

STONE-CRUSHERS

Dying of silicosis, failed by courts



ZYMA ISLAM AND DILIP ROY

Burimari union, a border village nestling in a nook of the Indian district of Cooch Behar, is a village of stones and stone-crushing yards. Squat-white Tata trucks come into this village from India and Bhutan, carrying tonnes of riverbed rocks and mountain stones. They unload their cargo at a location beside the border called "Zero Point". From that point on, for the next 10 kilometers, large stone-crushing yards flank both sides of the road.

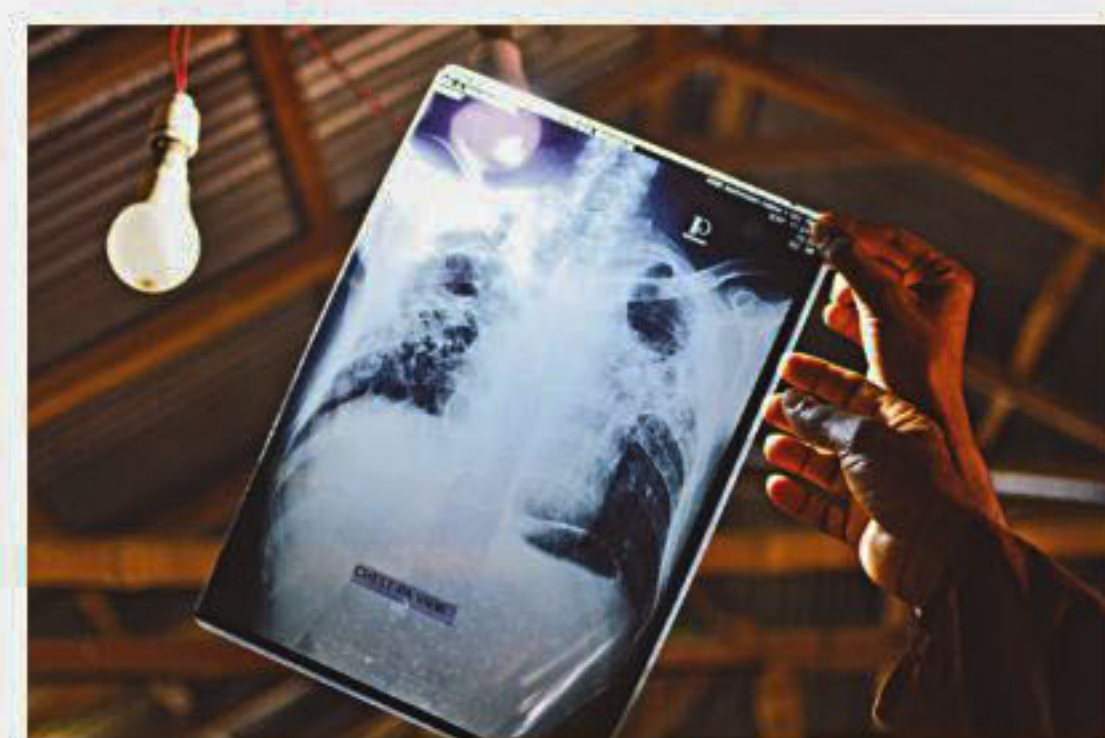
Of all the foreign boulders being fragmented in these yards, one particularly beautiful rock is the deadliest. Light grey with a translucent, glassy texture, brown veining, with sharp, jagged edges. "Quartzite"—*korjet* for the workers. A website run by the University of Auckland states quartzite generally comprises "greater than 90 percent quartz, and some examples, containing up to 99 percent quartz, and are the largest and purest concentrations of silica in the Earth's crust."

As machines grind these boulders into pebbles and powder, they choke the air with heavy silica-laden dust, covering everything—trees, bushes, the ground, the people.

An X-ray of the stone-breakers' lungs would show opaque clouds filling the organs. These are the places in the organs where the dust they had inhaled while working in the yards settled and was enveloped by fibrous scar tissue. The result is an incurable disease called silicosis.

Some of their lungs filter this dust-covered air for up to a decade, the workers say; but for those less fortunate, the body gives up in two years maximum.

It was with this knowledge—that time is ticking—that the silicosis survivors gambled on the justice system. In 2015, a total of 65 workers with silicosis, including the families of seven deceased workers, collectively filed for compensation. Safety and Rights Society (SRS), a Dhaka-based NGO, helped them organise and the Rajshahi branch office of Bangladesh Legal Aid Services Trust (BLAST) helped file the paperwork.



Healthy lungs appear transparent on X-rays. For silicosis patients, the lungs are opaque and white.

PHOTOS: ZYMA ISLAM

SPOTLIGHT

"I filed for compensation because I cannot keep up with the expenses of my medication," says 28-year-old Momin Ali, who was demanding Tk 1.25 lakh from his former employer Victory Mosaic Company (alias Victory Crushing Centre). "I have to take Pulfibro four times a day. Each tiny pill costs Tk 60."

Pulfibro, the brand name for a drug called Pirfenidone, is a life-saving medication for Momin. It reduces the fibrous tissue formations which have been slowly filling up the air pockets in his lungs in the last decade. As long as the silicon exists in his body, his lungs will continue to solidify, and he will have to continue taking this expensive pill to undo the damage, in addition to all the asthma medication and antibiotics he has to take.

"I am a manual labourer. But every time I try to work, I cannot breathe. How am I going to earn money? I am dependent on my ageing father, who pulls a *van-gari* (passenger cart)," says Momin, who is also the coordinator of an unofficial Burimari-based group called "Silicosis Patient Association".

Fast forward to 2019: After three to four years of court battles, 56 of the 65 applications for compensation have been rejected by the court.

"They got rejected because most of the workers never showed up to court!" their lawyer advocate Helal Ahmed told this

interest in pursuing the case, but Momin, who acts as the coordinator for the victims, has a different answer.

"I had no idea that Robiul had 20 court dates. Nobody ever told me. Robiul was only called twice—the first time, he was too sick to travel, and the second time he was prepared to go, but the hearing got cancelled," explains Momin.

"I am definite that Robiul was only called twice, both times during the latter part of 2017," he reiterates.

Like Robiul, many of the silicosis patients missed the few court dates they were called for because they were too sick to travel—the workers themselves agree as much.

Their cases were being heard at the divisional headquarters of the labour court, i.e. Rajshahi. To go from Burimari to Rajshahi it would take 8.5 hours without traffic and any other road blockage. There is no direct bus—one would have to hop aboard a local bus, chug behind the mile-long line of stone-carrying trucks coming in from across the border, make a pit stop at Rangpur, and then grab another bus to go to Rajshahi.

"Long journeys are very difficult for us because they exacerbate the asthma. I have so much difficulty breathing that I feel nauseated, and by the time the journey is over, I feel like I could drop unconscious from lack of air," describes Momin.

Several workers had made the arduous



Hajjaj's case was rejected because the court said he was absent even though he was not



In the absence of proper masks, workers tie scarves over their faces.



Stone-crushing yards are yet to pay compensation to the workers.

correspondent. BLAST's Rajshahi office coordinator Samina Begum and SRS's legal officer Hasina Khanam also concur, both adding another caveat—they could not show up to court because they were too sick.

It strikes a little odd that 56 plaintiffs, who are either severely ill or the dependent family members of the deceased, would file for compensation and then squander the chance away. The truth is a little more complicated and has more to do with how accessible justice systems are for this vulnerable border village community.

On October 28, 2015, Robiul Islam of Uparmara village sued his former employer Fatema Enterprise for Tk 1.25 lakh, on account of leaving him sick with silicosis. His first hearing was in December that year. From that point on, his case had one hearing every month until July. There were six hearings again in 2017 and eight hearings in 2018. On the last hearing, his case was rejected. In total, Robiul had 20 court dates, and he was not present for a single one of them.

One would think that Robiul had zero

journey to Rajshahi, but for some, it was of no avail.

Hajjaj was one of them. He had gone to the court on "the second day of Joishtho in 2017" as he and Momin inform. But the court rejected his case on account of his absence.

"I had gone to the court with three others. Only one of us—not all—was called before the judge. The judge then asked for a certificate from the union parishad chairman, but my colleague didn't understand what he was asking for. That is why we could not submit the certificates, even though we had the certificates with us that day," says Mohammed Hajjaj. These details are important—it indicates that Hajjaj did actually make the trip to the court.

His case verdict, however, says, "The applicant filed a written application in absentia; the lawyer is absent due to personal reasons; and it is mentioned that the applicant himself could not be present. Previously the applicant was given time to present himself at court, but he failed

to do so. Under such circumstances, it is evident that the applicant is not interested in continuing the case. The application for more time has been declined. The applicant has been asked to take preparation. The applicant has not taken any step afterwards. Under such circumstances, the case is being rejected due to lack of references." Court officials provided this judgment to our Rajshahi correspondent.

Hajjaj's case was filed on October 28, 2015 against his company Raihan Enterprise, and it had 24 hearings in total. He was present for at least one of them and swears that he was not called for any other hearing. The association's coordinator also says the same. "Hajjaj was called only once by the lawyer, and I sent him over to court," affirms Momin.

"Whose responsibility do you think it is to keep tabs on how many hearings there are, and when they will be? Should it be my responsibility to keep in touch with the court or the applicants?" exclaims his advocate Helal when questioned why Hajjaj was not called more than once, even though there were 24 hearings.

Hajjaj has been sick since 2012. "I don't know why my case was rejected," he says. He currently sits in a small *paan* stall to earn his keep and support a son and an old mother.

Azanur Rahman had also made the journey to court. "Why was my case rejected, even though I had gone to court?" he asks.

He may not know the answer, but the

Momin. He is slated to receive Tk 1.25 lakh as compensation from Victory Mosaic Company. His judgment was given on November 1, 2015, but he is yet to receive a single coin. Yet, of the four companies sued by the 65 workers, the phone number of at least two factory owners are still active.

Rafiqul Islam Sentu, the proprietor of Victory Mosaic Company, picks up the phone last week, when called. The stone-crushing yard was sued for compensation by 19 former workers and the families of eight dead workers. The court delivered a positive verdict in the case of four workers, amounting to Tk 500,000.

After exchanging introductions, this correspondent informs him that he is being called regarding the cases against his company.

"What cases? I don't know about any cases against my company!" he claims. (Momin assures us that he is, in fact, aware of the cases, having spoken to him several times on the phone).

"I incurred a huge loss in the stone-crushing business, and so I moved away from Burimari. I am now living with my family in Bhairab." Where in Bhairab, the man would not, however, say, declining invitations to meet face-to-face.

The other company owner who is still on the radar is Rezwan Sheikh, the proprietor of Fatema Enterprise. He owes compensation

amounting to Tk 2,50,000 to two workers. "Nobody has contacted me saying I need to pay the money. I don't have that kind of money lying around," says Sheikh, who is currently living in Aliganj of Narayanganj's Pagla.

"Besides, why should I pay? What is the proof that the workers are sick because of working in my yard? These workers don't eat nutritious food, get married early, smoke cigarettes, and they could have gotten sick from that. The workers around the country are not getting sick, so why did the ones from Burimari get sick?" Sheikh demands.

SRS says that they will apply again for the workers who got rejected, this time at the new labour court to be established in Rangpur. Over the last four years, five workers who were alive at the time of filing their cases have died, only to get rejected at court. It remains to be seen how many will survive the next court battle.

Our Rajshahi correspondent contributed to this report.