

A Critical Study on Linguistic and Legal Aspects of Occupational Safety, Health and Working Conditions Code 2020

Dr.S.A.Thameemul Ansari

Professor, Mohan Babu University, Tirupati. Andra Pradesh

Abstract- This paper makes an attempt at understanding various provisions of Occupational Safety, Health and Working Conditions Code 2020 and brings to light how certain provisions are interpreted by invoking the urgency of the context of immediacy. This kind of selective reading and limited understanding of the context would sometimes lead to improper interpretation which might lead to serious consequences. Hence, it is very important to consider linguistic and legal aspects of Occupational Safety, Health and Working Condition Code 2020 from wider perspectives which include not only legal, but also social and cultural contexts, in order to place on the record the conditions which demand our intervention. In this paper, an academic attempt has been made to understand and appreciate linguistic and legal aspects involved in understanding Code 2020. This understanding is very critical a crucial in this context.

INTRODUCTION

Indian labour laws, in general, reflect the consciousness of Indian philosophy and culture which have been known in the world as a great force of inspiration. There is no doubt that Indian values and principles have influenced the world in many different ways. The concept that the whole world is one and all of us the members of the same family has been finding resonance in all our Indian cultural texts. These ancient cultural and religious texts have later become a great source of influence for our constitution and for the UDHR in global levels. However, we can't afford to ignore certain forces within our own culture which have contributed to the conditions of ill-treatment and mal-treatment of the poor, the weak, the uneducated, the dependent, the working class and the powerless. These forces were deeply embedded in our own cultural contexts and there were also political forces from outside our country.

The various forms of system of oppression which existed in ancient India have contributed to a kind of process wherein the workforce was always exploited and abused. These working-class people, as they were already poor and uneducated and as there were no effective laws to protect these people from the exploitation that they suffered at the hands of the ruthless masters as slaves and bonded labourers. They had no idea what they were subjected to. They were forced to live the life of shame and ignominy. It is at this point of time; some movements were initiated in the Indian contexts which brought in a kind of realization that such an abuse had to be stopped. These movements were connected to Indian Independence movements.

The workforce which was unfairly controlled by the unfair regulations and the provisions of Indian Slavery Act 1843, Societies Registration Act 1860 Cooperative Societies Act 1912, Indian Trade Unions Act 1926 and The Trades Dispute Act, 1929 were questioned and challenged in many levels. There were protests, public unrest, huge violence, mass campaign and movements which brought these questionable acts to the public domain. Consequently, the people who were protesting against these acts were subjected to untold suffering and violence. These protests gained prominent importance and influenced Indian freedom struggle and the scenario had changed for better after Indian independence.

INDIAN CONSTITUTION: THE CUSTODIAN OF HUMAN RIGHTS

Indian constitution, which is an abiding document of faith, has included in its essence all the features to protect the weaker sections of the society including the rights of trade unions. The fundamental rights which

include the rights of labour particularly in the context of joining a trade union, the principle of equality at work and the concept of minimum wages and decent working conditions are all embedded. The labour laws that we have today are the results of a series of changes that happened over a period of time. These laws are made to define clear cut relations between employees and the employers in order to promote a condition which is favorable for both the employers and employees. In other words, Indian constitution has taken special effort at protecting the interests of the workers who are otherwise likely to be exploited by the employers.

OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020

This code was introduced in Lok Sabha by Minister of State for Labour and Employment. It was re-introduced with new changes leading to withdrawal of Occupational Safety, Health and Working Conditions Code, 2019. This Code subsumes 633 provisions of 13 major labour laws into one single Code with 143 provisions. The laws which were subsumed include

- The Factories Act, 1948
- The Contract Labour (Regulation and Abolition) Act, 1970
- The Mines Act, 1952
- The Dock Workers (Safety, Health and Welfare) Act, 1986
- The Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
- The Plantations Labour Act, 1951
- The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- The Working Journalist and other News Paper Employees (Conditions of Service and Miscellaneous Provision) Act, 1955
- The Working Journalist (Fixation of rates of wages) Act, 1958
- The Cine Workers and Cinema Theatre Workers Act, 1981
- The Motor Transport Workers Act, 1961
- The Sales Promotion Employees (Conditions of Service) Act, 1976
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1966

SCOPE OF THE CODE

The Code applies on factories having 20 or more workers and manufacturing process is being carried on with the aid of power or 40 or more workers where manufacturing process is being carried on without the aid of power. It emphasizes on health, safety and welfare of the workers employed in various sectors like industry, trade, business, manufacturing, factory, motor transport undertaking, building and other construction work, newspaper establishments, audio-video production, plantation, mine & dock-work and service sectors. The Code doesn't apply to offices of Central Government, State Government and any ship of war or any nationality but at the same time it applies to contract labour employed through contractor in the offices where Central Government or State Government are principal employer. The Code sets up occupational safety boards at the national and state level to advise the central and state governments on the standards, rules, and regulations to be framed under the Code. The Code creates special provisions for certain classes of establishments such as factories, mines, dock workers, and constructions workers. These include separate provisions on licenses, safety regulations, and duties of employers. The Code consists of schedules which includes list of industries involved in hazardous process, list of matters where standards are to be followed with respect to health and safety of workers, and list of notifiable diseases for which communication shall be made to concerned authorities

IMPLICATIONS OF THE CODE 2020

There are several labour laws in India and each state has its own laws related to regulating the relationship between workforces and the employers. These laws fall under two categories which include those laws enacted by the centre and those which were enacted by the individual state. But, all the laws related to labour matters should stand the test of the constitution's non-negotiable principle of equality otherwise they will be termed as ultra vires.

In this paper, an attempt will be made to critically study various provisions of Code on Occupational Safety, Health and Working Conditions -2020 and analyze how this new Code differs from the earlier laws. Also, an attempt has been made to study

the effectiveness of various provisions of Code 2020 by subjecting the provisions to an academic scrutiny. There are various contests which necessitated the Government in power to contemplate on the issues of the Code 2019, particularly in the light of Covid contexts which result in large scale displacement of workmen and in the light of huge number of cases which are pending at several courts waiting for resolution, the Code 2020 is a welcome step in the right direction.

This paper seeks to address some important provisions which protect the rights of workmen under this code. Also, this paper focuses on how this Code differs from Code 2019, how the rights of both employees and employers are defined under this code and how much prepared this Code is while dealing with the challenges of unpredictable situations.

IMPORTANT DIMENSIONS OF CODE 2020

Code 2020 includes some important dimensions which are to be listed here. This code has brought in new and comprehensive definitions of certain terms which were very vague in the earlier Code. This Code has been framed after prolonged tripartite consultations, four sub-committee meetings, 10 regional conferences and 10 inter-ministerial consultations. The Government has received no less than 6000 comments and those comments were analyzed and discussed and incorporated into the Code. Among the 13 Acts the Occupational Safety Code subsumes is the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service), which has been heightened during the recent migrant workers crisis due to Covid 19. While the earlier Act covered those migrant workers who were hired through contractors, the Code covers those who are indirectly employed as well. This code has been extended to those working in the fields of animation, cartoon depiction, digital production and web serials by including these categories within the definition of audio-visual production.

Issues with the Definitions

In chapter I (2) under definition section, the Code offers elaborate and all-inclusive definitions of certain terms which have been loosely or vaguely defined in the earlier Code. As a result of the lack of clarity, there were so many unwanted and unavoidable cases filed in different courts which drained away the energy and

precious time of the courts. The terms which have been given a new and well-meaning definitions include:

Contract Labour

This term has been defined as worker deeded to be employed in or in connection with the work of an establishment when he is hired for such work through a contractor. with or without the knowledge of the principal employer. This term excludes any worker who is regularly employed by the contractor for any activity of his establishment and such worker's employment is governed by mutually accepted standards of conditions of employment and gets periodical increment in pay and other welfare benefits.

Employee

This term means a person employed (whether expressly or impliedly) on wages by an establishment to do any skilled, unskilled, manual, operational, supervisory, managerial, administrative, clerical or other work.

Employer

Employer is defined as 'a person who employs, whether directly through a person, or on his behalf or on behalf of another person, one or more employees in his establishment and includes inter alia, the person /authority which has the ultimate control the affairs of the establishment and contractors.

Establishment

An 'establishment' is any place with ten or more workers where any industry, trade, business, manufacturing or occupation is carried on or motor transport undertaking, newspaper establishment, audio video production, building and other construction work or plantation with ten or more workers or factory in which ten or more workers are employed or a mine or port or vicinity of port where dock work is carried out.

Hazardous process

The OSH defines a hazardous process as any process or activity in relation to specific industries where unless special care is given raw/ immediate/ finished/ by-products/ etc., a s the case maybe, would cause material impairment to health of the persons engaged in might result in pollution of general environment.

Principal Employer

Principal Employer is any person responsible for the supervision and control of the establishment where contract labour is employed or engaged or the owner or the occupier of the factory where a person has been named as the manager of the factory, the person so named.

Wages

As per OSH Code, 'wages' comprises all remuneration such as salaries, allowances or otherwise, expressed in terms of money or capable of so expressed which would be payable to a person in respect of his employment, whether express or implied or of the work done in such employment and includes basic pay, dearness allowance and retaining allowance, if any.

As per OSH Code, 'wages' does not include bonus, value of accommodation, water, medical attendance, employer contribution towards any pension or provident fund, conveyance allowance or sum paid to employed person to defray special expenses or house rent allowances or overtime allowances and gratuity.

Workers

The definition of 'workers' under OSH code, while similar to the definition of workmen under the Contract Labour (Regulation and Abolition) Act 1971, excludes from its ambit any person who is employed in a supervisory capacity drawing a wage exceeding Rs. 18000/- per month or such other amount as may be notified by the central government.

LABOUR RIGHTS AS BASIC HUMAN RIGHTS

Occupational Health, Safety and Working Conditions Code 2020 has provisions which are in tune with the principles of Indian constitution. Thanks to the provisions Indian constitution and liberal understanding of the values of human rights laws, the Supreme Court of India has recently elevated the labour laws to the status of basic human rights in its landmark judgment in Gujrat Mazdoor Shaba Case. This attempt has to be viewed from the angle of the clear violation of labour laws in the context of covid 19. The majoritarian government does not have any right to strike of these provisions by a simple stroke of pen.

The Covid-19 context has created so much of unrest both in India and abroad. The worst hit in this context

are the poor and unfortunate working people. The reason is that several states have moved towards suspending some basic labour laws which include

1. Limiting the hours of work
2. Guaranteeing basic safety and hygiene at the workplace and
3. Protecting workers from unjustified dismissal

Although, thanks to the pressure exerted by the media and public, some of the moves have been curtailed. But, the central government pushed for inclusions of certain provisions which are found to be seriously violative of the basic tenants of the constitution. These moves are termed as 'labour codes' which also amount to remove basic rights and protections and to put more restrictions upon the right to strike and finally an attempt would be made to introduce the age old policy of hire and fire. This condition, if turned out to be a reality, would bring in a huge amount of distress and agony among the working people and would usher in an era of totalitarianism.

The government, which is pushing in for reforms in labour laws has its own reasons of economic reforms. This kind of economic reforms are not going to help our community and but, in turn, it would result in rendering our working people unprotected at the work place and they will become prone to abuse by the powerful employers. This kind of step would neither help our economy nor would improve the standards of lives of our citizens. The most sensible way to improve the economic health of our nation should be to protect the rights of the workforce in terms of minimum wage, health and safety guarantee and limitations of working hours and these steps would pave way for better economic outcomes for the nation. The rights of the workmen are fundamental and they are non-negotiable as civil and political rights and so they should not be violated by the state at its will.

CHALLENGES OF COVID -19 CONTEXT AND LABOUR LAWS

The pandemic context has devastated our economy. But it does not mean that the states can endeavor to cause further devastation by introducing laws which are violative of human rights laws. The attempts of some states in rolling back labour laws are deplorable. It is reported that Factories Act were suspended in some states in India so that workmen would be forced

to work up to 12 hours a day for all the six days a week. This amounts to curtaining their rest period and the amount due to be paid for overtime would also be suspended. It is a great sigh of relief that the Supreme court has come down heavily on such Government and struck down such notification to that effect. This was done only to protect the human rights of the workforce.

Issues in interpretation of the terms 'public emergency' and 'public health crisis'

One of the important aspects in understanding laws is related to the theories of interpretation. There are several theories applied in our interpretation process. Interpretation is a reflection of our understanding of the spirit of law in terms of what the law that we interpret seeks to promote. Legal interpretation has to be guided by the certain factors such legal consciousness and political and social responsibilities. In the present covid context some state governments have attempted to interpret certain provisions of labour laws from their politically convenient perspectives and these interpretations were questioned by the honorable courts .

The Gujarth Government has treated the covid context as public emergency context wherein Factories Act can be rolled back. But, as per the reasoning of Justice DY Chandrachud, the context that exists now is just a public health crisis, and not public emergency. Hence, a sweeping removal of labour laws protections are not justifiable as per Supreme court's observation. Forcing the workforce which is already in vulnerable conditions to work for longer hours with no rest or less rest, and less pay would be treated as a text book case of human rights violation.

A detailed study on the Gujarat Mazdoor Shaba case, if taken up, would highlight how the state governments make attempts to violate the provision of several labour laws particularly in the post covid-19 context. And this paper would argue that unless and until the public are alert, media are responsible, courts are vigilant and labour movements are responsible, such instances of abuse of power and violation of human rights would continue in the rest of India too.

It is also to be noted here that in the states such as Uttar Pradesh and Madhya Pradesh too similar attempts have been made in the covid context. These states have proposed ordinances to exempt manufacturing establishments from the purview of most labour laws. These moves have been initiated on the pretext of

creating new jobs and attracting foreign investments. These moves are set to violate Indian constitution in many levels. In the first level, the assurances of the directive principles of state policy on a number of matters would be liquidated and this would defeat the constitutional objectives. The second level is the hurry in which this move has been done makes one think of the mischief that the state attempts to play out particularly when the trade unions are already weak in the covid context. In short, the vulnerability of the trade unions is exploited by the state governments and it can also be brought under the purview of human rights violation.

In the context of Rajasthan, there was a notification issued on 11th of April, 2020 for extending working hours to twelve per day for a period of three months from the date of the order. This has been done to reduce the manpower requirement in factories which were engaged in manufacturing essential food and grocery supplies. Also, it is to be underlined that the Rajasthan Government has exempted the provisions of working hours of adult workers under the Factories Act, 1948 subject to a few conditions. In this context too, there are instances of violation of human rights in terms of provisions of equal pay and decent treatment for the workmen. In the context of Himachal Pradesh, a notification which was dated 21stApril, 2020 exempting all factories registered under the Factories Act 1948 from the provisions relating to weekly, daily, spread hours and interval of rest until July 20, 2020 subject to certain conditions:

1. No worker shall work in a factory for more than 12 hours in any day and 72 hours in a week.
2. No worker shall work for more than 6 hours before had an interval for rest for at least half an hour
3. Wages in respect of increased working hours as a result of emption shall be in proportion to existing minimum wages fixed by the government of HP under the Minimum Wages Act, 1948
4. Provisions of section 59 pertaining to overtime wages shall continue to be applicable without any change

We have seen in the above cases how different states such as Gujrath, Mandya Pradesh, UP and HP have attempted to relax the provisions of labour laws in order to bring in some changes to made amends from the government's understanding of economic reasons. If these moves were studies from human rights

perspectives, it would appear that several states are in the process of exempting businesses and establishments from the provisions of labour laws and this would bring in serious ramifications of human rights abuse.

THE CONCEPT OF COMPLIANCE

It is very much evident that in the covid context the concept of compliance has been brought to the centre stage for discussion. The term 'compliance' refers to the act of keeping oneself aware of the rule, policy, standard, law and regulations recognized by the a governing body and confirming to it so to avoid legal troubles and penalties. This term includes a wide variety of laws related to work force regulation and dispute resolution. But in the outbreak of covid the industries were faced with unprecedented economic slowdown and, as a result, several organizations have to take drastic measures such as cutting wages and laying off people. These drastic measures have affected the work force immensely and worst affected ones are those from unorganized sectors. In this context, in order to boost our economy, several measures were taken by the governments and these measures have brought in a context wherein the compliance of the existing provisions of labour laws has been called into question. The questions pertain to specific instances of human rights violations in the context of relaxations of labour laws and social welfare legislations.

THE ROLE OF TRADE UNIONS IN COVID CONTEXT

It is to be noted that there were representations made to several state governments which have attempted to amend Factories Act. The trade unions were forced to adopt several strategies to combat and protect the rights of workmen. The strategies include not only writing memorandums of appeals but also initiating protests and demanding for meaningful dialogue with government in order to engage in the process of negotiation with the employers. Besides this, the trade unions resorted to seek the intervention of ILO and global union, International Trade Union Confederation. All these attempts clearly underlined the issue of human rights violation in the context of

post covid context particularly in the matters connected to livelihood.

CONCLUSION

The paper concludes by presenting all the facts related to the Code 2020 that the effectiveness of the code lies not in the original conception of it, but in the successful implementation. There are some safeguards that are set in the code which deserve to be appreciated. But, there are also certain codes which are found to be interfering with the human rights of the workers, which in the due of course of time, when brought to the notice of the court, will be rectified. Essentially, this Code has to be read in the specific circumstances which have necessitated a situation wherein this Code was invoked.

This paper recommends a cautious approach which is needed in terms of understanding this public health crisis context and governments initiatives to revive and boost businesses and industries. The most important aspect of this paper is in its focus to identify and analyze the infringements of the labour law provisions in the light of the relaxations extended by several governments in Indian covid context. In a bid to boost industry in the aftermath of pandemic, the attempts of several Indian states to suspend most labour laws should be seen from the perspectives of human rights violations and it might result in creating unfavorable conditions and slave-like conditions for the workforce in the time to come. Although it is true that Indian labour laws protect only those in the formal sector of the economy which accounts for less than 10% of the country's 450 million strong workforce, the ramifications of the suspensions of some key provisions of labour laws would have its serious consequences in several organized sectors too where the workforce has been already exploited. Hence, the recent moves of the several state governments to suspect and to give relaxations to the provisions of labour laws have to be studied in multiples levels to bring to light human rights violations and bring the states accountable before the court of law. This is an important step required to be done by both the practitioners of law and academicians in order to save our workforce from further exploitation and thereby to restore the values of our democracy.

REFERENCE

- [1] Alli, Benjamin. *Fundamental Principles of Occupational Health and Safety*. Geneva: International Labour Office, 2001.
- [2] Bateman, Mike. *Managing Health and Safety*. London: ICSA Publishing Ltd, 2005.
- [3] Burns, Thomas. *Serious Incident Prevention: How to Achieve and Sustain Accident-Free Operations in Your Plant or Company*. 2 nd ed.; USA: Gulf Professional Publishing, 2002.
- [4] Cane, Peter. *Atiyah's Accidents, Compensation and the Law*. 7th Edition; Cambridge: Cambridge University Press, 2006.
- [5] Cooper, Gary. *Handbook of Stress in the Occupations*. Cheltenham: Edward Elgar, 2011
- [6] Center for Chemical Process Safety. *A Practical Approach to Hazard Identification for Operations and Maintenance Workers*. New York: Center for Chemical Process Safety; Hoboken, N.J.: Wiley, 2010.
- [7] David.L & Goetsch. *Occupational Safety and Health for technologists, Engineers and Managers*. 5 th ed.; New Jersey: Pearson Education Inc, 2005.
- [8] D'Andrea, James. *Illness and Disability in the Workplace: How to Navigate through the Legal Minefield*. Canada Law Books, 2007.
- [9] Exall, Gordon. *Munkman on Damages for Personal Injuries and Death*. 12th ed.; London: LexisNexis UK; Markham, Ont.: LexisNexis Butterworths, 2011.
- [10] Friend, Mark & James P. Kohn. *Fundamentals of Occupational Safety and Health*. 5th ed.; Maryland; United Kingdom: Government Institutes, 2010.
- [11] Goddard, Christopher. *APIL Guide to Occupational Illness Claims*. Bristol: Jordan Publishing Ltd, 2005.
- [12] Goetsch, David.L. *Construction Safety and Health*. Boston: Pearson, 2012.
- [13] Joyston, Simon. *Health and Safety Laws for the Construction Industry*. Bechal and Helen Grice. 2 nd ed.; London: Thomas Telford Publishing, 2004.
- [14] Jain, Manvi & Mahek Jain. Critical Analysis of Occupational Safety, Health Working Conditions Code Bill 2020, 4 (2) IJLMH. Page 2136-2142 (2021)
- [15] Khan, Addison. *A Guide to the Occupational Safety and Health Act 2004-2006, of Trinidad and Tobago*. Zenith Printing Services Ltd, 2007.
- [16] Kinght, Andrew. *Health, Safety and Environment Dictionary*. 3 rd ed.; London: Gee Publishing, 2003.
- [17] Keith, Norman. *Human Resources Guide to Preventing Workplace Violence*. Ontario: Aurora Professional Press, 1999.
- [18] Kelloway, E.K & Gary Cooper. *Occupational Health and Safety for Small and Medium Sized Enterprises*. Cheltenham: Edward Elgar, 2011.
- [19] Klose, Saskia & Ton Hartlief. *Shifts in Compensating Work-Related Injuries and Diseases*. New York: Springer Wien NewYork, 2007.
- [20] Meakin, Timothy & Peter Ellis. *Work Related Injury and Illness Litigation Handbook*. Hertfordshire: EMIS Professional Publishing Ltd, 2003.
- [21] McKinnon & Ron C. *Safety Management: Near Miss Identification, Recognition, and Investigation*. Boca Raton: CRC Press, 2012
- [22] Matthews, Richard & James Ageros. *Health and Safety Enforcement: Law and Practice*. 4 th ed.; Oxford: Oxford University Press, 2016.
- [23] Palmer, Keith, Ian Brown & John Hobson. *Fitness for Work: The Medical Aspects*. 5th. ed.; Oxford: Oxford University Press, 2013.
- [24] Peter, Ian Burnett, Peter Carson & Ors. *Guidelines for the Assessment of General Damages in Personal Injury Cases*. 11th ed.; Oxford: Oxford University Press, 2012.
- [25] Perry, Pat. *Health and Safety Questions and Answers: A Practical Approach*. London: Thomas Telford Publishing, 2003.
- [26] Robertson, Dilys. *Accident investigation in the Workplace: A practical Guide for Prevention Focused Investigations* Ontario Publication. Carswell, 2004.
- [27] Roughton, James & James J.Mercurio. *Developing an Effective Safety Culture: A leadership Approach* Boston: Butterworth-Heinemann, 2002.
- [28] Ridley, John. *Health and Safety*. 3 rd ed.; Oxford: El Sevier Butterworth – Heinemann, 2004
- [29] Stranks, Jeremy. *Health & Safety at work: An Essential Guide for Managers*. 9th ed.; London: Kogan Page, 2010.

- [30] Stranks, Jeremy. *The Manager's Guide to Health and Safety at Work*. London: Kogan Page Ltd, 2006.
- [31] Sivarathinamohan, R. *Industrial Relations and Labour Welfare: Text and Cases*. Delhi: PHI Learning Private Ltd., 2013.
- [32] Smail, Louise. *Office Health and Safety Handbook*. 4 th ed.; Haywards Heath: West Sussex Bloomsbury Professional, 2012
- [33] Sullivan, Terrence & John Frank. *Preventing and Managing Disabling Injury at Work*. London: Taylor & Francis, 2003.
- [34] Shain, Martin & mary Ann Baynton. *Preventing Workplace Meltdown: An Employer's Guide to Maintaining a Psychologically Safe Workplace*. Toronto: Carswell, 2011.
- [35] Sargeant, Malcom. *Vulnerable workers: Health, Safety and Well-being*. Oxon; New York: Gower Publishing, 2011.
- [36] Thomas, Clive. *Fatal Accidents: Law and Practice*. London: The Law Society, 2005.
- [37] Turner de Tormes, Liian & Tammy D. Allen. *Personal Relationships: The Effect on Employee Attitudes, Behavior, and Well-being*. New York: Routledge Academic, 2012.
- [38] Vickerstaff, Sarah. *Work, Health and Well-being: the Challenge of Managing Health at Work*. Bristol: Policy Press, 2012.
- [39] Williams, Stephen & Lesley Cooper. *Managing Workplace Stress: A Best Practice Blueprint*. England: John Wiley & Sons Ltd, 2002.
- [40] Zindani, Jeffrey. *Health and Safety Law: A Modern Guide*. Hertfordshire: EMIS Professional Publishing Ltd, 2002