

## **Proposal from Mine Labour Protection Campaign Trust, India**

**Who We Are:** We represent a grassroots organization (NGO) working in the area of Mining, labour rights of the unorganised sector and promoting environmentally sustainable mining in Rajasthan, west of India. We have been working with the government and private businesses who own most of the mines and quarries in Rajasthan. We also work with organised mines like Hindustan Zinc Ltd, RK Marbles and state-owned Rajasthan State Mines and Minerals Ltd (RSMM), who employ a large number of contract workers who are denied of many labour welfare facilities. Hence, our suggestions stems from experiences of working in the above area and with these different players that provides livelihood to about 3 million unorganised mine labourers.

### **At a glimpse<sup>i</sup>:**

- Rajasthan is one of the largest producers of minerals and stones in India. It produces 10% of the world's and 70% of India's output of sandstone and is home to the world famous Makrana marble mines.
- The value of mineral production in Rajasthan during 2009-10 at R 71.6 Bn, was 22.43% higher than the previous year.
- It is the sole producer of lead concentrate, zinc concentrate, calcite and wollastonite. Almost the entire production of silver, Ochre and mineral gypsum in the country was reported from the State.
- It has the highest number of mine leases in the country – 1,324 leases for major minerals, 10,851 for minor minerals and 19,251 quarry licenses for mining stones

### **Our Observations:**

Adherence to any of the UN Guidelines is only possible when the companies are large corporate and the not for profit organizations have enough resources to take on the perpetrators. For instance, to implement the OECD guidelines on the supply chain and bring some of the European retailers retailing stones imported from India, it is difficult to navigate through the 8 levels of supply chain. For instance, a company like Beltrami (Belgium) or Marshalls (UK) claims to adhere to ethical stone guidelines but sources stones from Mines in Rajasthan which employs child labour, does not provide any benefits to the workers (only one holiday in a month, no Sundays either).

Similarly, how does one implement Protect, Respect and Remedy (SRSR Framework on Business and Human Rights) when the businesses are family owned and engage in small scale artisanal mining (Rajasthan has thousands of unorganised mines, which can be as small as one-twentieth of a hectare. They fall out of the purview of government control and there are no official records/accounts of these mines). There are no safety measures, a mine worker die every month, his family is denied any compensation, and the widow often has to send the young children in those very mines to eke out a daily living.

We have had some success of working with our National Human Rights Commission (NHRC), even though it is time consuming and the process is slow, allowing lot of leeway to the government officials. One primary reason for this is that the NHRC does not have any civil sector representation among its official members or office bearers.

**Achievement:** Yet, within the limitations we have had some success, especially with the National Human Rights Commission to report:

### Securing Safety in Mining

While we cannot close down a profession that has been continuing for the last 500 years, we are trying to regulate the Mining industry so that it is environmentally sustainable and does not violate human rights. An instance of our involvement is the Marble Mining at Makrana. Marble for Taj Mahal came from Makrana mines in Rajasthan. Even today, the Makrana Marbles have a huge market both nationally and internationally. Death and Injury was a daily occurrence in those mines. We decided to make a documentary “Shadow of Taj” and while filming realized how dangerous the mines were and that mine workers were courting death every day. Upon investigating, we saw the lacunae of the various government departments and violation of every rule in the rulebook. To make the State and central governments responsible, we filed a Public Interest Litigation case. Because of this judicial intervention and media publicity through the documentary, a grievance handling cell was set up where for the first time different departments related to mining met every month. However, a lot remains to be achieved since none of them adhere to the “ethical stone guidelines” that we are trying to promote.

### Compensation to Occupational Health Victims

We have been working on Occupational Health ever since we lost one of our community members to asbestosis. It was then we realized that most mine workers have no identity proof and employment proof since they are part of the large unorganized sector. Hence, impoverished and suffering, they are outside the gambit of law and ineligible for any benefits or compensation. They are mine workers who court death everyday and even with daily occurrence of death, the mine owners nor does the government show any remorse. In areas where sandstone quarries exist, we came across widespread incidence of silicosis, another incurable occupational disease that affects mine workers. After carefully researching the situation we filed a case with National Human Rights Commission for those who had died of silicosis. Since the recourse to law is futile without evidence, we had to file a case on humanitarian grounds. The community is our strength and hence together we strategized and fought the case and within a year the NHRC recommended the state to pay a compensation of R3 lakhs (approximately € 4520) each, to the next of kin of silicosis victims. Thus 22 widows have already received this payment in June, 2011 from the government of Rajasthan, paving the way for thousands of others waiting for justice. This has been a landmark judgment and for the first time in India a state government has paid compensation to victims of occupational disease where the employee is from the unorganized sector.

### Ethical Stones through Mine workers Cooperatives

One of the vital and exclusive initiatives to ensure respect for Human rights has been the creation of mineworker cooperatives because it has the potential to change the way mining is done altogether.

Looking at all of the human rights and environmental violations caused by the mining sector, it might be easy to say that there should be a blanket ban on mining activities. But this would ignore the fact that so many farmers turn to mining because they are in desperate need of an alternate source of income, particularly in times of scarcity, and presently they have few options besides mining (with the exception of the new National Rural Employment Guarantee Scheme). Also, in the foreseeable future there will continue to be a demand for stones for new construction. Mining does not need to stop altogether, but rather it needs to be rigorously limited and regulated, and carried out in a way that does minimal damage to the environment and provides the workers with safety and fair wages. By applying the cooperative idea to mining, particularly the small-scale kind prominent in Rajasthan, a different, more just and sustainable type

of mining becomes possible. The mineworkers become mine owners, empowered to look out for their own collective welfare and safeguard their own lands and ecosystems. They are not just detached shareholders who have invested financial capital to turn a profit, but involved stakeholders whose investment and benefits are immeasurable. This is an exemplary model for replication to set respect for Human rights by Business enterprises

### **Our Recommendations:**

While even the large multi nationals violate human rights to enhance profits, they do have a public image, a corporate responsibility department and a certain framework - be it the Global Compact or Equator Principle. However, these are only soft measures and do not really affect global behemoths, be it an Indian company like Vedanta or a Korean company like Posco or an Australian company like Rio Tinto. Until unless Human rights violation are monetised and requires a hefty fine, these soft measures will remain only on paper to be discussed at Global conferences.

Like Statutory financial audits, reporting or any report received on Human Rights violation should have a statutory implication – for instance, delisting from the Stock exchange or cancelling of licences or downgrading by Credit rating agencies.

For small scale artisanal mining, the challenge increases.

Here the State needs to be pulled up through the NHRC, since the OHCHR can downgrade its rating.

---

<sup>i</sup> Source: Government of India website