



livelihoods

today and tomorrow

February 2018

‘Sukshetram’

Mining Workers

.....they toil deep in the bowels of earth! Indian mining industry provides job opportunities to around 700,000 individuals. Mining is considered one of the most dangerous professions in India after ship-breaking profession. The industry contributes significantly to the economy of India, as it is a major economic activity. The industry is also infamous for Human Rights violations and environmental pollution!!



.....*they toil deep in the bowels of earth!* Indian mining industry provides job opportunities to around 700,000 individuals. Mining is considered one of the most dangerous professions in India after ship-breaking profession. The industry contributes significantly to the economy of India, as it is a major economic activity. The industry is also infamous for Human Rights violations and environmental pollution!! It was in 1993, that the industry witnessed growth due to economic reforms. Mining in our country depends on over 3,100 mines; of them, fuel mines are 550, 560 mines are for metal extraction and over 1970 mines are for extraction of non-metals (D.R. Khullar). Distribution of minerals in our country is uneven. The mineral density varies from region to region.

There are five mineral belts in the country namely the North Eastern Peninsular Belt, Central Belt, Southern Belt, South Western Belt and the North Western Belt. Government of India (GoI) regulates the manner in which mineral resources are used. As the industry is one of the most dangerous professions in India, accidents in mining sector, especially in coal mines, are very common. In 2015, seven lives were lost on an average. In 2017, at least 63% of the documented accidents in coal mines, responsibility was of management and supervisory staff. Between 2009 to 2013, there have been 752 documented fatalities.

Death is a weekly affair, and mine workers are the most vulnerable group of people, who escape death every minute! Coal mining technique in India is old and outdated. Most of the work is done through manual labour. Mine workers work in very dusty arid mine areas. Most of the mine workers are migrant workers and the conditions under which they work are inhospitable, making their life hell! The vulnerability of mine workers is very acute. In many mining areas, companies promote use of Ammonium Nitrate Fuel Oil (ANFO) explosives illegally instead of gelatin. As these explosives are more powerful than the conventionally used gelatin, they shatter huge boulders into small pieces; thus, making it more dangerous and putting mining workers' lives at risk.

Mine workers are saddled with day-to-day problems of pollution, which affects the health of workers. Coal dust in mines and near the pit-head creates environmental pollution, adversely affecting miners and their families. Mine workers suffer from numerous ailments, that are mainly due to the failure of protocols to be followed by the contractors. Mining industry is faced with reckless lawlessness, that is hard to ignore. Illegality in mining causes high losses to the state governments and lead to unpredictable shutting down or closing down of mining operations. Ultimately, it is the workers who are most affected, as they are paid low wages and have unstable jobs.

Due to failure of key regulatory mechanisms to ensure legal mine operators to comply with the law and respect towards human rights, mine workers are often deprived of miners' rights, as well as basic human rights. In our country, mining is a multi-billion rupee industry, having different levels of miner classes. Workers are engaged in mining in both permanent and temporary mines, and conditions under which they work are terrible. Mine workers suffer from various health problems; tuberculosis is predominant among them, however they have no choice but to work even while ill, as they have families to support. At coal field sites, proper medical facilities aren't available in the makeshift hospitals. Moreover, hospitals lack even basic equipments and medicines, preventing proper treatment. Acute health problems faced by mine workers are asthma and other respiratory problems. Added to the above problems is the environment in which they live, which exacerbates the existing health conditions. Mine workers also suffer from serious eye problems, due to their continuous exposure to coal dust.

The unsafe working conditions in mines lead to high number of accidents. Health care is a serious issue for mine workers. As they are often from poor economic backgrounds, the disease burden is very high on them. As a result of this, they can't afford expensive medical treatment. Added to this are isolated locations and poverty which deny them access to health care. Often the diseases that they suffer from prove to be fatal. The miners live in highly deplorable conditions. Not only the mine workers, but also children of migrant mine workers suffer due to heavy dusty conditions that they live in. Children of mine workers do not have any schools in such areas. Mine workers are often cheated of their legitimate dues. Slaughter mining, lack of conservation and unscientific mining methods are

characteristics of large areas of the industry.

Mine workers who are on contract basis are often illiterate, poor and ignorant, all these qualities are a qualification for employers to exploit them. The workers are migrant and bonded labours belonging to deprived class of people. The wages given are very low, with no benefits, as adult male worker receives only Rs.70-120 per day depending upon his skills, after 8-10 hours of work. These workers don't get any holidays, no weekly days off, or any maternity leave. The wages earned are not sufficient to enable them to meet the cost of a basic needs basket. Mine workers are faced with non-payment of overtime, job insecurities, gender disparities, occupational injuries, diseases, fatalities, long hours of work, women issues & their health and safety.

The violations of mine safety laws are widespread in the industry. The mine workers many a times work under forced labour, there is non-payment of full wages, extended hours of shifts without payment, lack of safety measures and welfare measures too. Rampant unscientific mining is widely practiced, and as a result of this, extensive fires and collapses occur. In many mine sites, ventilation is poor, the support is inadequate and safety equipment is conspicuously absent due to rampant corruption in the industry; thereby, posing risks to the lives of mine workers. With reference to women in mining industry, they are the most exploited sects of people in the mining sector. Women are paid less than men, a meager Rs. 100/-, which is not even half of the official minimum wage for unskilled labour. Women in quarries have to do different tasks from men like handpicking, loading and crushing stones.

Though women require many skills, they are still regarded as unskilled labour, because there is no formal upgrading of skills and no recognition of these tasks. Fewer wages, coupled with sexual harassment by mine owners and contractors, force women workers to face and go through daily abuse. Tribal women and women belonging to Scheduled Caste (SC) communities are the most exploited sects in the sector. Not only women, but the industry is also plagued by child labour in remote mining areas. Reports show that many children work in mining sector, aided by the remoteness of quarries and mines and above all the informal character of the sector by and large. Contractors encourage child labour, as children are willing to work cheaply, due to poverty and hardships faced by the child workers' families. Children working in mines, do not get proper food to eat due to which majority of children are chronically malnourished.

Mining operations often cause immense destruction and proper measures are not exercised for miners' safety. The Mines Act of 1952 contains all the provisions related to health, safety and welfare of the workers working in coal, oil and metalliferous mines. The Act defines mine as "any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes all borings, bore holes, oil wells and accessory crude conditioning plants, shafts, opencast workings, conveyors or aerial ropeways, planes, machinery works, railways, tramways, sliding, workshops, power stations, etc. or any premises connected with mining operations and near or in the mining area."

The Act clearly specifies that it is the duty of the owner to manage mines and the mining operations, health and safety of workers in the mines. It also prescribes the number of working hours in the mines, what should be the minimum wage rate and other related matters. The Act is administrated by the Ministry of Labour and Employment, through the Directorate General of Mines Safety (DGMS). It is the Government regulatory agency for safety in mines and oil fields. The work of DGMS is to reduce the risk of occupational diseases and injuries to persons employed in mines and to improve safety and health standards. In case of contract workers, apart from being paid very less than the regular workers, problems include lack of safety measures and standards, and labour reforms being slow. As the sector is highly labour intensive, most of the companies usually refrain from hiring permanent workers for project-based requirements, as termination requires issuing a notice, payment of compensation and intimation to the government.

There are various laws that protect the rights of mine labourers. In 1895, a committee was appointed by the Government of India (GOI) to frame suitable rules and regulations for protection of workers working in mines, where they have reasonable claim on state of protection. In 1896, the committee had submitted the report, which led to the enactment of first Mine Act in India, coming into effect from 22 March 1901. At the time, provisions of the Act had minimum age of employment at 12 years, penalties were prescribed for various contraventions; Inspector was allowed to enter into the mines and inspect and make enquiries. This was enacted in 1910 and 1914. Then a new Indian Mines Act was enacted in 1923, later amended in 1925, 1927, 1928, 1931, 1935, 1937, 1940 and 1946. In 1935, amended act made new changes in the age of employment. The age of children was raised to 15 years. Mining Boards were required to be set up by the provincial governments. In 1940, with amendments made, it had stipulated that salaries and wages of manager, supervisory staff should be paid by the owner of mine and not by the raising contractor.

Our country's temporary workforce is governed by the Contract Labour (Regulation and Abolition) Act, 1970. There are various provisions mentioned for contract workers, yet many companies fail to protect the contract workers. In mining sector, during 2015-16, around 55 percent of the 537 million tonnes of coal mined by public sector behemoth Coal India was done by 65,000 contractual workers, and the ratio is poised to increase to at least 58 percent in the current financial year. The multi-billion rupee industry is plagued with unsafe working conditions in mines, leading to high number of accidents. Health care of mine workers is always a serious issue among the mineworkers. Lack of safety equipments, coupled with hard physical labour and presence of health hazards in mines lead to widespread health problems. Mine workers are poor, and therefore cannot afford expensive medical treatment and they are moreover located in remote, inaccessible areas in poverty stricken conditions. Denial to health care during illness often proves fatal.

The migrant workers, bonded labours belonging mainly to the marginalized groups are victims in the industry. As large scale mining projects are operated in tribal and adivasi areas, which are pristine native habitats of these communities. The exploitation of these groups has had a long history. Samatha, a NGO associated with ten CBOs spread across in 300 villages, took to High Court in 1993 against the State government's move to lease tribal land to mining companies. It had won a historic judgement, which declared null and void the transfer of land in the Scheduled Areas for private mining and upheld the Forest Protection Act of 1980, prohibiting mining in reserved areas.

The tribes' won the battle for Niyamgiri hills, worshipped by the Dongria Kondh and other adivasi communities, against Vedanta and Odisha Mining Corporation (OMC). These two historical judgments clearly reflect the lessons these communities teach the world about sustainable living and living in harmony with nature. Vulnerabilities of these poor mine workers should be looked into by the Government, through measures such as not permitting mining operations in ecologically sensitive, rich areas and in environmentally and biologically fragile areas. The government should have a well-formulated and effectively implemented mine closure policy. The closed mines should be rehabilitated and put to productive use.

Need of the hour in the mining sector is to timely revise the negotiated wages, promote the use of collective bargaining as a tool for better living conditions and give utmost importance to placing the issue of occupational health and safety at the centre of collective bargaining agenda in the mining sector. ❖