is required about the traditional modes of human rights reporting.

The issue is not the abstract right to know, but it means 'to know' in this day.

Stanley Cohen is professor of criminology at the Hebrew University, Jerusalem. He has just been appointed Martin White professor of sociology at the London School of Economics.



Courtesy: BELA

The Daily Star Entertainment Guide

Sunday 4th May
(All programmes are in local time. There may be changes in the programmes).

BTU

3:00 Opening Announcement
Al-Quran Programme Summary
3:10 News in Bangla 3:15 Cartoon
3:45 Retelcast of Drama
4:00 News in Bangla 4:50
Mamam 5:25 Sports Programme
6:30 Agnar Doctor 6:55 Open
University 7:00 The News 7:10
Gonotrater Abhijatra 7:25
Gittimalu 8:00 News in Bangla
8:25 71 Dinlipi 8:35 Balun
Dakhy 9:00 Film Series:
Queen 10:00 News in English
10:30 Chayachanda 11:30
News in Bangla 11:35 Mon-
day's programme 11:40 Close
down

BBC

6:00am BBC World News 6:30
Hard Talk 7:00 BBC World
News 7:30 World Focus: Correspondent
8:00 BBC World News 8:30 India Business Report
9:00 BBC World News 9:05
Weekend World: Cracking
The Code 10:00 BBC World
News 10:30 World Focus:
Britain in View 11:00 BBC World
News 11:30 India Business
Report 12:00noon BBC World
News 12:30 Hard Talk 1:00
BBC World News 1:30 World
Focus: Window On Europe
2:00 BBC World News 2:30
Time Out: Film 3:30 BBC
World Headlines 3:05 Weekend
World: Futurewatch 4:00 BBC
World News 4:30 Time Out:
The Clothes Show 5:00 BBC
World News 5:30 Reporters
6:00pm BBC World Headlines
6:05 Weekend World: Cracking
The Code 7:00 BBC World
Headlines 7:05 Breakfast With
Frost 8:00 BBC World News
8:30 Time Out: Holiday 9:00
BBC World Headlines 9:05
World Focus: Horizon 10:00
BBC World News 10:30 Time
Out: Top Gear 11:00 BBC



Time Out: Holiday on BBC today at 8:30 noon

World News 11:30 Reporters
12:00noon BBC World News
12:30 Hard Talk 1:00 BBC
World Headlines 1:05 Weekend
World: Cracking The Code 2:00
BBC World News 2:30 Time
Out: Tomorrow's World 3:00
BBC Newsdesk inc. World Business
Report & 24 Hours 4:00
BBC Newsdesk inc. Asia Today
& World Business Report 5:00
BBC World Headlines 5:05
Weekend World: Horizon

CHANNEL V

6:00am Frame by Frame 7:00
Rewind VJ Sophia 8:00 Frame
By Frame 9:00 Big Bang Weekend
VJ Alessandra 11:00 BPL
8:30 Tara Rum Pum 9:30
Bunyad 10:00 Janata Ki
Adalat 10:30 Chandrakanta

STAR PLUS

6:30am Voltorn 7:00 Wildlife
International 7:30 King Arthur
8:00 Dungeons & Dragons
8:30 Tara Rum Pum 9:30
Bunyad 10:00 Janata Ki
Adalat 10:30 Chandrakanta

11:30 Amul India Show
12:00noon The Great Escape
12:30 India Business Week
1:00 Living On The Edge 1:30
Star Trek 2:30 Hindi Classic
Film: Barish Arts Update 5:30
Batman 6:00 Charles Angels
7:00 Amul India Show 7:30 Plus
Preview 8:00 Priya Tendulkar
Show 9:00 Reporter 9:30
Chandrakanta 10:30 Star
News Sunday 11:30 Dynasty
12:30 India Business Week
1:00 Star News Sunday 2:00
BBC Documentary: State Of Ark
3:00 Movie Classic: Carnival
Story 5:00 Film Friends

STAR SPORTS

6:30am US PGA Tour 1997
Greater Greensboro Chrysler
Classic Final Day 7:30 India
Tour West Indies 4th One Day
Int'l HL 8:30 World Wrestling
Federation Blast Off 9:30 Asia
Cup Showjumping 9:57 11:00
World Cup Hall of Fame 11:30
Same Day Delay NBA Game of
the Week Play-Offs 1:30 India
Tour West Indies 4th One Day
Int'l HL 2:30 Inside PGA Tour
3:00 Live Asia Sports Show
3:30 World Wrestling Federation
Raw-205 4:30 1997 Motorcycle
Championship Spanish Grand
Prix From Jerez, Spain 7:00 Live
English Cricket 9:7 Sunday
League 9:30 Lunch 10:00
Continued Live English Cricket
9:7 Sunday League 12:30 India
Tour West Indies 4th One Day
Int'l HL 2:30 NBA Game of
the Week Play-Offs 3:30
1997 World Motorcycle Cham-
pionships, Spanish Grand Prix
From Jerez, Spain

STAR MOVIES

7:30am Comedy: That Sinking
Feeling 15 (Hindi Subtitles)
9:30 Family: The Dog Who
Stopped The War PG (Hindi
Subtitles) 11:00 The Bhaskar
Ghose Show 11:30 Comedy:
Clifford 15
1:30 Family: Just Like Dad PG
(Hindi Subtitles) 3:30 Sunday

Show Time: Pee-Wee's Play-
house PG 4:30 Sunday Show
Time: The Directors — Arthur
Hill (15) 5:30 Sunday Family:
Double Feature: The Place at
The Coast 15 (Hindi Subtitles)
7:30 Sunday Family Double
Feature: The Tadpole and The
Whale PG 9:30 The Bhaskar
Ghose Show 10:00 Gold: To
Catch a Killer (Part 1) 12:00
True Story: Unspicable Acts
2:00 Action: Black Cobra
(Arabic Subtitles) 4:00 Docu-
mentary: Twist 18 5:30 World
Cinema: High Heels 15 (English
Subtitles)

ZEE TV

6:00 Jagran 6:30 Maa 7:00
Hum Zameen 7:30 Dream
Merchants 8:00 News 8:30 Index
9:00 Disney Hour 10:00 Ek-Ru
Mahabharat 10:30 Aap Ki
Adalat 11:00 Chanakya 12:00
Siyaam's Cine Magic 12:30
Bourvinita Quiz Contest 1:00
Haathi Cement Aashiana 1:30
Sistila 2:00 Daak Ghar Apna
Ghar 2:30 Usha Uthup Show
3:00 Hindi Feature Film: Sharmili
(Rakhi, Shashi Kapoor) 6:00
Gaane Anjaane 6:30 Disney
Hour 7:30 Zimbo 8:00 Casper
Kya Scene Hai 8:30 Haste
Khele 9:00 Hi Zindagi Bye
Zindagi 9:30 Chahat Aur Nafrat
10:00 Zee Horror Show 10:30
News 11:00 Sholgun Show
11:30 Philips Top Ten 12:30
Tara 1:00 Parampara 1:30
Raahat 2:00 Campus 2:30
TMM 4:00 Daraar 4:30 Dharu
Zike Ka Safar 5:00 Surtal 5:30
Suno Bhai Sadho

EL TV

12:30 Hindi Feature Film 2:00
Manoranjan 2:30 Superhit
Hangama 3:30 Archies Top Of
The Tops 4:00 HFF 7:00 Music
Capsules 7:30 Stand By
7:40 Music Capsules 8:40
Jaguar It's My Choice 9:00
Vishwamitra 10:00 Ru-Ba-Ru
10:30 Shriani 11:00 Cine
Smyle 11:30 Akbar Birbal 12:00
Teer Kaman 12:30 Liberty Pub-

PTV

8:00am Tilawal Aur Tar-
juma/Hamd/Naat 8:20 Cartoon
8:30 Khabrain 8:45 Fun Time

DD 7

9:05 TV Encyclopedia 9:25
Khat Farman 9:40 Sports
Clinic 10:05 PTY Gold 10:30
English Film: Darkwing Duck
10:55 Mast Mast Sanyo 11:00
Khabrain 11:10 Sports Hour
12:05pm Bisop 95/Qasmi Ha-
hani 12:55 Quran-e-Hakeem
1:02 Bismillah 1:15 Aaj Di Ka-
hinara 1:40 Aaj Di Shaam 2:00
Kinara Ep-71 (Drama Serial)
2:55 Ghost Writer 3:25 Karabar
4:15 Education 5:25 Riaz 7:00
9:00 Janmadin 9:05 Geetmalay
9:30 Movie Club Film 1:00 Aa-
leya 1:30 Movie Club Film 3:30

Geet Sangeet

4:30 Sunday
Bangla Film 5:30 News 7:20
Bimodan 7:30 Bangla Sambad
8:00 Shiroshi (Serial) 8:25
Geet Sangeet (Serial) 9:00 Pal-
kikaha 9:30 Drama/Interview
10:00 Dance Prog 10:30
News/Bangali Sambad 11:00
Closed

SONY ET

8:30am Jai Bir Hanuman 9:30
Jaagur 10:30 Sunday Ki Sun-
day 11:00 Taj Mahal Takla

Dhin 12:00 BSA Star Ki Pasand

12:30 Pehi Mukat 1:00 Good
Shot 1:30 Pachan 2:00 Yeh
Sadi Nahin Ho Sakti 2:30 Premier
3:00 Chamakar 3:30 Five Star
Xpressit 4:00 O'Maria (Serial)
4:30 Raso Show 5:00 Jeevan
Mirtyu 5:30 Mahayuga (Serial)
6:00 Take Five 6:30 Boogi
Woogi 7:00 Bindas Bol 8:00
Hindi Feature Film 11:00 Pre-
mier 11:30 The Young And
The Restless 12:30 Shiddhi
(Serial) 1:00 Dekh Bhai Dekh
1:30 Kismat 2:00 Premier 2:30
Closed



By Hanna-Barbera

DRAWN BY JOHN MCLUSKY

