

## THE STRUGGLE BY MUMBAI ASBESTOS WORKERS FOR COMPENSATION

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This paper is based on a series of meetings, interviews and visits in the city of Mumbai during the month of November 2007. We would like to extend our appreciation to the workers we met at this time who provided us with invaluable insights into the realities of working with asbestos and the suffering they have had to endure as a result of contracting incurable asbestos diseases:

Ravindra Ganpat Mohite  
Sudhakar Raghunath Sawant  
Arjun Nabaji Jadhav  
Mr. Peje  
Arjun Eknath Karanjavkar  
Damodar Vittal Thakur  
Ashok Pandurang Aher

Mumbai is a multi-dimensional megalopolis. It encompasses small streets and ancient architecture, middle class suburban housing, high-rise buildings along Marine drive and the obscenely conspicuous lifestyle of the rich and famous juxtaposed with the daily grinding struggle of the organized working class and the daily battle for mere survival of the unorganized and migrant worker. Here, one can sense hope, despair, dreams, frustration, resilience and death – all at the same time.

In November 2007, we met a group of former workers from the now closed Ghatkopar plant of Hindustan Composites Ltd., which used to produce numerous asbestos-based products. In a room full of workers diagnosed with asbestosis, an incurable and debilitating disease, hearing their stories, seeing the factory compound, now locked with paths overgrown with grass and weeds, in a long line of other old and dilapidated factories, with spanking new skyscrapers and mega malls occasionally springing up from old factory sites – it was a very different Mumbai that we were seeing. As we walked around Ghatkopar and later in Lower Parel with the workers, they pointed out all the factories that had closed down – asbestos, oxygen, pharmaceutical, textile – now either rotting or being replaced by the ugly monstrosities of vulgar exhibitionism that have come to signify “development” in India.

The overall mood amongst the workers was one of betrayal. As we talked and walked around, they kept pointing to things, the brakes on the trains, the roofs on the trains and buildings we passed, pipes: all made with asbestos – all made by them. They were in one “labored” breath proud of their contribution to the “development” but in the next bemoaned their fate, obviously upset about being let down by the very society to which they had contributed so much – all of them aware of the incurable disease they carried, for which there seemed no prospect of relief or compensation from either their former employers or the State.

The objective of the meetings in Mumbai was to document the struggle of the former workers to obtain compensation for asbestosis contracted by their exposure to

asbestos fibers when working at the Hindustan Composites factory. Although there is no scientific doubt about the cause and nature of asbestosis, and the law of the land is clear about rights of workers to compensation, for the past two years the workers have been waiting for a court hearing, with their lungs slowly failing them. Most of them had worked for more than 30 years at the factory and had never been warned about the hazards of asbestos. Safety at the factory, according to them, was never given any great importance. X-rays and lung function tests were conducted routinely every year, as stipulated under Indian labor laws, but not a single worker had ever received a medical report.

This story is compelling, especially in the context of the present reticence of the government to ban domestic production of asbestos products and its opposition to the inclusion of chrysotile on the PIC list of the Rotterdam Convention (a measure aimed at discouraging the export of hazardous materials like asbestos). It encapsulates the plight of the average Indian worker, the irresponsibility of corporate India, the ineffectiveness of regulatory authorities and the inertia of redressal mechanisms.

Asbestos in any context can cause harm, but when used under the conditions described by the Hindustan Composites workers its harmful effects are enhanced.

In the following sections we would like to establish the following points regarding the working conditions and legacy of disease experienced by workers at the Hindustan Composites plant:

- ◆ Despite claims to the contrary, working with asbestos has resulted in significant health impacts – there were 41 confirmed cases of asbestosis from among 182 workers tested in 2004. Moreover, there is evidence of a number of cases of cancer – both confirmed and anecdotal – pointing to a huge burden of asbestos-related disease that remains to be properly documented.
- ◆ There was a total lack of adherence to safety norms at the factory. All the workers we interviewed, including some we met while walking around the vicinity of the factory, testified to the fact that they were never fully informed about the dangers of working with asbestos.
- ◆ Despite scientific clarity on the issue of causation of asbestosis as well as the law of the land being very clear as to the rights of the workers in cases of occupational injury, and despite all 41 of them getting certificates confirming a diagnosis of asbestosis from competent physicians, their attempt to assert their rights to compensation for health damages is turning into a protracted battle for justice.
- ◆ While there is some record of the permanent workers – so at least some potential to trace them – the plight of the contract laborers, used increasingly since the late



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