CHAPTER 1

INDUSTRIAL JURISPRUDENCE - OCCUPATIONAL DISEASES AND

OBJECTIVES OF THE STUDY
CHAPTER –1
Introduction, Background and aims and objectives of Study

1.0 Introduction

The prevailing set of labour laws do take care of the welfare and health aspects of the workers working in pharmaceutical, chemical industries and such hazardous industrial units, however, the occupational diseases do develop either due to the side effects of the chemicals, working conditions or due to unhygienic working conditions which results in to the microbial infections or allergies resulting into chronic diseases. The treated effluents also some time create health related issues in the community and in animals residing in the nearby area.

The number of occupational diseases have been identified and enlisted in the labour laws and also provisions have been made to compensate the loss in income due to such occupational diseases. However it is the need of the day to have more studies, research in the area potentially prone for occupational diseases. The most of the studies have been made in the area of occupational diseases is mainly based on the nature of products, raw materials, nature of process etc. There are prospective and curative measures mentioned in the labour laws., except general provisions related to health, welfare and safety of the workers.

Very few studies have been undertaken in the area of occupational diseases being contracted out due to poor working conditions, unhygienic working conditions. The most common diseases are microbial diseases to the workers. Further, the present labour laws do not expressively mention about the invasion of microbial diseases due to working conditions at work place and therefore no remedial measures to prevent it. Under the circumstances, the said study will help in identifying the workers contracting out microbial diseases due to working conditions at work place and prevailing labour laws may be amended accordingly. Moreover, the treated effluent also some time creates health related issues in the community and in animals residing in the nearby area.
The Employees Compensation Act, 1923 (Earlier the Workmen Compensation Act, 1923) and the Employees State Insurance Scheme Act 1948 provides for the different types of occupational diseases being contracted out by workmen in different employments and also for compensation as a part of loss of income due to such occupational diseases. However, it takes long time in identifying such diseases. The term **Occupational diseases** \(^1\) covers any disease contracted as a result of an exposure to risk factors arising from work activity.

The Section 2 (8) of the Employees State Insurance Act, 1948 provides for the definition of the term **employment injury** \(^2\) as a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment, being an insurable employment, whether the accident occurs or the occupational disease is contracted within or outside the territorial limits of India.

The Section 15 –A of the Employees State Insurance Act, 1948 provides for the definition of the term **permanent partial disablement** \(^3\) as such disablement of a permanent nature, as reduces the earning capacity of an employee in every employment which he was capable of undertaking at the time of the accident resulting in the disablement.

The Section 15 –B of the Employees State Insurance Act, 1948 provides for the definition of the term **permanent total disablement** \(^4\) as such disablement of a permanent nature as incapacitates an employee for all work which he was capable of performing at the time of the accident resulting in such disablement.

The Section 2(cb) of the Factories Act, 1948 defines **hazardous process** \(^5\) as any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would -

\(^{1}\) Occupational diseases- ILO-Protocol of 2002 to the Occupational Safety and Health Convention, 1981  
\(^{2}\) Employment injury- Section 2 (8) of the Employees State Insurance Act, 1948  
\(^{3}\) permanent partial disablement- Section 15 –A of the Employees State Insurance Act, 1948  
\(^{4}\) permanent total disablement- Section 15 –B of the Employees State Insurance Act, 1948  
\(^{5}\) hazardous process- Section 2(cb) of the Factories Act, 1948
i. cause material impairment to the health of the persons engaged in or connected therewith, or

ii. result in the pollution of the general environment

The copy of the first schedule under the provisions of the Factories Act, 1948 is enclosed here with as Annexure I. The occupational diseases being contracted out in factories having hazardous process has been listed in Schedule II of the Factories Act, 1948 as Notifiable diseases\(^6\). The copy of list of the Notifiable diseases is enclosed here with as Annexure II.

The details of such occupational diseases is listed under the Employees Compensation Act, 1923 (Earlier the Workmen Compensation Act, 1923) and the Employees State Insurance Scheme Act 1948 are as under.

1.1 **Occupational Diseases identified under existing Labour Laws**

Various occupational diseases have been identified under the provisions of the Employees Compensation Act, 1923\(^7\) and the Employees State Insurance Scheme Act 1948\(^8\). These diseases are listed as under.

1.1.1 **Occupational Diseases identified so far under the Employees Compensation Act, 1923**

**PART A**

The SCHEDULE III [Section 3] of the Employees Compensation Act, 1923 provides for the details of the Occupational Diseases identified under the provisions of the Employees Compensation Act, 1923.

1. Infectious and parasitic diseases contracted in an occupation where there is a

   Particular risk of contamination

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\(^6\) Notifiable diseases-Schedule II of the Factories Act, 1948 provides for the list of notifiable diseases.

\(^7\) The Employees Compensation Act, 1923-Act No:8 of 1923 and revised periodically.

\(^8\) The Employees State Insurance Scheme Act 1948Act-No:34 of 1948 and revised periodically.
(a) All work involving exposure to health or laboratory work;

(b) All work involving exposure to veterinary work

(c) Work relating to handling animals, animal carcasses or merchandise which may have been contaminated by animals or animal carcasses;

(d) Other work carrying a particular risk of contamination

2. Disease caused by work in compressed air All work involving exposure to the risk concerned

3. Diseases caused by lead or its toxic compounds All work involving exposure to the risk concerned

4. Poisoning by nitrous fumes all work involving exposure to the risk concerned

5. Poisoning by organo phosphorus compounds. All work involving exposure to the risk concerned

**PART B**

1. Diseases caused by phosphorus or its toxic compounds. All work involving exposure to the risk concerned

2. Diseases caused by mercury or its toxic compounds. All work involving exposure to the risk concerned

3. Diseases caused by benzene or its toxic homologues. All work involving exposure to the risk concerned

4. Diseases caused by nitro and amino toxic derivatives of benzene or its homologous. All work involving exposure to the risk concerned

**1.2 Occupational Diseases identified so far under the Employees State Insurance Scheme Act 1948**

Third Schedule to the Employee State Insurance Act, 1948 [Section 52 A] List of Occupational Diseases

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Occupational disease</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Part A</strong></td>
<td>(a) All work involving exposure to health or laboratory work;</td>
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</table>
|   | Infectious and parasitic diseases contracted in an occupation where there is a particular risk of contamination. | (b) All work involving exposure to veterinary work;  
(c) Work relating to handling animals, animal carcasses, part of such carcasses, or merchandise which may have been contaminated by animals or animal carcasses;  
(d) Other work carrying a particular risk of contamination. |
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<tr>
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<tbody>
<tr>
<td>2</td>
<td>Diseases caused by work in compressed air.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>3</td>
<td>Diseases caused by lead or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>4</td>
<td>Poisoning by nitrous fumes.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>5</td>
<td>Poisoning by organophosphorus compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>1 <strong>Part B</strong></td>
<td>Diseases caused by phosphorus or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>2</td>
<td>Diseases caused by mercury or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>3</td>
<td>Diseases caused by benzene or its toxic homologues.</td>
<td>All work involving exposure to the risk concerned</td>
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<tr>
<td></td>
<td>Diseases caused by nitro and amido toxic derivatives of benzene or its homologues.</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>5</td>
<td>Diseases caused by chromium or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>6</td>
<td>Diseases caused by arsenic or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>7</td>
<td>Diseases caused by radioactive substances and ionizing radiations.</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>8</td>
<td>Primary epithelomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene or the compounds, products or residues of these substances.</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>9</td>
<td>Diseases caused by the toxic halogen derivatives of hydrocarbons (of the aliphatic and aromatic series).</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>10</td>
<td>Diseases caused by carbon disulphide</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>11</td>
<td>Occupational cataract due to infrared radiations.</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>12</td>
<td>Diseases caused by manganese or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>13</td>
<td>Skin diseases caused by physical, chemical or biological agents not included in other items.</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>14</td>
<td>Hearing impairment caused by noise. All work involving exposure to the risk concerned.</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td>15</td>
<td>Poisoning by dinitrophenol or a homologue or by substituted</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
<td></td>
<td>Part C</td>
<td>All work involving exposure to the risk concerned.</td>
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<tr>
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<td>------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Pneumoconiosis caused by sclerogenic mineral dust (silicosis, anthracosilicosis asbestosis) and silico-tuberculosis provided that</td>
<td></td>
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<tr>
<td>16</td>
<td>Diseases caused by beryllium or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>17</td>
<td>Diseases caused by cadmium or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>18</td>
<td>Occupational asthma caused by recognized sensitizing agents inherent to the work process.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>19</td>
<td>Diseases caused by fluorine or its toxic compounds.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>20</td>
<td>Diseases caused by nitroglycerine or other nitro acid esters.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>21</td>
<td>Diseases caused by alcohols and ketones.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>22</td>
<td>Diseases caused by asphyxiants: carbon monoxide, and its toxic derivatives, hydrogen sulphide.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>23</td>
<td>Lung cancer and mesotheliomas caused by asbestos.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>24</td>
<td>Primary neoplasm of the epithelial lining of the urinary bladder or the kidney or the ureter.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
</tbody>
</table>

- dinitrophenol or by the salts of such substances.
The list of occupational diseases is amended periodically by Government of India so as to include new diseases identified based on researches, directives of Apex Courts and floor experiences.

**Source:** [www.esic.nic.in](http://www.esic.nic.in) - *The Employees Compensation Act, 1923 and the Employees State Insurance Act, 1948*

### 1.2.1 Background:

Conducive, hygienic Working conditions at work place for workers is essential and has overall impact on social, economic condition of the workforce, productivity of industry and healthy industrial relations.

### 1.2.2 Industrial Jurisprudence and Occupational Diseases

For the efficient functioning of any working unit or industry an harmonious environment, cooperation between the workers and the employers, rational remuneration and appropriate working condition
are the basics. From the modest to the ‘welfare state’, the socio-economic conditions have faced the drastic changes, not only in India but also across the world. The industrial position that prevailed in the pre-independence era of India does not remain just right. The industrial revolution in India brought with it certain inhumane as well as unjust aspects of the stately era.

To cope with these problems, industrial legislations were enacted in India. To keep pace with the changing socio-economic conditions in India, the Legislature as well as the Courts had to check the unfavorable growth of the industrial legislations. Industrial legislation finds its origin from the industrial jurisprudence, which is a development of the 20th century world. In India, industrial jurisprudence prevailed before the independence, but it was in the elementary form. Industrial revolution was the emanating factor behind the growth of the industrial jurisprudence. Industrial revolution brought with it the most inhumane aspect of the human life. It saw the exploitation of a man by a man. The maximization of profit, even at the cost of the life of the labourers, was paramount goal of the employer. ‘Freedom of contract’ was the evident result.

The employer was free to fire the employee, at his arbitrariness. Thus the employees were always at the loss. To protect the interest of the employees, the legislature and courts, in India took a giant step to give birth to the industrial jurisprudence in India through the enactments and the latter through the judgments. The scope of industrial jurisprudence not only covers the protection of interests of the employees but it also aims at securing a cordial relationship between the employers and employees in a working unit.

1.3 Evil impact of industrial revolution on India

As per the economic policy of the British government, they never wanted to make India an industrial base, rather they wanted to make India a supplier of raw materials for their industries. Instead of promoting industries in India, they continued to de-industrialize and treat roughly the Indian economy. Further with the initiation of industrial revolution in England, the British government continued its efforts to further exploit the Indian economy. As a
result, in 1947, when the British left, India represented an insolvent economy, a sick society and the present danger of the evil effects of neo-colonialism. However, the evil impact of industrial revolution can be classified into Social Evils and Economic Evils, which can be discussed as below:

1.3.1 Economic Evils.

I. The artisans lost the psychological satisfaction that they derived in producing goods themselves. In the industries, they had to produce only a part of the finished goods.

II. The labourers were underpaid. They could just earn from hand to mouth. The wages were sufficient to provide them with the daily bread, but at the cost of other necessities of their life.

III. The term of employment was not secure. The employers were free to exercise their arbitrariness in sacking the labourers. The factory workers had to suffer from the periodic unemployment and under-employment.

1.3.2 Social Evils.

I. The overcrowded cities, due to the large-scale migration of the village population in the cities led to the industrial slums and acute housing problems. It had its adverse impact on the health of the workers and also led to the sanitation problems in the cities.

II. The working condition in the factories was hazardous. Moreover, the long hours of duty, with no rest and no facility of recreation disfigured the welfare of the workers. The machines were taken care of by the factory owners, with little regard for the safety of the workers.

III. Workers were exposed to serious accidents caused by the improperly managed machines in the factory. These accidents were not taken seriously by the factory owner. The victims of such accidents did not have any right to compensation.
IV. Due to the inadequate wages, the wives and children of the workers were exposed to the exploitation by the factory owners. They were employed at low wages without regard to their physical conditions.

1.4 Labour problems in India

The factory owners paid their sole attention towards the maintenance of the machines irrespective of the health and working conditions of the workers. The employers neglected the conditions of the workers as the manual labour was abundantly available to them. The workers were underpaid. They could not raise their voice. They were illiterate and poor, so were ignorant of their rights. Taking the advantage of this situation, the employers dictated their own terms. The government also did not interfere in the matter as it was deemed to be a freedom of contract. The situation worsened further. The government could not just see it as a neutral player and it had to interfere. Moreover, some of the philanthropic agencies like the Servants of India Society and Social Service League raised voice against these problems. Later some industrial social workers also raised voice against these problems. Initially, they lacked in the resources and bargaining power but they were successful in mobilizing the public voice against these problems. Later, the factory owners also realized the seriousness of the problem and also that a contended worker will add to the productivity of the factory. Later the Government also, could not confine itself to a neutral spectator. The Government also realized that it was in the interest of the national economy as well as the labourers that constitute a bulk of population in India. Thus the drive for the welfare of the labourers and for the protection of the Indian economy compelled the Government to intervene in the situation.

1.5 Evolution of industrial jurisprudence in India

The evolution of Industrial Jurisprudence in India can be traced back to the period of post Independence. Before the Independence, the industrial jurisprudence existed in a elementary form.
The principal concern of the Pre-independence industrial jurisprudence was the drop of the working condition of the workers at the factories. There was hardly any deal with the social justice to the working class. It was only after the commencement of our Constitution, that the adequate provisions for the social justice to the workers were inserted. Before the Independence, India was not only a great agricultural country, but also manufacturing country. But the British Government, as a matter of their policies always intended to discourage the Indian industries. This led to a widespread nationalism in India, which laid emphasis on the boycott of the foreign goods. Further a non-cooperation movement saw its birth that is also called swadeshi movement, which emphasized on the use of indigenous goods and boycott of the foreign goods. The aspect of industrialization in India was based on the program of planning, which was accepted after thirties. It is important to take into consideration that the plantation industry of Assam was the first to attract the industrial legislation. The situation there was that the employers exercised hard practices against the employees. The employees were not allowed to leave the tea gardens. A number of Acts were passed from 1863 onward, but they only protected the interests of the employers. Some other Acts were also passed to regulate the condition. But the Workmen’s Compensation Act, 1923 was the landmark Act.
1.6 The Indian Constitution of and concept of social justice

Industrial Jurisprudence was not in a much developed form before the commencement of the Constitution of India. Before the Independence, the principal concern of the Government was to ameliorate the condition of the factory workers. It was after the commencement of the Constitution that the paramount concern of the Government shifted towards the social justice for the labourers, who constituted the bulk of the population. Honorable Justice Bhagwati, in a landmark case opined that *concept of justice does not originate from the fanciful notions of any particular adjudication but must be founded on a more solid foundation*. Justice Gajendra Gadkar opined that “*the concept of social and economic justice is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the idea of welfare state*”

The Indian Constitution also enshrines the idea of social justice as one of the objectives of the State. Some of those provisions are as follows

**Article 38 – State to secure a social order for the promotion of the welfare of the people**

I. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform the institutions of the national life

II. The State shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

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9 The Constitution of India by Shri P M Bakshi
Article 39-Certain principles of the policy to be followed by the State shall, in particular, direct its policy towards securing

a. that the citizen, men and women equally, have the right to an adequate means of livelihood;

b. that the ownership and control of the material resources of the community are so distributed as best to serve the common good;

c. that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

d. that there is equal pay for equal work for both men and women;

e. that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

f. that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 42- Provision for just and humane conditions of work and maternity relief.

The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 43- Living wage etc. for workers.

The State shall endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or
otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavor to promote cottage industries on an individual or co-operative basis in rural areas.

The Seventh Schedule\textsuperscript{10} under the provisions of the Article 246 of the Constitution of India provides for the subject matter of laws made by Parliament and by the legislatures of the State. The Seventh Schedule provides for Union List, State List and Concurrent List\textsuperscript{11}. The subject Labour is in the Concurrent List of the Seventh Schedule under the provisions of the Article 246 of the Constitution of India. The Concurrent list provides for making suitable legislations both by the State and Union Government for the Social Security, Social insurance, Welfare of labour including conditions of work, Provident fund, employer's liability, workmen's compensation, invalidity and old age pensions and maternity benefits. The subject enlisted in concurrent list is enclosed as Annexure III.

1.7 Judicial Activism in India

Judicial activism means, the phenomena of the courts dealing with those issues, which they have traditionally not touched or which were not in the consideration of the founding fathers of Law. It is the state of mind, the origin of which lies in in activism of other two wings of the government. The great contribution of judicial activism in India has been to provide a safety valve in democracy and a hope that justice is not beyond reach. Judicial activism\textsuperscript{12} has added much needed oxygen to a gigantic democratic experiment in India. Judicial activism has activated judiciary, executive and legislature.

The Supreme Court has developed a new regime of rights and insisted that State cannot act arbitrarily but must act reasonably and in public interest on pains of its action being invalidated by judicial intervention. The judiciary infuses life and blood into the dry skeleton provided by the legislature and creates a living organism

\textsuperscript{10} The Seventh Schedule- Article-246 of the Constitution of India
\textsuperscript{11} Concurrent List-The seventh schedule of the Constitution of India
\textsuperscript{12} The Judicial Activism in India –Article by Chief Justice of the Supreme Court of India
appropriate and adequate to meet the needs of the society. In last five years the
Supreme Court has, through intense judicial activism, become a symbol of hope for
the people of India.

1.8 International Labour Organization (ILO) and Ratification on
Occupational injury and Diseases

Historically as we know, India is the one of the pioneering member Countries to the
International Labour Organization, a tri-partite body consisting of representatives of
Employer organizations, representatives of Employees Organization and
representatives of the Government of the member Countries. The International
Labour Organization in 1964 resolved the convention No-121 concerning Benefits
in the Case of Employment Injury-Convention C121 was adopted at Geneva in
48th ILC session (08 Jul 1964). In this convention following occupational diseases
were identified and the said list was amended in 1980.

Convention No-155 - Occupational Safety and Health Convention, 1981 (No. 155)
was adopted on 22nd June, 1981 in 67th Session of the governing body of
International Labour Organization.

The International Labour Organization (I.L.O) in the meeting of experts on the
Revision of the List of Occupational Diseases (Recommendation No. 194) submitted
that according to the Protocol of 2002 to the Occupational Safety and Health
Convention, 1981, the term Occupational diseases covers any disease contracted
as a result of an exposure to risk factors arising from work activity. Two main
elements are present in the definition of an occupational disease:

1. The causal relationship between exposure in a specific working environment
or work activity and a specific disease; and

2. The fact that the disease occurs among a group of exposed persons with a
frequency above the average morbidity of the rest of the population.

Such Occupational diseases are considered as an Injury in eyes of Labour Laws and
the loss of earning to the workman due to said disease is to be compensated by
employer. Identification and recognition of occupational diseases: Criteria for incorporating diseases in the ILO list of occupational diseases (OSH 74)

The number of physical, chemical, biological and psychosocial factors affecting workers' health is constantly on the rise. The ILO has been responding to the challenge of creating safe and healthy working conditions since its founding in 1919. Agreed by governments as well as employers’ and workers’ organizations, this new list, approved in March 2010, reflects the state of the art in the identification and recognition of occupational diseases. The list, annexed here to the List of Occupational Diseases Recommendation, 2002 (No. 194), (Recommendation No. 194) is designed to assist countries in their prevention, recording, notification and, if applicable, compensation of diseases caused by work.

The new list includes a range of internationally recognized occupational diseases, from illnesses caused by chemical, physical and biological agents to respiratory and skin diseases, musculoskeletal disorders and occupational cancer. Mental and behavioural disorders have been, for the first time, specifically included in the ILO list. The list also has open items in all the sections dealing with the aforementioned diseases. The open items allow for the recognition of the occupational origin of diseases not specified in the list if a link is established between exposure to risk factors arising from work activities and the disorders contracted by the worker.

This publication includes the newly established list of occupational diseases, the working document "Identification and recognition of occupational diseases: Criteria for incorporating diseases in the ILO list of occupational diseases", and the reports of the two Meetings of Experts which developed this list.

**Schedule I- List of occupational diseases ILO convention 121**

(AMENDED 1980)

Occupational diseases Work involving exposure to risk

1. Pneumoconioses caused by All work involving exposure to the sclerogenetic mineral dust risk concerned. (Silicosis, anthraco-silicosis, asbestosis) and silico-tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.
2. Bronchopulmonary diseases caused by hard-metal dust.

3. Bronchopulmonary diseases caused by cotton dust (byssinosis), or flax, hemp or sisal dust.

4. Occupational asthma caused by sensitising agents or irritants both recognized in this regard and inherent in the work process.

5. Extrinsic allergic alveolitis and its sequelae caused by the inhalation of organic dusts, as prescribed by national legislation.

6. Diseases caused by beryllium or its toxic compounds.

7. Diseases caused by cadmium or its toxic compounds.

8. Diseases caused by phosphorus or its toxic compounds.

9. Diseases caused by chromium or its toxic compounds.

10. Diseases caused by manganese or its toxic compounds.

11. Diseases caused by arsenic or its toxic compounds.

12. Diseases caused by mercury or its toxic compounds.

13. Diseases caused by lead or its toxic compounds.

14. Diseases caused by fluorine or its toxic compounds.

15. Diseases caused by carbon disulfide.

16. Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons.

17. Diseases caused by benzene or its toxic homologues.

18. Diseases caused by toxic nitro- and amino- derivatives of benzene or its homologues.

19. Diseases caused by nitroglycerin or other nitric acid esters.

20. Diseases caused by alcohols, glycols or ketones.

22. Hearing impairment caused by noise.

23. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).

24. Diseases caused by work in compressed air.

25. Diseases caused by all work involving exposure to ionising radiations and reactions.

26. Skin diseases caused by all work involving exposure to physical, chemical or the risk concerned, biological agents not included under other items.

27. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.

28. Lung cancer or mesotheliomas caused by asbestos.

29. Infectious or parasitic (a) Health or laboratory work. Diseases contracted in an (b) Veterinary work. Occupation where there is a (c) Work handling animals. Animal particular risk of carcasses, parts of such contamination. Carcasses or merchandise which may have been contaminated by animals, animal carcasses, or parts of such carcasses. (d) Other work carrying a particular risk of contamination.
1.9 Aims and Objective of the Study

The Gujarat is among the highly industrial states in the country. 18.2% of the total workforce of the State is employed in these industries as compared to 7% industrial employment at National level. The nature of industrial activities in Gujarat include; engineering, chemicals and fertilizers, bulk drugs and pharmaceuticals, dyes and intermediates, petroleum products etc. About 37000 such industrial units are registered under the provisions of the Factories Act, 1948 employing about 13.0 lacs workers. These factories may be categorized as small scale, medium scale and large-scale units. The study of the available data of the registered factories reveals that Gujarat is the hub of pharmaceutical, bulk drug and chemical industries and also shares the highest percentage of hazardous industrial units in the country. These factories are mainly located in out skirt of Bharoach, Ankleshwar, Vapi, Valsad, Vadodara, Surendranagar and Ahmedabad. The Gujarat State accounts for about 40% of pharmaceutical production and total 3507 manufacturing units engaged in manufacturing of Allopathic, Ayurvedic, Homeopathic drugs & Cosmetics.

Different labour laws related to wages, social security, welfare and working condition are applicable to these industries and are implemented by the Labour and Employment department. The prevailing set of labour laws do take care of the welfare and health aspects of the workers working in pharmaceutical, chemical industries and such hazardous industrial units, however, the occupational diseases do develop either due to the side effects of the chemicals, working conditions or due to unhygienic working conditions which results in to the microbial infections or allergies resulting into chronic diseases.

The number of occupational diseases have been identified and enlisted in the labour laws and also provisions have been made to compensate the loss in income due to such occupational diseases. The International Labour Organization (ILO) also have enlisted occupational diseases in its 121st Convention. The evolution of Industrial jurisprudence, Constitution of India and judicial activism have played role in improving working conditions of the workers at the work place over a period of time. The potential and curative measures are mentioned in the labour laws and studies have been made in the area of occupational diseases but are mainly based on the
nature of products, raw materials, nature of process etc. Very few studies have been undertaken in the area of occupational diseases being contracted out due to poor working conditions, unhygienic working conditions at work site that leads to microbial diseases to the workers. Further, the present labour laws do not expressively mention about the invasion of microbial diseases due to working conditions at work place and therefore no remedial measures to prevent it.

The qualitative implementation of Labour Laws in protecting the constitutional rights of the workers, decent work situation at work place is equally important. Under the circumstances, the said study will help in identifying the workers contracting out microbial diseases due to working conditions at work place and prevailing labour laws may be amended accordingly. Moreover, the treated effluent also some time creates health related issues in the community and in animals residing in the nearby area. The study will also help in assessing the quality and effectiveness of the implementation of the labour laws.

1. To identify the types and intensity of occupational diseases occurred in the Pharmaceutical Industries due to microbial infections because of poor, unhygienic working conditions.

2. To review various labour legislations, its provisions and prospective and curative measures mentioned in the labour laws in this regards;

3. To study the level of occupational microbial diseases among workers working in pharmaceutical and bulk drug industries in relation with various labour legislations;

4. To suggest required amendments and measures in the labour laws in this regards.

5. To review the implementation of various labour laws in terms of its effectiveness and compliance.

6. To review the implementation of the Gujarat Pollution Control Act, in terms of release of treated effluent endangering the surrounding community.