

## CHAPTER IV

### CORPORATE SOCIAL IRRESPONSIBILITIES

#### EMPIRICAL EVIDENCE

Lord, Lord, how this world  
is given to lying!

- Shakespeare, King Henry IV

#### 1.0 INTRODUCTION

As a philosophical concept, responsibility is a correlate of freedom.<sup>1</sup> Philosophically the opposite of responsibility is external or internal compulsion; in political terms it is arbitrariness. The purpose of this chapter is to determine the acts of social irresponsibilities, philosophically and politically committed by business firms in India as well as abroad. A sample of such acts are only illustrated below :

#### 2.0 SOCIAL IRRESPONSIBILITIES

##### 2.1 Chlorine leakages - some early examples

The escape of chlorine from a storage tank in Wilsum, Germany, in 1952, resulted in the death of seven persons and similarly release of Chlorine gas in Banks Town, Australia in 1967, killed five persons. In the escape of Chlorine in Baton Rouge in 1976, 10,000 persons had to be evacuated.

##### 2.2 Infant foods

'Similae', 'Enfamil' and 'Prosobee' are familiar names to parents whose children were born after World War II, especially those with children born in the 1950's. The major United States and foreign companies who have marketed these products include Nestles S.A. in Switzerland, Unigate in England and Abbott Laboratories, the Wyeth Laboratories of American Home Products and the Meed Toluson Division of Bristol-Myers U.S.A. When American and European markets for

infant formula began to diverse as birth rates fell in the 1960's and 1970's, these companies began aggressive marketing programs in the less developed nations of South America, Africa and the Far East, where birth rates were high. The booklets suggested that bottle-feeding with special formula was superior to the breast-feeding of babies. Some actually said that these formula be recommended as substitutes for breast-feeding. But the claims were not true, formula feeding was very expensive, given the average income in most less developed countries. A weeks supply in most countries could account for almost 20% of a family's monthly income.<sup>2</sup> A report "Nestle Kills Babies" was published by the "Third World Active Group". It alleged that 'Nestle' the world's biggest baby food manufacturer was causing infant illness and death by promoting its milk to mothers when it was scientifically proved that breast milk was better and safer.

### 2.3 The Concorde issue

Noise pollution especially for residents living near airports has been a severe problem. The new Concorde aircraft is much faster in speed than other aircrafts but causes twice the noise pollution than the Boeing aircrafts.<sup>3</sup> Problems of noise pollution and resistance by residents have been neglected by manufacturers of such aircrafts; The Aerospace Corporation (UK & France).

### 2.4 The Orly Tragedy

In 1974 a DC 10 aircraft crashed at Orly near Paris killing all the 346 people on board.<sup>4</sup> The investigations revealed that the crash was caused by the aft cargo door blowing open soon after the plane took off from Orly airport. A defective locking system by McDonnell Douglas Corporation had led to the loss of precious human lives. The resulting difference in air pressure between the cargo and passenger areas forced the floor plates of the baggage hold where they

pressed on control cables for the tail section and made the plane uncontrollable.

#### 2.5 I.C.I. Heart Drug Compensation

I.C.I. paid several thousand pounds as compensation to victims who had suffered severe side-effects from its heart drug 'Edaldon'.<sup>5</sup> Several patients had died and hundreds of them suffered side-effects varying from partial blindness to stomach damage.

#### 2.6 Avon Rubber Case - 1975

Manufacturers of tyres, inflatable boats, plastic and medical supplies was responsible for the deteriorating health of its employees. The chemicals used by Avon have been reputedly known to cause cancer.<sup>6</sup>

#### 2.7 Instances of Water Pollutions

Water pollution caused by industrial waste poses a serious threat to life. The Damodar river of Bengal has turned black and the Cheliyar in Kerala has turned brown. Mercury poisoning has been detected in the Thane creek in Bombay and the Rushikulya river in Orissa.<sup>7</sup>

#### 2.8 Bhopal Gas Tragedy

2.8:1 In December 1984 a gruesome tragedy struck an otherwise peaceful town of Bhopal in India. Strong evidence has emerged that the tragedy was not so much of an accident as the result of a series of corporate decisions that can only be described as criminally negligent and betraying a reckless disregard for human life. The disaster, which has been described as the worst industrial accident in history has not only brought the entire chemical industry under intense scrutiny but has raised far reaching questions about the catastrophic potential of rapidly proliferating high risk industrial technologies in general.<sup>8</sup>

2.8:2 Two thousand five hundred people were killed and nearly 200,000 (a quarter of the city's population) left uncertain about possible after-effects after the leakage of Methyl-Iso-Cyanate (MIC) Gas from the Bhopal Plant of the Union Carbide. The controversy over the composition of the gas that leaked from Union Carbide's pesticide plant has centered around the question of whether it was MIC or Phosgene. Union Carbide maintained strict secrecy regarding process of manufacture as well as the nature and effects of the gas on living organisms. As a result, even those doctors in Bhopal who were certain that the gas was MIC were entirely dependent on Union Carbide for information on how to treat victims of the gas as well as possible anti-dotes to neutralise its effects.

2.8:3 In the first three days following the accident people died of pulmonary oedema and the perforations of the lung, tissues and failure of the nervous system. Patients suffered from convulsions or paralysis and then went into a coma leading to death. Similarly, patients in the first few days were affected by an intense irritation of the eyes and throat and some other symptoms were blurred vision, sore throat and increasing nervous disorder. It has been pointed out by experts that the proximate causes of the gas leakage from the plant were negligence and a total disregard for safety precautions on the part of the Plant's management. The management acted recklessly by leaving open the valves in the pipes carrying MIC leading out of the scrubber to the atmosphere. Carbide's safety record has been very poor since inception. The catastrophe at Bhopal underscores the fact that certain industries, whatever their benefits, threaten life in a way no society can accept.

2.8:4 Cast iron evidence is backing the fact that till the gas leak on December 2, 1984, on an average 12,000 children were born annually. In 1985 there was a sharp decline. Only the Government of India has filed a suit against U.C.C. in

which the Corporation is charged with responsibility for all the damage caused by the leakage of gas from the plant, in as much as it designed, constructed, owned and operated a plant which it knew to be ultra-hazardous to the public at large. It is alleged that the Company had failed to exercise its duty to protect the public from the dangers inherent in its plant and processes. The offer of \$.230 million divided equally among the 200,000 survivors (leaving aside compensation for the 2,500 dead) would fetch a little over \$.1000 per head, a paltry sum indeed. The Government of India intends a settlement at a billion dollars.<sup>9</sup> Incidentally on November 22, 1986, the Union Government has submitted claims totalling \$.3.2 billion (Rs.3,900 crores). The case against Union Carbide raises issues of much wider significance and could prove decisive in defining international standards of corporate responsibility and in determining corporate liability in relation to the management of high-risk technologies. It was found that emergency procedures were inadequate and the initial response to danger was low.<sup>10</sup> Investigations have revealed a combination of design flaws, operating errors and managerial mistakes.

## 2.9 Jal Crash due to faulty repairs

Faulty repairs by the Boeing Company caused the world's single airplane disaster in 1985, when Japan Airlines Boeing 747 crashed in the north-west of Tokyo killing 520 people. Japan's Transport Ministry said that after a year of investigations, it was revealed that a faulty repair job of the jet's AFT pressure bulkhead in 1978 was done by the Boeing Company. Out of the 524 people on board, only four survived. Since the crash JAL and Boeing have taken joint responsibility for compensation claims to victims. However, hundreds of innocent lives have been lost merely due to negligence on the part of the aircraft manufacturer.<sup>11</sup>

#### 2.10 Poisoning the Gomati

The Oudh Sugar Mills of the Birla's and a distillery of Mohan Meakins have been accused of polluting an eight kilometers stretch of the Gomati from Ganghat to Nishatganj in Lucknow. Such has been the extent of pollution caused; that thousands of fish have died in the river, the colour of the water has turned grey, it has been declared unfit for drinking without treatment and the selling of fish prohibited in Lucknow for 10 days from 1st January 1987. Both the Oudh Sugar Mills and Mohan Meakins have long been persistent polluter of the Gomati. Discharge from the distillery of Mohan Meakins enters the Gomati through two outlets and the alarming levels of toxicity have been released to the Press by the U.P. Water Pollution Control Board.<sup>12</sup> Even respectable industrial houses of the country are not beyond adopting an utterly callous attitude to causing environmental damage. That the pollution of the Gomati river should continue despite being noticed as early as 1980, is outrageous, for all one knows it would have gone unabated but for the stink created by the recent death of 50,000 fish, weighing a ton. There has to be an enquiry and the guilty be punished. Otherwise the lack of accountability, which explains the sloth and laxity all around will persist.

#### 2.11 Mahim Causeway

Dr. Zingde of the Regional Centre of the National Institute of Oceanography, has found due to a recent study, that there has been a complete depletion of Oxygen in the Mahim basin due to industrial and sewage effluents. Industrial development has led to longer water consumption and sewage level. Most of the industrial effluents are discharged without treatment. About 30 years ago, the bay was the predominant centre for clams and rock oysters but now there is absolutely no fishing activity. This ecological imbalance is serious.<sup>13</sup>

### 2.12:1 Red flows the Rhine

The romantic Rhine may never be the same.<sup>14</sup> Some 30 tons of agricultural chemicals, including mercury, are washed into the Rhine as a result of a poisonous spill from the Swiss Chemical Plant of Sandoz at Basle which has virtually wiped out marine organisms that include trout, snails and crabs. Scientists have opined that the ecological damage has particularly affected the 185 mile stretch of the Rhine river from Basle to Maiz, West Germany. The toxic spill has killed an estimated 500,000 fish and endangered drinking water supplied. The scale of the disaster has shocked and shattered the confidence of neighbouring countries in the ability of industry to self-regulate itself. Mr. Willy Brandt, Chairman of 'Socialist International' described the disaster as "Bhopal on the Rhine", in its magnitude and long-term consequences.

2.12:2 Netherlands has protected its drinking water supplies from the poisons by closing the floodgates, while West German towns with wells have switched to storage tanks or other facilities. It is estimated that \$ 5 million worth of fish has been killed in the border state of West Germany. To compound matters further, in a second incident, within days of the first, another Swiss company, Ciba-Geigy had leaked another 105 gallons of weed killer 'Atrazine' into the Rhine. Sandoz has agreed to honour all claims arising from the warehouse fire and the leak of toxic chemicals. The fallout from this ecological disaster has been the revival of suspicions about the "cavalier manner" in which multinationals ran their operations, generally speaking. If it would happen on this scale in industrially advanced countries, what guarantee could one have that developing countries, in which some of these multinationals operate, have adequate safety systems.

### 2.13 The Seveso Disaster

Everybody knows that chemical plants are dangerous neighbours, especially since the Seveso disaster. In Seveso, near Milan (Italy) in 1976 chemicals leaked from the factory of a Swiss subsidiary company of Hoffmann-La-Roche. The pollution and the resulting ecological balance stunned the residents of Italy.<sup>15</sup>

### 2.14 Ciba-Geigy Disaster

The feeling of betrayal comes to the people of Switzerland when the spillage of a weedkiller called 'Atrazine' was not reported. The last occurred a few hours before the Sandoz fire but was reported only days later.<sup>16</sup> Residents were not informed of the after effects of these toxic gases and people are protesting and displaying their displeasure by climbing up the chimney of the factory.

### 2.15 The China of Muck and Money

In Shenyang, China, soot from soft-coal fires cover narrow streets lined with single storeyed brick houses. Smoke from machine-building, textile, electronics and car factories fills the air. In winter especially the local people hurry through the streets with handkerchiefs over their faces, their eyes streaming with pollution.<sup>17</sup> Providing yet another illustration of business firms' glaring disregard to societal needs.

### 2.16 Resettlement issue - IPCL

IPCL (Indian Petrochemicals Corporation Ltd.) had undertaken the construction of an entirely new village at a cost of Rs.48 lakhs to resettle the residents of Dhamora (Baroda) in 1985. This had ostensibly been done to avert the dangers the residents could have faced in the event of some disaster at the IPCL plants and health complaints. The houses constructed by IPCL were smaller than the original houses

of the villages of Dhamora, no doubt that they were 'pucca' ones. IPCL made no efforts to employ the displaced villagers; the principle of 'one house one family' is putting the dishoused villagers under great stress and tension.<sup>18</sup>

#### 2.17 Asprin or Paracetamol

Between paracetamol and asprin, the two widely used general purpose analgesic and antipyretic, which has less side-effects? Pharmacological researchers fight endlessly on the subject, but the pharmaceutical company - Burroughs Wellcome (India) which claimed that the new 'Ridake' paracetamol tablets marketed by it were the safest cure for headaches without the side-effects of asprin, has actually gone a little too far.<sup>19</sup> In advertisements the Company failed to mention the disadvantages of paracetamol. Nowhere does the editorial of 'Lancet' give positive findings that paracetamol is the safest drug.<sup>20</sup> A few reports have raised the possibility that when taken for therapeutic purposes, paracetamol might cause toxic hepatitis or chronic active hepatitis. In the concluding paragraph the editorial also remarks that the "biomedical basis of the liver damage caused by paracetamol is well established". Thus, such misleading advertisements have become the order of the day.

#### 2.18 Adulteration of Edible Oil

The consumer is being bombarded with advertisements of cooking oils. While one oil is said to be kind to the heart, another claims to keep the family healthy. Dr. Madanagopalan and Dr. Panchanadan of the Madras Medical College have recently referred to the possible connection between liver cancer in a large number of patients and the contaminants in edible oils. What is needed, nutritionists underscore, is a stringent law to check all possible contamination of edible oils. Adulteration of oil with argemone, which is a common practice, should also be scrupulously prevented, as consumption of such oil causes epidemic dropsy.<sup>21</sup>

### 2.19 Taloja Crash

On June 22, 1986, a factory building of Beekalene at Taloja, near Bombay, collapsed, killing 18 workers and injuring 31. The factory owners, the architect and structural engineers are all guilty for the substandard construction and loss of human lives. The procedures and provisions of the MIDC and CIDCO, and the Factory Inspector seems to be flouted. The burden of penury has fallen on innocent desolate widows with meagre compensations.<sup>22</sup> The plight of the injured is even more poignant as for many the injuries have not healed, leaving them incapacitated. Most of them are living with relatives and are in dire need of medical care but they have no money. The Management, which has three more factories in Chakala, Andheri East, Bombay, has not absorbed any worker or relative in them saying that it cannot afford to take on more hands. The workers continue to suffer and they have pinned their hopes on the government for justice.

### 2.20 Frog exports kills agriculture

Some 2,500 tonnes of frog's legs valued at Rs.7 crores are annually exported from India to the U.S. and European countries. For this, 150 million tonnes of frogs are slaughtered to satiate gourmets who feast on them in select restaurants in the West.<sup>23</sup> This large scale export by private business firms, since 1957, has created an ecological imbalance and has conservationists and ecologists calling for a total ban on the export of frog's legs. The argument that the loss in agricultural production, as a result of the destruction of frogs who thrive on pests, is higher than the foreign exchange earned now, is perhaps the crux of the matter. More amounts are being spent on pesticides to control agricultural yield. Do these exporters not realise the consequences of such earnings?

## 2.21 Mankurd Fire

A diesel fuelled blaze destroyed 150 huts on 2nd January, 1987, at Mankurd, Bombay, giving an unusual start for the U.N. 'Year of the Shelter'. The high speed diesel, which began leaking from a rupture in Hindustan Petroleum's Bombay pipeline, was carried by a nullah to the marshy land. A fire ignited with the spillage of the HSD. Huge tongues of flames leapt to a height of almost 12 metres rendering more than a thousand people homeless. The fire devastated all huts on a semi-circular arch along the week and it took 200 firemen, 20 fire engines and fire water-tankers to extinguish it. Fortunately, there were no human fatalities. A small human error and lack of maintenance which could have proved a bonanza for the hutment dwellers became a haunting nightmare.

## 2.22 Bhilai Steel Plant & Bailadilla Iron Ore Plant has been guilty of causing pollution.

2.22:1 The Madhya Pradesh Pollution Control Board and The Madhya Pradesh Electricity Board in their reports have stated that the collapse of two ash dams of the power houses at Korba had caused huge pollution in the Hasdeo river. A scribe of Korba, Mr. Jasraj Jain, has come forward with the claim that the leakage had started from the collapsed ash dam six months ago and this was brought to the notice of the MPEB authorities. No anti-pollution measures were taken. The reports pointed out there are no proper arrangements and equipment to curb pollution caused by coke ovens, blast furnaces, and open health furnaces of the Bhilai Steel Plant.

2.22:2 It has also been pointed out that the permanent pollution of the Shankhini and Dankini rivers in Bastar district caused by the Bailadilla Iron Ore Plant of the National Mineral Development Corporation. It says that the liquid effluent discharged by the Iron Ore Plant is causing

pollution in 69 villages on the banks of the rivers. This has become so serious that the Shankhini is now known as the Red River, living up to its name. Tribals in the area are also affected considerably.

### 2.23 Shriram Gas Leak Case

2.23:1 M.C. Mehta and others filed a writ petition in the Supreme Court of India in 1985, praying for orders against reopening of certain Plants of Shriram Foods and Fertilizer Industries Ltd., as they were posing a danger to health and life of workmen and people living in the neighbourhood. On December 4th and 6th, 1985, there was admittedly leakage of oleum gas from one of the units of Shriram Foods & Fertilizer Industries and, as a result of such leakage, several persons were affected and according to Mr. Mehta and the Delhi Bar Association, one advocate practicing on the Tis Hazari Courts died.

2.23:2 Justice C.J. Bhagwati who delivered the judgement on February 17, 1986, said that the leakage on December 4, 1985, resulted from the bursting of a tank containing oleum gas as a result of the collapse of the structure on which it was mounted and it created a scare amongst the people residing in that area. Hardly had the people got out of the shock of this disaster when, within two days, another leakage took place.

The Nilay Choudhary Committee was appointed and it visited the Plant on December 28, 1985. Prior to this, the Manmohan Singh Committee had visited the Plant in March 1985. Since the leakage of the gas caused serious public concern, the Lt. Governor of Delhi, appointed an expert committee consisting of Mr. N.K. Seturaman as Chairman and four other members.

2.23:3 Justice Bhagwati said that since the Plant was established 35 years ago, the number of employees have increased and a sizable population living in the vicinity of the Plant, and there is therefore hazard or risk to a larger

number of people. The reports of the different Committees reveal that there was considerable negligence on the part of the Management of Shriram in the maintenance and operation of the Caustic Soda Plant and that there were several defects and drawbacks in its structure and design. While delivering the judgement he said that the effluent being discharged should also be properly treated. Reference was also made to the fact that the Delhi Municipal Corporation sewer in the Nazafgarh area has been lying choked since 1980 with the result that Shriram cannot discharge its domestic effluent in the sewer.

2.23:4 The Supreme Court permitted Shriram to restart its Plant considering that 4000 persons would be unemployed and the Company would undertake to implement the highest level of safety standards and check pollution. Several restrictions were placed on the operations of the Company to ensure that these standards are met. It also directed the Management to deposit Rs.20 lakhs as and by way of security for payment of compensation claims by or on behalf of the victims of oleum gas. A bank guarantee of Rs.15 lakhs was also obtained, as, if in any case Chlorine leaked again resulting in death or injury, the amount would be encashed by the Court. Appointment of a high powered committee was also recommended for overseeing functioning of hazardous industries. It was mentioned that hazardous industries will have to be established as they are essential for economic development, advancement and well-being of the population. However all efforts must be made to reduce the element of hazard or risk to the community by proper location and maintenance.<sup>24</sup>

## 2.24 The Lake of Death

2.24:1 The only warning was a nocturnal rumble that resembled thunder. Then a silent haze of colourless gas shot up from the turbulent depths of Lake Nios just inside Cameroon's north-west border. Within minutes the heavy flames of

Carbon Dioxide burst over the rim and sank into the valley below, enveloping sleepy hamlets in a deadly bubble. Villagers who had already bedded down for the night, quickly suffocated in their sleep. People coughed and vomited blood. It will never be known how many actually died on August 21, 1986, at this quiet West African country. The U.N. Disaster Brief Co-ordinator in Geneva put the toll at 1746, but the actual number was far higher. Livestock was also affected considerably. Lake Nios, affectionately dubbed "the good lake" by local residents, no longer shimmered a welcoming blue. Instead the waters had turned a drab shade of reddish brown. The economic costs of the tragedy are difficult to calculate.<sup>25</sup>

2.24:2 No one really knows what exactly triggered the release of this deadly gas from the lake. There are different versions of the causes of the tragedy. Some call it a freak of nature, and others ask one crucial question "where did the Carbon Dioxide come from?" This is the poser.

#### 2.25 Cleaning up the Golden Horn

"By 1988 the Golden Horn will be as blue as my eyes", says Istanbul's Mayor, Bedrettin Dalan, as he gazes over the murky waters of the horn shaped inlet. In recent years the waterway of Turkey had become little more than an open cesspool. More and more of the city's raw sewage and more of industrial wastes and the offal of nearby slaughter houses poured into the Horn turning it into a gray, foul smelling slough. "If you stick your finger in the water", Dalan recalls, "you pulled out only a bare bone".<sup>26</sup> Many factories operating on the banks of the lake are to be razed in an effort to reclaim the historic waterway. Strongest laws are being enacted by the mayor to curb pollution and purify the inlet. Two dolphins were recently seen gamboling in the inlet, the first sighted there in almost 60 years.

## 2.26 The race to save Prague

Prague's legendary citizen, Charles IV, the 14th century Emperor is barely recognizable this summer. His statue, long buried beneath layers of grime is surrounded by scaffolding. The illustrious architectural symbols are slowly crumbling. About 80% of Prague's 2000 registered monuments are in dire need of first aid from ills ranging to peeling paint to disintegrated foundations. The arch-enemy of Prague's monuments is air-pollution caused by industries.<sup>27</sup> The prevailing winds carry in fumes from steel plants in Czechoslovakia's industrial areas including Germany. The effects of this air pollution by business firms has been devastating.

## 2.27 The Great Capsule Controversy

2.27:1 In 1982, when seven people in the Chicago area died after taking cyanide laced capsule of Tylenol pain reliever, the crime seemed so horrible, so peculiarly horrible - that it was hard to believe it would ever be repeated. And yet it has been, again and again! In February 1985, tainted Tylenol capsules killed a woman. A month later, traces of rat poison were found in 'Contac' cold capsules and 'Teldrin' allergy medication in Houston and Orlando. In June 1986, medical investigators discovered that two residents of Auburn, Washington, U.S.A., had died as a result of swallowing toxic Excedrin capsules. During a random check of a pharmacy in Seattle, U.S.A., officials found poisoned capsules of Anacin 3. Manufacturing over-the-counter capsules has been a fast growing profitable business, at the expense of the society! Thousands of different kinds of non-prescription capsules continue to be sold today.<sup>28</sup>

2.27:2 When the first deaths from capsule poisonings were reported, companies said they would be developing tamper resistance products. However, there were manufacturing defects also. Millions of dollars are at stake for large U.S.

Corporations if they withdraw from the capsule market or make changes in technology. A prudent middle course would be for all manufacturers to adopt one of the new technologies for safer capsules or they may have to swallow hard and abandon capsules for good! Both are difficult propositions and unacceptable to many corporations. In the meantime should we have a couple of more deaths, please?

#### 2.28 Pollution chokes Cochin

The quality of air in Cochin city is very frequently swinging below the prescribed standard. The Pesiya river which is the sole source of drinking water for nearly 3 million people of Cochin is so dangerously polluted that people are scared even to take a bath in it. The large amount of industrial effluents being discharged into the river has led to these severe problems. A comparison of the rate of industrial growth of the area and the remedial measures taken shows that they are not commensurate with growth leading to an alarming situation.<sup>29</sup>

#### 2.29 Forest War

Thai soldiers have thrown a barricade across the only road that leads to the hills of Kampaeng province. This is so because in the past two decades private business firms have resorted to slash and burn farming, combining with illegal logging, and wiped out Thailand's resources of teak and sandalwood.<sup>30</sup> The unscrupulous logging companies have stripped the land of trees in order to make a fast buck. Does this mean that business firms have the right to disturb the ecological balance to achieve profits?

#### 2.30 "A comeback for whooping cough"

Whooping cough was, until the 1940's, a major killer of children. Over the past 4 decades, however, it has been largely subdued as doctors pump 18 million doses of vaccine

into U.S. children alone in the form of the D.P.T. shots. However, though children have been given D.P.T., the incidence of whooping cough is increasing in U.S.A. Dr. Peter Patriacha has admitted that the vaccine can have its own side-effects. However, parents have never been informed of the risks. In Japan in 1974, the vaccine was banned for two months due to its side-effects. In Sweden also the vaccine was withdrawn due to its side-effects.<sup>31</sup> There is a need for a safer vaccine and medical authorities or manufacturers are expected to do substantial research in this area in the interest of the society.

### 2.31 The perils of plastic pollution

At the Sixth International Ocean Disposal Symposium in Pacific Grove, California, U.S.A., scientists reported that plastic trash is causing injury and death to countless marine animals that feast on it or become ensnared in it. This, along with oil spills, heavy metals or other toxic effluents, discharged into the sea are a source of mortality among marine mammals. Cities and industries discharging waste directly into the water or dumping it at sea, are to be blamed. Efforts to reduce the amount of plastic jettisoned into the ocean has been largely unsuccessful. "Nonetheless", says Zoologist, Archie Care, of the University of Florida, "this junk is growing in abundance year by year - it is just getting outrageous."<sup>32</sup>

### 3.32 A strange agglomeration

In September 1985, Canadian scientists discovered a sticky 1000 square yards agglomeration of toxic chemicals in the St. Clair River near Sarnia's Dow Chemical Plant. An analysis of the blob's make up has so far yielded 37 chemical compounds.<sup>33</sup> Pollutants could drain from the St. Clair river into Lake Eries, a source of drinking water for communities in Southern Ontario, Northern Ohio and North Western Pennsylvania. As standards do not exist for many

chemicals in Canada, anti-pollution legislation has become a major problem.<sup>34</sup> Charges have been levelled against two Companies so far but as is often said, "A fine that doesn't hurt, doesn't help people to be more careful next time".

### 2.33 Into the mouths of babes

Dipping snuff was a popular habit of school kids in the U.S.A. Teens seem to view smokeless tobacco as a healthier alternative to smoking. However, recent studies have brought bad news to users.<sup>35</sup> There is evidence that snuff raises blood pressure and slows reaction time. The government is considering restrictions on the sale of this product in U.S.A.

### 2.34 Ailing Sea

The Mediterranean Sea - the magnificent wine-dark sea of Homer's 'The Odyssey' has become a mottled eyesore covered with slicks of oil, garbage and raw sewage. Industrial wastes poisoned its depths. Swimmers found beaches closed by local health authorities and boaters grew accustomed to the sight of belly-up fish.<sup>36</sup> The U.S. also faces grave environmental risks; acid rain, smoggy skies, radioactive wastes and other lethal gases escaping from industrial plants.<sup>37</sup>

### 2.35 Side effects of a pain killer

A leading drug company, 'Eli Lilly' of the U.S. had several legal problems in 1985, as it had not informed federal officials that 'Orflex' had been linked to death and illnesses in foreign countries before it was approved for consumption in the U.S.<sup>38</sup> 'Lilly' also failed to warn consumers that 'Orflex' could have side effects on the liver and kidney. A light fine of only \$.25,000 was levied and consumer groups called it "as a slap on the wrist".

### 2.36 Robin runs for shelter

2.36:1 A.H. Robins of U.S.A. faces financial ruin as its product the 'Dalkon' shield intrauterine birth control device was responsible for countless serious illnesses and at least 20 deaths among the women who used it.<sup>39</sup> Robins, by filing a petition under the local bankruptcy act is following a controversial precedent set up in 1982 by The Marville Corpn., which filed a similar application freezing 16,500 suits on behalf of people who claimed to have contacted cancer and other diseases caused by asbestos that the company produced. In August 1985, it offered to set up a \$ 2.5 billion fund for asbestos victims as part of a plan to emerge from bankruptcy proceedings in a year or two.

2.36:2 In 1984, Dow Chemical and other producers of Agent Orange, a defoliant used in Vietnam, agreed to pay \$.180 million to veterans who said they developed cancer and other ailments because of exposure to the chemical. The claims were never proved but the companies settled rather than face an endless siege in court. American Motors have paid out millions of dollars as a result of suits charging that its Jeeps are unsafe, but the company does not reveal the exact amounts. Pharmaceutical companies have been especially vulnerable. Marrel Dow, a Cincinnati based subsidiary of Dow Chemical, in 1984, agreed to establish a \$.120 million fund to satisfy claims that 'Bendectin', a pill prescribed for morning sickness during pregnancy, caused birth defects. But attorneys for some plaintiffs rejected the settlement and the debate about 'Bendectin' is back in courts.<sup>40</sup>

### 2.37 The Thornbirds

A ten hour mini-series made its debut on television on a Sunday in 1983. The series, The Thorn Birds, was about a priest's love affair. The Catholic Church was dismayed at the timing of the show and considered it to be "an affront to good taste and religious sensibilities". The network

had planned to air it at another time, but due to scheduling difficulties, was unable to.

McDonald's Corporation issued a statement to its franchisees advising them against buying time for local commercials on the series. A spokesperson for the Fast Food Chain said "we focus our advertising on all family specials, and this program doesn't meet that objective". The Company had not issued a directive like this before, but it said it didn't do it because of pressure groups.

In spite of McDonald's decision not to buy air-time, the network announced that it sold all its advertising time.<sup>41</sup>

#### 2.38 Zellerbach Paper Co.

Where does a corporate employee's duty or loyalty to the firm end, and his or her right of free speech as a citizen begin? At the moment, based on decisions by arbitrators and the Courts, Managers of American industry aren't at all sure.

Take the case involving Zellerbach Paper Company. In July, 1979, seven black employees at a Zellerbach Plant in Los Angeles sent a letter to the Los Angeles School Board protesting an award to the Company for an affirmative action project, that brought minority students into the Plant to interest them in industry jobs. Stating that charges of discrimination against the Company had been filed with the Equal Employment Opportunity Commission and were now in the courts, the employees condemned Zellerbach's Personnel Director (who was to receive the award) as "the standard bearer of the bigoted position of racism at Zellerbach". The letter concluded by demanding an "immediate reply, explaining why the Board had failed to look at Zellerbach's total affirmative action picture".

Copies of the letter were also sent to Company Executives, to Los Angeles Mayor, Tom Bradley, and to local chapters of several black organizations. After extensive executive consultations that reached to Company President, Bill Zellerbach, the employees were dismissed for "disloyalty". The Company stated that any employee could complain to "appropriate federal and state agencies" and the company would take no reprisal, even if the charges were incorrect. But, the Company went on, the School Board was a major purchaser of Zellerbach products. No employee has the right "to injure the Company and its employees by jeopardizing its reputation and relationships with its customers" or to spread "unfounded defamatory statements about the Company".

The 'Zellerbach Seven' filed a grievance under the labour contract contending that there was no just cause for their firing. They were supported not only by the United Paperworkers Union, but also by the local American Civil Liberties Union and a black community organization.<sup>42</sup>

#### 2.39 Velsicol Chemical Co.

The Velsicol Chemical Company recently agreed to what government officials have called the largest monetary settlement of its kind. The Company agreed with the Environmental Protection Agency to spend \$.38.5 million to clean up toxic waste sites in Michigan. Among the toxic wastes to be cleaned up were PBB, a suspected carcinogen that was accidentally mixed in with cattle feed several years ago, and Tris, a carcinogen that was once used in children's sleepwear, as a flame retardant.<sup>43</sup>

#### 2.40 Sexual Promiscuity

The Chair of the Coalition for Better Television, a group representing 2200 local groups and hundreds of churches, announced that the boycott against RCA, parent organization to NBC T.V., will continue indefinitely. The coalition has been protesting what they considered to be sexual promiscuity

and violence portrayed on NBC programs. Though RCA denies that the boycott is the causing factor, the coalition's Chair attributes RCA's third-quarter profit decline to the success of the boycott.<sup>44</sup>

2.41 Industrial Dryer

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In Maryland, the manufacturer of an industrial laundry dryer was required to pay more than \$900,000 to a man who nearly severed his arm when a dryer stuffed with a 128 pound hot-air balloon disintegrated at high speed. The Company claimed that it was clear that the machine was not made for such an item.<sup>45</sup>

2.42 Firestone

Firestone and two smaller manufacturers of tire rims face some 200 laws suits amounting to \$.100 million. The allegation is that the multi-piece truck rims were poorly designed and blew apart, maiming those who were installing the tires.

2.43 Proctor and Gamble

Proctor and Gamble was ordered in 1982 to pay \$.300,000 to a man whose wife died from toxic-shock syndrome as a result of using 'Rely' tampons. Hundreds of other such cases are outstanding.

2.44 American Motors

American Motors Corporation, manufacturer of the CJ 5 Jeep, settled for \$.5 million with a man disabled in a rollover he claimed was caused by the Jeep's instability.

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## 2.45 Adhesive

In another case a Company stated on its wall-paneling adhesive that the product was flammable and should only be used in a well-ventilated area. A couple ignored the warning and used the adhesive in an unventilated area. They were injured when they plugged in a fan and an explosion resulted. The couple received \$.600,000.<sup>46</sup>

## 3.0 REFLECTIONS

3.1 Environmentalists and anti-pollution groups in the country have reason to be satisfied with the urgent call given by the President of the Indian Science Congress at the annual session in January 1987, that major projects are needed to prevent the occurrence of calamities like the one at Bhopal in which more than 2500 men, women and children perished.<sup>47</sup>

Environment protection programs should receive the most potent boost from even unexpected quarters. In the five judge bench of the Supreme Court, presided over by the former Chief Justice, P.N. Bhagwati, a landmark judgement has been delivered by his remark that an enterprise engaged in a hazardous or inherently dangerous activity "owes an absolute and non-delegable duty to the community - the enterprise should conduct its activities with the highest standards of safety".

3.2 How is industry in India and abroad reacting to government guidelines, restrictions and compensation orders, which are designed to stir the constitutional conscience of the industry in particular and the community in general? What is required is a set of guidelines to start Central Environment Management Institution which will issue guidelines to State Pollution Boards. The establishment of adequately equipped environmental laboratories cannot brook any further delay.

3.3 The 1987 tragedy at J.J. Hospital where sub-standard drugs were used is another illustration of the lapse on the part of government bodies like the FDA (Food and Drug Administration). The penalty for offences are so light for misbranding poor quality of drugs, that manufacturers tend to commit them again and again at the cost of precious human lives. Wondrous chemical potions have been a great aid to mankind, easing pain, alleviating diseases, prolonging life, spurring food production and serving as a catalyst for countless useful products. But once discarded, many of these concoctions or their by-products turn killers and the World has no choice but to curb the lethal ways of the industry. Examples and illustrations of social irresponsibilities are ample testimony to the fact that the Corporate Conscience needs a new orientation.

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