Contesting Women’s Rights
Within the Political Economy of Mining in India

Dhaatri Resource Centre for Women and Children & Samata
Contesting Women’s Rights
Within the Political Economy of Mining in India

Dhaatri Resource Centre for Women and Children
&
Samata

September 2010
Contesting Women’s Rights Within the Political Economy of Mining in India

September 2010

Published by:
Dhaatri Resource Centre for Women and Children
307, Manasarovar Heights, Phase I, Tirumalgiri
Secunderabad 500 009, Andhra Pradesh, India
Telephone: +91-40-40121365

&

Samata
D. No.: 14-37-9, First Floor, Krishna Nagar, Maharanipet
Visakhapatnam 530 002, Andhra Pradesh, India
Telefax: +91-891-2737662/2737653

Email: dhaatri@gmail.com, samataindia@gmail.com
Website: www.dhaatri.org, www.samataindia.org

Supported by:
HIVOS, The Netherlands

Credits:
Research Coordination: Bhanumathi Kalluri
Research Assistant: Seema Mundoli

Any part of this book can be used freely for reference provided due acknowledgement for the same is provided.
ACKNOWLEDGEMENTS

This report titled ‘Contesting Women’s Rights Within the Political Economy of Mining in India’ was envisioned to bring to focus the gendered impacts of mining in India. Currently within India there exists very little information in a comprehensive manner on the issues and impacts of mining on women, with the sector continuing to be perceived as one dominated by men. But this is far from the truth. The report is thus an attempt at addressing this lacuna by conducting a study to collect empirical evidence on the issues faced by the different groups of women in mining—indigenous/tribal/adivasi women, women mine workers and women from communities affected by mining or living near existing and abandoned mine sites.

Collection of primary data was one of the core activities and this was done in five states in India. Several local organisations and campaigns, particularly associated with the alliance mines, minerals & PEOPLE (mm&P) in India have contributed to the understanding of the issues concerning women in mining through our past meetings, field visits and dialogue with women in the field. Specifically for this, we are immensely grateful for the help and inspiration from Ms. Munni Hansda of Jharkhand Mahila Ulguulan Manch, Jharkhand, Dr. Bhagyalakshmi of Sakhi from Karnataka, Ms. Smita Rani Patnaik of Nari Surakhya Samithi, Orissa, Mr. Rana Sengupta of Mine Labour Protection Campaign (MLPC) from Rajasthan, and Mr. Makireddy Ramana from Samata and Mr. Manmadharao from Adivasi Mitra, Andhra Pradesh. In addition we would like to express our thanks to the team members from these organisations who willingly accompanied us to the field and assisted us in the data collection. Barbara Gala, Rajyalakshmi Pachari, Bidyalaxmi Salam and Ajay Hela have helped in primary and secondary data collection and their help is duly acknowledged.

Smt. Santa Sheela Nair, former Secretary in the Union Ministry of Mines, is especially acknowledged for giving us the opportunity to present before her Ministry officials, our findings and recommendations, and for her efforts to make inclusive the issues concerning women in mining as part of the Ministry’s mandate. We hope that the series of dialogues with the Ministry to address these concerns, starting with the National Aluminium Company (NALCO), sets a precedent to a gender conscious policy initiative and interventions for women.

The alliance, mm&P helped us undertake the field research in the five states and provided invaluable inputs towards bringing out this report—we thank them for their support.

We also wish to thank from Samata, Sushila Marar for her administrative support, the motivated office team, and GVS. Ravishankar for report design and production.

We are very grateful for the financial support from HIVOS and for all the patient assistance from Seema Nair of HIVOS and, especially for her valuable inputs to the report.

Most of all we express our gratitude to all the women in the mining areas who are fighting their daily battles courageously in the midst of corporate violence and unscrupulous mining lobbies, who welcomed us warmly, took the time to share their perspectives with us, and gave us this unique opportunity of better understanding their demands.

With sincere thanks,

Dhaatri Resource Centre for Women and Children & Samata
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAL</td>
<td>Anrak Aluminium Limited</td>
</tr>
<tr>
<td>AIDS</td>
<td>Acquired Immuno Deficiency Syndrome</td>
</tr>
<tr>
<td>ANM</td>
<td>Auxiliary Nurse cum Midwife</td>
</tr>
<tr>
<td>APMDC</td>
<td>Andhra Pradesh Mineral Development Corporation</td>
</tr>
<tr>
<td>BALCO</td>
<td>Bharat Aluminium Company</td>
</tr>
<tr>
<td>BC</td>
<td>Backward Classes</td>
</tr>
<tr>
<td>BGML</td>
<td>Bharat Gold Mines Limited</td>
</tr>
<tr>
<td>BPL</td>
<td>Below Poverty Line</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
</tr>
<tr>
<td>CERD</td>
<td>Convention on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>CESCL</td>
<td>Calcutta Electric Supply Corporation Limited</td>
</tr>
<tr>
<td>CESCR</td>
<td>Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>CIL</td>
<td>Coal India Limited</td>
</tr>
<tr>
<td>CMPDI</td>
<td>Central Mine Planning and Design Institute</td>
</tr>
<tr>
<td>CSR</td>
<td>Corporate Social Responsibility</td>
</tr>
<tr>
<td>DGFASLI</td>
<td>Directorate General Factory Advise Service and Labour Institute</td>
</tr>
<tr>
<td>DGMS</td>
<td>Directorate General of Mines Safety</td>
</tr>
<tr>
<td>DP</td>
<td>Displaced Person</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EPZ</td>
<td>Export Processing Zone</td>
</tr>
<tr>
<td>ESIC</td>
<td>Employees State Insurance Corporation</td>
</tr>
<tr>
<td>FDI</td>
<td>Foreign Direct Investment</td>
</tr>
<tr>
<td>FIR</td>
<td>First Information Report</td>
</tr>
<tr>
<td>FPIC</td>
<td>Free Prior Informed Consent</td>
</tr>
<tr>
<td>FRA</td>
<td>Forest Rights Act</td>
</tr>
<tr>
<td>GDDP</td>
<td>Gross District Domestic Product</td>
</tr>
<tr>
<td>GDI</td>
<td>Gender Development Index</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GSI</td>
<td>Geological Survey of India</td>
</tr>
<tr>
<td>Ha</td>
<td>Hectare</td>
</tr>
<tr>
<td>HCL</td>
<td>Hindustan Copper Limited</td>
</tr>
<tr>
<td>HDI</td>
<td>Human Development Index</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
</tr>
<tr>
<td>IBM</td>
<td>Indian Bureau of Mines</td>
</tr>
<tr>
<td>ICDS</td>
<td>Integrated Child Development Scheme</td>
</tr>
<tr>
<td>IFC</td>
<td>International Financial Corporation</td>
</tr>
<tr>
<td>IFI</td>
<td>International Financial Institution</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>IMR</td>
<td>Infant Mortality Rate</td>
</tr>
<tr>
<td>IPC</td>
<td>Indian Penal Code</td>
</tr>
<tr>
<td>JNARDDC</td>
<td>Jawaharlal Nehru Aluminium Research Development and Design Centre</td>
</tr>
<tr>
<td>JSWAL</td>
<td>Jindal South West Aluminium Limited</td>
</tr>
<tr>
<td>Km</td>
<td>Kilometre</td>
</tr>
<tr>
<td>LHV</td>
<td>Lady Health Worker</td>
</tr>
<tr>
<td>MCL</td>
<td>Mahanadi Coalfields Limited</td>
</tr>
<tr>
<td>MDG</td>
<td>Millennium Development Goals</td>
</tr>
<tr>
<td>MECL</td>
<td>Mineral Exploration Corporation Limited</td>
</tr>
<tr>
<td>MGNREGA</td>
<td>Mahatma Gandhi National Rural Employment Guarantee Act</td>
</tr>
<tr>
<td>MLPC</td>
<td>Mine Labour Protection Campaign</td>
</tr>
<tr>
<td>mm&amp;P</td>
<td>mines minerals and PEOPLE</td>
</tr>
<tr>
<td>MMDR</td>
<td>Mines and Minerals (Development and Regulation)</td>
</tr>
<tr>
<td>MMR</td>
<td>Maternal Mortality Ratio</td>
</tr>
<tr>
<td>MoEF</td>
<td>Ministry of Environment and Forests</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>MoU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>Mw</td>
<td>Megawatts</td>
</tr>
<tr>
<td>NACO</td>
<td>National AIDS Control Organisation</td>
</tr>
<tr>
<td>NALCO</td>
<td>National Aluminium Company</td>
</tr>
<tr>
<td>NCEUS</td>
<td>National Commission for Enterprises in the Unorganised Sector</td>
</tr>
<tr>
<td>NFTDC</td>
<td>Non Ferrous Materials Technology Development Centre</td>
</tr>
<tr>
<td>NGO</td>
<td>Non Governmental Organisation</td>
</tr>
<tr>
<td>NHPC</td>
<td>National Hydel Power Corporation</td>
</tr>
<tr>
<td>NIMH</td>
<td>National Institute of Miners Health</td>
</tr>
<tr>
<td>NIRM</td>
<td>National Institute of Rock Mechanics</td>
</tr>
<tr>
<td>NOC</td>
<td>No Objection Certificate</td>
</tr>
<tr>
<td>NPRR</td>
<td>National Policy on Rehabilitation and Resettlement</td>
</tr>
<tr>
<td>NRI</td>
<td>Non Resident Indian</td>
</tr>
<tr>
<td>NRRP</td>
<td>National Rehabilitation and Resettlement Policy</td>
</tr>
<tr>
<td>NSSO</td>
<td>National Sample Survey Organisation</td>
</tr>
<tr>
<td>NTPC</td>
<td>National Thermal Power Corporation</td>
</tr>
<tr>
<td>OBC</td>
<td>Other Backward Classes</td>
</tr>
<tr>
<td>PAP</td>
<td>Project Affected Person</td>
</tr>
<tr>
<td>PDS</td>
<td>Public Distribution System</td>
</tr>
<tr>
<td>PESA</td>
<td>Panchayat (Extension to Scheduled Areas)</td>
</tr>
<tr>
<td>PHC</td>
<td>Primary Health Centre</td>
</tr>
<tr>
<td>PSU</td>
<td>Public Sector Unit</td>
</tr>
<tr>
<td>RPG</td>
<td>RP Goenka</td>
</tr>
<tr>
<td>Rs.</td>
<td>Rupees</td>
</tr>
<tr>
<td>RTI</td>
<td>Right to Information</td>
</tr>
<tr>
<td>SACS</td>
<td>State AIDS Control and Prevention Society</td>
</tr>
<tr>
<td>SC</td>
<td>Scheduled Caste</td>
</tr>
<tr>
<td>SEZ</td>
<td>Special Economic Zone</td>
</tr>
<tr>
<td>SHG</td>
<td>Self Help Group</td>
</tr>
<tr>
<td>Sq. Km.</td>
<td>Square Kilometres</td>
</tr>
<tr>
<td>ST</td>
<td>Scheduled Tribe</td>
</tr>
<tr>
<td>STD</td>
<td>Sexually Transmitted Disease</td>
</tr>
<tr>
<td>TB</td>
<td>Tuberculosis</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>WPR</td>
<td>Work Participation Rate</td>
</tr>
</tbody>
</table>
This report is brought out in the context of the present crisis of human rights vis-à-vis mining in India, from the perspective of gender equality and justice. Mining is only now being made visible from the context of its impacts on women in the communities, directly and indirectly affected by the industry. Yet even today the rhetorical question of whether mining has anything to do with women remains predominant in the minds of the public, policy makers and political representatives.

The development paradox of India lies in the universal targets set nationally for bringing women out of the abysmally poor indicators of literacy, health, economic and social security, to provide development opportunity and yet, the undoing of the same through gender insensitive economic policy decisions at all levels. This report brings out the paradoxes of India which is signatory to many of the international treaties for the development of women and voices a gender sensitive approach to planning, yet, is pursuing policies that are pushing women into economic ghettos, most evident in its pursuit of mineral extraction and trade.

India appears to be vastly indifferent to these contradictions, as it would imply respecting laws and laying down standards for corporate behaviour and socially responsible governance. In an atmosphere where the country’s focus is on drawing foreign investments by relaxing laws and regulations to the extent of creating ‘deemed foreign territories’ for export and trade, that a politically inarticulate and economically vulnerable group like women would be given priority over trade negotiations, seems highly unlikely in the current political situation.

The ratifications made internationally seem to have little impact in the field. Juxtaposing these agreements to complement the national laws and thereby strengthening the judicial mechanisms for protection of women can happen only when the governance and bureaucratic machinery at all levels are willing to apply these national laws and international agreements in order to consciously empower women.

Economic prosperity for women from the mining industry in India translates to 27,000 odd jobs with women in the lowest end of the employment hierarchy. For a sector that is holding the nation to ransom by declarations of its contribution to national growth and controls high political stakes in many of the states in India, a sector that admittedly runs on illegal activities by over 40 percent, its contribution to the economic growth of women, on the other hand, is less than 1 percent. It is this important reality that forms the background of this report.

The current report tries to present what the mining industry and mining economy mean to the women of India, particularly the women who are directly and indirectly affected by mining and its subsidiary activities. It gives a glimpse into the struggles of such women campaigning against this exploitation of the mining industry in the country. It analyses the historical trend in the mining industry with respect to gender disparities and the implications of the future of the mining industry on women’s lives, as workers and as displaced communities. It provides case studies on the impacts that have been experienced by women due to mining activities and the threats they perceive with respect to future projects.

International Business and Human Rights

At the international level human rights discourse over bringing about corporate accountability and developing redressal mechanisms, both judicial and non-judicial, for communities facing corporate abuse, has only now started gaining ground. With the UN taking the initiative to foster a dialogue on business and human rights, particularly through the mandate given to Prof. John Ruggie as Special Representative to the UN on Business and Human Rights, the concerns over human rights violations with respect to the manner in which multinational corporations are going about their businesses in most of our nations, speaks to some extent, the recognition of these violations, albeit with the above elusive approach. One sector that has induced this global response in a major way is the mining industry, which has gained the reputation of creating huge environmental and social problems to the extent of funding military regimes and causing genocide.

Corporate misconduct and its deliberate arm-twisting of governments to remove or dilute many regulations, particularly where large mineral resources are at stake, has in many countries jeopardised the political stability, displaced millions of people from their homes, and has posed irreparable damage to natural resources, health and safety of communities. The extractive industry, host governments and financial institutions which are all equally responsible for this exploitation, have so far,
walked away from the people and the environment, leaving behind more impoverishment and greater resource crunch than there was ever before in many of the mine sites.

This lack of accountability was also intensified due to resistance from all the above key players in setting standards for performance and appraisal, a lack of assessment of the impacts, dilution of legal and judicial mechanisms at national levels, lack of transparency over disclosure of financial investments and stiff opposition to legally binding punitive action at the international level. Further, the role of the IFIs in influencing economic reforms in most of the host countries, that go parallel to the needs of the extractive industry, have enabled this de-legitimisation of national constitutions on the pretext of providing an enabling environment for private investments that are urgently required for economic leapfrogging of nations. Today, with the scaling up of social and political insecurity which has also severely affected many corporate businesses, and the increasing visibility of human rights abuses, the business and human rights dialogue of Prof. John Ruggie has called governments and corporate bodies to ‘protect, respect and remedy’.

However, this call for an opportunity to dialogue cannot be effective without clearly defined legally binding accountability. These should include setting up international standards for performance and appraisal, compliance with host country laws and obligations, community participation in project appraisal, and monitoring and assessing standards of implementation. Further, an enabling system of governance to bring social responsibility to directly and indirectly affected communities, vigilance of potential areas of human rights violations, legally accountable grievance and redressal mechanisms, and public reporting is a precondition to balancing business and human rights.

This dialogue also cannot happen in the present context where governments, under the influence of the extractive industry—whether local or transnational, small-scale or large mining projects—and financial institutions, that are seriously compromising on constitutional safeguards and customary rights of communities, especially where women are concerned.

Therefore, women have started speaking up and rebelling against this form of development paradigm. While large mining projects with transnational investments have far reaching negative impacts on women’s lives, informal and small-scale mines have been reinforcing another form of traditionally existing patriarchal exploitation through the brutal force of local mining lobbies. Both have to be separately examined and analysed from the perspective of women’s rights in order to address these problems. India, which was slow to the process of deregulation and privatisation, is making up for lost time by a host of hasty policies, amendments and investments that have suddenly thrown major areas and sections of the marginalised population into disarray. The women in India are, as elsewhere, standing up and questioning this destruction and putting up a strong resistance in every project area that is unjustly pushing them out.

**Feminisation of the Extractive Industry**

Human rights violations of the mining industry that often fail to be addressed are the gender imbalances created as a result of drastic changes in the resource utilisation and ownership patterns that affect incomes, livelihoods, cultures and social equations in a gender unequal manner. An important area of concern over corporate irresponsibility of the extractive industry is with respect to gender equality and sensitivity. The nature of impact that the mining industry has on women and the wide gaps in gender whether with respect to wages, opportunities for employment and livelihood, health risks, resource and land rights, social security and access to information, judicial remedy and political response are all of serious concern.

Besides, there is a perceptible dichotomy where there is growing feminisation of the extractive industry on the one hand, and feminisation of poverty induced by mining on the other, as a result of the privatisation and liberalisation economies adopted by our government. Due to displacement from their lands caused by mining projects and due to the contractual nature of labour in the mining industry, large populations of women and children are today forced to work in the mines and its ancillary activities or end up as migrant labourers leading insecure lives. In many cases, while the men are forced to migrate to urban centres after losing their traditional livelihoods, the burden of agriculture and homestead farming entirely shifts to the women.

Mining has steeply increased the unorganised sector where women (and children) are mainly engaged, with no clear responsibility towards their well-being that can be traced to the larger corporates. Whereas in many other countries, militarisation of governments financed by mining companies has led to suppression of women agitating for their rights and in many instances women are being reported to be beaten up, made to disappear or charged under false criminal offences, in India, criminalisation of politics and the patriarchy of big money, is nowhere as ludicrously high as in mining areas and has led to serious violations on women’s rights. These are manifested through exploitation like trafficking of women both for
sexual exploitation as well as for labour, bonded labour of women and children, substance abuse, destitution and other forms of physical and mental torture and cultural disintegration which were quite evident from the testimonies given by the women in the mine sites visited for this study.

Therefore, the serious challenges to a dialogue between business and human rights is in ensuring corporate accountability first, to the women affected by the mining industry. The sustainability of any economic activity depends on the gender-just nature of its economy. In the context of a masculine and male dominated mining industry, the challenge is far more intense. Also, a serious challenge to an engagement of the civil society with our respective states is whether the state is today capable of the core values of good governance and social equity. Increasingly, we see it vulnerable to the short-term agenda and the lucrative business motives of the global mining industry, thereby rationalising this model as sustainable growth and providing cosmetic incentives for the affected, by way of its social responsibility.

**India’s Planning for Women’s Empowerment**

The National Policy for Empowerment of Women 2001, has as its goal, bringing about advancement, development and empowerment of women in all spheres of life through creation of a more responsive judicial and legal system sensitive to women and mainstreaming the gender perspective in the development process.

The mid-term review of the status of women in the X Plan pointed out three major areas of concern with respect to women—the persistent gender gaps in literacy and wage rates, growing incidence of violence and crime against women (from 128,320 reported cases in 2000 to 143,615 in 2004) and the increasing female infanticide and female foeticide. The other important concern raised was the feminisation of poverty and the exploitation of women in hazardous, low paid and insecure jobs in the unorganised sector and the growing incidence of trafficking of girls for domestic labour and commercial sexual exploitation. The MMR is at 400 per 100,000 live births and the growing female face of HIV/AIDS is indicative in 0.86 percent in 2003 of total pregnant women having registered as positive, from that of 0.74 percent in 2002.

The monitorable targets that were set in the X Plan included reduction in gender gaps in literacy, wage rates and MMR. The X Plan also set as its agenda for women’s empowerment, social empowerment, economic empowerment and providing gender justice. The mid-term report also brought out the issue of displacement of women and emphasised for a gender sensitive resettlement and rehabilitation policy. The XI Plan strategy focuses on violence against women, economic empowerment and women’s health although gender equity received some attention. The Working Group stressed that, ‘gender equality is a constituent of development as well as an instrument of development. No country can be deemed to be developed if half its population is severely disadvantaged in terms of basic needs, livelihood options, access to knowledge and political voice’.

At the international level India ratified various international conventions and human rights instruments to secure equal rights for women. Important ratifications to which India is a signatory are CEDAW, CERD, CESCR, Mexico Plan of Action, Nairobi Forward Looking Strategies, Beijing Declaration and Platform for Action, the MDGs, several ILO Conventions and the UN Declaration on the Rights of Indigenous People.

The present study analyses the above national agenda and international commitments in the context of the economics of mining from a gender lens. This report is prepared from the dimension of looking at the grassroots women’s campaigns against mining induced exploitation, the situation in which women mine workers are placed today, and the international mechanisms and their influence over our own laws and governance behaviour. It is intended to identify the gaps and areas for policy, law and implementation with respect to gender equality and sensitivity right from the planning of development economy to project specific threats in securing women’s rights in the context of the extractive industry.
Need

The women participating in the national alliance, mines minerals & PEOPLE (mm&P) have, on the one hand, been consistently voicing the problems faced by women in all the three cycles of mining—pre-mining, during extraction and abandoned mines—as having severe adverse effects on women, be it tribal/indigenous/adivasi women from Greenfield areas, women living in communities in mine sites, women mine workers or women from areas near abandoned mine sites. On the other hand are policy makers, political parties and perhaps even the public, either oblivious to these serious abuses or with an understanding of the mining industry through traditional male dominant prejudices.

As the primary providers within the household of clean water, food and fuel, women in several of the mine pits and mining towns have been complaining of the serious crisis to their lives and to that of their communities brought about by mining. Human rights abuses on women affected by mining in India has shockingly increased after industries have started actively colluding with governance machinery in stifling any form of democratic protest or resistance. Political violence, false criminal cases, police atrocities, corporate crimes and factionalism unleashed by mining stakes have started dominating the political framework of India in the recent past.

Tribal women are particularly not consulted in decisions over mining projects in Greenfield areas; the impacts on their lives are, however, more adverse and imbalanced as a result of the environmental destruction caused by mining. Wherever there has been mining, tribal women’s economic status is found to have been destroyed. Forced to depend on the incomes of men they are exposed to external influences with the danger of physical and sexual abuse. India has strong constitutional safeguards and laws of governance supported by international agreements like the UN Universal Declaration on the Rights of Indigenous Peoples 2007 which recognises the tribal peoples’ right to FPIC. But with the government in India increasingly turning a deaf ear to the people’s protests there is an urgent need to record the legal and human rights violations faced by the tribal people, especially of women.

The living conditions of women displaced by mining projects or those living in communities near mine sites—their private and cultural spaces, infrastructure facilities, protection from social customs, etc.—have serious negative impacts reducing them into helpless situations. Hitherto non-existent social evils like wife-battering, alcoholism, indebtedness, physical and sexual harassment, prostitution, polygamy, desertion, etc., have emerged in many places. Women are pushed into menial and marginalised forms of labour as maids and servants, as construction labourers or into prostitution, which are highly unorganised and socially humiliating.

Living and working conditions of women in mines and quarries are deplorable. They have no access to safe water, sanitation, housing or health care. Sexual harassment from exploitative employers and other male workers, as well as violence from spouses at home, are widespread. The conditions in which they live provide them with no security or protection. Women from communities living near abandoned mine sites have to deal with the burdens imposed by a destroyed landscape and loss of livelihoods as a result of cessation of mining.

These are issues that have been raised by the alliance members of mm&P repeatedly. However, except for occasional news reports and disaggregated data, there exists no comprehensive documented evidence of the seriousness of the issues of women in mining in India and the growing human rights violations. This lack of empirical data makes it impossible to lobby for their rights in the national or the international level. The governance institutions and mining corporates thus continue to suppress evidence against the impacts on women as also their voices and thereby deflect public accountability and debate over the serious gender inequalities being perpetrated by mining.

Like in other countries gender bias exists in mining in India; mining in Greenfield areas rarely ever acknowledges women’s perspectives or knowledge of sustainable resource use. As an industry it is projected as being dominated by men. Nothing is further from the truth. Women form a considerable part of the workforce in mines, especially in the unorganised sector, but are either ‘invisible’ or highly discriminated against. The existing traditional patriarchal discrimination is seen to be so much more aggravated whether through domestic violence, community disintegration or at the workplace.

At the same time grassroots organisations or networks
and alliances campaigning for rights of communities and workers in the context of mining often have no separate strategies to address issues that women face. Hence there exists an urgent need to bring about an increased sensitivity towards gendered issues in mining in their campaigns. There also exists today in India, a gap in terms of any organisation or group working in a focused manner on issues of women in mining with regard to research and documentation, gender based policy level dialogue, training and enhancing skills, or strategising for campaigns.

As a first step this study was conducted to collect empirical evidence on the issues faced by the different groups of women in mining and gathers their own perceptions—tribal women, women mine workers and women from communities affected by mining or living near abandoned mine sites. We hope that the policy and field concerns raised in this study will facilitate civil society groups working on mining issues in building campaign strategy and lobbying at different levels; policy makers in developing more gender sensitive policies with respect to mining and sustainable development; raise a public discussion on the myths and economics of mining from a gender perspective and bring to international attention the gender rights in the context of business and human rights.

This report is being published at a juncture when the adivasi women of Niyamgiri have raised a national consciousness in the case of Vedanta and bauxite mining. We hope that this report addresses or generates a realistic thinking on some of the questions raised through the several media and public debates over the cancellation of the mining lease to Vedanta, particularly from the impacts on women and children. This report also comes at a juncture when the Ministry of Mines is in the process of reviewing the MMDR Act 1957 and the issues surrounding mining in Scheduled Areas, illegal mining and the efforts to address the problems being posed in several of the states. Some radical moves are also being witnessed like the announcement of the Ministry that bauxite leases and MoUs with JSWAL and AAL companies in Andhra Pradesh are being cancelled, and the withdrawal of Vedanta’s mining project in Niyamgiri, which send positive signals to the tribal people and to civil society. We thus hope that this report strengthens the debate on sustainable development and mining in India through the gender perspectives we put forth here.

The main objectives of the study were thus:

- To analyse the economics of mining from a gender perspective.
- To provide an assessment based on empirical evidence on the status of women in mining in India that includes women displaced by mining or threatened with displacement, women mine workers, women from community where mining is taking place, women living in communities near abandoned mine sites.
- To identify the social problems, health hazards and human rights abuses faced by women in the different mining contexts.
- To provide a gendered perspective on women in mining in the context of various legislations with regard to mining, displacement and labour.
- To assess the extent to which India has respected its commitments to international treaties on rights of tribal women and workers in the context of mining.
- To link gender issues in mining to the national network and among the women of different struggles.
- To build lobbying and advocacy for the demands of the women in the study areas through the different democratic strategies within the country and with international networks.

Methodology

The study tries to analyse the current national laws and international conventions, and the extent to which they provide any respect or remedy for the rights of women affected by mining, drawing from the example of field case studies in five states in India—Andhra Pradesh, Jharkhand, Orissa, Karnataka and Rajasthan—where mining has emerged as a serious issue of human rights violations. Whereas the first three states were studied from the perspective of adivasi women who are campaigning for their rights in existing and proposed mining areas, the latter two states were studied from the perspective of women working in the mining sector. Primary data was collected through interviews with affected women, community leaders, local NGOs and government officials. The national alliance, mm&P, was key to identifying collaborating local groups that are directly campaigning on these concerns, for the study.

The report is brought out in two sections that include both primary and secondary data. The first section ‘Women
affected by displacement due to mining projects in India' looks at the impact of mining activities on *adivasi* women who were displaced or are threatened to be displaced by these projects, and assessing the extent to which their economic, social, cultural, and ecological rights have been affected. These are reviewed from the dimension of the problems and status of *adivasi* women affected by mining projects in different mine sites through case studies. Field interviews were conducted in the proposed bauxite mining area of Visakhapatnam, Andhra Pradesh, where women are struggling for their land rights; the proposed thermal power project area of Dumka, Jharkhand, where women have been facing several false criminal cases against them for asserting their resource rights; and in the coal mining area of Angul, Orissa, where the public sector company, MCL has been expanding its mine sites. It analyses the existing legal framework and proposed policy shifts that focus on land acquisition, rehabilitation and compensation from a gender perspective.

The second section ‘Women mine workers in India’ brings out the status of the lives of women working in the mines or mining related activities, their economic lives, food and social security, health and labour concerns. The field case studies were drawn from interviews with women and local communities in the iron ore mines of Bellary, Karnataka, and the sandstone mines of Jodhpur, Rajasthan. These cases cover both women working and retrenched by the mining industry. The section also traces the history of women’s participation in the mining industry in India and analyses the current laws and policies that prevail for such women mine workers and whether these effect any positive development to them. Whether in large-scale mining activities or in the small-scale sector, the large number of women working as unorganised, casual, informal and migrant labour is the focus of study here.

The team also had discussions with the Ministry of Mines on the recommendations for addressing the rights of women either working or living in the mining areas or displaced by mining projects and the need for developing the sustainable development framework for mining from a gender perspective. At the national level, there are both multinational players entering the country for mineral extraction as well as small-scale mining contractors and lobbies that have a serious impact on women’s lives. Both the concerns need to be dealt with separately as impacts on women differ vastly. The presentation to the Ministry of Mines led to a series of dialogues both with regard to the proposed amendment to the MMDR Act 1957 as well as over the CSR of public sector mining companies in a more gender sensitive manner.

**Limitations and Gaps**

The gaps and limitations identified are listed below:

- The need to lobby with other key Ministries like that of Labour and Employment, Health, and Women and Child Development was identified.

- During the course of the study attempts to engage with the different government department and offices through filing RTIs were made. However, we were not very successful. Also field inspection of specific mines based on the RTI responses would have resulted in clear evidence of violations. This could not happen during the study period.

- We could not interview any women workers formally employed in any of the big companies as access into the premises was not possible.

- The perspective of the officials at state and central levels with regard to the issues was not documented.

- One of the gaps was the limited understanding among grassroots groups themselves about issues of women in mining or a complete ignorance that women form a separately affected group with specific needs.

- Material on advocacy and information were not available among grassroots organisations.
SECTION - I

WOMEN AFFECTED BY DISPLACEMENT DUE TO MINING PROJECTS IN INDIA

Two old adivasi women who have experienced multiple displacement in their lives.
Introduction

This section attempts to understand the impacts of displacement as a result of mining from the perspective of women. Mining induced displacement worst affects women, particularly adivasi women, who are torn from the land and forests that are their source of livelihood and cultural identity. They are neither consulted at any stage of the project nor are their specific needs addressed by the rehabilitation and resettlement plans. The section also highlights the history of displacement and the failure of rehabilitation and resettlement of those displaced in the past. The legal framework of land acquisition and rehabilitation Acts and policies and their inability to safeguard the interests particularly of women are also highlighted. The section attempts to bring to focus the need to treat women as separate entities, by not merely aiming at improving their overall well-being but by treating them as agents of change who can contribute to the process of development and sustainable development at that.

Part 1: Case Studies from the Field

The three case studies presented here were undertaken in the states of Andhra Pradesh, Jharkhand and Orissa. In Andhra Pradesh, adivasi women from the hills and women from the plain areas of Visakhapatnam and Vizianagaram districts who are fighting against displacement from the proposed bauxite mining and refineries project were interviewed. The Jharkhand case study covers the brave struggle by adivasi women of Dumka district against a proposed thermal power plant. In the state of Orissa, women displaced as a result of coal mining from Talcher in Angul district spoke about their problems and daily struggle for survival.

Case study 1: Adivasi women campaigning against proposed bauxite mining in Visakhapatnam district, Andhra Pradesh

Proposed bauxite mining in Visakhapatnam district

India is endowed with rich bauxite reserves and currently ranks sixth in world bauxite reserves. The Ministry of Mines Annual Report for 2009-10 states that India produces 23,084 thousand tonnes of bauxite (approximately 10.8 percent of the world production) and ranks third in world production. Five bauxite districts in the country have been identified—Eastern Ghats bauxite district, central India bauxite district, west coast bauxite district, South Indian bauxite district and Gujarat bauxite district. The East Coast Bauxite Deposits, located in the Eastern Ghats, along the east coast in the states of Andhra Pradesh and Orissa have a special status owing to certain diagnostic geologic-geomorphic manifestations. The state of Andhra Pradesh has nearly 750 million tonnes or 21 percent, of India’s bauxite resources.
refinery and alumina complexes, bauxite extraction is yet to commence.

**Profile of women and villages involved in this study**

The primary data for this case study was collected by interviewing 59 women. These included 24 *adiwasi* women belonging to the Konda dora and Bagata communities from the villages of Beespuram and Katiki of Ananthagiri mandal, and Bangalavalasa of Araku mandal, in Visakhapatnam district that will be affected by the proposed bauxite mining. The women interviewed in the bauxite extraction sites were between the age groups 24 and 60. None of them were literate. The women from these villages are cultivators and also work a few days in a year as wage labour. A variety of crops that included different types of cereals, millets and pulses, rice, fruit trees and vegetables are grown on the dry and *podu* land, mostly for household consumption. In Beespuram village, the *adiwasi* women have a good income from coffee and pepper plantations; coffee was introduced by the government in the 1970s to wean the *adiwasi* population from shifting cultivation and also augment their incomes. In addition men and women collect non-timber forest produce like honey, tamarind, gooseberry, myrobalans, *adda* leaves, grass for brooms, marking nut, etc., from the forest and sell them to earn additional income. Besides, the forest offers diverse food and medicinal resources, easily accessible to the women to sustain their families.

Thirty-five women, primarily BCs, from the villages of Kothapalem, Subhadrayyapalem, Rachapalli, Dharmavaram and Venkatapuram in Makavaripalem mandal, Visakhapatnam district, which is the site for the refinery were also interviewed. Women here cultivate rice, sugarcane and vegetables and also work as daily wage labour. The women interviewed were between the age groups 23 and 70, and none of them were literate.

In addition the study team also interacted with women from affected villages (primarily Chintapalli) located in GK Veedhi mandal, Visakhapatnam district, and

<table>
<thead>
<tr>
<th>Table 1: Some indicators for Visakhapatnam district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population (2001)</td>
</tr>
<tr>
<td>Percentage SC population to total population (2001)</td>
</tr>
<tr>
<td>Percentage ST population to total population (2001)</td>
</tr>
<tr>
<td>Population density (2001)</td>
</tr>
<tr>
<td>Geographic area</td>
</tr>
<tr>
<td>Total forest area (2005)</td>
</tr>
<tr>
<td>Forest area as a percent of geographic area (2005)</td>
</tr>
<tr>
<td>Sex ratio (2001)</td>
</tr>
<tr>
<td>Juvenile sex ratio (2001)</td>
</tr>
<tr>
<td>HDI (2004)</td>
</tr>
<tr>
<td>GDI (2004)</td>
</tr>
<tr>
<td>IMR (2001)</td>
</tr>
<tr>
<td>Mothers who had at least 3 antenatal care visits for their last birth % (2005-06)</td>
</tr>
<tr>
<td>Institutional births % (2005-06)</td>
</tr>
<tr>
<td>Mothers who received postnatal care from a doctor/nurse/LHV/ANM/other health personnel within two days of delivery for their last birth (%) (2005-06)</td>
</tr>
<tr>
<td>Delivery at home and other place assisted by doctor/nurse/LHV/ANM (%) (2007-08)</td>
</tr>
<tr>
<td>WPR Female (2001)</td>
</tr>
<tr>
<td>Literacy rate Combined (2001)</td>
</tr>
<tr>
<td>Literacy rate Female (2001)</td>
</tr>
<tr>
<td>Literacy rate SC Female (2001)</td>
</tr>
<tr>
<td>Literacy rate ST Female (2001)</td>
</tr>
</tbody>
</table>
Srungavarapu Kota (S Kota) mandal, in Vizianagaram district, which are also sites for bauxite extraction and alumina refinery respectively. In all a total of 70 women were met during the course of the study.

**Background to the peoples struggle against proposed bauxite mining**

The East Coast Bauxite Project in Andhra Pradesh, has been under the state government’s plan since the 1970s. Yet, the people’s campaigns and protests that rose each time the proposals were opened up, prevented the pristine hills from being ransacked by public and private mining corporations so far.

The latest threat re-surfaced in 2005 with the new government signing MoUs with two private mining companies—with JSWAL in 2005 and with AAL in 2007—both of which proposed to set up alumina refineries by purchasing bauxite ore extracted from the Scheduled Area of Visakhapatnam district with the APMDC posing as proxy leaseholder for the extraction projects. The MoUs clearly state that APMDC cannot sell ore to any other company without fulfilling the needs of these two companies. The MoUs are legally questionable as they circumvent the Fifth Schedule of the Constitution, and the Samatha Judgement, which protect adivasi lands from being alienated to outsiders, including corporate bodies. Further, the social and environmental disturbances that are likely to result from mining operations in this region are causing concern among the public and anguish to the local communities.

The present case study analyses the implications on the women in the affected area if the projects are to be implemented and the complexities created by the state with regard to FPIC of the women vis-à-vis the national laws and gender equality.

The JSWAL project has access to the bauxite ore from the hill range of Raktakonda, Galikonda and Chittangondi (Ananthagiri group) located in Ananthagiri mandal, Visakhapatnam district, and has a direct lease to refine it near S Kota mandal, located in Vizianagaram district which is just outside the Fifth Schedule area. In addition to the 1.4 million tonne alumina refinery, JSWAL project also includes setting up a captive co-generation power plant of 90 mw by diverting water from one of the reservoirs in the district, required for the production of alumina. The AAL agreement is to tap the ore from Jerella (Chintapalli group) located in GK Veedhi mandal of Visakhapatnam district and has a direct lease to set up an integrated aluminium complex—alumina refinery of 1.5 million tonnes, aluminium smelter of 0.25 million tonnes and gas-based combined cycle cogeneration plant of 90 mw—at Makavaripalem mandal in Visakhapatnam district. Since 2005 the state government has been putting pressure on the communities to give up their lands with false promises of employment and local area development. Yet the women in all the four sites were vehemently opposing the projects. It is important to understand the women’s perspective of development in the context of the proposed bauxite project and whether they have been allowed a legitimate hearing as primary owners of the resources located in the bauxite area.

**The bauxite extraction sites**

**Threat to livelihood and food security of adivasi women**

Ananthagiri and GK Veedhi mandals in Visakhapatnam districts are the proposed extraction sites for bauxite mining. Thick forests, adivasi communities living on the hills growing diverse food crops for subsistence and taking up forestry activities for incomes as well as domestic requirements typify this region. In the hills like Raktakonda (which means, hill that has water flowing like blood), having rich bauxite reserves, originate hundreds of springs which feed the rivers, Gosthani and Sarada that flow into the Bay of Bengal. While the GK Veedhi area is more interior and inaccessible geographically and politically, Ananthagiri is a popular tourist destination given its ecological beauty. Twenty-seven hills in the two mandals of GK Veedhi and Ananthagiri have been identified for bauxite extraction. Approximately 270 villages in these hills are expected to be adversely impacted by the mining. In both the extraction sites, affected women belong to adivasi communities who have had a steady livelihood even if not wholly self-sufficient. In a brief assessment conducted during this study in the villages where the bauxite extraction is proposed, we found that all the adivasi families are medium, large and small cultivators.

The women interviewed from Beespuram of Ananthagiri mainly work as cultivators, forest produce collectors and daily wage labour. The average landholding size is between one and 10 acres and the average income is between Rs.10,000/- and Rs. 50,000/- per annum. This income is mainly from cash crops like coffee, pepper and other agricultural crops but does not include the food grains used for subsistence, forest produce collected for domestic use, income from wage labour and barter of labour, medicinal plants, homestead gardens and livestock.

---

2 The MoU for AAL was signed between the Government of Ras Al Khaimah (seventh emirate of the United Arab Emirates) and the state government of Andhra Pradesh. AAL was then set up as an Indian company to establish the aluminium complex.
Hence, the women have three major sources of income—agriculture, forestry and plantations—from their traditional livelihood system and are thus largely, economically self-sustained. At the time of project planning, these invisible sources of sustenance go unaccounted because of which their livelihood is vastly undervalued in comparison to the mainstream marketised forms of economics. At the extraction sites the project proposes to acquire more of forest land, hill-top area and common resources than private lands. The impacts of losing this topsoil, which have streams and forest resources, on the cultivation patterns, soil quality, changes in water availability and stream flow, for example, are some important factors not being revealed to the people. Therefore the fears expressed by the women with regard to mining activities coming up in their lands is related to losing their access to lands and forests, destruction of their livelihood, their sources of water and fuelwood, losing their plantations and village common resources. In their traditional life, women play an active role in decisions over their farming, and have the economic freedom to sell their produce in the weekly market and have a certain control over their expenditure. They fear that in the long run, digging up the hills around them would lead to serious pollution and depletion of water, land acquisition and forced migration, even if this does not happen immediately. They are highly literate in the context of their resources and livelihoods, have a certain degree of food security, enjoy a high level of social security and have the skills to adapt to the vagaries of nature. However, they are illiterate with respect to the mainstream society and have genuine fears about their survival in the absence of their lands and forests.

Lack of information and consultation: A violation of the adivasi women’s right to free, prior and informed consent

The adivasi women said they did not have any direct access to project details or impacts from the government or from the company. Information was based on hearsay, of promises and assurances that their lands will not be disturbed and that employment and development amenities would be created. But the women feel that they will not be given any jobs as they are illiterate and hence their economic sustenance would be seriously affected. The EIA documents of JSWAL and AAL clearly do not mention any direct jobs for local communities, and specifically there is no mention of the same for women. The women from affected villages reported that when they visited the existing mining projects in other sites likeNALCO in Orissa, they found that mining has provided only limited formal employment for local people with most of the displaced either working as casual labour or migrating out. They found many destitute among the women in the resettled colonies. Therefore, the women
in Ananthagiri and Chintapalli areas strongly suspect that what the mining may offer will be far less than their existing incomes and food security. They also fear that the casual labour for the mining activities is only temporary unlike the generations of sustenance that their land has given them.

All the women interviewed came to know about the project only from the local NGOs and none from the government. None of the women interviewed were called for any consultations with the government but said they have received threats by the agents and local police and that they will not get compensation if they protested against the project. Focussed group discussions with the local communities revealed that some of the women leaders, particularly widows who were actively opposing the proposals, were under severe pressure and intimidation from the agents.

According to the Environment (Protection) Act 1986, a public hearing is mandatory before sanctioning any project. This is a legitimate opportunity for affected people to express their concerns and objections. One month prior to the public hearing the public and affected people are to be provided with the EIA reports. So far there was one public hearing conducted in Chintapalli for the extraction project in October 2008 (ore extraction site for AAL). The women had not seen the EIA document which does not mention any direct employment to local people. The local officials and agents of AAL are stated to have tried to make the people believe there were direct employment benefits to all. Yet the women of Chintapalli have been most articulate in their opposition to the project. There was no intimation of the public hearing that came from the government. The women received information about the hearing and project details from Samata and Adivasimitra, two local NGOs, and political parties who were in the opposition.

The public hearing was conducted in an atmosphere of terror with police and special armed battalions posted at the venue to intimidate people. The government deliberately closed down public transport services on the day of the public hearing to prevent people from participating and raising their objections. Inspite of the prohibitive atmosphere even women defied the police and came to the public hearing venue in large numbers to state their objections to the project and to demand that the public hearing be cancelled on grounds of lack of transparency and democratic conduct. Yet, the government made fresh attempts to take up road construction to access the mine site. The women again protested strongly until the work was stopped midway. Every time the government tries to push the mining project, there is a strong wave of protest and anger particularly from the women who are most concerned about protection of their lands from mining lobbies.

A public hearing is yet to be conducted in Ananthagiri (current study site and ore extraction site for JSWAL), but the atmosphere for the last six years was one of intimidation and coercion for acquiring the adivasi lands. The women say they are going through a state of panic each time the company agents or government officials hold meetings in their villages, thereby disturbing the peace and cohesion of the community.

**Alumina refineries and aluminium smelter**

**Women speak out in the public hearing**

The refineries and smelter, one in Makavaripalem mandal, and the other in S Kota, are going ahead with AAL and JSWAL starting their work. Makavaripalem is where AAL is preparing to set up an integrated aluminium complex consisting of an alumina refinery and an aluminium smelter. This is primarily a rural area where the local communities are small and middle level farmers whose main source of livelihood is agriculture. The women from Rachapalli, Kothapalem, Venkatapuram, Subhadrayyapalem and Dharmavaram villages in Makavaripalem, which are directly affected, were interviewed. Some of the women gave information without fear, but some felt intimidated by the political leaders and company agents. When the project was proposed in the area, women from all the villages affected took up a hunger strike for 56 days after which the officials agreed to heed to their demands. However, when the strike was called off, the government proceeded with preparations for the public hearing and land acquisition.

A public hearing was conducted for the refinery project...
in June 2008. One week prior to the hearing, police battalions were posted in large numbers in the entire area apparently, to spread fear among the people. Activists from Samata, a local NGO, and other local groups were interrogated and intimidated by the police for going to the villages to give information about the public hearing. On the day of the hearing, the people came despite the scene of terror with the police and tear gas shells surrounding them.

Only one woman, Achiyamma\(^3\), was allowed to speak but she took the courage to represent the voices of the entire affected community. She spoke in a simple clear voice about the need for the women to have their land, their agriculture and their water and how they anticipate destruction of all these by the aluminium complex. She told the government very categorically that if the lands were taken from them, it was going to be a forcible land acquisition and not with the consent of the women. Her statements sparked a unanimous applause from the hundreds of women who were seated behind the barbed fence echoing their united opposition to the project. Yet three months later, with no explanation regarding the objections raised by the women, the government came down to forcibly acquire land from the people.

**Compensation: False promises and gender blind**

At Makavaripalem, AAL proposed to take over 560 ha of land to set up the plant of which 37 ha is government land and 523 ha is private land. The EIA was itself unclear about the number of villages that would be affected or displaced and there was no clear indication of the total number of families that would be displaced. While the EIA mentioned only two villages, notices were served to families in 13 villages for relocation. However, disputes over alternate site for house construction have delayed the demolition of houses\(^4\). The affected families were given a cash compensation of Rs.4 lakh per acre of wetland and Rs.600/- per tree. The women were also promised two buffaloes per household as a loan in order to give a public statement that they were providing alternate livelihood for the women. But the women refused to accept the buffaloes because they were not suitable for the local climate. Therefore, the government offered them cash of Rs.30,000/- per family. Further an extra cash compensation of Rs.50,000/- per family was provided, but a small amount was deducted from this compensation, as taxes from ‘income’ earned. While AAL has provided compensation for open wells, their promise of ration cards and jobs to the affected have not been kept till date.

The compensation provided (Table 2: Compensation received by some interviewees in Makavaripalem) gives the impression that government has worked out a generous package. Although this is a more liberal monetary compensation offered than before, and receiving such a large amount at one stroke was alluring to many, especially for the local insurance agents and banks, the long-term impacts on such a resettlement programme are being neglected. When the study team visited these villages two years ago, the women had completely opposed the project and were in no mood to part with their lands.

However, when we visited the same area after the compensation was given, it was with great bitterness and disappointment that the women spoke. The women stated that the local politicians had suppressed the voices of the women and forced them to accept the compensation. Therefore, they were now involved in negotiating for a better compensation although they were aware that they would not be able to purchase alternate land with the cash they received. Some of them tried to buy land elsewhere with the compensation money, but they only got a third of what they earlier owned and in much more interior places. The women stated that they had used the compensation money for clearing existing debts, performing marriage ceremonies, and partly for purchasing alternate land. However, most of the money was spent by the men on non-productive commodities. They complained that they were unable to purchase equivalent land from the compensation they received and they realise that their income would be much reduced with the reduced landholding size.

The women were also bitter that the men fell into the trap of the company with false promises of jobs. The women complained that even the road construction work for the project was being done by migrant workers hired from other districts and that the local people were not being provided with the opportunity of daily wage labour. Neither was any employment provided till date to each household as was initially promised.

Without informing the local community, the government allowed the company to lay roads across people’s fields and irrigation tanks, because of which the women stated that the groundwater level in the area has fallen and affected their farming. When women went to protest against this, the work was done during the night. When the study team visited the villages, the women showed notices in English that were served to them from the Revenue Department, which stated that they should file their objections if any. However, as the women could not

---

\(^3\) Some names have been changed to protect identity of interviewees

\(^4\) The affected are demanding for a rehabilitation colony with all infrastructures that had been promised by AAL.
Table 2: Compensation received by some interviewees in Makavaripalem

<table>
<thead>
<tr>
<th>Name of the village/person</th>
<th>Annual income before project</th>
<th>Land type</th>
<th>No. of acres</th>
<th>Compensation received (Rs.)</th>
<th>Compensation received for trees (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rachapalli</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>40,000</td>
<td>wet/dry</td>
<td>10.00</td>
<td>40 lakh</td>
<td>1 lakh</td>
</tr>
<tr>
<td>2</td>
<td>7,000</td>
<td>wet</td>
<td>0.06</td>
<td>24,000</td>
<td>600</td>
</tr>
<tr>
<td>3</td>
<td>48,000</td>
<td>wet/dry</td>
<td>3.00</td>
<td>12 lakh</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>10,000</td>
<td>wet/dry</td>
<td>0.80</td>
<td>3 lakh</td>
<td>6,000</td>
</tr>
<tr>
<td>5</td>
<td>20,000</td>
<td>wet/dry</td>
<td>6.00</td>
<td>24 lakh</td>
<td>31,000</td>
</tr>
<tr>
<td>6</td>
<td>50,000</td>
<td>wet/dry</td>
<td>8.00</td>
<td>32 lakh</td>
<td>2,000</td>
</tr>
<tr>
<td>7</td>
<td>8,000</td>
<td>wet</td>
<td>0.80</td>
<td>3 lakh</td>
<td>1,500</td>
</tr>
<tr>
<td><strong>Venkatapuram</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>5,000</td>
<td>dry</td>
<td>0.50</td>
<td>2 lakh</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>15,000</td>
<td>wet/dry</td>
<td>1.00</td>
<td>4 lakh</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>5,000</td>
<td>wet/dry</td>
<td>0.50</td>
<td>2 lakh</td>
<td>6,000</td>
</tr>
<tr>
<td>4</td>
<td>10,000</td>
<td>wet/dry</td>
<td>1.00</td>
<td>4 lakh</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>2,000</td>
<td>wet/dry</td>
<td>0.70</td>
<td>2.8 lakh</td>
<td>0</td>
</tr>
<tr>
<td><strong>Kothapalem</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>12,000</td>
<td>wet/dry</td>
<td>1.5</td>
<td>6.5 lakh</td>
<td>7,000</td>
</tr>
<tr>
<td>2</td>
<td>50,000</td>
<td>wet</td>
<td>4.00</td>
<td>16 lakh</td>
<td>2,500</td>
</tr>
<tr>
<td>3</td>
<td>30,000</td>
<td>wet/dry</td>
<td>2.40</td>
<td>8.8 lakh</td>
<td>10,000</td>
</tr>
<tr>
<td>4</td>
<td>10,000</td>
<td>wet</td>
<td>1.00</td>
<td>4 lakh</td>
<td>20,000</td>
</tr>
<tr>
<td>5</td>
<td>30,000</td>
<td>wet/dry</td>
<td>3.50</td>
<td>14 lakh</td>
<td>30,000</td>
</tr>
<tr>
<td>6</td>
<td>5,000</td>
<td>wet/dry</td>
<td>0.30</td>
<td>1.4 lakh</td>
<td>5,000</td>
</tr>
<tr>
<td>7</td>
<td>20,000</td>
<td>wet/dry</td>
<td>2.50</td>
<td>10 lakh</td>
<td>5,000</td>
</tr>
<tr>
<td>8</td>
<td>4,000</td>
<td>wet</td>
<td>0.25</td>
<td>1 lakh</td>
<td>5,000</td>
</tr>
<tr>
<td>9</td>
<td>20,000</td>
<td>dry</td>
<td>2.00</td>
<td>7.8 lakh</td>
<td>10,800</td>
</tr>
<tr>
<td>10</td>
<td>6,000</td>
<td>wet/dry</td>
<td>1.00</td>
<td>4 lakh</td>
<td>9,000</td>
</tr>
<tr>
<td>11</td>
<td>5,000</td>
<td>wet/dry</td>
<td>1.00</td>
<td>4 lakh</td>
<td>20,000</td>
</tr>
<tr>
<td>12</td>
<td>10,000</td>
<td>wet/dry</td>
<td>2.00</td>
<td>8 lakh</td>
<td>0</td>
</tr>
<tr>
<td>13</td>
<td>7,000</td>
<td>dry</td>
<td>0.40</td>
<td>50,000</td>
<td>0</td>
</tr>
<tr>
<td>14</td>
<td>15,000</td>
<td>wet/dry</td>
<td>1.63</td>
<td>6.62 lakh</td>
<td>0</td>
</tr>
<tr>
<td>15</td>
<td>18,000</td>
<td>wet/dry</td>
<td>4.50</td>
<td>18 lakh</td>
<td>10,000</td>
</tr>
<tr>
<td>16</td>
<td>2,000</td>
<td>dry</td>
<td>0.22</td>
<td>84,000</td>
<td>0</td>
</tr>
<tr>
<td>17</td>
<td>50,000</td>
<td>wet</td>
<td>0.65</td>
<td>2 lakh</td>
<td>600</td>
</tr>
<tr>
<td>18</td>
<td>10,000</td>
<td>wet</td>
<td>0.75</td>
<td>28,000</td>
<td>0</td>
</tr>
<tr>
<td>19</td>
<td>7,000</td>
<td>wet</td>
<td>1.00</td>
<td>4 lakh</td>
<td>0</td>
</tr>
<tr>
<td>20</td>
<td>8,000</td>
<td>wet</td>
<td>1.00</td>
<td>4 lakh</td>
<td>0</td>
</tr>
</tbody>
</table>

Note: 1) All interviewed had *pattas* for their land.
2) Names have been withheld to protect identity.
Source: Field interviews conducted in Makavaripalem in 2009.
read this, they had failed to file their objections on time.

In S Kota where JSWAL have started peripheral construction work for the refinery, the affected population consists of both *adivasis* and non-tribals. Majority of the land losers are *adivasi* people who had earlier been displaced by other projects and had settled down in the present villages either on their own or through government assigned lands. They had worked very hard to develop the uncultivable land into rich agricultural fields and, at present, grow a variety of crops like paddy, pulses, bananas, coconut plantations, sugarcane and other crops. Most of the land being acquired here is private land and although the JSWAL EIA document mentions that it is ‘uncultivable wasteland’ assigned by the government, the lands are in occupation of villagers who are practising agriculture in these lands.

Table 3 (Change in land of different size-class household) gives a glimpse into the immediate change that has occurred in S Kota area as a result of displacement. It shows clearly how the number of landless households has increased from 13 percent to over 45 percent and how there is a distinct decrease in the landholding households in both categories of small and medium farmers. These are families that potentially would end up as landless migrant labour or move from being above the poverty line to below poverty line due to the decreased landholding and income. JSWAL clearly mentioned in their EIA that there will not be jobs for local communities as they are not qualified and hence, may provide daily wage labour for the construction period. It was clearly seen in Makavaripalem that even these daily wage labour opportunities were denied to the local people.

The future sustenance of these families affected, is seriously under question today. In the villages in Makavaripalem, self-reliant families that had larger landholding size have been forced into the category of marginal farmers as they have lesser land to cultivate and could only purchase small pieces of scattered landholdings from the compensation money. Therefore, women from these medium and large farming families have to go out for wage labour now to sustain their families. This also is expected to have impact on their food intake and security.

<table>
<thead>
<tr>
<th>Area Category</th>
<th>No. of Households</th>
<th>%</th>
<th>Area (acre)</th>
<th>%</th>
<th>No. of Households</th>
<th>%</th>
<th>Area (acre)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>JSWAL refinery (S Kota)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landless</td>
<td>18 (13.04)</td>
<td></td>
<td>Nil</td>
<td></td>
<td>63 (45.65)</td>
<td></td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Marginal farmers</td>
<td>74 (53.62)</td>
<td>61.67</td>
<td>109.56</td>
<td>33.73</td>
<td>55 (39.86)</td>
<td>73.33</td>
<td>75.23</td>
<td>46.74</td>
</tr>
<tr>
<td>Small farmers</td>
<td>30 (21.74)</td>
<td>25</td>
<td>106.61</td>
<td>32.82</td>
<td>17 (12.32)</td>
<td>22.67</td>
<td>58.39</td>
<td>36.28</td>
</tr>
<tr>
<td>Medium farmers</td>
<td>15 (10.87)</td>
<td>12.5</td>
<td>93.66</td>
<td>28.83</td>
<td>2 (1.45)</td>
<td>2.67</td>
<td>12.32</td>
<td>7.66</td>
</tr>
<tr>
<td>Large farmers</td>
<td>1 (0.72)</td>
<td>0.83</td>
<td>15</td>
<td>4.62</td>
<td>1 (0.72)</td>
<td>1.33</td>
<td>15</td>
<td>9.32</td>
</tr>
<tr>
<td>Households with land</td>
<td>120 (86.96)</td>
<td>100</td>
<td>324.83</td>
<td>100</td>
<td>75 (54.35)</td>
<td>100</td>
<td>160.94</td>
<td>100</td>
</tr>
<tr>
<td>Total households</td>
<td>138 (100)</td>
<td></td>
<td>324.83</td>
<td>100</td>
<td>138 (100)</td>
<td></td>
<td>160.94</td>
<td>100</td>
</tr>
<tr>
<td><strong>AAL integrated aluminium complex (Makavaripalem)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landless</td>
<td>16 (9.64)</td>
<td></td>
<td>Nil</td>
<td></td>
<td>138 (83.13)</td>
<td></td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Marginal farmers</td>
<td>139 (83.73)</td>
<td>92.67</td>
<td>138.81</td>
<td>77.33</td>
<td>25 (15.06)</td>
<td>82.29</td>
<td>17.68</td>
<td>63.14</td>
</tr>
<tr>
<td>Small farmers</td>
<td>11 (6.63)</td>
<td>7.33</td>
<td>40.7</td>
<td>22.67</td>
<td>3 (1.81)</td>
<td>10.71</td>
<td>10.32</td>
<td>36.86</td>
</tr>
<tr>
<td>Medium farmers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Large farmers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Households with land</td>
<td>150 (90.36)</td>
<td>100</td>
<td>181.27</td>
<td>100</td>
<td>28 (16.87)</td>
<td>100</td>
<td>28</td>
<td>100</td>
</tr>
<tr>
<td>Total households</td>
<td>166 (100)</td>
<td></td>
<td>181.27</td>
<td>100</td>
<td>166 (100)</td>
<td></td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

as women are the first to forego their diet and nutrition when their family sustenance is affected. Marginal farmers had food sufficiency part of the year and had to look for wage labour only seasonally. Now these families will have to largely depend on wage labour which is uncertain and inadequate and is expected to force the men to migrate out to urban areas in search of better wages, leaving the land to be handled by women alone.

These are the fears that most of the women interviewed expressed when asked about their future situation. The compensation paid for trees is a mere Rs.600/- per tree whereas the annual income from the yield for each tree amounts to this. This is a gross injustice to the families who live on these multiple resources for sustenance.

**Important findings**

- The proposed bauxite extraction and refinery/smelter areas have predominantly *adivasi* women who are illiterate but have traditional resources, lands and incomes which are threatened to be destroyed due to land alienation.

- Women have expressed fears of losing food and social security and loss of livelihood. There is no quantitative or qualitative assessment of these losses. There is no written commitment and no mention of what the women will receive for these losses and what economic benefits mining will directly provide to them. Even the indirect benefits referred to in the EIA are superfluous and do not indicate any gains for the community, and worse, for the women.

- Discussions with the women reveal that they were not consulted or provided with information regarding the project, were not involved in decisions over diversion of land, water, forests or in rehabilitation planning. FPIC or PESA Act 1996 has been of no benefit to the women in an environment of the state overriding their protests and objections.

- In some of the affected villages, *Gram Sabhas* were convened by the people themselves with help from local organisations like Samata but there was no formal meeting of the *Gram Sabhas* convened by the government, to take their consent. This reflects that there is no seriousness attributed to the role of PESA Act 1996 as a legal vehicle of consultation with the people, by the government. So no meetings mandatory under the PESA Act 1996 are being conducted either with male or female members of *Gram Sabhas* for decisions over the mining projects, and the Environment (Protection) Act 1986 is the only mandatory consultative process implemented. Also, there is no clarity over the exact villages that will be affected in some of the mine sites, so this leaves the *Gram Sabhas* in a state of uncertainty.

- Intimidation by state machinery was felt by the women whenever they tried to participate in public expression of their demands. This is well evident in the nature of public hearings held, threats by local officials and agents of the companies, false cases booked on the women, forcible compensation and the continued political pressure on them not to oppose the project.

- Most of the women interviewed stated that their families had to forcibly accept the compensation money and not through their voluntary consent, as they were not given any choice of decision-making.

- The women stated that with the compensation money they were unable to purchase enough land for their survival. The compensation for loss of trees was less than the annual income from each tree. This is a gross under-valuation of their resources and incomes.

- In S Kota, the refinery site for JSWAL, some of the families protesting against the project were reported to have deliberately not been paid compensation as local officials took advantage of the problems in land ownership.

- Visakhapatnam district has one of the largest areas of forest land where implementation of the FRA is crucial to the future survival of the *adivasis*. However, field interviews reveal that there is a strong resistance from officials to settle forest lands claimed by *adivasis* in the proposed bauxite mining areas, allegedly due to verbal instructions from higher authorities, although there is no official policy or law that states otherwise. This brings a conflict of interest between mining (a largely political agenda) and settlement of forest rights, which is a legal obligation of the state.

- The over-zealous manner in which the state has been so far pushing the mining projects even when the Fifth Schedule of the Constitution does not allow private mining in the Scheduled Areas makes the intentions of the government, suspect. The MoUs signed by the state government of Andhra Pradesh with the private mining companies JSWAL and AAL, using the APMDC as a vehicle of circumventing the Fifth Schedule law and the hasty manner in which the public hearings were held and clearances were given, support this argument.
Women from the affected areas stated that they have approached all the political parties, human rights commissions and state officials with a clear message to the government—‘do not mine our lands’.

**Case study 2: Demands of the adivasi women of Dumka district, Jharkhand**

**Proposed thermal power plant in Dumka district**

The formation of Jharkhand state, carved out of Bihar in the year 2000, was the culmination of a long struggle by the people, mainly consisting of adivasis. Rich in both natural and mineral resources, the former is the very means of survival for the adivasi population while the latter has proved to be a curse. Jharkhand is rich in mineral wealth—with 40 percent of the nation’s mineral reserves—and the government is determined to exploit the same along with private players. It has the third largest coal reserves in the country as well. The area under mining has been constantly on the rise in Jharkhand. It is estimated that between 1999-2000 and 2002-03 the number of leases increased by 67 percent and the area under mining has more than doubled, going from 18,280 ha to 45,190 ha. So far, the Jharkhand government has granted 524 leases of mining for major minerals and 206 granted for coal alone. Leases numbering 2,717 have been granted for extracting minor minerals. However, the benefits of mining have not reflected in the social development indicators. The state today remains one of the most backward in the country characterised by adverse conditions—low average income, high incidence of poverty and very poor social development.

Dumka district (Table 4: Some indicators for Dumka district), part of Santhal Pargana Commissionery, is located in the northeastern part of the state of Jharkhand. The district comes under the Fifth Schedule, and the adivasis of Dumka, primarily the Santhalis, constitute 43 percent of the population of the district. The Santhals Pargana Tenancy Act 1949 provides the legal framework governing the land systems in Santhal Parganas of which Dumka forms a part. Dumka has a very high incidence of stone quarrying with nearly 190 stone quarries in the region. Since transfer of land is not allowed, the contractor provides an assurance to the land owner that they will clear the land of debris, which is not often done.

The coal reserves of Jharkhand and neighbouring states, the proximity of Dumka to these reserves aided by the state government’s mineral policy has resulted in several private companies flocking to the district to set up thermal power plants. Dumka district has been marked out by the local media for being a hub of trafficking of women, the mining industry being identified as the main culprit. Incidence of sexual harassment and rape of adolescent

---

**Table 4: Some indicators for Dumka district**

<table>
<thead>
<tr>
<th>Indicator (2001)</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population</td>
<td>11,06,000</td>
</tr>
<tr>
<td>Percentage SC population to total population (2001)</td>
<td>6.1</td>
</tr>
<tr>
<td>Percentage ST population to total population (2001)</td>
<td>44.8</td>
</tr>
<tr>
<td>Population density (2001)</td>
<td>282 per sq km</td>
</tr>
<tr>
<td>Geographic area</td>
<td>6,212 sq km</td>
</tr>
<tr>
<td>Total forest area (2005)</td>
<td>528 sq km</td>
</tr>
<tr>
<td>Forest area as a percent of geographic area (2005)</td>
<td>8.5</td>
</tr>
<tr>
<td>Sex ratio (2001)</td>
<td>961</td>
</tr>
<tr>
<td>Juvenile sex ratio (2001)</td>
<td>976</td>
</tr>
<tr>
<td>IMR</td>
<td>67</td>
</tr>
<tr>
<td>Mothers who had at least 3 antenatal care visits for their last birth % (2005-06)</td>
<td>27</td>
</tr>
<tr>
<td>Institutional births % (2005-06)</td>
<td>9.2</td>
</tr>
<tr>
<td>Mothers who received postnatal care from a doctor/nurse/LHV/ANM/other health personnel within two days of delivery for their last birth (%) (2005-06)</td>
<td>25.3</td>
</tr>
<tr>
<td>Delivery at home and other place assisted by doctor/nurse/LHV/ANM (%) (2007-08)</td>
<td>8.1</td>
</tr>
<tr>
<td>Literacy rate Combined (2001)</td>
<td>47.9</td>
</tr>
<tr>
<td>Literacy rate Female (2001)</td>
<td>32.3</td>
</tr>
</tbody>
</table>
girls have been reported from different mines and stone quarries in the district.

Profile of women and villages involved in this study

Twenty-five women from the villages of Amgachi, Daldali, Pokharia, Damanpur and Jangla from Dumka district were interviewed. In addition meetings were held in each of the villages where the village heads and the villagers, both men and women participated, and shared their perspectives. All these villages are within a 70 km radius of Kathikund block, in Dumka district.

All the women interviewed were Santhalis, an adivasi community, and in the age group between 25 and 40 years. None of them were literate or had ever enrolled in a school. They worked primarily in agriculture cultivating their lands along with their family, but also as vendors or wage labour. Crops were grown for sale and household consumption and included rice, wheat, maize, corn, pulses and seasonal vegetables. They sold livestock and forest produce collected for additional income. All the women interviewed were either born here or come to the villages after marriage. None of them were migrants.

“Loha nahi-Anaj chahiye” demand the adivasi women

“We want grains, not metals”. This is the demand of the adivasis of Jharkhand, including the women, who have historically been exploited for the minerals that lay in their lands. Coal, iron ore, uranium, copper, mica, bauxite, granite, dolomite and a host of other minerals and their extraction have caused large areas of adivasi land to be occupied for mining purposes. The Jharkhand Industrial Policy 2001 states the following for the mining and minerals sector that is an indication of the direction in which it is planning large-scale mining and associated industries:

- Simplify procedures and expedite granting of mining leases.
- Provide certain relief to make mining activities easier.
- Encourage use of modern exploration techniques to set up a resource inventory of various minerals in the state.
- Encourage joint venture projects with the State Mineral Development Corporation.
- Clear mining lease applications and project report within 60 days.
- Encourage foreign investment and technological collaboration by overseas corporate bodies and NRIs in selected sectors including mineral development.
- Encourage private sector participation in mining activities.

In pursuance of this policy, one of the most contentious projects promoted by the government of Jharkhand that turned violent and caused serious human rights violations of the adivasis is the proposed thermal power project in Dumka district of Jharkhand. The company, RPG-CESCL5 plans to set up a 1,000 mw station in the Amgachi-Pokharia area of Kathikund block of Dumka district. The government of Jharkhand entered into MoUs with the company in 2005 and 2007. It is reported that the company, with an investment of Rs. 4,300 crores will set-up the plant in an area of 650 acres, most of which (357 acres) is rayati (private) land, 55 acres is government land and 42 acres is forest land in Kathikund and Shikaripara. It is stated that of the 1,000 mw, 250 mw will be supplied to the state and the rest to the national grid. Being a power plant the two major requirements are coal and water. The Ministry of Coal allotted the Mahuagarhi coal block in a 50:50 joint venture with the company, JAS Infrastructure. Water was to be made available from the River Brahmani.

This case study is about the manner in which the state has tried to impose the project on the adivasis of Jharkhand with little information or consultation provided to them and with much lesser respect given to their position with respect to the project. This is a classic case of the violation of the legal rights of the adivasis within the national laws as well as with the UN Declaration on the Rights of Indigenous Peoples, to which India is a signatory. This case is also significant in that adivasi women played and continue to play a key role in spearheading the campaign for protection of their lands, have withstood brutal state repression and imprisonment and are still fighting with courage in the face of the numerous false criminal charges against them.

Adivasi women resist state repression

The Santhalis of Dumka district practice traditional farming, forestry and have strong customary village councils and leadership. Decision-making of the community is normally through these village councils in all affairs related to the community. The first indication of the project was when, in 2005, officials came to undertake a survey of the land in Bada Bhaki village (to identify sites for mining) but people prevented them from going ahead. Since then, there was constant fear of the project coming up in their area and people kept an active vigil against any survey activities.

5 CESCL is a flagship company of the RP Goenka group.
The government tried to deflect the protests against the proposed mining by stating that the survey of the lands was for setting up jatropha plantations, but as this was not true, the people continued to resist the land survey. The government discreetly initiated land survey in a village but the villagers confiscated the survey equipment, upon hearing of this. In the police raid that followed, some village youth were injured. Between 2005 and 2007 the people continued with their protests.

In November 2007 the agitation against the RPG-CESCL project began. Repeated attempts to survey the land led to protests in the villages of Pokharia, Amagachi, Daldali, Jungla, Bhuktandi, Kadma, Mankadi, Jambat, Pandanpahad, Kaudia, Jhilmili, Bhira, Lakhanpur, Podalchula, Maddiha, Khola, Bagasala, Aiero, Saharjudi, Mudhbharga, Kalajhhaa, etc. Nearly 300 villages were to be affected from the seven Prakhands of Kathikund, Gopikhandar, Ramgad, Dumka, Shikaripada, Rantisuar and Pakhurdia.

Meetings with the villages affected revealed that the Pradhans or village heads did not receive information directly from the officials. The Pradhans of Jungla and Pokharia villages got information about the project from the Pradhan of the neighbouring village, Amagachi. Notification for land acquisition was initiated in 2008 by the government of Jharkhand, and all the people were ordered to attend the meeting and give their assent to the projects. None of the 250–300 villages that are likely to be impacted had detailed project reports or land acquisition information.

The people have, so far, not been informed about the compensation or rehabilitation for the proposed displacement. Their information is based on hearsay and rumours from the agents that each family will be given a job in the company. However, when approached during the field visit, local officials denied having made any such promises. The political conflicts and social disturbance created by the local company agents and government officials have made the adivasis very suspicious and hostile towards outsiders.

Women were an integral part of the struggle from the very beginning in 2005. The adivasi women were the most active in objecting to the project and they marched with their farming tools to the police and the officials with their Gram Sabha resolutions when they came to know about it. The women interviewed stated that there was no official from the government who came to their villages to inform them about the project. Had they not noticed the surveying of their lands and questioned those who were undertaking the same, the women said that the community, not even the Pradhans would have had any knowledge of the proposed project. It was because of the active mobilisation of an activist, Munni Hansda and organisations like the Jharkhand Ulguulan Manch and the Jharkhand Mahila Ulguulan Manch that people came to know about the proposed land alienation. None of the men or women were shown any impact assessment documents. The women also stated that they were unanimously against the project as they were worried about losing their lands, livestock, forests and their livelihood. They said that women from all the affected villages participated actively in asserting their objections to the project and even took a written assurance from the officials that they will not enter their lands for any survey purposes.

Munní Hansda spreading awareness among villagers - village meetings

Criminal cases on adivasis: Violation of their rights

The Santhal Parganas Tenancy Act 1949 (applicable in the state of Jharkhand), PESA Act 1996 and the Fifth Schedule of the Constitution all are protective legislations to safeguard the adivasi’s right to land, traditional self-governance and culture. The Gram Sabhas have the authority to decide about resource use and object to development that the adivasis do not agree to. The affected people had decided to intimate the administration of their opposition to the project and made submissions to the Deputy Commissioner to this effect. While their protests have been peaceful, the administration has often attempted to criminalise this by filing cases against them or resorting to violence.

In November 2007, the Pradhans of two villages were arrested, on false grounds that people came with weapons to a meeting. There was also much political interference
in the Gram Sabha meetings in the affected villages in order to create disputes among the people. The village leaders, on 15 April 2008, decided to convene a ‘Mode Manjhi’, the traditional custom of decision-making practised in the Santhal Parganas in order to warn the political miscreants not to interfere in the village decisions and to oppose together the power plant project. The local police, however, interfered in the meeting and prevented the elders from convening it.

In addition a criminal case was filed against 909 adivasis, including 605 men and 304 women; nine were named and cases were filed on grounds of ‘gathering armed mob and inspiring them to attack’. In August 2008, one of the adivasis, Hopna Baski, was called to the police station and detained in order to pressurise him for getting people to agree to the land acquisition. As he did not comply with these orders, he was not released, and the people, fearing that he would be tortured in police custody, took up protests outside the Kathikund police station for several days.

Later, in August itself the police also took another adivasi, Charan Kumar into illegal custody. The police also clamped curfew under IPC Section 144 (joining unlawful assembly armed with a deadly weapon) banning assembly of persons and refused permission for movement of road transport.

Munni Hansda, adivasi woman from Dumka

A courageous adivasi woman from Dumka, Munni Hansda is one of the leading campaigners against the project. Being educated and having worked with social movements, she mobilised the community, set up youth groups especially girls’ community groups and became the backbone of the movement. Munni was one of the nine women against whom charges were filed in the 15 April 2008 case under IPC Sections 147, 148, 149, 352, 452, 511 and 504. She had become the target of police and state repression as she was mobilising the people on a large scale to protest against the project and had spearheaded the protest against the detention of Hopna Baski and Charan Kumar. She led the people’s protest outside the police station where men, women and children camped outside the police station for several days demanding for their release. As the protesters swelled in numbers, there was pressure on the police from the media and political parties, to settle the dispute. Munni Hansda was invited to the police station for talks the police being desperate to disperse the crowds which was also leading to problems of sanitation and safety. Although the police released Hopna Baski and Charan Kumar a few days after their arrest, they turned their ire on Munni Hansda. An FIR filed on her dated 22 August 2008 included the following sections under IPC—147, 148, 149, 188, 333, 341, 342, 353, 427, 452 and 504.

Munni and her family had been facing harassment as a result of her protests against the project. Machinations against her included attempting to falsely implicate her on charges of embezzlement of pension funds from LAMPS6 in February 2008 and an unsettling encounter with the police on her way back from a meeting in August of the same year (in which Charan Kumar was arrested). She feared that the police would eliminate her in a false encounter (this being an area of Maoist activities) branding her a Maoist, as she had once earlier been detained by the police.

In addition, her husband was wrongly accused of theft of his own motorcycle. On 26 November 2008 Munni was arrested on trumped up charges under the IPC and termed ‘motorcycle release from Kathikund police station’. The IPC Sections under which she was charged given in the FIR dated the same day, include 147, 148, 149, 353, 379, 452 and 504 (Table 5: Details of IPC Sections under which Munni Hansda was charged). Several other activists were also placed under arrest. The villagers took up a concerted campaign and ‘Jail bharo’ (fill the jails) to put pressure on the government to release those arrested. On 6 December 2008, more than 20,000 adivasis took out a peaceful march in front of the police station demanding for release of their leaders, including Munni Hansda. The police opened fire, falsely alleging that the people turned violent. Many people were lathi-charged or received bullet wounds, and several were later detained in police custody. Three people were grievously injured, two of whom, Lukhiram Tudu and Saikat Marandi, died. Saikat Marandi, inspite of being seriously injured, was taken to prison and kept in chains for many

---

6 Large Scale Adivasi Multi Purpose Society (LAMPS) is a cooperative marketing society for tribal people
months. He was denied medical treatment because of which he developed sores and finally died due to gross medical negligence. His chains were not removed until eight hours after he died which showed the utter callousness of the police towards the adivasis. Shivlal Soren, who was also arrested and imprisoned, had been shot in both the eyes, but was again denied medical treatment and suffered inside the prison for several months.

For eight months, Munni Hansda and others who were arrested were in jail on several false cases of theft, violence, attempt to murder and other forms of rebelliousness and terrorism against the government. Munni Hansda was finally released in July 2009 on bail; however, most of the cases against her are still pending. Like Munni Hansda, cases against other activists as well are pending and the adivasi activists spend most of their time and money on attending courts. The campaign continues and the people are strongly protesting against the company from taking away their lands as much as the government continues to trouble the people and aggravate conflicts within the region. The Gram Sabha resolutions, which are the legitimate vehicle of decision-making of the adivasis as per the Indian Constitution’s PESA Act 1996, have been silently ignored by the government, whereas the FPIC of the UN Declaration is unheard of in the region. In Dumka, neither was there any FPIC of the adivasi people even where women came out in such large numbers braving police guns, nor was there any respect for the Santhali customary decision-making institutions.

As in other places where the case studies were done, public hearings were a mere eye wash where people were called to the local government offices instead of convening meetings in the villages affected and even in the face of clear public opposition to the project, the government went ahead and declared that they had received public consensus.

**Important findings**

- The strong opposition demonstrated by the adivasis to the power project is evident in Dumka where people have participated in large numbers against land alienation.

- The series of police actions and false criminal cases filed against the adivasi women leaders shows that today the state is not hesitating to use violent means against women also. As adivasi women have no political voice, human rights violations against them prove not to be a difficulty for the state. The case of Munni Hansda stands as an example of this abuse.

- Further, it has become a custom for the police and state authorities to brand apolitical movements and adivasi leaders in the Scheduled Areas as Maoists and extremists. The list of cases against the activists in Dumka and their harassment by the police on false implications shows that the state is leaving little space for democratic dissent.

- In Dumka, the women have been articulate and participating in the public protests, however, there have been no consultations either through the Gram Sabha.
**Sabhas** or with the affected women by the government.

- On the other hand, the political interference in the **Gram Sabhas** is causing degradation of local governance and destroying the customary leadership as well.
- The gross neglect of arrested **adivasis** in prison and the death of two leaders due to medical negligence is an act of barbarism from the state. It violates the right to life and all other Constitutional rights of the **adivasis**.

**Case study 3: Impact of mining induced displacement on **adivasi** and rural women in the coal mining area of Angul district, Orissa**

**Coal mining in Angul district**

Orissa is a state with the most extensive mineral extraction in the country. It is also notorious for having a high level of illegal mining with nearly 65 percent of mining activities reported to be illegal in nature. Coal is one of the major minerals found and extracted in the state. Of the total geological resources of 267.21 billion tonnes of coal in the country, Orissa accounts for 65,227 million tonnes or 24.4 percent of the country’s reserves, second only to the state of Jharkhand.

Angul district (Table 6: Some indicators for Angul district), located in the centre of the state of Orissa, has a high density of mining activity in the heart of the **adivasi** and forest region which has, for long, severely jeopardised the ecology, water and land resources of the area. Considered the industrial capital of Orissa, Angul is also the largest producer of coal in the state. Majority of the coalfields in the district—reserves of 35.78 billion tonnes—are concentrated in Talcher which is situated 20 km from the district headquarters of Angul. These reserves are spread across 17 coal pits that are either underground or opencast mines in the five areas of Talcher, Jagannath, Kalinga, Lingaraj and Hingula. Captive mines have been allocated to several companies big and small, including PSUs owned by the government.

The Angul-Talcher region also has the dubious distinction of being one of the 10 most critically polluted areas in the country. Coal dust emissions, pollution from coal fires, heavy vehicular traffic (for transporting coal) and an increasing atmospheric temperature is making the region unfit for habitation. Water (from pollutants released into the River Brahmani that is the lifeline of the district) and air pollution is causing several illnesses among the people, especially the children. The meteorological data of Talcher region shows that it records the highest temperature in the state with 51 degrees centigrade, and is today the hottest place in Orissa. The misery of the people is exacerbated by the other industrial units like thermal power plants, aluminium refineries, and steel and sponge iron plants. There is also severe discontent among the people with regard to displacement and rehabilitation. While land acquisition happened for coal mining as far back as 1984, compensation was given only much later. The Vision 2020 document of the Angul district recognises the failed resettlement and rehabilitation of those displaced from colliery projects in Talcher as a major issue for the district. The document says that, ‘the displacement has in many cases badly weakened the moral, socio-economic and other strengths of the people because of lack of proper compensation or lack of integrated rehabilitation project management’. It further goes on to say that, ‘innovative measures are urgently required to address the post-rehabilitation issues of families, particularly of the female members and next generations’. However, the issue of land for rehabilitation and resettlement of the displaced continues to remain unresolved and many projects have been stalled as a result of protests by the people.

**Profile of women and villages involved in this study**

Thirty-five women were interviewed and more than 70 women were involved in group discussions from the five villages of Madannmohanpur, Jagannathpur, Lakhim Bazar Slum, Ambedkar Nua Bramhana Bahal and Donara.
Gandhi Nagar Harijan Sahi in Talcher, Angul district. The first two villages were mainly of OBC prevalence with a few SC families whereas the last three villages were mainly SC. In addition, several village elders, mine workers and political leaders from these villages were also consulted. Meetings were also held with the residents of the rehabilitation colony Kui Jungle and the village of Longiguda and Kalamachui. In all nearly 150 persons were met with during the study from the Talcher area.

The women interviewed were from different economic backgrounds. In Madanmohanpur they were middle level farmers and poor farmers practising agriculture, while at least a dozen women who were completely destitute and physically disabled were seen. In Ambedkar Nua Brahmana Bahal the interviewees were landless labourers displaced from their earlier village. They are working as daily wage labour in the neighbouring mine for the contractors. In Donara Gandhi Nagar Harijan Sahi also most of the women were either landless mine labour or agriculture labour or both seasonally.

**Coal mining in India and its impact on women**

In order to meet the growing energy needs of India, all coal mines of the country were nationalised in the year

---

**Table 6: Some indicators for Angul district**

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population (2001)</td>
<td>11,40,000</td>
</tr>
<tr>
<td>Percentage SC population to total population (2001)</td>
<td>17.2</td>
</tr>
<tr>
<td>Percentage ST population to total population (2001)</td>
<td>11.7</td>
</tr>
<tr>
<td>Population density (2001)</td>
<td>179 per sq km</td>
</tr>
<tr>
<td>Geographic area</td>
<td>6,375 sq km</td>
</tr>
<tr>
<td>Total forest area (2005)</td>
<td>2,657 sq km</td>
</tr>
<tr>
<td>Forest area as a percent of geographic area (2005)</td>
<td>41.68</td>
</tr>
<tr>
<td>Sex ratio (2001)</td>
<td>941</td>
</tr>
<tr>
<td>Juvenile sex ratio (2001)</td>
<td>934</td>
</tr>
<tr>
<td>HDI (2004)</td>
<td>6</td>
</tr>
<tr>
<td>GDI (2004)</td>
<td>4</td>
</tr>
<tr>
<td>IMR (1999)</td>
<td>95</td>
</tr>
<tr>
<td>Mothers who had at least 3 antenatal care visits for their last birth %  (2005-06)</td>
<td>60.4</td>
</tr>
<tr>
<td>Institutional births % (2005-06)</td>
<td>40.7</td>
</tr>
<tr>
<td>Mothers who received postnatal care from a doctor/nurse/LHV/ANM/</td>
<td></td>
</tr>
<tr>
<td>other health personnel within two days of delivery for their last birth (%) (2005-06)</td>
<td>97.9</td>
</tr>
<tr>
<td>Delivery at home and other place assisted by doctor/nurse/LHV/ANM/</td>
<td></td>
</tr>
<tr>
<td>nurse/LHV/ANM (%) (2007-08)</td>
<td>11.5</td>
</tr>
<tr>
<td>WPR Combined (2001)</td>
<td>39.81</td>
</tr>
<tr>
<td>WPR Female (2001)</td>
<td>26.48</td>
</tr>
<tr>
<td>Literacy rate Combined (2001)</td>
<td>69.4</td>
</tr>
<tr>
<td>Literacy rate Female (2001)</td>
<td>55.4</td>
</tr>
<tr>
<td>Literacy rate SC Female (2001)</td>
<td>41.77</td>
</tr>
<tr>
<td>Literacy rate ST Female (2001)</td>
<td>30.05</td>
</tr>
</tbody>
</table>
1973 under the Coal Mines (Nationalisation) Act 1973. Following the economic reforms in 1991, the private sector was allowed to mine coal for captive consumption under the Captive Mining Policy of 1993. Today, under the Coal Mines (Nationalisation) Act 1973, coal can be mined by PSUs, under the central and state governments, as well as designated captive users like cement, steel and power for their own use. FDI in coal mining and mining by joint venture companies of captive mines have also been allowed. As of 31 March 2010 there were 471 mines operating in 21 major coalfields across eight states in India that include 163 opencast mines, 273 underground mines and 35 mixed mines (both opencast and underground).

The XI Plan states that to meet the energy demands of the country coal production would be raised to 680 million tonnes by the end of the year 2011-12. The Plan also suggests that to meet production targets the number of producers must be increased and the sector should be opened up to private players. A report of the Planning Commission, ‘The Integrated Energy Policy’, also suggests ‘ideally’ amending the Coal Mines (Nationalisation) Act 1973 to facilitate ‘(a) private participation in coal mining for purposes other than those specified in the Act and (b) offering of future coal blocks to potential entrepreneurs’. With the Coal Mines (Nationalisation) Bill 2000, introduced for this purpose, and its passage still pending, a captive mining policy was formulated within the bounds of existing legislation and several coal blocks have been offered to potential entrepreneurs to exploit coal for their own consumption.

In order to meet the XI Plan target of coal production, 40,000 ha of land would be acquired for coal mining projects. Eighty-five percent of these will be opencast mines which will result in groundbreaking and land degradation. According to a study conducted by the CMPDI, it is estimated that by the year 2025 nearly another one million people will be displaced by proposed expansion of coal mining. The large-scale displacement of people will be caused by land requirement for coal mining which will reach 292,500 ha in 2025 from the current 147,000 ha. All this presents a bleak scenario for those who will be forced to give up their lands for the ‘greater common good’, and the implications for those living near the proposed coal mining areas are not hard to imagine.

Women mine workers and women living near coal mines are suffering long-term health, social and economic impacts due to the rapid expansion of the industry in India.

As coal mining is expanding in the country, so is women’s vulnerability to the industry. Across India more areas of land are coming under coal extraction to the extent that what were once rich agricultural belts are today large coal pits where no other livelihood is possible other than mining. As many of these are opencast coal mines, the continuous digging for coal on vast stretches of erstwhile agricultural lands and thick forests have caused serious environmental and health problems on local communities, especially women and children. Coal is considered one of the most polluting mining activities with serious implications on climate change and global warming.

Yet India’s agenda of coal expansion in the coming decade to meet its energy demands with 70 percent of this being met from coal-based power, implies that a large population of women and children, especially adivasis and dalits, who live in the coal mining region of the Central Indian belt and parts of the northeast like Meghalaya, will be impacted adversely in the long term. Moreover, most of the coal is found in some of the most backward states and regions like Chhattisgarh, Madhya Pradesh, Bihar, Jharkhand, the Santhal region of West Bengal, Orissa and Andhra Pradesh.

Orissa has one of the oldest public sector coal mines in India, the MCL, located in Angul district, and has 45 projects with a capacity of 190.83 million tonnes per year of coal. MCL was established as a subsidiary of CIL to manage Talcher and Ib Valley coal mines in Orissa. Both  

CIL is a PSU owned completely by the central government under the administrative control of the Ministry of Coal. The company is responsible for the entire coal mining sector owned and controlled by the central government and functions through its subsidiaries that include MCL.
together cover an area of 3,260 sq km; 70 percent production is from Talcher fields while the remaining production is from Ib Valley. Talcher has both opencast and underground mining. Extensive mining has affected the lives and environment of the people in the region that has also seen displacement of a considerable population. The total land required for its operation is 16,091 ha of which it possessed 7,364 ha. As per one estimate MCL operations has affected the life of 2,737 families. MCL has developed seven resettlement colonies—two in Talcher and five in Ib Valley.

Opposition to expansion of mining has also increased and some mines here are facing closure as a result of land issues. The opposition is primarily from villagers who gave up their lands for mining, and while some were provided employment and compensation packages, they are unable to find land to resettle. Forest land has also been diverted for coal mining in favour of MCL and in one instance without prior approval of MoEF, which is a violation of the Forest Conservation Act 1980.

The study conducted here looked at the impacts of coal mining on women displaced and living in the mining area and their perspectives of the rehabilitation and benefits from this large-scale economic activity. The MCL mining area was selected for the study, as this is a public sector project with mining taking place for over three decades. The impacts of coal extraction, displacement of local communities, resettlement and rehabilitation are measurable, especially with respect to the social impacts on women and children.

### Displacement, rehabilitation and the status of women

Madanmohanpur is a village close to Talcher where coal expansion started since 1995. There are poor and middle level farmers in this village mainly dependent on agriculture, fishing and homestead farms. At present about 60 families were forced to give up their lands and houses inspite of their protests.

The village lost 176 acres of mostly wetland where paddy is grown. As in every village visited, the people in Madanmohanpur stated that the total mining plan was never disclosed to them and that displacement took place in instalments so that only some families were affected at any given point, thereby bringing a division in the social and political fabric. The rehabilitation here had three main components—cash compensation for land, house sites with cash compensation for housing and employment for male members—either male heads or their sons.

In Madanmohanpur, the villagers stated that they received Rs. 60,000/- per acre of land and Rs. 60,000/- for reconstruction of houses and one job per family. Here it was reported that women-headed households and widows did not receive proper compensation, women did not know clearly the amount they received and some claimed that they did not receive any money. Women-headed households interviewed stated that they did not get any employment. Only three women in Madanmohanpur were reported to be employed as sweepers and attendants.

As MCL insists on demolition of houses first [reportedly as per the Coal Bearing Areas (Acquisition and Development) Act, 1957], before claiming for compensation, women-headed households have struggled to find shelter for their families after demolishing their houses. This appeared to be grossly in violation of the basic right to housing as the affected have to prove that they are eligible for compensation by showing the demolished houses, before the company pays them any money for reconstruction. Most of the affected families in Madanmohanpur were living under the trees or makeshift sheds awaiting compensation for reconstruction. We found that women-headed households have no shelter and are trying to shelter themselves with their neighbours.

Ambedkar Nua Brahmana Bahel is a displaced community...
with all the households belonging to SC families who lost their lands to MCL in 2003. None of them were reported to have been given alternate land or housing. It was not clear whether they were not paid any compensation because they were landless labourers when their original village was displaced or whether they were marginal farmers and so, were ineligible for compensation. Either way, it was clear that they were badly affected by the displacement. Currently, during our field visit we found all the families living on an ‘encroached’ patch of land which is under the MCL lease area and have built small huts made of assorted material. They are at a distance from the neighbouring villages, and do not have any drinking water or electricity or a single amenity, as the village does not officially exist. The ‘drinking’ water we found in the village, which the women have to carry from a long distance, was visibly black with coal dust and looked too dangerous for human consumption. Most of them also said they did not have ration cards.

 Barely any children from this village attend school as there is no school here or an anganwadi. As the families lead a hand-to-mouth existence, the children also work in the mines to support their families. Most of these families were marginal farmers but did not receive any compensation for the land they lost. None of the families have jobs in MCL although 10–12 men were given jobs temporarily but were retrenched within a short time. None of the women were given employment in the company. The whole village works as daily wage labour for the contractors in the mines. They are again, for the second or third time, threatened with displacement as the coal mines are expanding. If evicted, they will not receive any compensation or rehabilitation as they are technically living on ‘encroached’ land.

 Donara Gandhi Nagar Harijan Sahi is a resettlement colony formed in 1974. All the 84 households, mostly SCs, have become landless due to expansion of MCL mines. Each affected family was reported to have received a cash compensation of Rs.25,000/-. In 1974 the village had 35 households and the company offered employment for 10–12 men but only four people got jobs initially; however, at present 25 of them are working. As a result of losing land, women have been forced to work as daily wage labour in the mines. The 18 women mine workers interviewed in this village reported that they work as sweepers, cleaners and three of them even work underground, although this is prohibited by law. They stated that they receive Rs.60/- per day as wages but the work is uncertain. They work eight hours each day for 15–20 days in a month in the mines and alternate mine labour with daily wage labour in agriculture. The men mostly work underground in the mines and get an average wage of Rs.1,200/- per month. The women stated that majority of them still do not have BPL cards, have no access to PDS and most of the people reconstructed their houses on their own, with only partial support from the company. The government persuaded the women to form themselves into SHGs and promised loans but the women fear they cannot repay the loans, not having a sustained source of income. Here too, the women showed us pots of water that they collect from the pipelines nearby, but the water was highly polluted with the coal dust.

 Kui Jungle village, which is a rehabilitated colony of 65 households, falls under Bharatpur General Post and the ousted were originally from Antaberani village. They lost around 400 acres of land to MCL. The company provided both land for land (eight decimals\(^9\) of land per affected family) and Rs. 1.5 lakh per acre as cash compensation. The resettled colony is more than 10 km from the original village. Employment was assured but they are still waiting for jobs and as most of the villagers are illiterate, they mainly work as daily wage labour. There is no school or health care centre in the colony.

 At the time of the study, the entire village of Kalamachui, both men and women, were on strike, sitting on the road for the last few days with banners displaying their demands. But no official from the company was reported to have come to listen to their demands. The villagers reported that over 400 acres was acquired by MCL more than five years ago, but no alternate land was shown for the resettlement colony so far. Each family was reported by those interviewed to be given Rs.5 lakh as compensation and about 300 families were given jobs in the first phase, which included only 12 women and two widows. There are 641 families who now face displacement and are demanding employment, but the company has not made any commitments yet. As the families have exhausted the compensation money because they could not cultivate their lands that were acquired and are waiting for jobs and resettlement of houses, they started a hunger strike to put up their demands. It was clearly evident here that compensation money merely

\(^9\) In India 1 decimal is 435.35 sq feet
serves as a sustenance source for a short period, but not as a productive resource like their land, that provides them with sustained livelihood. Once the money was exhausted, the people anxiously turn towards the company for their future survival.

The villagers here also reported that there was no written agreement between the company and village over rehabilitation, although the company has been erratically taking away land whenever it wanted. By hearsay, they came to know that only 188 acres of land for the 400 acres lost, was proposed for resettlement but they also heard that 100 acres was already given/sold to the Jindals\(^\text{10}\) through a separate agreement with MCL. When the team visited the village, demolition of houses was in progress as the company starts paying compensation only after demolition. The people also complained that as they were not educated, the men were offered only underground jobs, which are hazardous and low paying. However, it was also not clear to them as to the number who will receive employment as this process is done in phases, keeping the affected in the dark most of the time. About 50 families belong to SC and ST communities who are landless and they have not received any form of compensation or are likely to be resettled. They were agitating for their inclusion in the rehabilitation plan and for employment.

All the villages visited reflected the angry mood of the people who felt cheated either for incomplete resettlement, unfulfilled promises of jobs or forced relocation. None of the rehabilitation programmes seem to have included women as owners or partners in the compensation or resettlement colonies. There were no public hearings being conducted but merely notices were served to individual families who were to be displaced. The women had never participated in any of the negotiations with the company or ever visited the company offices for demanding their inclusion. Infact, in Kalamachui village when the study team visited the villagers who were on strike, the women angrily refused to give information, fearful of the men around, and said that we should talk to the men only. They gained confidence only when the two women Sarpanchs arrived and discussed their problems.

Interviews with women from these mining affected villages revealed that there were serious problems with respect to their economic condition and the degenerate quality of life, whether in terms of food security, access to safe drinking water, health conditions or social security.

**Problems identified by women**

**Loss of food security and livelihood**

Originally rich in agriculture and forest produce, the people were able to produce paddy and other food crops that provided them food and cash flow. Majority of the population was dependent on agriculture or agricultural labour or on forest produce like *tendu* leaves and bamboo among others. Fishing was also an important source of income in this region. This earlier food security and livelihood resources have been severely impacted as a result of the mining operations.

**Lowered yields of kitchen gardens**

A tradition that was consistently visible in all the villages was the women’s domain over kitchen gardens where they grew vegetables and fruits for the family. This gave them a decision-making right over their homestead plots and which provided food security for the household. One of the first problems the women identified when the mines came to their area, was the depletion of groundwater that affected their kitchen gardens. Everywhere the study team went, women showed stunted plants blackened with the coal dust and dry from lack of water. Where eviction and relocation was forced upon them, the resettled colonies did not provide for kitchen garden spaces and this affected the women’s food security directly. Even where they were not directly displaced by the mining project, the women living in all the surrounding villages of MCL complained about the loss to their kitchen gardens and, in the absence of agriculture, the women expressed their anguish at both lack of work and lack of food. In Madanmohanpur, for example, almost the entire village participated in the meeting held by the study team and the people commented that it was due to lack of agricultural work even in the peak season that they were available in the village. The women showed the irrigation tanks which once irrigated their fields but had now completely dried up due to

---

**Box 1: Livelihoods lost**

Jova Marandi, a 54 year old Santhali woman from Lakhim Bazar Slum narrates her experience of working under MGNREGA. Her job card showed that she received Rs.4,000/- but she stated that she was not aware of this and only received Rs.600/- after working for 16 days. She is a landless labourer who used to depend on forest produce (*tendu* leaf) but now has few livelihood opportunities. She now spends most of her time consuming alcohol.

---

\(^{10}\) A Jindal South West Limited group company.
groundwater depletion. Therefore, the money they received for compensation was exhausted for purchase of food apart from construction of houses and they do not have either money or livelihood at present. It was interesting to note that women from middle and large farming families who lost or did not directly lose their lands, were also badly affected as the kitchen gardens seemed to be a traditional sense of power and pride for the women, which they were deprived of, after the mining activities started.

Depletion of drinking water sources

Lack of drinking water was a serious crisis that affected the women’s burden of work as well as health, due to the mining activities. In Madanmohanpur they complained that earlier the water was available below 15 feet depth, but now it had gone below 200 feet. Due to groundwater depletion, many wells have dried up and women were seen walking long distances or young girls were cycling to the MCL and NTPC townships to ‘steal’ water from the water trucks that supply to the township population. As the water trucks are erratic in their supply, women waste a lot of time waiting for these trucks or sometimes have to walk back without collecting water. The women complained that none of the drinking water sources in their villages have water now, even if they are not directly displaced by the company as the groundwater level in the entire region has gone down drastically.

The company however, does not take responsibility for the water crisis created by mining in the surrounding villages. Even if water is available, it is too polluted for human consumption. Women brought pots of water from their houses to show the contaminated water they are forced to consume as everything in the village — the houses, trees, pots of food and water — were all layered with black dust. The women complained how the insufficient and contaminated water poses a problem to them for washing clothes. With humour they narrated how the government gave their SHGs loans to manufacture detergent soaps to wash their clothes when they complained of dust pollution. With summer temperatures which cross 50 degrees centigrade most of the time, the crisis over water is huge and the women complained how they are unable to bear the heat generated by the burning coal and the dry dust increases the respiratory problems.

No right to housing

Poor infrastructure and lack of basic amenities were seen in the resettled colonies. Most of the residents complained that only a few families received compensation for house construction and many of them had to build their own houses. In all the colonies visited the lack of proper drinking water facilities, PDS, non-coverage under BPL cards and lack of proper schools were reported by the people. In contrast the NTPC and MCL townships for the management staff had very qualitative amenities. Due to this, it was seen that many of the displaced families and migrant workers live in abandoned MCL housing quarters where it was clearly indicated that they were ‘unsafe’ structures.

Impact on women’s health

The health of women has significantly deteriorated since mining expansion in the area. The number of miscarriages...
has increased as well as cases of stomach, skin, throat and respiratory infections that were reported by the women. The women stated that due to the high levels of pollution in the water and air, and the toxic substances discharged by mining companies they suffer from constant cough, cold and respiratory infections. The women showed rashes on their bodies, many of which were severe in nature. TB cases also appear to be high in this area. Twenty people have reportedly succumbed to TB in Madanmohanpur. Almost all the villages reported TB cases but they stated that they were undergoing treatment. Women in Ambedkar Nua Bramhana Bahel reported 32–40 cases, whilst in Donara Gandhi Nagar Harijan Sahi they reported 12–14 cases. In Longiguda the people reported that 20 percent of the families were affected by TB. The women were very troubled with the coal dust found everywhere in their houses and lands and water bodies and complained that they find it difficult to maintain any hygiene, especially with the children. They also reported that they suffer from urinary tract infections, burning in the uterus and other gynaecological problems.

Access to medical care seemed to be limited for the women. The affected villages are not eligible for treatment in the MCL hospital unless they were employees. Most of the women interviewed stated that they go to the district hospital in Cuttack which is more than 100 km away, for medical services. For smaller ailments, they depend on local practitioners in Angul. None of those interviewed had medical cards from the MCL run hospital. Although they are not prevented from getting treatment here, they have stated that they have to pay for their treatment.

Malnutrition and destitution

Malnutrition of women and children appear to be another common problem as food and water intake amongst villagers is very limited. They have to survive on a very poor diet as they no longer have proper agriculture, and the daily wage is inadequate to purchase food. During the field visits we noticed that some women and children had physical and mental deformities in Madanmohanpur, Ambedkar Nua Brahmana Bahel and Kalamachui. The women had degenerate bone structures leading to paralysis or dysfunctional limbs. Many destitute women were found in these villages, living in very pathetic conditions and they were physically carried by other women to the meeting when this study was conducted. They were

Box 3: Destitute and disabled-The impoverished women of Talcher

Guabati is over 42 years and is disabled. She is a single woman whose land and house were acquired by MCL. She has apparently not received any compensation and lives on public sympathy. She has to be physically carried and fed as her limbs are paralysed. She is extremely undernourished as she survives solely on the food provided by the villagers.

Kadila is a 50 year old blind dalit woman who has been struggling for survival. Her situation is particularly difficult as she is unmarried, single and has a 90 year old mother dependent on her. She lost her land and house a few years back. She was given Rs. 40,000/- as compensation for her house but never received any money for the land. Prior to mining, she was cultivating a small plot of land and could feed herself and her mother. Now she and her mother are destitute and survive by washing vessels in the village.

Batini from Madanmohanpur, is 37 years old. Her husband and 12 year old daughter are both physically disabled. She has an elderly mother who is bed-ridden. The family lost their house and land when MCL expanded their mines. They received a compensation of Rs.70,000/- but she is not sure of the exact amount. Her husband was denied employment as he is handicapped. When Batini applied for a job, MCL rejected her application. Batini struggles to survive and feed her family by washing vessels in other houses as she does not have land to do farming anymore. They do not have a proper house as they had to demolish the existing house in order to get compensation. They already spent all the compensation money for the husband’s medicines.

Eating coal dust
widows, single women or women with disabled family members and having no source of income. Their health condition seemed to be deplorable and some of them depended entirely on the alms given by the villagers. Their situation looked desperate, especially where women, with no source of income, have to take care of the elderly.

Lack of social security

The first serious problem of social disturbance, reported by the women, was the problem of alcoholism. In Madanmohanpur the women took the study team to the liquor shop close to the village where most of the men were found to be wasting away their wages. The women complained that even before village reconstruction work begins, the first infrastructure to come up is a liquor shop, not houses or school or even PDS facilities. Even though young able-bodied men were reported to receive good wages (some even reported to receive around Rs.15,000/- per month), for underground work, the women complained that most of the earning is spent on alcohol or consumer items.

The women also complained that as soon as a son secured employment, he shifts to the mining town and abandons the family responsibility. Hence the rest of the family has no land or source of income. This was found to be particularly unfair with respect to daughters as they are not given employment nor do they receive compensation. Hence mining has provided no direct economic benefits to women and it is considered that women are not eligible for mining activities. This has also divided the opinions regarding the mining activities among the male and female youth as the men are lured by employment opportunities when the women are protesting against it. Thus the women expressed high insecurity of livelihood as well as family cohesion.

In a study conducted by Nari Surakhya Samithi, a local NGO, it was found that in Talcher town alone, there were more than 100 single unwed mothers. This small study reveals the hidden costs of social security that women have to endure in a mining region, which witnesses a continuous floating population and settlers who come for various trades. The incidence of HIV/AIDS has increased over the years and this was reported by Nari Surakhya Samithi as well. Of late, they have started receiving several cases of domestic violence, sexual abuse and marital disputes from these mining affected villages and are pursuing with the district authorities for rehabilitation of single mothers.

More than 100 children are enrolled in the primary school in this village and 180 are enrolled in the high school from Class VIII to X. But the people mentioned that most of the children are out of school as they help in household and economic activities.

Employment in the coal mining industry and women mine workers

Coal production, despite its constant expansion, provides relatively few employment opportunities for local people as mechanisation is substituting human labour. The trade union leaders interviewed stated that in the 1980s MCL employed 25,000 people whereas currently, despite expansion of the company and new mines having been opened up, only 20,000 people are employed. There are many young men above 18 years of age in the affected villages, but they are still waiting for the company to give them jobs. As the company only provides employment for one generation of the affected, the rehabilitation provided is limited to just one generation, after which the families are again destitute.

Women in particular remain completely excluded from formal employment although women from landless and migrant families are involved in several peripheral activities like loading, sorting, cleaning and general duties. In Donara Gandhi Nagar Harijan Sahi the research team managed to interview a group of 18 women mine workers. All the women interviewed in this village are working for MCL mostly in non-mining activities. They are all daily wage labour and usually work an average of 15–20 days per month, for eight hours every day. They alternate employment in the mine with agriculture. Most of them are employed as maids or sweepers. Despite legislation prohibiting the employment of women in underground work, they continue to do so.

11 According to the Annual Report of CIL (2009-10), the total manpower of MCL as on 31 December 2009 was 20,932.
pits, three women of the village appear to be working underground. The mining company has not provided women with health insurance, toilets or drinking water. They appear to be getting lower wages compared to the men. They all complained of skin and stomach infections due to water and air pollution. They reported 12–14 cases of TB, and were unsure about silicosis as they had never heard of the disease. They all complained about alcohol abuse amongst men and about their violent behaviour.

The high rate of women working in the mines at Donara Gandhi Nagar Harijan Sahi represents an exception as women remain mostly excluded from the coal extraction in this area. At the NTPC for instance, women represent only 1 percent of the workforce and are exclusively employed as sweepers and a small number of young educated women are now being employed to operate computers and for secretarial work. Only three women from Madanmohanpur appear to be working in the Lingaraj Coal Mine whereas in Jagannathpur, in the Lakhim Bazar Slum and in Ambedkar Nua Bramhana Bahel none of the women interviewed were employed in the company. The extremely poor employment rates amongst women have been confirmed by a trade unionist and mine worker of the coal mine in Jagannathpur, who stated that out of 865 permanent workers employed by MCL only 14 are women who work in non-mining activities. The political leaders stated that the company says it is putting aside funds for community development, but it is not clear where it is spent.

**Important findings**

The case study is an example of existing and proposed mining and the impacts are visible, measurable, and not based on mere anticipated impacts.

- A very glaring observation by any visitor to Talcher is the extent of pollution and environmental degradation as a result of coal mining and other refineries and plants. There is no assessment of this impact on the micro and macro-environmental economics of the region.

- As a result of environmental degradation, women in this region reported several negative impacts whether they directly lost their land or not. One of the most serious problems reported by them is the depletion and contamination of water bodies, which has had a direct impact on their agriculture, homestead farming and fishing.

- Women stated that they are facing severe losses to their incomes and food but do not get any compensation as rehabilitation only takes into consideration two categories of losses—alienation of land and loss of house. All other losses go unaccounted and there is no responsibility either from government or from the mining company for these long-term and immediate costs. Therefore, women across socio-economic groups have reported losses to their incomes and security.

- Most affected seem to be the women from marginal farmers, landless labour mostly from SC communities who either did not get much compensation or were not included as they either did not have pattas for their land, or had too little land or were landless. Hence, coal mining has had a serious impact on marginal farmers from SC and ST families.

- Depletion and contamination of water bodies has resulted in women having to travel longer distances to collect water, reduce consumption of water and consume water that is polluted. This was a major concern raised by all the women interviewed.

- Resettlement and rehabilitation for already displaced villages were found to be incomplete with women denied many benefits directly and indirectly. None of the women received any direct compensation as the cash was given to the male members of the displaced. House sites and cash for reconstruction were given to the men. Employment in MCL was given only to the men who are considered ‘head of
the household’ or to their male offspring and never to the daughters. In a few cases widows were given jobs after death of their husbands or as female-headed households.

- Demolition of houses before providing compensation for housing is a highly unjust and inhuman practice in the MCL area. So families are living in makeshift houses, tents or under trees awaiting compensation.

- Resettlement of houses was never planned from the perspective of women’s needs and spaces. One of the biggest examples of this is the women’s practice of kitchen gardens in their traditional houses. This was not included as part of the rehabilitation of houses. Toilets, schools or safe drinking water did not seem to be the priority areas in rehabilitation but as the women complained, liquor shops were most often, the first infrastructure to come up near the resettled colonies.

- Women also complained that they had to work hard as daily wage labour to raise the money for reconstruction of houses as compensation paid by the company was inadequate.

- All the women interviewed stated that they had never been consulted, there were no Gram Sabha meetings even for the proposed mining expansion projects after the PESA Act 1996 came into force.

- The large number of women participating in the strike at Kalamachui village is indication of the problems of displacement experienced by them. They had a number of demands with respect to resettlement, employment, water, housing and health. Many families were found to be living in abandoned housing quarters of the company which displayed in bold — ‘unsafe for living’. This is an indication of the large number of migrant, floating population or those displaced but with no source of income or housing facilities.

- A glaring sight that confronted the study team was the visible number of women who were aged, destitute, widows, single women, deserted, and those living on the mercy of villagers. Also found were women with health problems—TB, chronic respiratory and skin diseases, paralysis, physical disabilities, high level of malnourishment and starvation. In every village we found a few old women begging. Some cases of HIV/AIDS were discreetly reported but there was no accurate figure available. Anxiety over alcoholism was one of the most articulated problems by the women in every village.

- The survey conducted by Nari Surakhyta Samithi indicates a worrying number of single/unwed mothers in the mining towns, echoing the arguments of human rights groups that social instability is high in mining areas.

- The staggered manner in which resettlement is taking place has led to a strong sense of insecurity and confusion among the proposed oustees. There were complaints by women of fraudulence in allotment of house sites and jobs and this has created divisive social relationships.

- None of the women interviewed had ever used the company hospital for any health problems but travelled all the way to the government hospital in Cuttack.

- The women working as daily wage labour in the mines who were interviewed said they have no work guarantee, do not know what the minimum wage is, are exposed to dust and pollution and said they suffer from respiratory ailments and switch between mining and agriculture labour. Most of them were dalit women.

- The women were not aware of any grievance redressal systems in the company and had never approached it with their problems. Neither had the company made any attempts to address the drinking water problems they faced.

Part 2: The History of Mining and Displacement in India through a Gender Lens

This part presents information about the displacement and failed rehabilitation in terms of numbers and qualitative information on status of the affected. The legal and policy framework including various Acts and policies and international commitments are also analysed from a gender angle.

Displacement and land alienation: What the numbers say

Foremost among the impacts of any interventions over land and natural resources, are displacement and land alienation. India is a country where development is the main cause of involuntary displacement and resettlement. An estimated 2 percent of the Indian population has been displaced by development projects. Mining projects in
India are responsible for a substantial section of affected to be displaced, partially or wholly. Mining by its very nature is exhaustive and destructive as it occupies large areas of land and forests for digging mine pits, for construction of roads and infrastructure, for setting up townships and factories/processing plants and leads to urbanisation and expansion of populations who settle around the mines for different mining associated activities. Depending on the nature of mineral extracted, whether major or minor, the extent of area that comes under mining varies. Size of mines is also bigger than in the past. For example, coalmines have grown from an average of 150 acres in 1960s to 800 acres in 1980s and further to even 1,500 acres at present (Table 7 : Company-wise status of land acquisition by CIL and its subsidiaries in India). As a practice, large areas of land are occupied for exploration and reconnaissance. Perhaps as large-scale mining in India was primarily undertaken by public sector companies the government could use its power of eminent domain with greater force.

There seems to be a historical trend of mining companies acquiring large areas of land whether or not these areas were optimally used for the purpose they were acquired as right-sizing of lease areas has never been a priority. NALCO operations in Orissa are also located in the Fifth Schedule area. The company has acquired around 10,000 acres of land using the draconian Land Acquisition Act 1894. This is much more than what it requires for its operations and more than 60 percent of land has not been utilised in the last two decades. In India, as in most parts of the world, minerals are found in thick forest areas having innumerable natural resources and inhabited by tribal people; in most states two-thirds of the land used is tribal commons or forests. Therefore, there is a historical conflict over land and resources between the mining industry and tribal people where the latter have been the worst affected by mining activities. Politically, as these are remote areas with mainstream political forces dominating the decision-making, acquisition of lands and forests has relatively been an easy task for governments and companies. Therefore we find that mining areas are often synonymous with tribal and forest areas. Hence, an assessment of the social impacts of mining from a gender perspective essentially requires focus on impact of mining on displacement of tribal women and their land rights.

Mining has displaced the second highest number of people in India. Between 1950 and 1991 estimates indicate that, of a total population of 213 lakh displaced, mining alone has displaced around 25.5 lakh people or accounts for 12 percent of the total population displaced. These figures are very conservative and also do not include those whose livelihoods depended on the land or whose lives were affected by the mining activities. These are merely numbers for those who directly lost their land. Minerals are primarily found in thick forests that are home to the tribal people and thus nearly 52 percent of the people displaced as a result of mining have been tribal people.

### Table 7: Company-wise status of land acquisition by CIL and its subsidiaries in India

<table>
<thead>
<tr>
<th>Company</th>
<th>Total land acquired *</th>
<th>Total tenancy land acquired</th>
<th>Tenancy land in possession</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Coalfields Limited</td>
<td>13,093</td>
<td>12,022</td>
<td>9,145</td>
</tr>
<tr>
<td>Bharat Coking Coal Limited</td>
<td>4,280</td>
<td>3,857</td>
<td>1,937</td>
</tr>
<tr>
<td>Central Coalfields Limited</td>
<td>35,736</td>
<td>12,758</td>
<td>4,883</td>
</tr>
<tr>
<td>South Eastern Coalfields Limited</td>
<td>20,538</td>
<td>12,812</td>
<td>11,873</td>
</tr>
<tr>
<td>Western Coalfields Limited</td>
<td>19,785</td>
<td>17,089</td>
<td>14,330</td>
</tr>
<tr>
<td>North Coalfields Limited</td>
<td>15,948</td>
<td>5,612</td>
<td>5,275</td>
</tr>
<tr>
<td>MCL</td>
<td>19,965</td>
<td>9,180</td>
<td>4,252</td>
</tr>
<tr>
<td>North Eastern Coalfields</td>
<td>25,041</td>
<td>41.47</td>
<td>41.47</td>
</tr>
<tr>
<td>Total</td>
<td>154,386</td>
<td>73,371.47</td>
<td>51,736.47</td>
</tr>
</tbody>
</table>

**Note:** What is not tenancy land is government land common property resources

**Source:** Fernandes, Walter. (no year). Mines, mining, displacement in India. In: Managing the social and environmental consequences of mining in India (eds. Gurdeep Singh, David Laurence and Kuntala Lahiri-Dutt). Pp 333–344. The Indian School of Mines University, Dhanbad, Bihar, India
There are no estimates of the numbers displaced post the liberalisation in 1991 as a result of mining; but the mineral extraction industry has grown tremendously in the last two decades and the impact in terms of extent of displacement is substantial. For states where mining is concentrated—Andhra Pradesh, Orissa, Jharkhand, Meghalaya, Assam, Chhattisgarh, West Bengal and Tamil Nadu—the aggregate data on those displaced by mining is indicative of the substantial populations affected. In Andhra Pradesh mining projects displaced or deprived 100,541 persons from 37,368.82 acres between 1951 and 1995. In Orissa these figures are nearly triple for the same period—300,000 from 166,047 acres. Information for a few other states are incomplete and not totally accurate; numbers for Assam shows that 11,394.75 acres were acquired for mining projects depriving 41,200 of their livelihood between 1980 and 2000, for West Bengal the displaced numbered 418,061 persons, in Goa between 1965 and 1995, 4,740 persons have been displaced and in Jharkhand the number displaced was 402,882 persons from 208,552 acres between 1951 and 1995. In Gujarat the number displaced was 4,740 between 1965 and 1995 (Table 9: Number of DP/PAPs as a result of mining in some states where studies have been done).

For a country that has seen large-scale displacement as a result of development projects there is no official database of persons displaced, rehabilitation done or current status of those ousted. Estimates for the period between 1947 and 2004 indicate that development projects have displaced or deprived of livelihood nearly 60 million people (Table 10: Number of DP/PAPs of some states where studies have been done). However, for the states of Orissa, Kerala and Jharkhand only 60 percent of projects were studied and 80 percent in Andhra Pradesh. Updated in 2004 the total of DP/PAPs in Jharkhand and Orissa would be 3 million each, 5 million in Andhra Pradesh, 1 million in Kerala, 100,000 in Goa, 2 million in Assam and 7.5 million in West Bengal or a total of 27 million. The area affected is estimated at 25 million ha, which includes 7 million ha of forest land and 6 million ha of common property resources.

While the tribal people constitute just 8 percent of the population of the country, nearly 40 percent of those displaced as a result of various development projects, including mining, are from the ST communities. Similarly, 20 percent of those affected are dalits and another 20 percent are OBCs (Table 11: Caste/tribe of DP/PAPs from some states).

Loss of livelihoods and increased joblessness has been another feature of displacement. Access to work has declined to 41.61 percent. In West Bengal access to work declined from 91.02 percent to 53.18 percent and in Assam from 77.27 percent to 56.41 percent. This has meant an increase in the daily wage earners and unskilled labour and increased levels of unemployment. Increased landlessness and conversion to agricultural labour is another adverse impact. In Assam landlessness among DP/PAPs increased from 15.56 percent to 24.38 percent and in Andhra Pradesh this increase was from 10.9 percent to 36.5 percent.

### Table 8: Conservative estimate of displaced persons in India between 1951 and 1990 in millions

<table>
<thead>
<tr>
<th>Project type/DPs</th>
<th>Dams</th>
<th>Mines</th>
<th>Industry</th>
<th>Wildlife</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All DPs</td>
<td>16.4</td>
<td>2.55</td>
<td>1.25</td>
<td>0.6</td>
<td>0.5</td>
<td>21.3</td>
</tr>
<tr>
<td>Percent</td>
<td>7.7</td>
<td>1.2</td>
<td>0.59</td>
<td>0.28</td>
<td>0.23</td>
<td>10</td>
</tr>
</tbody>
</table>


### Table 9: Number of DP/PAPs as a result of mining in some states where studies have been done

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Andhra Pradesh</td>
<td>Jharkhand</td>
<td>Kerala</td>
<td>Orissa</td>
<td>Assam</td>
</tr>
<tr>
<td>Mines</td>
<td>100,541</td>
<td>402,882</td>
<td>78</td>
<td>300,000</td>
<td>41,200</td>
</tr>
</tbody>
</table>

Table 10: Number of DP/PAPs of some states where studies have been done

<table>
<thead>
<tr>
<th>State/Year</th>
<th>1951–95</th>
<th>1947–2000</th>
<th>1947–95 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Andhra Pradesh</td>
<td>Jharkhand</td>
<td>Kerala</td>
</tr>
<tr>
<td>Water</td>
<td>1,865,471</td>
<td>232,968</td>
<td>133,846</td>
</tr>
<tr>
<td>Industry</td>
<td>539,877</td>
<td>87,896</td>
<td>222,814</td>
</tr>
<tr>
<td>Mines</td>
<td>100,541</td>
<td>402,882</td>
<td>78</td>
</tr>
<tr>
<td>Power</td>
<td>87,387</td>
<td>NA</td>
<td>2,556</td>
</tr>
<tr>
<td>Defence</td>
<td>33,512</td>
<td>264,353</td>
<td>1,800</td>
</tr>
<tr>
<td>Environment</td>
<td>135,754</td>
<td>509,918</td>
<td>14,888</td>
</tr>
<tr>
<td>Transport</td>
<td>46,671</td>
<td>0</td>
<td>151,623</td>
</tr>
<tr>
<td>Refugees</td>
<td>NA</td>
<td>NA</td>
<td>0</td>
</tr>
<tr>
<td>Farms</td>
<td>NA</td>
<td>NA</td>
<td>6,161</td>
</tr>
<tr>
<td>Hum Res.</td>
<td>NA</td>
<td>NA</td>
<td>14,649</td>
</tr>
<tr>
<td>Health</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Admin</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Welfare</td>
<td>37,560</td>
<td>0</td>
<td>2,472</td>
</tr>
<tr>
<td>Tourism</td>
<td>0</td>
<td>0</td>
<td>3,43</td>
</tr>
<tr>
<td>Urban</td>
<td>103,310</td>
<td>0</td>
<td>1,003</td>
</tr>
<tr>
<td>Others</td>
<td>265,537</td>
<td>50,000</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>3,215,620</td>
<td>1,548,017</td>
<td>552,233</td>
</tr>
</tbody>
</table>

*Since the understanding of displacement has grown during the 15 years of the studies, Orissa has very few categories. They are more in later years.

### Table 11: Caste/tribe of DP/PAPs from some states

<table>
<thead>
<tr>
<th>State</th>
<th>Tribal people</th>
<th>%</th>
<th>Dalits</th>
<th>%</th>
<th>Others</th>
<th>%</th>
<th>NA</th>
<th>%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>970,654</td>
<td>30.19</td>
<td>628,824</td>
<td>19.56</td>
<td>1,467,286</td>
<td>45.63</td>
<td>148,856</td>
<td>04.63</td>
<td>3,215,620</td>
</tr>
<tr>
<td>Assam</td>
<td>416,321</td>
<td>21.80</td>
<td>NA</td>
<td>NA</td>
<td>609,015</td>
<td>31.90</td>
<td>893,538</td>
<td>46.30</td>
<td>1,918,874</td>
</tr>
<tr>
<td>Goa</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>66,820</td>
<td>100</td>
<td>66,820</td>
</tr>
<tr>
<td>Gujarat</td>
<td>1,821,283</td>
<td>44.43</td>
<td>462,626</td>
<td>11.29</td>
<td>1,791,142</td>
<td>43.70</td>
<td>23,818</td>
<td>0.58</td>
<td>4,098,869</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>620,372</td>
<td>40.08</td>
<td>212,892</td>
<td>13.75</td>
<td>676,575</td>
<td>43.71</td>
<td>38,178</td>
<td>0.24</td>
<td>1,548,017</td>
</tr>
<tr>
<td>Kerala</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>552,233</td>
<td>100</td>
<td>552,233</td>
</tr>
<tr>
<td>Orissa</td>
<td>616,116</td>
<td>40.38</td>
<td>178,442</td>
<td>11.64</td>
<td>671,351</td>
<td>48.01</td>
<td>0</td>
<td>0</td>
<td>1,465,909</td>
</tr>
<tr>
<td>West Bengal</td>
<td>1,330,663</td>
<td>19.16</td>
<td>1,689,607</td>
<td>24.33</td>
<td>2,566,223</td>
<td>36.95</td>
<td>1,357,999</td>
<td>19.55</td>
<td>6,944,492</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,775,409</td>
<td>29.15</td>
<td>3,172,391</td>
<td>16.01</td>
<td>7,781,592</td>
<td>39.28</td>
<td>3,081,442</td>
<td>15.55</td>
<td>19,810,834</td>
</tr>
</tbody>
</table>


Sex-disaggregated data on displacement is practically nonexistent and even arriving at a guesstimate on the women displaced in the country as a result of development projects, particularly mining, is an impossible task.

#### Rehabilitation and resettlement: A dismal scenario

The resettlement record is, however, dismal with only one-third of the displaced having been resettled. It also gives very little importance to women’s needs. One of the reasons for this is definitely the fact that 80 percent of the DP/PAPs are from the impoverished sections of the society. Orissa has settled just 35.27 percent of the DPs, Andhra Pradesh 28.82 percent, Kerala 13.8 percent (of 1951–95), Goa 40.78 percent (of 1965–95), West Bengal 9 percent and Assam 10 projects of 1947 to 2000. Compensation for land lost is either a pittance or not estimated accurately nor paid in full. The TN. Singh formula of 1967 had stipulated that industries and mines give one job per person to the families displaced. However, mechanisation in the mid-1980s resulted in abandonment of the policy in the year 1986 and has meant fewer jobs for the displaced.

For the mining sector too the record of rehabilitation and resettlement has been abysmal while profits from mining to the corporates have shown huge margins. In the case of the marginalised groups, especially the tribal people, who are most affected by mining induced displacement, rehabilitation has been very poor (between 1951 and 1990) (Table 12: Conservative estimate of resettled persons in India between 1951 and 1990 in millions including for mining).

Landlessness is seen to be recorded higher in the case of mining displaced. For example, in the case of NALCO in Orissa, percentage of landlessness before displacement was 20 percent, which increased to 88 percent after mining. In Andhra Pradesh, landlessness grew by 41.61 percent among all DP/PAPs but by 83.72 percent in the case of mining. In the Northern Karanpura Coalfields in Jharkhand most of the 1,520 displaced families are either dalit or tribal people and the area cultivated per family declined from an average of 4.41 acres to 0.57 acres after displacement. This also means loss of additional income from land and forests. The DP/PAPs in MCL used to earn an additional income of Rs. 1,000/- each year from mahu tree, which they lost after mining.

An adivasi woman warns government officials against forcible eviction from their lands in Ananthagiri, Visakhapatnam.
The TN. Singh Formula (abandoned in 1986) has had impacts on the mining industry as well. CIL is stated to have given a job each to 11,901 (36.34 percent) of the 32,751 families displaced between 1981 and 1985; however, CIL began to mechanise its mines and transferred employees from one site to another instead of providing jobs to the displaced. Till 1992 in the upper Karanpura Valley in Jharkhand only 638 persons (10.18 percent) of the 6,265 families displaced were given a job. In the case of NALCO traditional transport methods could have created an additional 10,000 jobs and their incomes could have created additional jobs, but the mechanisation of the mines meant that only 300 skilled and semi-skilled jobs were created and these too went to outsiders who possessed the skills or who had the political clout to pose as benami oustees.

Norms for rehabilitation were changed and this had an impact on women and marginalised communities like the STs. Wherever the criteria for giving jobs was based on land size, many families have lost out. For example in the North Karanpura Coalfields in Jharkhand one job for three acres was promised but since most of the families had less than three acres very few ended up getting jobs. In the case of MCL (Jagannathpur coalfields in Talcher) in Orissa anyone who owned and lost three acres of land was given a job. In Jharkhand it was changed to two acres if the person was educated up to matriculation. This effectively meant that the jobs went to the higher castes who had more access to education and had pattas for their lands.

The worst affected were women from all castes and the members of the ST communities whose literacy rates were very low and land holding sizes were also small. In addition, the promise of single jobs was gender discriminatory in that the jobs almost always went to the male head of households. An example is the NALCO plant in Damanjodi, Orissa. Some of the adivasi men here got semi-skilled jobs because a voluntary agency provided them training, but none of them were women. In 1992, six years after displacement, NALCO Damanjodi had provided employment i.e., one job each to 443 of the total 602 families displaced in 1986. Of these only 25 were women. Of the men who were given jobs, some have died but no alternate jobs were given to their widows or daughters. Women are thus found to be replaced from the status of being equal contributors to the family’s income and community economy to that of being ‘idle’ housewives.

The amounts received as compensation has been very meagre wherever it was provided. The issue of compensation is tricky especially in Scheduled Areas where there is a majority of ST population. Sale of land is restricted in Scheduled Areas and as the transactions are mainly between adivasis, the market rates which form the basis of sale, are substantially low. Land valuation is thus done in an arbitrary manner and to the disadvantage of the land owner who can never purchase adequate land of similar quality with the compensation money. For example, 88 percent of land acquired by NALCO in Angul, Orissa, in the mid-1980s was private land whose owners were paid Rs. 25,000/- per acre. In that very year the company acquired private land in the adivasi predominant Koraput district for a pittance of Rs. 2,700/- per acre. In the case of BALCO in the neighbouring

---

**Table 12: Conservative estimate of resettled persons in India between 1951 and 1990 in millions including for mining**

<table>
<thead>
<tr>
<th>Project type/DPs</th>
<th>Dams</th>
<th>Mines</th>
<th>Industry</th>
<th>Wildlife</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resettled %</td>
<td>4.1</td>
<td>0.63</td>
<td>0.375</td>
<td>0.125</td>
<td>0.15</td>
<td>5.38</td>
</tr>
<tr>
<td>% of DPs</td>
<td>2.5</td>
<td>2.47</td>
<td>3</td>
<td>2.08</td>
<td>3</td>
<td>13.05</td>
</tr>
<tr>
<td>Backlog %</td>
<td>1.23</td>
<td>1.92</td>
<td>0.875</td>
<td>0.475</td>
<td>0.35</td>
<td>1.592</td>
</tr>
<tr>
<td>% of DPs</td>
<td>75</td>
<td>75.3</td>
<td>70</td>
<td>79.2</td>
<td>70</td>
<td>75</td>
</tr>
<tr>
<td>Tribal DPs</td>
<td>6.32</td>
<td>1.33</td>
<td>0.313</td>
<td>0.45</td>
<td>0.125</td>
<td>8.539</td>
</tr>
<tr>
<td>% of all DPs</td>
<td>38.5</td>
<td>52.2</td>
<td>25</td>
<td>75</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>Resettled %</td>
<td>15.81</td>
<td>3.3</td>
<td>0.8</td>
<td>1</td>
<td>0.25</td>
<td>21.16</td>
</tr>
<tr>
<td>% of tribal DPs</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>22</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Backlog %</td>
<td>47.4</td>
<td>10</td>
<td>2.33</td>
<td>3.5</td>
<td>1</td>
<td>64.23</td>
</tr>
<tr>
<td>% of DPs</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>78</td>
<td>80</td>
<td>75</td>
</tr>
</tbody>
</table>

state of Chhattisgarh, compensation for the 50 families of the DPs/PAPs from the Manjhi-Manjhaar adivasi community were given compensation which amounted to a paltry sum of Rs. 12,000/- per acre against the government set rate of Rs. 50,000/-. Sixty-two of the remaining families who were dependent on the common property resources were ignored. Such low compensation means they cannot purchase land anywhere else.

In the case of Birla Periclase in Andhra Pradesh for its calcite mining project, the compensation offered to adivasi families in 1992 was a shocking Rs.1,500/- per acre but the people’s successful campaign later set a precedent in the region by forcing the government to hike the compensation money to Rs.150,000/- an acre. This is also an indication of the discrimination where ST populations are compensated poorly when compared to other communities.

Adivasis and dalits are dependent to a large extent on common property resources and here too the failure to compensate leads to injustices; these being considered state property according to the principle of eminent domain. For example, in Orissa 58 percent of the land acquired by NALCO in the adivasi majority for Koraput district was common property land. On the other hand only 18 percent of land in acquired in ‘advanced’ Angul was common property.

The legal framework in India and women affected by mining projects

India has several Constitutional safeguards to protect tribal peoples’ land and resource rights. These were strengthened with legislations and court judgements over the years. Of foremost importance in the context of tribal people and their constitutional rights are the Fifth Schedule, the PESA Act 1996 and the Samatha Judgement.

The Fifth Schedule of the Indian Constitution

The Fifth Schedule [under Article 244 (1) of the Constitution of India] essentially provides a historic guarantee to the tribal people in the country and is the backbone to the legal framework in the tribal areas. The Constitution makers recognised the need for protection and special administration of areas predominantly inhabited by tribal/ adivasi people due to their cultural uniqueness, vulnerability to external exploitation and development gaps between these communities in comparison to the mainstream regions. The Fifth Schedule deals with the administration and control of specified areas (termed Scheduled Areas) and the tribes living in these areas. Currently nine states in India have regions demarcated as Scheduled Areas. The most important right provided under this Schedule is the prevention of land alienation through land transfer regulation where no land or immovable property in these areas can be transferred by way of sale or lease to persons other than tribal.

In consonance with the Fifth Schedule, several states enacted parallel land transfer regulations to prevent alienation of land from tribal people to non-tribal people. The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act 1974 and Maharashtra Restoration of Lands to Scheduled Tribes Act 1974, the Chhotanagpur Tenancy Act 1908 and the Santhal Pargana Tenancy Act 1949 of Jharkhand, the Andhra Pradesh Scheduled Area Land Transfer Regulation 1970 (Regulation 1 of 1970), the Orissa Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes Regulations), 1956, and the Himachal Pradesh Transfer of Lands (Regulation) Act 1968 are the main state legislations. However, the state Acts vary in the extent of protection and clarity over prevention of land alienation. The loopholes in the Acts...
have provided opportunity for misinterpretation of the Fifth Schedule and the land transfer regulations by respective state governments particularly in Orissa and Chhattisgarh, when under influence of private mining lobbies.

For the *adivasi* women, the Fifth Schedule of the Constitution provides protection of their lands and natural resources from being alienated to outsiders. Even if it does not directly provide for legal entitlements to the women, they enjoy a fair degree of control and access to these resources within their traditional social norms as long as the lands are within their community fold. As women have a primary role in agriculture and forestry activities, the cultural practices allow for decision-making and usufructory rights of women as well as their control over incomes, to a large extent. It is for the sake of private mining interests that the Fifth Schedule and the state laws have come under attack in the last two decades thereby jeopardising the safeguards to the *adivasi* women.

**The Panchayats (Extension to Scheduled Areas) Act 1996**

The PESA Act 1996 was seen as one of the most powerful legislations recognising the rights, cultures and aspirations of tribal people in Scheduled Areas. The Act provides for reservation of seats for tribal women (not less than one-third) as Chairpersons and in the *Panchayat*. As per the Act the *Gram Sabhas* have to be consulted prior to acquisition of land for any developmental activities, including mining, and are endowed with considerable powers to function as institutions for self-governance and tribal self rule. A *Gram Sabha* includes all the adult male and female members of the village or village *Panchayat* whichever applies to the respective states and assent of all the members is required through a resolution passed by them. This is, therefore, an important governance institution which gives equal rights to men and women in decision-making over village matters, atleast on paper. Where civil society groups have facilitated the utilisation of the Act in tribal areas, women have been enabled to participate in *Gram Sabha* meetings and voice their rights, especially when participating in mining related campaigns, participation in passing resolutions regarding mining projects, participating in public hearings and dialogue with state over rehabilitation matters.

**The Samatha Judgement 1997**

The campaign against illegal mining in Visakhapatnam spearheaded by Samata, a local NGO and the affected *adivasi* communities both through people’s movement and a legal battle led to a historic verdict called the Samatha Judgement. The contention over transfer of tribal land in Scheduled Area to private mining companies being in contravention of the Fifth Schedule of the Constitution was taken by the Supreme Court. In July 1997, the Special Leave Petition filed by Samata, received a landmark
judgement from the court which upheld the constitutional rights of the tribal people of India. The Court considered that the transfer of tribal land to corporate ‘person’ like private mining companies, amounts to transgression of the land transfer regulation. It has special significance in the case of rights over mineral resources in Scheduled Areas. The Judgement supported the spirit of the Fifth Schedule of the Constitution and the Land Transfer Regulations of different state governments with respect to protecting tribal peoples’ land rights against being alienated to private mining companies.

**Implications of the Samatha Judgement on adivasi women’s rights**

The Samatha Judgement came as a saviour of the adivasi communities, particularly women who were in the forefront of the campaign and opposed the mining projects. Protection of lands in Scheduled Areas from industrialisation implies that women continue to hold ownership and control over their lands, even in the absence of legal title deeds being in their names. The Judgement upholds the spirit of the Constitution which recognised that adivasis, particularly women, are most vulnerable to the exploitation of outsiders and that they would not have a level playing ground with private industries like mining. It implies a continued economic sustenance and livelihood opportunities directly for women as they are the mainstay of traditional economies.

The Samatha Judgement stands not only as a custodian of adivasi land rights, but also has strong implications for the protection of adivasi women’s land rights as the Fifth Schedule primarily aims at prevention of exploitation of tribal communities by outsiders. By disallowing private mining companies from occupying tribal lands, the Judgement ensures that lands and natural resources remain in the hands of the local communities, especially women who are the main protectors of the land.

The cultural practice of bride price which continues as a custom of marriage is a reflection of the important

---

**Box 4: Salient features of the Samatha Judgement**

- Government lands, forest lands and tribal lands in Scheduled Areas cannot be leased out to non-tribals or private industries.
- Government cannot lease out lands in Scheduled Areas for mining operations to non-tribals as this was in contradiction of the Fifth Schedule of the Constitution.
- Mining activity in the Scheduled Areas can be taken up only by the APMDC or a cooperative of tribal people and that too only if it is in compliance with the Forest (Conservation) Act 1980 and the Environment (Protection) Act 1986.
- The Court recognised the 73 Constitutional Amendment—The Panchayat Raj Act 1993—and the Andhra Pradesh Panchayat Raj (Amendment) Act 1998 by stating that the Gram Sabha shall be competent to safeguard and preserve community resources and thereby reiterated the need to give the right of self-governance to tribal people.
- If necessary, the Court felt that the Chief Secretary of Andhra Pradesh state should constitute a committee consisting of himself, and the Secretaries of Industry, Forest and Social Welfare to have factual information collected in order to consider whether it is feasible to permit the industry to carry on mining operations. The committee was to examine the issue whether licenses could be allowed to continue or whether to prohibit further mining operations. In case where the similar Acts in other states do not totally prohibit grant of mining lease of the lands in the Scheduled Areas, similar committee of secretaries and state cabinet sub-committees should be constituted and decision taken thereafter. Before granting lease, it would be obligatory for the state government to obtain concurrence of the central government by constituting a sub-committee headed by the Prime Minister and other Union Ministers.
- The Court also felt that it would be appropriate to constitute a conference of Chief Ministers and concerned Union Ministers to take a policy decision so as to bring about a suitable enactment for a consistent scheme throughout the country in respect of tribal land exploitation of mineral wealth.
- The state government of Andhra Pradesh was directed to stop all industries from mining operations.
- The Court directed that 20 percent of the net profits be set aside as a permanent fund as part of the industrial/business activity for establishment and maintenance of water resources, schools, hospitals, sanitation and transport facilities by laying roads, etc. This 20 percent allocation would not include the expenditure for reforestation and maintenance of ecology.
economic role of women in the tribal economy. The shift to the practice of dowry in tribal areas where mining has come in (NALCO for example), reveals a shift in the economic gender relations. Such negative impacts were arrested by the Judgement as it was a verdict applicable for not just the villages that spearheaded the bauxite campaign, but to the entire Fifth Schedule areas (nine states) of India.

Transfer of lands to private mining companies was immediately stalled in several places and the Constitutional position of the Land Transfer Regulations was clearly redefined in the context of mining. Hence, the Judgement gave teeth to the campaigns of the *adivasi* women wherever Greenfield areas were under threat by mining although public sector and illegal mining activities continue to pose a threat to them.

The Samatha Judgement perhaps also set a precedent to the debate over share and benefits to the local communities and the need for a cost-benefit analysis of mining projects although it limited its verdict to the legal context of defining a ‘person’ whether individual or corporate. Particularly with the gust of multinational mining companies putting up proposals for mining leases in Scheduled Areas, the Judgement stood as a custodian of the *adivasi* women during the post-1990s liberalisation crisis.

**The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006**

The FRA 2006 is one of the most recent laws that came into force as a promise of the government particularly to the *adivasis* of India. The Act is relevant in the context of mining as most mining areas fall within the forest areas or Scheduled Areas where *adivasis* and forests are co-existent. The Act, after much campaigning by people’s movements in the country, recognises the rights of forest dwellers to their individual and common properties in forest lands occupied by them prior to 2005. However, implementation of the Act is being obstructed by contentious orders (mainly verbal) being passed by different state governments with regard to settling claims of people in forest lands where mining projects are proposed. Although there is no formal policy or the Act does not specify denial of rights to people in proposed mining areas, civil society groups and communities have found a deliberate non-implementation of the Act in mining affected areas.

This has a direct negative impact on *adivasi* women’s rights as this is the only Act that is being implemented with an interest to provide *pattas* to the wife jointly with the husband for individual family claims. In many places it is found that joint *pattas* are indeed being issued—a progressive shift from all other existing land and property laws that still do not make it mandatory for women to be joint owners along with their husbands of lands/property purchased after marriage.

Therefore, there is a dual injustice to the women when the government is not implementing the FRA 2006 in proposed mining areas. The women are not only denied legitimate ownership of the lands, but also do not receive any rehabilitation or resettlement from the mining projects after losing the lands. Besides, the rights over common property resources that are being recognised under the FRA 2006, would directly benefit women as they are the main users of these resources, while mining projects which occupy these lands rarely include them in the rehabilitation planning or compensation.

**The Hindu Succession (Amendment) Act 2005**

The Hindu Succession (Amendment) Act 2005 provides equal rights to married daughters as that of sons with respect to inheritance of ancestral property, making them co-parceners. This legal right has not been found to be implemented with respect to rehabilitation planning in the case of mining projects as only the sons are considered for employment or rehabilitation.

**Political violations: Attempts to amend the Fifth Schedule**

Inspite of the existing safeguards land alienation of tribal people continues to be a major problem. The Annual Report of the Ministry of Rural Development (2007-08)

---

12 Members of the MoEF and Ministry of Tribal Affairs Committee on FRA 2006, in a field visit to assess implementation of the Act in Andhra Pradesh in July 2010 noted that claims filed by *adivasis* in forest areas leased/ earmarked for bauxite mining have neither been accepted nor were reasons for non-acceptance provided.
mentions that 5.06 lakh cases of land alienation of tribal people have been reported from the different states covering 9.02 lakh acres of land. What is of concern is the large number of these cases not being ruled in favour of the tribal people, which in some states like Madhya Pradesh is overwhelmingly large. In addition, the central government itself in collusion with the state governments has been involved in trying to amend the various protective provisions. Attempts have been made to amend even the Fifth Schedule that is the primary Constitutional protection to the tribal people in the country.

The first move was made by the Andhra Pradesh government immediately after the Samatha Judgement in October 1997, when it requested the Ministry of Mines to file a review petition. However, this was dismissed by the Supreme Court on 4 February 1999. The Disinvestment Ministry was set up to review the Samatha Judgement and to promote private investments in Scheduled Areas. It was advised by the then Additional Solicitor General that the only course of action was to remove the legal basis of the Samatha Judgement by effecting necessary amendments to the Fifth Schedule.

On 10 July 2000, a secret note circulated by the Ministry of Mines proposed adding an explanation in the Fifth Schedule removing the restriction on transfer of land by members of a tribal community to the government or allotment of government land to a non-tribal for undertaking non-agricultural activities including mining. This one sentence at a stroke would completely defeat the very intentions and spirit of the Fifth Schedule and open the floodgates for unfettered alienation of tribal people from their lands, water and forests. The proposed amendment made a mockery of the constitutional guarantees and safeguards for the poor and vulnerable tribal people of the country and was a complete violation of the spirit of the fundamental rights. Had this been pursued, it would have spelt doom to the adivasi women and their livelihoods which depended on the forests and lands that would have been passed on to mining companies.

The post-Samatha Judgement moves of the different governments in power were efforts to dilute the Fifth Schedule and remove the ‘hurdles’ created by the Judgement. Some of the decisions taken since, like the case of the BALCO (a PSU) in Chhattisgarh in February 2001, where majority share was transferred to the private company, Sterlite Industries India Limited13 and the granting of mining leases to private companies in states like Orissa (Vedanta Resources Plc and Rio Tinto14 to give a few examples) stand as fluctuating political manoeuvres against the rights of the tribal people. The BALCO disinvestment in particular raised a storm over the Fifth Schedule and the Samatha Judgement.

In August 2005 the Expert Group (Dang Committee) constituted by the Ministry of Steel for formulating guidelines for preferential grant of mining leases, for iron ore, manganese ore and chrome ore, came up with recommendations in the form of a ‘Scheme of Preferences’. The scheme in the case of iron ore envisages overriding priority to grant of mining leases on captive basis to existing steel plants and for new steel projects above a minimum size. Among existing plants those in the public sector have been given higher priority. In the case of new steel projects higher priority has been given for projects coming up in Scheduled Areas. The recommendation could be seen as another attempt by the centre to meddle with the Fifth Schedule of the Constitution to enable leasing out of tribal land to non-tribals.

Clearly, in Andhra Pradesh, with a view to circumvent the Samatha Judgement and open up mining in Scheduled Areas, the government transgressed the Judgement and gave mining leases to APMDC while it entered into parallel MoUs with private mining companies like JSWAL and AAL, as was seen in the case study on bauxite mining in Andhra Pradesh. The role of APMDC was clearly to legitimise the private control of tribal lands by mining companies.

---

13 Today the principal subsidiary of Vedanta Resources Plc.
14 Rio Tinto is a leading international mining group combining Rio Tinto Plc, a London listed public company headquartered in the United Kingdom and Rio Tinto Limited listed in the Australian Stock Exchange and headquartered in Melbourne, Australia.
companies, a clause provided by the Samatha Judgement as a last resort for allowing mining in Scheduled Areas.

What is significant in the midst of this intensive boom years of deregulation and privatisation, is the consistent resistance put up by adivasi women in most of these mining project sites to protect their lands and forests. Kasipur,13 Niyamgiri and Ananthagiri stand out as the most outstanding examples of adivasi women’s struggles in the context of mining and community rights particularly in the last decade. The victory of the women in Niyamgiri against the mining giant, Vedanta is a landmark achievement of current indigenous women’s movements in the world. The adivasi women, through their campaign, have not only brought attention to the issues surrounding community and environment rights vis-à-vis mining companies but also brought policy makers to take action with regard to commitments through the 26 percent share in profits to the local communities being promised to be enacted. This new phase of public policy has to find itself reflected in the mineral and tribal polices that are undergoing changes.

**Land acquisition and its implications on adivasi women**

The acquisition of land for the mining industry has been made easy so far through the application of Acts like the Land Acquisition Act of 1894, which continues to be in effect, with some amendments in 1967 and 1984, the Coal Bearing Areas (Acquisition and Development) Act 1957 and the Coal Mines (Nationalisation) Act of 1973. The implications of these Acts on the lives of adivasi women affected by mining, are serious and need to be analysed.

**The Land Acquisition Act 1894**

The Land Acquisition Act 1894 for long, has been considered the mother of all evils with respect to the rights of people vis-à-vis their land rights. The draconian nature of the Act reflected in its definition of ‘public purpose’ and ‘eminent domain’ giving overriding powers to the state to acquire land and displace people, has been, for decades, the centre of demand for amendment, by people’s movements in the country.

The Act also determines the cash compensation and rehabilitation on the basis of ownership of land thus recognising only individual rights where women do not have pattas, but not collective rights like that of common property where women play an important economic and ecological role. Women are thus most discriminated against. Cash, which is the most common mode of compensation, is almost always given to the men leaving women at the mercy and goodwill of the male members of their families. In the recent past, a welcome change is the shift in the approach of the government where some sensitive officials have ensured that cash is deposited jointly in the names of the husband and wife of the affected families. However, this is not translated into any legal obligation, and remains mainly, as a goodwill gesture of the bureaucracy.

Given the overarching philosophy of the nation defined through the New Economic Policy of 1991, there were several attempts to bring corresponding changes to the law to align it with the policy framework. The important goal of such attempts was to liberalise and deregulate in order to provide an enabling environment for foreign direct investments into the country. This forms the overarching purpose of the proposed amendment to the Act.

**The Land Acquisition (Amendment) Bill 2007**

The Land Acquisition (Amendment) Bill 2007 was proposed to align its provisions with the goals and

---

13 Kasipur in Raygada district of Orissa is where adivasis are opposing the bauxite mining and alumina refinery project of Utkal Alumina International Limited.
objectives of the NRRP 2007. The Bill was passed by the Lok Sabha on 25 February 2009 and tabled in the Rajya Sabha on 26 February 2009. However, the Bill lapsed with the dissolution of the XIV Lok Sabha due to dissent from different quarters. However, we provide an analysis of the same as there are direct implications for women displaced by mining projects.

The proposed Bill includes a social impact assessment to be a mandatory process prior to acquisition of land and also makes provisions for application of the proposed Rehabilitation and Resettlement Act where government land is acquired. Tribal people and other traditional forest dwellers are included in the expression ‘person interested’.

The Bill proposes to change the existing practice of government acquiring land from people on behalf of companies/project holders. Instead it proposes that government will acquire 30 percent of land on behalf of private company if they manage to purchase 70 percent of land directly from farmers. There is a huge dissent over this proposal as it is likely to make farmers vulnerable to the exploitation of corporates if they have to directly negotiate. Secondly, the definition of public purpose which is the fundamental cause for the unscrupulous acquisition of people’s lands by private companies, has not been reviewed. Hence the proposed Bill does not indicate any relief from the draconian land acquisition process of the past and, on the other hand, gives more opportunity for corporates to use their muscle and money power to directly acquire land from people.

Therefore, the proposed Bill appears to be mere rhetoric in order to give an impression of being progressive. However, there is no clear manner in which institutions/committees would take responsibility in implementation of these promises. It assumes that all players responsible will act in good faith and is largely based on assumptions of sensitive and effective rehabilitation machinery and governance institutions. It is further clear that it is only in theory that non-displacing alternatives, minimising displacement and such other terms are used whereas on the ground, the large-scale expansion of mining projects being taken up does not indicate that these alternatives are even being considered.

With respect to women, no women were ever consulted in the real sense in the earlier mining projects, although the Bill proposes to consult women. The Bill, if revived, is likely to cause greater anguish to women, as private negotiations by companies would imply that in a country like India, women are totally kept out of negotiations in land transactions. Marginal farmers and landless labourers who normally form the vast majority of the displaced, will not stand a chance of being heard as they are likely to be forced to accept the negotiations between large farmers and the mining companies. Especially with respect to adivasis and the Scheduled Areas, direct private negotiations would spell doom to their constitutional safeguards.

Moreover, in most of the campaigns it is women, whether rural or adivasi, who are standing up for protection of their land rights even where men are willing to compromise for monetary incentives. Experiences on the ground show that men are more vulnerable to giving away their lands in exchange for cash, liquor and other short-term material gains whereas women, in most areas, are fighting for protection of their lands. This was visible in all the three states covered for the field case studies. Therefore, neither the present Act nor the proposed Bill are anticipated to bring any strength to women’s decision making over their lands vis-à-vis land acquisition for mining projects unless they are drafted with genuine focus on fulfilling gender equality in resource management and ownership.

**The Coal Bearing Areas (Acquisition and Development) Act 1957**

Under the Coal Bearing Areas (Acquisition and Development) Act 1957, compensation was to be paid to the land loser as per the market value of the land (exclusive of the value of minerals found in the land) as at the time of acquisition, including any damages sustained to standing crops or to immovable property during acquisition, incidentals for shifting residence or place of business as a result of acquisition. Any disputes arising out of the acquisition were to be represented by the aggrieved party to the Tribunal set up under the Act. It places total rights of acquisition, inspection, decision over compensation and all decisions regarding the right to displace and undertake mining operations at the discretion of the state. The persons who own the land, property or practice their occupations in the said land were simply
expected to comply with the orders of the acquisition officers. Nowhere in the Act is there a mention of a right to information or right of giving consent or withholding the same by the persons affected. This is as draconian as the Land Acquisition Act 1894 and has no mention of affected people whether women, STs or otherwise; they all just come under the generic term ‘persons’.

This Act does not seem to be implemented in consonance with the PESA Act 1996 and the rehabilitation and resettlement policies. Therefore this provides opportunity for non-consultation with people and to follow resettlement independently of what is stated in the rehabilitation and resettlement policy. For instance, where there are guidelines that insist on rehabilitation to precede land acquisition and displacement, the coal companies appear to be using the pretext of the Act, like in the case of MCL in Talcher, for insisting on demolition of houses before paying compensation. This goes against the principles of human rights and even of the present NRRP 2007 which states that no displacement will be allowed without first rehabilitation being completed.

**The Coal Mines (Nationalisation) Act of 1973**

Under the Coal Mines (Nationalisation) Act of 1973, coal was to be extracted by the public sector but in 1976 this was amended to allow captive mining by private companies engaged in production of iron and steel (and later in 1996, production of cement for end use of coal production, was also made eligible), and sub-lease of coal mining in small isolated pockets to private parties. It is mostly in the latter areas that most of the women working as casual mine labour in the coal mines are found and therefore the amendment brought direct impacts on women. Expansion of coal mines displaced more adivasi communities and reduced women from a status of land owners to that of daily wage labour in these isolated small mines. With the proposed expansion of coal mines and large-scale displacement substantial population of women will be impacted.

**The Land Acquisition (Mines) Act 1885**

The Land Acquisition (Mines) Act 1885 was an Act to provide for cases in which mines or minerals are situated under land which it desired to acquire under the Land Acquisition Act 1870. It covered the subjects relating to saving for mineral rights of the government, declaration of mines, notices for working mines lying under land, describing the power to prevent or restrict working, mode of determining persons interested and amount of compensation, powers and duties of provincial government, particularly for injuries done to mines,
inspection of mines, penalties, safety of land acquired, and such other subjects. The Act is general in nature and has no specific reference to women workers or rights of women when lands are acquired. This Act is administered by the DGMS.

**Rehabilitation and Resettlement**

While the Land Acquisition Act has been effective since 1894, a rehabilitation and resettlement act/policy at the national level was very late in its formulation. A draft rehabilitation policy was first prepared by the Ministry of Rural Development in 1933 and revised in the year 1994 but it was never finalised. Later, policy drafts were prepared by a committee appointed by the Ministry of Tribal Affairs in 1985, and by the Ministry of Rural Development in 1993 and 1994. The first policy for rehabilitation and resettlement, NPRR 2003, was promulgated by the government on 17 February 2004, without any public discussion. The government was forced to issue a fresh policy on rehabilitation, the NRRP 2007, after having acknowledged that there were several issues that needed to be reviewed in the NPRR 2003.

**National Rehabilitation and Resettlement Policy 2007**

The NRRP 2007 in its Preamble recognises the, ‘traumatic, psychological and socio-cultural consequences on the affected population [of those involuntarily displaced] which call for protecting their rights, in particular of the weaker sections of the society including members of the […], Scheduled Tribes, […] and women’. The aim is stated as to minimise large-scale displacement, and keep land acquisition especially of agricultural land at a minimum.

The Policy defines ‘family’ as, ‘a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood’. In the case of STs the policy uses the term ‘occupiers’ which means, ‘members of the STs in possession of forest land prior to the 13th day of December 2005’.

The Policy calls for a mandatory Social Impact Assessment (4) where ‘involuntary displacement of 400 or more families en masse in plain areas, or 200 or more families en masse in tribal or hilly areas, […] Schedule V’ will happen.

Where the Policy talks about the rehabilitation and resettlement plan (6), it also specifies the procedure for informing the affected, conducting a baseline survey village-wise of affected families including STs and vulnerable populations like widows, unmarried girls and abandoned women and the landless. With regard to resettlement and rehabilitation the policy states that the same will be done, wherever possible, in groups consisting of affected and on an equal standing with the host community.

The Policy (6.14.1) mentions that women from affected families need to be consulted in the preparation of the draft resettlement and rehabilitation plan. The Policy additionally states that the draft rehabilitation and resettlement plan needs to be discussed with Gram Sabhas in rural areas and where they don’t exist through public hearings including in urban areas (6.15.1). In Scheduled Areas the constitution of the Gram Sabhas, the Policy states, should be in accordance with the PESA Act 1996 (6.15.2). Additionally in Scheduled Areas where the involuntary displacement exceeds that of 200 families, the concerned Tribes Advisory Councils too need to be consulted (6.15.3).

The rehabilitation and resettlement benefits (7.2–7.12) to the affected families’ in the Policy are as briefly as below:

- A house site free of cost may be allocated whose area shall not exceed 250 sq m in rural areas and 150 sq m in urban areas.
- In case of BPL families with homestead land and residing for a minimum period of three years a house site in the resettlement area of 100 sq m in rural areas and 50 sq m in urban areas (carpet area) or one-time financial assistance for house construction if they opt for the same will be provided.
- In case of those owning agricultural land who have lost all of the same, the khatedars will be allotted agricultural or cultivable wasteland to the extent of actual land lost subject to a maximum of nine hectares of irrigated land or two hectares of unirrigated land or cultivable wasteland, if government land is available in the resettlement area. This is also applicable to those who have been reduced to marginal farmers as a result of acquisition.
- Preferential fishing rights to affected families in resettlement areas will be provided.
- Land or house allotted to the affected families under this policy may be in the joint names of wife and husband of the affected family.

16 The Policy defines ‘khatedar’ as a ‘person whose name is included in the revenue records of the parcel of land under reference’.
- A one time family assistance to the *khatedar* where degraded or wasteland is allotted in lieu of acquired land not less than Rs. 15,000/- per ha and Rs. 10,000/- per ha where agricultural land is allotted will be provided.

- Financial assistance shall be provided as a one-time payment for construction of cattle shed, shifting, materials purchase, and in case of artisans/traders/ self-employed for building shed or shop.

If acquisition is being done on behalf of a requiring body¹/seventeen (7.13–7.17) the Policy states that:

- Employment to one person in the affected family may be provided subject to availability and suitability of affected person where land is acquired for a requiring body.

- Where no land or employment is provided, a rehabilitation grant including the option of taking 20 percent of the grant in the form of shares and debentures of the company will be provided.

- Sites or apartments within the development project will be provided.

- A monthly subsistence allowance for a period of one year

- Payment of pension for life to the vulnerable populations subject to a minimum of Rs. 500/- per month.

Like the NRRP 2003 there is a separate section detailing the rehabilitation and resettlement benefits for project affected families belonging to ST and SC communities with a few more details (7.21). The Policy mentions that a separate development plan for STs needs to be drawn up for the tribal areas and the *Gram Sabhas* and Tribes Advisory Council in Scheduled Areas need to be consulted prior to acquisition. The development plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest product resources on non-forest lands within a period of five years sufficient to meet requirements of ST communities who are denied access to forests.

The Policy states that STs will be given priority in allocation of land-for-land compensation. Also in the case of STs, where land is being acquired, one-third of the compensation due to the affected families will be paid at the beginning as first instalment and the rest at the time of taking possession of the land. They will also be resettled, as far as possible, only in Scheduled Areas in a compact block to protect their cultural identity. In the resettlement areas predominantly inhabited by STs, they will get land free of cost for community and religious gatherings. Additional monetary payments are promised for the STs where acquisition is being done for a requiring body.

The Policy also mentions the infrastructure facilities and amenities that need to be provided in the resettlement areas (7.22). Grievance redressal mechanisms (8) to resolve issues of rehabilitation and resettlement involves constitution of a committee for individual projects at the district level whose composition will include a woman representative from the affected and a representative from the STs. The powers of this committee, its composition and functions need to be defined by the particular state government. In addition an Ombudsman may be appointed for dealing with matters arising from the policy in a time-bound manner. The Ombudsman powers supersede that of the committee appointed. But where land acquisition is done on behalf of a requiring body the Ombudsman has no powers; disputes related to the compensation in this case will be disposed of as per the provisions of the Land Acquisition Act 1894 or any other Act of the central or a state government under which the acquisition of land is undertaken.

The above is the only space provided to women or the STs as a mention in the entire NRRP 2007. In its definition of family itself the Policy does injustice to women by making provisions for adult sons to get compensation but not for adult females. Unmarried women are treated as dependents on male relatives. The Policy is clearly gender blind as women-headed households, unmarried daughters, widows and deserted or divorced women are not entitled to compensation. The Policy is silent about gender empowerment and mere lip-service is provided to gender equity by including a token representation in the rehabilitation and resettlement committee. The terminology ‘may be’ with regard to joint *pattas* for agricultural land is again indication of no statutory obligation to treat women equally. Cash compensation implies that men are paid the money and women rarely have direct access or benefit. In addition, in reality, the project affected have found it almost impossible to get similar quality and extent of land with the money received from compensation and this has also led to scattered communities where again women have lost the social security of the past.

¹ The Policy defines ‘requiring body’ as ‘a company, a body corporate, an institution, or any other organisation for whom land is to be acquired by the appropriate government, and includes the appropriate government if the acquisition of land is for such government either for its own use or for subsequent transfer of such land in public interest to a company, a body corporate, an institution, or any other organisation, as the case may be, under lease, license or through any other system of transfer of land’.

47
Other restrictions of the Policy like, compensation to be provided only if 400 families in plain areas and 200 families in Scheduled Areas are displaced and restriction on ceiling of land given as compensation, also affect women who are entirely dependent on land for their livelihood and survival. Also in the case of STs there is no guarantee of land-for-land compensation and the allotment of land as compensation is subject to availability of land. There is also little guarantee of a job as this too is subject to vacancies or skills of person being employed. The Policy fails to take into consideration the fact that the forest is not just a source of income for the adivasi communities but is central to their very existence, culture and heritage. This is especially true, and has been repeatedly emphasised by people’s movements everywhere, for adivasi women who are holders of traditional knowledge on the forests and lands passed down over generations. A monetised economy that requires them to opt for gas cylinders as opposed to firewood, or concrete houses against traditional structures or SHG schemes as opposed to sustained agriculture, have led to degradation in the quality of life for women in many of the resettled sites.

Resettlement and rehabilitation programmes for ST families in the past are a testimony to the havoc that happened in the lives of adivasi women. In order to further their tokenism towards compensating women, most resettlement and rehabilitation programmes have tended to give women, and especially SHGs which are a popular trend in the country, superficial livelihood schemes. Goateries, piggeries, pisciculture, and other livestock or income-generating programmes (tailoring, non-timber forest produce processing, etc.) which have no follow-up from the government and are most often tied to loans, add to the burden on women rather than rehabilitate them.

It needs mention here that SHGs have become a symbolic way of depicting government’s attention and sensitivity towards women. Almost every department and ministry that displaces/affects their lives lays claim to providing assistance or running these groups in the name of rehabilitation of women. These success cases can, at the least, serve either as stand-alone stories or as supplementary relief to the women rather than represent the core principles of restoring dignity to their lives. In the case of mining, the lack of clarity between rehabilitation and CSR have further made rehabilitation a gesture of voluntary goodness of a company in providing compensation or services to project affected rather than be considered as a legal responsibility. Therefore we find many women among those affected in a state of destitution, poverty, malnourishment and ill-health as seen in the coal mining area of MCL.

The Resettlement and Rehabilitation Bill 2007

The Rehabilitation and Resettlement Bill 2007 was proposed to give a statutory backing to the NRRP 2007. It was passed by the Lok Sabha on 25 February 2009 and tabled in the Rajya Sabha on 26 February 2009. However, the Bill lapsed with the dissolution of the XIV Lok Sabha. The Bill was drawn from the NRRP 2007 and hence many of the definitions remain unchanged. In the Bill too, adult men are considered families but adult women are not given the same status. The definition of the Bill includes ‘minor sons’ and ‘unmarried daughters’. Thus if a family has an unmarried son above 18 years of age and an unmarried daughter above the same age, the former would qualify as a separate family but not the latter. There is no reference to the inclusion and respect for the UN Declaration on the Rights of Indigenous Peoples as far as adivasis are concerned, in the Bill although it came after the ratification.

Laws and policies of state governments: Gender, and rehabilitation and resettlement

Land use and management being a state subject, several states did enact Acts or policy guidelines with regard to rehabilitation and resettlement. Maharashtra was the first state to do so and it enacted a law called the Maharashtra Resettlement of Project Displaced Persons Act in 1976. It was reviewed and replaced by the Maharashtra Project Affected Persons Rehabilitation Act of 1986 that received Presidential assent in 1989. The other states that enacted laws on rehabilitation and resettlement were Madhya Pradesh through the Madhya Pradesh Pariyojana Ke Karan Visthapit (Punshthapan) Adhiniyam 1985 and Karnataka Resettlement of Project Displaced Persons Act 1987 (Presidential assent only in 1994). State enactments had several lacunae with them being project specific or their applicability being dependent on the direction of the government. For example, the Madhya Pradesh Act
focuses on those affected by irrigation projects. The Karnataka Act has never been implemented and was repealed in 2002.

States like Orissa, Andhra Pradesh, Chhattisgarh, Madhya Pradesh, Jharkhand and Rajasthan have issued policy guidelines for resettlement and rehabilitation. The Model Rehabilitation and Resettlement Policy of the Government of Madhya Pradesh 2002 and the Andhra Pradesh Policy on Resettlement and Rehabilitation of Project Affected Families 2005 are on similar lines as the NPRR 2003. The Jharkhand Rehabilitation and Resettlement Policy 2008 is more in line with the NRRP 2007. In addition, in its definition of ‘family’ the Policy treats unmarried women above 30 years of age, minor orphan (both boy and girl) and widows as a separate family. The Policy also asserts that land or house allotted to the family will be in the joint names of husband and wife and monetary amount will be disbursed through a joint account in the name of husband and wife.

The Orissa Resettlement and Rehabilitation Policy 2006 also treats unmarried daughter/sister older than 30 years, a minor orphan (both boy and girl), a widow and a woman divorcee as a separate family. The Policy, like that of Jharkhand, recognises STs and women as vulnerable groups and seeks Gram Sabha consultation prior to acquisition of land. The Policy provides project specific rehabilitation assistance, including that for mining the provisions of which are similar to the NPRR 2003.

The Chhattisgarh State’s Ideal Rehabilitation Policy 2005 or the Rajya Ki Adarsh Punarvas Niti 2005 envisages, like the Orissa Policy different approaches for different types of projects, including mining. Its definition of family includes, ‘any displaced person, his/her wife/husband, and minor children and old parents, widowed mother or sister and unmarried daughter dependent on the displaced person’. Here again only the major son is considered a separate family. The Policy includes a ‘Zone of Influence’ for mining and industrial projects that envisages not only special plans being prepared for a region but provides for a special deal for the people in the zone of employment. However, it makes no mention of specific provision for women ousted. It does envisage a ‘special deal’ for tribal people/people depending on forests that gives precedence to tradition over formal provisions.

The policies and Acts at the state level with regard to resettlement and rehabilitation have very inadequate provisions for women ousted and their specific needs be it with regard to land, employment or cash compensation. Gender experts or members of the departments concerned with women like that of state Ministries of Women and Child Development or the State Commission for Women have a very limited or no role to play in the plans or policies (this is true at the national level as well). Like the policy and proposed Bill at the central level, the state legislations too have failed to address issues of gender.

Rehabilitation policy of public sector units

The CIL, NTPC and NHPC18 are the only three PSUs that have developed rehabilitation and resettlement polices. None of these provide due recognition to women as independent entities. CIL under the Ministry of Coal, is the largest coal producing company in the world, and the only PSU in mining that has a rehabilitation and resettlement policy (applicable to its subsidiaries as well). However, while CIL was set up on 1 November 1975, the CIL Policy was first formulated only in 1994. The policy has seen some modifications and revisions since then. The latest modifications in 2008 were in consonance with the NRRP 2007.

In its Preamble the Policy speaks about how employment opportunities are limited in the industry and identifies the need to develop other ways to compensate land losers if CIL needs to acquire lands for its needs with their cooperation. Its principal aim mentions minimising displacement of local population and their subsequent resettlement.

In its definition of family the CIL Policy defines the same as, ‘family includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood and includes ‘nuclear family’ consisting of a person, his or her spouse, and minor children’. It categorises people

18 NTPC policy of 2005 and NHPC policy 2007
affected and specifies their entitlements for compensation and rehabilitation. In the case of persons, including STs, from whom land is acquired, all land owners with titles will receive monetary compensation for land acquired. Employment at the rate of one job for every two acres of land acquired will be provided to the land loser or dependent only subject to availability and suitability of vacancies. In addition the Policy states that, ‘the dependents shall be taken in at a consolidated stipend of Rs. 5,550/- per month for a period of two years’. Actual land losers or their dependents can take either cash compensation or employment but not both.

In the case of persons whose homestead is acquired either a lumpsum payment of Rs. 100,000/- or an alternate house site measuring 100 sq m, help in designing the house, compensation for shifting that includes cost of construction of cattle shed, shifting belongings, purchasing building materials, in case of self-employed or artisan cost of work shed/shop and a subsistence allowance will be provided.

For landless STs and STs dependent on forest produce the Policy provides either for help with non-farm employment or jobs with contractors. Here contractors will be persuaded to provide employment on a preferential basis where feasible. All attempts, the Policy says, will be made to resettle the STs under this category as a single unit, will be provided with financial assistance for loss of customary rights to forest produce and be paid 25 percent higher resettlement and rehabilitation benefit.

With regard to women the CIL Policy merely says that attempts will be made to provide women with income generating opportunities under rehabilitation and resettlement. With regard to disputes the Policy says that a committee will be constituted for the purpose. The Policy briefly mentions community facilities to be provided at resettlement site and conducting a baseline socio-economic survey on the status of land losers prior to project initiation. The Policy also states that budgetary provisions will be created to intensify CSR activities.

The Standing Committee on Coal and Steel mentions in its Thirty-fifth Report (2008-09), that the in some cases the NRRP 2007 is more progressive than the CIL Policy; for example while NRRP 2007 does mention land for land compensation subject to availability, the CIL Policy has no such provision. Employment assurance is similarly only based on availability and the Standing Committee had suggested that employment should be assured as it is a permanent income source. There is no mention of specific employment opportunities provided to women in CIL Policy. One of the subsidiaries, Western Coalfields Limited, in fact had an internal circular that prohibited employment of women. The Secretary (Ministry of Coal) had reported to the Standing Committee that the same would be withdrawn. The Standing Committee also hoped that the Ministry of Coal would ensure that there was no discrimination in the case of employment of women.

The situation of women in MCL, as seen in the case study, is going to be replicated in several sites across the country. Coal Vision 2025 estimates that the 170,000 families or 850,000 persons will have to be rehabilitated by the year 2025 as the requirement of land for coal mining is expected to double with demand from the current 147,000 ha to 292,500 ha. The requirement of forest land too is expected to increase more than three-fold from 22,000 ha to 73,000 ha since most of the coal resources are in forest areas. The future is indeed alarming for a considerable population, primarily adivasis, and specifically women who stand to lose their traditional livelihood and cultural identity as a result of displacement. As seen in the case study areas, the compensation and facilities offered in the NRRP 2007 are far from implemented in the field and mostly remain ill-implemented promises especially when it comes to employment, community facilities, dispute settlement or preferential treatment.
Policies of the government and adivasi women’s rights

The National Tribal Policy 2006

The National Tribal Policy 2006 was first proposed and drafted in 2004 and then in 2009; it still awaits approval. The Policy intended to fall in line with the NRRP 2007, accedes that ‘displacement of tribals from their land amounts to violation of the Fifth Schedule of the Constitution as it deprives them of control and ownership of natural resources and land essential for their way of life’. Therefore, it stipulates that ‘displacement of tribal people be kept to the minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted’ upon which they should be provided a better standard of living. Guidelines for resettlement were that alternate land be given as compensation with a minimum of two hectares of cultivable land per family, that tribal families should have fishing rights in their original habitat, reservation benefits to be continued, and such other benefits like financial assistance, free common land, and all other basic amenities including roads and passages, electricity, drainage and sanitation, safe drinking water, educational and health care facilities, fair price shops, a community hall and a Panchayat office. It also emphasised that either government job or job in the same project be given to at lease one member from the affected family, that the affected family be made a shareholder of the project and a regular cost benefit analysis be undertaken with the affected from the ST families participating in this process.

The Policy does make a conscious recognition of the plight of the adivasis who are displaced and affected by mining projects. Although it lays emphasis on finding non-displacing alternatives and the need for maintaining the social and economic levels of pre-project status, respect for the same when it comes to real implementation, far from exists. There is no specific mention of rights to adivasi women, but the overall directions of the policy to protect the rights of the ST communities reflect the need for recognition and ownership of their rights.

The National Mineral Policy 2008

The National Mineral Policy 2008 primarily focuses on the exploitation of mineral resources in the country for trade and economic growth. It gives directions on how to mine and what minerals to be prioritised, the processes of mining leases and technology. The mineral policy merely looks at the economic dimensions of the value of the minerals with a strong bias towards the growth of the industry rather than a commitment to the geo-ecological responsibility of the government while exploring for minerals. It does not approach the role of mining in the development of the nation through the socio-ecological lens and therefore, the policy is, by its very nature, unsustainable. There is a negligible reference to rehabilitation and compensation for the social costs of mining but these fall far short of a genuine cost-benefit analysis from a social and gender perspective, and perhaps also from a pragmatic economic perspective. Under the influence of such a policy, the very legal framework of the constitution is undergoing re-organisation that is largely distant from a socially responsible role of the State. A glaring example is the persistent attempts to amend the Fifth Schedule of the Constitution in order to open up the adivasi (Fifth Schedule) areas to private mining, which have serious negative implications on adivasi women’s basic rights.

India and international agreements that safeguard adivasis rights

While the above contradictions form the legal framework at the national level, India has committed to certain principles of human rights protection at the international level. The present study focuses on important commitments with respect to adivasi women of India and how their rights are complemented by voluntary international agreements.

The United Nations Declaration on the Rights of Indigenous Peoples 2007: The right to free, prior and informed consent in the context of adivasi women

FPIC recognises indigenous peoples’ inherent and prior rights to their lands and resources and respects their legitimate authority to require that third parties enter into an equal and respectful relationship with them, based on the principle of informed consent.

FPIC is critical for the self-determination of indigenous people’s rights and several international instruments have upheld this principle. The UN Declaration on the Rights of Indigenous Peoples 2007 that came into existence after decades of lobbying by the indigenous peoples’ groups in the UN and with the support by human rights campaigns across the globe, places special emphasis on the concept of FPIC. One of the strongest lobbies was from the indigenous people’s groups affected by large mining projects across the globe.

The Declaration in its different articles recognises the social, cultural, economic, political and legal rights of indigenous peoples. Specifically with regard to FPIC, Article 10 of the Declaration states that, ‘indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free,
prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return’.

Article 32(1) further states that, ‘indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources’, while article 32 (2) states that, ‘states shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources’.

India ratified the agreement when it came into force in September 2007. Although this is a non-legally binding mechanism and respect to this by states in their respective countries is mainly voluntary, India has several national laws that complement this international treaty. The most important law that can be applied to protecting the rights of adivasi people in the context of the UN Declaration is the extension of the 73rd Constitutional Amendment to the Scheduled Areas.


In order to promote participatory governance, the government of India passed the PESA Act in 1996. The Act lays emphasis on the supremacy of the Gram Sabha and the right to adivasi self-rule for the tribal people living in the Scheduled Areas. This includes the right of the adivasi people to decide about the resources, programmes and all activities within their village where all the adult male and female members enjoy the right to pass resolutions as the primary unit of governance. Some important features of the PESA Act 1996 that align with the Declaration, especially with regard to safeguarding land and resource rights, are:

- Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution.
- The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the state level.
- The prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction.
- The Gram Sabha is endowed specifically with power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of adivasis.

Each state has either passed its own Acts or follows the central Act. Largely, the PESA Act 1996 is, to some extent, implemented in the case of minor minerals whereas major minerals fall directly under the central purview and the law of eminent domain of the Land Acquisition Act 1894 is straightaway applied here.

There are problems in the varying rules and procedures in different states, for implementation of PESA Act 1996. For example, in Orissa, the village Panchayat is deemed to be the unit for Gram Sabha and not the traditional Palli Sabha which is a village council. This would mean that a Gram Sabha resolution is legitimate only if all the male and female members of the entire Panchayat are present for the meeting. This becomes practically impossible, and most often is implemented by convening a meeting with
a few selected members from different villages.

In Chhattisgarh it was found that for minor minerals, the Gram Sabha consent is to be taken and the applicant for lease has to first obtain a NOC from the village council. However, at the implementation level, it is not clear if this clause is actively respected. In any case, women have not been heard to be consulted for giving the NOC. Revenue sharing with respect to minor minerals from village to district levels is based on the cost of lease purchased.

Although village and Panchayats at appropriate levels receive percentage share of royalty from this, visits to the mine sites in Rajasthan, Karnataka and Orissa where mining is happening, did not reveal any relevant expenditure on infrastructure or development needs addressing women. For minor mineral leases some states give preference to STs, OBC and women. In Rajasthan we were informed that some mining leases were in the names of women, but this is stated to be largely benami.

The Environment (Protection) Act 1986 and free, prior and informed consent

The second relevant law that can be applied in line with the UN Declaration is the Environment (Protection) Act 1986, which makes it mandatory for government to present the EIA reports of specific projects to the communities affected and to the public with detailed project information that could be questioned at the public hearings that are mandated to be held prior to clearing any projects. These public hearings are intended to be a platform for seeking information, clarifications, raising objections and putting up complaints against the proposed projects based on which environment clearance is to be decided.

The MoEF under the Environment (Protection) Act 1986 has to give clearances to mining projects, only after the submission of the public hearing reports with the inclusion of people’s complaints and objections. In its true spirit, it translates into FPIC of all affected parties. This Act read along with the PESA Act 1996 stand as legal custodians of adivasis’, including adivasi women’s right to access information and submit their Gram Sabha resolutions at the public hearing, or even otherwise, before any project is cleared or rejected.

Despite these provisions, the case studies in Andhra Pradesh, Jharkhand and Orissa show how the PESA Act 1996, the Environment (Protection) Act 1986 and the UN Declaration have all been kept aside for furthering the mining interests. The public hearings conducted undemocratically and the forced alienation of land without taking into account the objections submitted by the communities and non-consultation, were complaints that clearly came out of the field visits.

In most field situations, it was observed that there was no application of the UN Declaration or an understanding that it exists and has to be respected.


The CEDAW was adopted by the UN in the year 1979, bringing to a culmination years of efforts for the advancement of women and making it the central and most comprehensive document on the same. Among the international treaties, CEDAW occupies an important place in bringing to focus the rights and concerns of women across the globe. The Convention stresses in the beginning itself the ‘equal rights of men and women’ and the obligation of state parties to ‘ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights’. While there is no specific mention of indigenous women’s rights in the Convention it does recognise that discrimination against women
continues to exist and all state parties are obliged to take necessary steps to remove the same.

India ratified CEDAW in the year 1993, and has till date submitted three reports (First Report in 1999 and the cumulative Second and Third Report in 2005). None of the reports of the state parties make any mention of the issue of displacement or land alienation of tribal women as a result of development projects including mining. However, the CEDAW Committee in its concluding observations for the Second and Third Reports, ‘[…] expresses grave concern about the displacement of tribal women owing to the implementation of megal_projects and the influence of global economic trends. While the Committee appreciates the need for economic growth, it is concerned that the human rights of vulnerable groups such as tribal populations may be adversely affected by large-scale economic projects’.

It further, ‘[…] urges the state party to study the impact of megal_projects on tribal and rural women and to institute safeguards against their displacement and violation of their human rights. It also urges the state party to ensure that surplus land given to dislocated rural and tribal women is cultivable. Moreover, the Committee recommends that efforts be made to ensure that tribal and rural women have individual rights to inherit and own land and property’.

It is important to bring to international focus the violation of the rights of adivasi women in the country who have been displaced by development projects like mining. At the same time linkages should be developed with indigenous women’s groups similarly fighting for their rights in other countries in order bring them together in a common platform and ensure their voices are heard. With the same mining corporations responsible for violations in different countries there is much that can be achieved by sharing information and strategies. CEDAW is a thus a unique Convention to bring together similarly affected women impacted by mining to lobby at a global platform.

**International Labour Organisation Conventions with regard to indigenous peoples**

The two Conventions of the ILO with regard to indigenous peoples are the ILO Convention No. 107 or the Indigenous and Tribal Populations Convention 1957 and its revision, the Convention No. 169 known as the Indigenous and Tribal Peoples Convention 1989.

The Convention No. 107 with respect to land in Article 12(1) states that, ‘the populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national economic development or of the health of the said populations’. Article 12(2) states that, ‘when in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees’, while Article 12 (3) states that, ‘persons thus removed shall be fully compensated for any resulting loss or injury’.

As the years went by, public opinion began to turn against the assumption that integration for tribal communities was the only possible future for them and their development was the concern of the state and not that of the tribal people who were most affected. This led to a revision of the ILO Convention 107”.19

ILO Convention No 169, the revised Convention, recognises the right of indigenous people to determine their development priorities, as well as the means and ways of achieving them. With respect to rights over natural resources, the Convention in Article 15(1) states that, ‘the rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources’. With regard to mineral resources, Article 15(2) of the Convention says that, ‘in cases in which the state retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities’.

Specifically with regard to displacement Article 16(2) says

---

19 Convention No. 169 revises No. 107. This means that the latter is no longer open to further ratifications; but it is still in force in those countries which ratified it and have not yet ratified Convention No. 169 (as is the case with India). Conversely, when a country which ratified Convention No. 107, decides to ratify Convention No. 169, it is only the latter which is in force.
that, ‘where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned’.

Together with the UN Declaration on the Rights of Indigenous Peoples, the ILO Convention No 169 is a central element in the international framework for the promotion and protection of the rights of indigenous and tribal peoples. ILO Convention No. 169 is a legally binding international instrument open to ratification, which deals specifically with the rights of indigenous and tribal peoples. Today, it has been ratified by 20 countries mainly in Latin America, Europe and the Asia-Pacific region. Once it ratifies the Convention, a country has one year to align legislation, policies and programmes to the Convention before it becomes legally binding. It can do this by introducing constitutional provisions, legislation, administrative regulations or by inclusion of obligations in procedures like grant of environmental or exploratory licenses. Countries that have ratified the Convention are subject to supervision with regard to its implementation. The Convention is based on the two principles of consultation and participation. It, however, gives no power of veto.

While the Convention was seen as a step forward it continues to face criticism from indigenous peoples owing to the heavy use of qualifications that effectively weakens it. The Convention does not reflect the wishes of the indigenous peoples regarding their territories, recognition as people, and concept of consent and control. The argument, however, has been that if the Conventions were too strong or bold no government would ratify the same; and no ratification means no obligation on the part of the governments. The Conventions are thus treated only as minimum standards and are to be treated along national legislations. In addition, the Convention is directed at the government, not at the private sector. So while private companies have no direct obligations under the Convention it does have implications for their activities. Violations by a private company may not directly be a violation of the Convention itself but that of a national law or administrative rule of the government for which it can be held accountable.
While India ratified the Convention No. 107, it is yet to do so in the case of No. 169. That India has not ratified the Convention No. 169 reflects its poor intentions and a lack of commitment to protect the rights of adivasi people in whose lands most of the large-scale mining projects and displacement have happened and are proposed.

**International Covenant of the Social, Economic and Cultural Rights 1966**

Another important commitment the Indian government has made is the ratification of the CSECR in the year 1979. This Covenant commits state parties to working towards granting social, economic and cultural rights, including rights to family life, rights to education, right to participation in cultural life, right to adequate standard of living (including food and housing), right to health, right to social security and labour rights. The Covenant calls state parties to exercise rights under it without discrimination. This Covenant while it forms one of the core international human rights instruments is not legally binding on the state parties.

The Indian government’s combined Second to Fifth periodic report in 2007 does not make any mention of the adivasi with regard to land alienation and displacement. However in its concluding comments the CSECR Committee expressed concerns about the increasing reports of human rights violations and continuing discrimination especially against women and marginalised groups including the adivasi.

In addition, the Committee, ‘while noting that the draft Resettlement and Rehabilitation Bill is currently before Parliament, remains deeply concerned about the reports of displacement and forced evictions in the context of land acquisition by private and state actors for the purposes of development projects, including constructions of dams and mining, and that the members of disadvantaged and marginalised groups, in particular, the SCs and STs, are adversely affected by such displacement from their homes, lands and their sources of livelihood. The Committee is also concerned that urban renewal projects, sporting events, infrastructure expansion, environmental projects and more recently, the designation of large areas as tax-free SEZs, have resulted in the displacement of millions of families, most of who have not received adequate compensation and rehabilitation. Furthermore, the Committee is concerned about the lack of effective consultations and legal redress for persons affected by displacement and by forced evictions, and the inadequate measures to provide sufficient compensation or alternative housing to those who have been removed from their homes and/or their ancestral lands’.

It further, ‘recommends that the state party take immediate measures to effectively enforce laws and regulations prohibiting displacement and forced evictions, and ensure that persons evicted from their homes and lands be provided with adequate compensation and/or offered alternative accommodation, [...]. The Committee also recommends that, prior to implementing development [...] projects [...] the state party should undertake open, participatory and meaningful consultations with affected residents and communities. In this connection, the Committee [...] further requests the state party to provide information in its next periodic report on progress achieved in this regard, including disaggregated statistics relating to forced evictions’.

The Rehabilitation and Resettlement Bill and the National Tribal Policy, as seen from above have several lacunae and are still to be passed in the Parliament. Development induced displacement continues at a fast pace and as in the past there is no clear indication of how many have lost their homes and lands or what their current status post-eviction is.

**International Convention on the Elimination of Racial Discrimination 1966**

CERD commits its members to the elimination of racial discrimination and understanding among members of different races. India ratified CERD in the year 1968 and submitted its Fifteenth to Nineteenth combined report in 2007. The latest report of Indian government in 2007 was very brief providing little information. The state party report continued with its stance that the situation of STs and SCs in the country did not fall within the scope of this Convention. The Indian government viewed caste-based discrimination as an issue outside the purview of the definition of racial discrimination, and said it could provide information to the CERD Committee should they be interested but not as an obligation under the Convention.

The Committee too retained its position that discrimination based on caste is fully covered by the Convention. It its concluding observation, the Committee stressed that notwithstanding the legal position of the state with regard to caste the state in its next periodic report was required to submit information disaggregated by caste, sex and tribe anti-discrimination measures and affirmative action.

The Committee further noted with concern, ‘that the state party does not recognise its tribal peoples as distinct groups entitled to special protection under the Convention’ and recommended that, ‘the State party formally recognise its tribal peoples as distinct groups entitled to special
The Committee also noted that, ‘the state party does not fully implement the right of ownership, collective or individual, of the members of tribal communities over the lands traditionally occupied by them in its practice concerning tribal peoples. It is also concerned that large-scale projects such as the construction of several dams […] on territories primarily inhabited by tribal communities, […] carried out without seeking their prior informed consent. These projects result in the forced resettlement or endanger the traditional lifestyles of the communities concerned’. The Committee urged, ‘the state party to fully respect and implement the right of ownership, collective or individual, of the members of tribal communities over the lands traditionally occupied by them in its practice concerning tribal peoples, in accordance with ILO Convention No. 107 on Indigenous and Tribal Populations (1957). The state party should seek the prior informed consent of communities affected by the construction of dams in the Northeast or similar projects on their traditional lands in any decision-making processes related to such projects, and provide adequate compensation and alternative land and housing to those communities’. The Committee also recommended that the Indian government should consider ratifying ILO Convention No. 169 concerning indigenous and tribal peoples.

The Country Rapporteur, who submitted a list of issues, too, posed a question with regard to land rights of indigenous communities (‘How are the land rights of indigenous and tribal communities recognised and protected in the context of large-scale projects, […] Please provide information on legislative reforms requiring prior informed consent and compensation of the communities concerned for any use of their lands.’). Here too the Indian representatives argued the Convention would not apply which was contested by the Committee. The Indian delegation also did not give a response to the Rapporteur’s question on the issue of internal displacement of tribal people mentioned by an NGO Shadow Report.

**United Nations Guiding Principles on Internal Displacement**

The Deng Principles or the Guiding Principles on Internal Displacement were developed to meet the challenges faced by the international community with regard to protection of people uprooted from their homes as a result of violence, human rights violations or disasters, but who remain within the borders of their own countries. These Principles identify the rights and guarantees to protection of the internally displaced in all stages of development. This includes protection against arbitrary displacement, assistance during displacement and guarantees for safe return, resettlement and reintegration. Displacement includes large-scale projects that are not justified by overriding and compelling public interests [Principle 6(2)(c)].

Although they do not constitute a binding instrument, they reflect and are consistent with the international human rights and humanitarian law. Some governments like that of Burundi, Sri Lanka, Colombia, Philippines and Uganda have developed national policies based on these principles while Angola has adopted a few of the principles in its law on resettlement.

Specific principles mention women and indigenous groups. The Principles recognise expectant mothers, mothers with young children and female-headed households as requiring special assistance. It also lays down that free and informed consent of those who are to be displaced is sought [Principle 6(3)(c)] and that the authorities will endeavour to involve those affected, especially women, in the planning and management of their relocation [Principle 6(3)(d)] and ensure participation of women in the planning and distribution of basic supplies [Principle 18(3)].

In addition attention to the health needs of women, by providing access to health and reproductive services and counselling of women who have suffered abuse has been called for [Principle 19(3)], equal and full participation of women and girls in education programmes [Principle 23(3)] and trainings [Principle 23(4)] will be provided. It also lays down that states are under particular obligation to protect against displacement of indigenous communities and groups with special attachment to lands (Principle 9).

While India has no policy to deal with internally displaced as a result of conflict situations, the NRRP 2007 of the government and the recently proposed Bills on Resettlement and Rehabilitation and Land Acquisition deal with the issue. However, they do not reflect the inclusion of the above principles that relate to women or ensure implementation of the principles in their true spirit. The Indian government has not used the international principles in any national legislation. The government has argued that international attention to internally displaced has to remain within the bounds of the concept of national sovereignty and international actors have no role in displacement caused as a result of development. It further asserts that the Guiding Principles do not have inter-governmental approval.
Social status is found to be reduced considerably as women no longer have access and control over incomes and are mainly dependent on men’s wages. One of the visible and disturbing impacts on women’s social status seen is the shift from bride price to dowry in marriage transactions in mining regions of the adivasi areas.

Deterioration in the status of health, malnutrition, water and air borne diseases as a result of pollution, reproductive health problems, lack of access to forests for food and other domestic needs, loss of traditional livelihoods and incomes were some of the impacts narrated by the women. Further, the loss of land and denial of employment opportunities for women have led to their destitution and to other social insecurities like single mothers, widows, domestic violence, alcoholism, sexual abuse and trafficking as clearly evident in coal mining area of Talcher which are further compounded by the traditional patriarchal systems at the household and village level. These ensure that women are excluded from rights to compensation, land or jobs provided as resettlement / compensation. The case studies conducted in Orissa and field visits to the coal mining belt of Jharkhand showed that women were not consulted in rehabilitation activities like identification of land, designing of resettlement colonies, basic facilities and employment to women, or in redressal of their grievances. They continue to agitate for fulfilment of the promises made by the companies at the time of project commencement.

The burden of water—collection of water, consumption of contaminated water and diseases related to polluted water—are a daily crisis for the adivasi women. This is a definite impact experienced by women across the mining regions.

Historically large-scale mining in India was confined to the public sector where responsibility of the state towards the affected communities was direct. Yet, project authorities callousness towards local communities, ignorance of community needs or deliberate non-implementation of resettlement was a complaint heard from almost all the women interviewed. That women have been reduced to ‘thieves’ of water and coal in their own lands when they had full access to the waterbodies and diverse resources to make their livelihood without having to steal low grade ore from mine tailings is a reflection of the marginalisation of women in these areas as a result of mining. The CSR programmes reported by most of the public sector mining companies in India like NALCO show how little of understanding or respect for local needs exists in demonstrating responsibility to the affected communities. Further, societal and bureaucratic prejudices surrounding adivasis, and particularly adivasi women
reflects the rationalisation of the crimes and social evils in mining regions as being rooted in tribal misconduct rather than addressing the serious issue of exploitation of adivasi women in these areas.

With the shift towards privatisation, the future of social responsibility towards these illiterate women, by the mining companies, is suspect as it is mainly based on voluntary goodwill rather than a legal accountability. Further, it was universally observed in the mine sites visited, that governance machinery and political authority have been highly degenerate in mining regions due to the corruption and muscle power of the mining lobbies. This has had direct negative impacts on women and their social security. Having made governance subversive to market forces, the state has shrunk even the existing democratic spaces for women.

An analysis of the relevant laws and policies with regard to mining, land acquisition, and rehabilitation and resettlement reveal that those framing the laws have paid little attention to the gendered needs of displaced communities. The study was a struggle in putting together secondary data related to displacement due to the absence of proper records of extent of displacement in mining projects. Unless a gender-based cost-benefit analysis of projects is undertaken, the social and long-term viability of mining projects cannot be justly ascertained.

Displacement for mining or any other projects in India are made legally permissible as the government uses some of its most dictatorial laws and constitutional powers to alienate people from their lands. The plight of the displaced or proposed to be displaced communities depends on the interpretation of these laws, the amendments being proposed to the laws through the several bills that have been introduced in the recent years. The string of policies being proposed gives an impression that there is an attempt to deflect the public from the core issues of people’s rights through a flirtation with social responsibility.

All the policies express good intent but lack sufficient legal teeth in ensuring delivery. Unless the Fifth Schedule is further strengthened instead of being amended, unless the Samatha Judgement is respected instead of subverted, unless the land acquisition laws and rehabilitation policies follow the spirit of the Fifth Schedule and the PESA Act 1996, the rights of the adivasi women will continue to be threatened. The international agreements like the UN Declaration have to be authentically implemented to protect the rights of adivasi communities if India does not want to remain a mere paper tiger in fulfilling its Constitutional mandate. FPIC should form the backbone of governance to safeguard adivasi women’s rights against the current forms of mining induced exploitation.
SECTION - II
WOMEN MINE WORKERS IN INDIA

Women and children working in the iron ore mines in Bellary, Karnataka
Part 1: Case Studies from the Field

The two case studies of women mine workers were carried out in the states of Karnataka and Rajasthan. In Karnataka the women workers were from the iron ore mines of Bellary district while in Rajasthan they were from the sandstone mines of Jodhpur district. In both cases the women workers were from the unorganised labour force.

Case study 1: Women workers in the unorganised iron ores mines of Bellary district, Karnataka

Iron ore mining in Bellary district, Karnataka

Karnataka is a leading producer of iron ore, being ranked second in the country. Official records for the state give the number of iron ore mining leases as 70, reporting mines as 86 and the average daily employment is given as 73,393. However, with a large number of illegal mines and, with no proper tracking or monitoring, the real numbers of working mines and workers are expected to be much higher. The royalty the state earned from iron ore mining amounted to Rs. 9,355.94 lakhs in 2007-08. Iron ore mining in Karnataka is carried out in several districts with the two main deposits being found in Bellary and Kudremukh (mining operations in Kudremukh are at present suspended). Bellary has considerable deposits of high grade iron (hematite), considered among the best in the world. Bellary district is located on the northeastern part of Karnataka, with the iron ore mining being largely concentrated in and around hillocks.

In the Bellary-Hospet area there are about 116 iron ore mining leases with over 60 mines in operation covering an area of 16,000 ha. Opencast mining here has been carried out for nearly 45 years and is a combination of highly mechanised, semi-mechanised and manual methods. Mines are owned both by the government and by private companies. A majority of these leases—nearly 65 percent are in forest areas and in 2001 this amounted to 11,130 ha. There is large-scale illegal mining—estimates vary between 40 percent and 80 percent—and this makes assessment of actual number employed difficult. It is estimated that nearly four lakh casual labourers are engaged in the mines in Bellary district. However, looking at the explosion in mining activity this is bound to be a conservative estimate. A majority of these workers are migrants who form a cheap and vulnerable labour force.

Mine workers and the communities surrounding the mines were found to work and live in extremely dismal, hazardous and exploitative conditions with limited access to basic amenities (Table 13: Some indicators for Bellary district). To make matters worse, the recession severely impacted the iron ore mining industry with disastrous consequences for the people and workers in the region.

Profile of women and villages involved in this study

This case study focuses on the perspectives of women mine workers, both currently employed and those who lost their jobs, their living and working conditions and vulnerability of their lives. It provides an insight into the negative impacts on their health, the economic and social conditions of mine workers as well as on the local natural
resources and the environment. In particular, the investigation assesses the impacts of the recent decline in iron ore demand on the lives of the invisible women mine workers of the industry. The failure of government schemes and inability to provide a source of livelihood for the communities and mine workers is also discussed.

The primary data has been collected through a series of interviews which were conducted during the months of July and August 2009. The women/girls—numbering 75 between the ages of 12 and 60 years—were chosen randomly from three city slums (Anantashayanagudi, Jabbal and Sirisinakallu) and eight villages (Anthapura, Danapura, Galammaguda, Gouripura, Hanumanahalli, Kariganour, Mariyamanahalli and Papinayakanahalli) within a 20 km radius of Hospet town in the district of Bellary.

The vast majority were locals and not migrants as the study was undertaken during the slowdown of the mining activities when migrant labour had returned to their native villages. All had been mine workers during the recent iron ore production boom. Whilst some of the women were still employed full-time in the industry, the majority sought alternative means of survival in other sectors like construction, agricultural labour, as cooks or remained unemployed as housewives. While a majority of the women had received no education a few of them had studied upto Class V, VII or X while a couple of them had finished their under-graduation.

### Table 13: Some indicators for Bellary district

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population (2001)</td>
<td>20,25,242</td>
</tr>
<tr>
<td>Percentage SC population to total population (2001)</td>
<td>18.5</td>
</tr>
<tr>
<td>Percentage ST population to total population (2001)</td>
<td>18</td>
</tr>
<tr>
<td>Population density (2001)</td>
<td>240 per sq km</td>
</tr>
<tr>
<td>Geographic area</td>
<td>8,450 sq km</td>
</tr>
<tr>
<td>Total forest area (2005)</td>
<td>768 sq km</td>
</tr>
<tr>
<td>Forest area as a percent of geographic area (2005)</td>
<td>9.09</td>
</tr>
<tr>
<td>Forest land in ha diverted for mining (between 25 October 1980 and 30 September 2008)</td>
<td>11,130 ha</td>
</tr>
<tr>
<td>HDI (2004-05)</td>
<td>18</td>
</tr>
<tr>
<td>GDI (2001)</td>
<td>17</td>
</tr>
<tr>
<td>Sex ratio (2001)</td>
<td>969</td>
</tr>
<tr>
<td>Sex ratio ST (2001)</td>
<td>985</td>
</tr>
<tr>
<td>Sex ratio SC (2001)</td>
<td>985</td>
</tr>
<tr>
<td>Juvenile sex ratio (0-6 years) (2001)</td>
<td>949</td>
</tr>
<tr>
<td>IMR (2001-02)</td>
<td>53</td>
</tr>
<tr>
<td>Mothers who had at least three antenatal care visits for their last birth (%) (2005-06)</td>
<td>64.2</td>
</tr>
<tr>
<td>Institutional births (%) (2005-06)</td>
<td>45.4</td>
</tr>
<tr>
<td>Mothers who received postnatal care from a doctor/nurse/LHV/ANM/other health personnel within two days of delivery for their last birth (%) (2005-06)</td>
<td>54.7</td>
</tr>
<tr>
<td>Delivery at home and other place assisted by doctor/nurse/LHV/ANM (%) (2007-08)</td>
<td>17.3</td>
</tr>
<tr>
<td>WPR Combined (2001)</td>
<td>45.4</td>
</tr>
<tr>
<td>WPR Female (2001)</td>
<td>35.9</td>
</tr>
<tr>
<td>WPR Female SC (2001)</td>
<td>43.7</td>
</tr>
<tr>
<td>WPR Female ST (2001)</td>
<td>44.4</td>
</tr>
<tr>
<td>Literacy rate Combined (2001)</td>
<td>57.4</td>
</tr>
<tr>
<td>Literacy rate Female (2001)</td>
<td>45.3</td>
</tr>
<tr>
<td>Literacy rate SC Female (2001)</td>
<td>29.04</td>
</tr>
<tr>
<td>Literacy rate ST Female (2001)</td>
<td>28.75</td>
</tr>
</tbody>
</table>
Problems and issues of women workers in the iron ore mines

Wages and working hours

Interestingly, despite claims that the mining industry pays better salaries, according to the data collected for this research from women who are currently employed in mining, the opposite appears to be true. The data in fact suggests that women working full-time in mining received an average of Rs. 74/- per day as compared to the Rs. 94/- per day earned by women working in agriculture or in construction. Wages within the industry vary enormously according to the task performed, with stone picking being one of the highest remunerative tasks. According to the data collected, wages range from Rs. 40/- to Rs. 200/- per day with work hours varying between six and 16 hours depending on the role and the company’s requirement. Women worked continuously with no leave or weekly off. Women here also complained about the fact that they did not receive payments on time and at present work was also not available on a continuous basis.

In some cases work was undertaken seasonally. For example, interviewees from Mariyamanahalli, where mining began recently, said they worked in mining from January to April and for the remaining part of the year were employed in agriculture, construction and road works.

Working environment and workplace rights

Among the women workers, the worst exploited by mine owners are women in the age group between 15 and 35, as they contribute physically strenuous and longer hours of work. Women above 40 years are mainly engaged in peripheral activities like sorting, breaking of smaller stones and sieving while the younger women are given majority of the work of breaking stones, loading and sieving activities. Men worked mostly in sieving, digging or in supervisory/administrative roles.

None of the women interviewed have ever been organised into trade unions during or after employment and/or sought help from these groups. In the case of the Anantashayanagudi slum, when the mines closed down suddenly, women had tried to take the help of a local trade union to demand for their rights but did not receive any help. An exception was found in Galammaguda village. This village had an iron ore processing factory where some miners were employed legally by the company, and were provided a series of benefits including pension, education for children, compensation in the case of accidents and health insurance. However, the Galammaguda case remains virtually unique as none of the other workers interviewed received any benefits or facilities such as toilets and potable water. In most cases they were not even entitled to have a lunch-break. There were no creches for the children who accompanied the parents to the work site. Children were found sitting or playing in the mine pits, exposed to the dust and noise. The women workers were not even aware of who their employers were. The chain of contractors and multiple contractors in one site created confusion and at the same time, made it impossible to hold any one employer accountable for the poor working conditions or accidents.

Health impacts

The primary data collected for the purpose of this research confirms the vulnerable condition of women in the mining district of Bellary. All the women who were employed full-time in mining at the time of the research suffered from a series of health issues that are common amongst mine workers

Box 5: Poor maternal health care in mines

Satyavati, a 20 year old from the Anantashayanagudi slum provided us with an insight into the typical hazards of the mining activity. She never had a chance to go to school and had to work throughout her childhood because of poverty. She has one child but lost four babies due to miscarriages whilst employed in mining. Satyavati could not afford to seek medical care; she had to remove the dead fetuses with her own hands and managed to survive the four miscarriages without professional help. Satyavati had to abandon the mining work due to the recent lack of demand for labour and is currently employed in the construction industry.

Notes:

21 Names of interviewees have been changed to protect identities
Box 6: Mining and the spread of HIV/AIDS-A worrying health situation in Bellary

Karnataka is one of the six states with a high prevalence of HIV; an estimated 2.5 lakh people here are living with HIV. Bellary district is one of the top four districts in terms of estimated infection in HIV and the mining sector is seen as a prime catalyst in the spread of the disease.

The mining boom in Bellary, which saw a spurt in large-scale illegal mining, also resulted in an inflow of migrant population who came here in search of employment both from within and outside the state. This vulnerable population found themselves in the hands of an exploitative population of truckers, traders and contractors and the worst affected were the women and children. There is a perceptible increase in number of STD clinics which is an indication of commercial sex trade with corresponding increase in threat of HIV/AIDS.

Bellary has 22,000 estimated HIV infections and 1.1 percent prevalence among the general population. In 1999, HIV prevalence in the STD clinics was as high as 14 percent and in 2006 the HIV prevalence rate in STD clinics was 16.4 percent.

The two high risk groups identified in Bellary were female sex workers and devadasis. One of the major customers of these groups are truck drivers. With the increased mining and innumerable trucks plying in the region for transporting ore, the high incidence of HIV is expected. The nature of economic growth in the district centred on mining has resulted in inequitable distribution of income, increased poverty, high rates of migration, social evils, economic and social exclusion, and lowered status of women and children. This has created an environment in the district for the high prevalence of HIV.

Sources:

and are mainly caused by the physically strenuous activities that mining required, the unhealthy working conditions, and the prolonged exposure to toxic substances and dust. Many of the women interviewed complained of chronic health conditions even after abandoning their employment. Most of the women complained of headaches, coughs, colds, fever, body and joint pains, bleeding from the mouth, irregular periods, skin infections, and more serious respiratory and heart problems. Their deteriorating health conditions were confirmed by seven medical camps conducted in the month of June 2009 organised by a local NGO Sakhi. Cases of pneumonia, suspected cases of TB, chest infections and death from respiratory problems, have increased in Bellary over the last few years. Moreover, several of the women workers said that they often suffer mental and social problems, such as depression, mood swings and substance addiction. Increased substance abuse and alcohol addiction among men has meant a rise in domestic violence and abuse. Communities living near the mine sites also suffer from health problems as a result of dust inhalation and lack of access to potable water.

Contrary to what the Mines Act 1952 specifies as the duty of the mine owners to provide to women workers upto 12 weeks of paid maternity leave, the women stated that they did not enjoy any maternity leave. In reality, the women continue working throughout their pregnancy and immediately after delivery, putting in danger both their health and the health of their infants. A majority of the women interviewed had suffered miscarriages.

*No facilities at the workplace: Water, shelter or toilets*
The women interviewed stated that they were not provided any medical facilities or compensation for accidents, as required under the Mines Act 1952. On the other hand, they were not aware of the legal provisions and had never demanded for this. In the absence of any medical benefits or health care provided by the employers, all the women interviewed stated that they had to pay for their own medical expenses and often relied on home remedies or quacks due to extreme poverty. They were never medically examined or received medical treatment from the mine owners.

**Accidents at the workplace**

Not surprisingly, cases of fatal and non-fatal accidents are common on site. Several women have witnessed the death of their newborn babies and children due to mostly preventable accidents. Accidents amongst adults are also a daily occurrence. Mud slides, rock falls and improper use of machinery, mainly due to lack of adequate training and work safety gear, appear to be the most common cause of accidents.

Among the women interviewed in the Anantashayanagudi slum, one woman had lost her new born baby in an accident in the mine site and another had witnessed a 20 year old pregnant woman dying in front of her very eyes, crushed by rocks. In Jabbal slum one woman said that she saw three people being crushed by rocks in front of her eyes. In Galammaguda the interviewees witnessed accidents whilst working in the factory but did not know of any accidents since it stopped functioning as apparently people stayed away from the building. The women here, however, reported that they had witnessed three people being killed whilst digging rocks containing ore.

In spite of the numerous fatal and non-fatal accidents, employees never received any medical care or compensation for accidents in the mine site. In the case of fatal accidents, the employers promised a derisory sum that ranged between Rs. 5,000/- and Rs. 20,000/-, but never provided employees with such compensation. According to the women, all mine sites continue to present an extremely hazardous work environment, as companies fail to provide basic security measures such as safety equipment and adequate training for workers.

**Sexual harassment at the workplace**

Incidents of sexual harassment against female mine workers appears to be another common problem. Despite difficulties in gathering data on sexual harassment due to the sensitivity of the issue, a large percentage of the women interviewed—nearly 50 percent—admitted falling victim to men’s abusive behaviour. More generally, most of the women admitted having heard of other colleagues falling victims of sexual abuse. The women were reluctant to openly discuss their problems also due to the presence of local agents from within the community who were present and they feared a backlash from their mine owners if they were exposed.

However, the same women had admitted to serious levels of constant stress, fear and psychological trauma as a result of being sexually abused when the local NGO Sakhi, had organised a health camp with a gynecologist and psychiatrist in the month of June 2009. During this camp young women and adolescent girls who work in the mines had complained of severe headaches, confessed to the doctors that they underwent enormous mental stress as they were abused by contractors, mine owners and other male workers, and that they had to put up with these sexual assaults out of fear of being thrown out of their work. They also admitted that many of their families were aware of this but some of their parents or husbands force them to work and put up with the abuse as they were dependent on the women for their wages. Some of the married girls even admitted that their husbands tacitly allow them to give in to the sexual demands of the contractors as they did not want to lose the earnings of their wives.

The situation of women in several rural villages in north Karnataka remains of particular concern due to the practice of devadasi system. Several women mine workers interviewed in the village of Mariyamanahalli were devadasis. Women trapped in this tradition continue to suffer enormously due to discrimination and poverty. They are single women bearing alone the responsibility of several children, a situation that makes the struggle for survival extremely hard. Some of the women
interviewed from this community stated that it was expected of them to satisfy the mine owners and contractors and that the shift to mine labour from the traditional devadasi custom merely shifted the sexual exploitation from one set of men to the other. Even years of working in the mines has not ensured any economic sustenance or stability for these single women who still lead a hand-to-mouth existence inspite of being both sexually and physically exploited.

**Vulnerability of adolescent girls**

Most often, it was found that girls start working at a very young age, even as children, when they accompany their parents to work. As adolescents they constitute an extremely vulnerable group and form a considerable part of the workforce. It is this group on whom the entire burden of sustaining their families often rests, especially as they earn the highest wages and being unmarried, their incomes go entirely to their parents. Where families have adolescent girls, the economic situation is better and the girls reported that they provide for the food, education, furniture and household amenities, expenditure towards marriage ceremonies of their siblings, medical costs as well as entertainment costs like purchase of televisions, mobile phones for their brothers, and jewellery for their families.

Further, they reported that their incomes go into the repayment of debts made by their fathers or other family members. None of them reported that they have any personal savings or assets except to retain nominal amounts for day to day expenses and for purchase of clothes. Due to this heavy dependence on their incomes, they face pressure from their families to continue working in the mines whether they face ill-health or abuse thereby causing severe mental stress on these young women.

Although the young girls brushed aside questions about their future security and safety with lighthearted jokes, during individual interviews they conveyed their anxieties about their inability to cope with the stress of having to sustain their families and the prospect of their ill-health. When questioned about marriage, the young girls stated that they find it difficult to get reliable men to marry as most of the young men work in the mines and many of them are addicted to alcohol, gambling and other vices to cope with the hard labour in the mines.

The women said that they are able to take on the physical strain of mining work till the age of 35–40 after which their health gets seriously affected and they cannot perform difficult tasks because of which their wages are also reduced. This is the phase where recurring ill-health and low earning capacity makes them vulnerable to further disease and the young girls said that the older women, therefore, become victims of tobacco and alcohol. Another issue of concern is the fact that child marriage seems to be practiced in the region. One of the interviewees from Jabbal slum who is just 13 years old is married and works in the mines as well.

**Impact on environment and its effects on women**

Prior to the indiscriminate mining, Bellary district was a rich agricultural belt having thick forests. The landscape today, however, presents a different picture. Swathes of red dunes and dusty tracks cover miles and miles of what was once agricultural land. The case of Galammaguda, a village that lies 10 km from Hospet, can be cited as an example of the possible dangers that mining has on the environment and its communities.

The Galammaguda village is located in a precarious position, between an abandoned mine site and a closed iron ore factory. The mine site closed at the beginning of 2009 and is now completely submerged by the River Tungabhadra. During the monsoons the mine site is submerged by the river whereas from January to March when it dries up, the land is used for agriculture and farming. It is understood that no environmental clean-up was undertaken and as a result, the river water and surrounding land where the villagers fish and cultivate during dry season are very likely to be highly contaminated by the chemicals dumped from the factory and the mine site. Women are particularly exposed to this contaminated water and dust as they are primarily responsible for the household tasks of water collection. They also bathe in the river and wash clothes. The women complained that they face severe respiratory problems, have persistent cough and wheezing and find it difficult to swallow food unless they first eat a banana as inhaling the iron ore dust chokes their throat. They also stated that they experienced burning in the urinary tract, abdominal pain and other bodily pains due to the dust pollution and strenuous work.
Sudden closure of mines and resulting poverty

During the ‘golden years’ of the iron ore production, entire communities abandoned their traditional forms of livelihood to engage in mining. Recurrent droughts and low wages of agriculture forced agricultural labour to look for other sources of income which coincided with the boom in the mining sector resulting in the region growing into an unchecked free market zone. Caught by false promises of easy revenue, entire communities sold their lands to big mining companies or local contractors for an often derisory sum of money. However, by the end of 2007-08 iron ore demand declined massively as a result of slowing global economic conditions and in particular reduced exports to China, resulting in the sudden closure of most mines in the district and the loss of thousands of jobs. Overnight, entire families lost their source of income and are today forced to live in conditions of extreme poverty.

It is extremely difficult to estimate the exact number of women workforce involved in the legal and illegal mining industry in Bellary district but it is safe to say that the vast majority of the population has been badly affected by the recent downturn in the industry. All the women interviewed for the purpose of this research are from the unorganised sector, and have always been working illegally in the mining industry of Bellary.

When the demand for iron ore fell, workers lost their jobs overnight with no prior notice or intimation. The women interviewed were unaware of closure plans of companies and suddenly found themselves without any means of livelihood. None of the women received compensation. In all the cases, after abandoning the mine site, the contractors disappeared overnight leaving behind hectares of contaminated land and thousands of people without a means of livelihood. When the mine site closed the workers were completely unaware of the name of the contractor or the company and were therefore unable to seek compensation. Some of the contractors promised compensation, medical care, bonuses and alternative employment opportunities that never materialised.

In most cases, the contractor did not even provide workers with a full wages at the end of each month. Most of the women have now lost hope and stopped fighting for these pending wages. Lakshmitalli from Sirisinakallu slum summed up the general sentiment: “When we were working in the mine sites they didn’t pay us on time, how do we expect the company to pay us compensation or provide medical care when we are not even working for them any longer?”

Galammaguda village is located between an abandoned mine site and an abandoned iron ore factory. Nearly 500 people from this village were believed to be working in the mine site, and between 200 and 300 in the factory though very few were formally employed by the company. The villagers of Galammaguda knew about the closure of the mine six months in advance but only the regular workers received compensation for retrenchment. With the factory closing down overnight nearly 800 people living in the village were left without jobs. All the women and men who worked here are today, unemployed and struggling for survival. A large percentage of men had to migrate to other regions in search of work and/or had to look for alternative forms of employment mainly in farming, agriculture, livestock or construction.

At present, most families lack financial security and a stable source of income. Both men and women had to abandon mine labour and search for daily wage labour elsewhere. After mine closure women lost even this meager source of wages. A small percentage managed to shift to other sectors, mainly agriculture, farming, road construction work, domestic labour and tailoring, whilst continuing to work in mining activities on a seasonal basis. Only 46 percent of the women interviewed for the purpose of this research were employed full time in mining, whereas the remaining 54 percent were either unemployed or working on a seasonal/temporary basis in the mining sector and other industries. Most men who used to work in the industry are now employed as daily workers in other sectors, or migrated to other parts of the district in search of new employment opportunities.

At the time of the research, all the women interviewed complained about the lack of working opportunities over the last couple of years and the worsening living conditions. Since recession, they lack money for food, education and medical expenses. Women are increasingly asking for loans at 10 percent interest rates through private individuals. In several cases they are forced to pawn

Contaminated drinking water

22 Interviews at Anantashayanagudi slum
Government’s lack of accountability

A large responsibility for creation of this situation of helplessness lies with the government who allowed the indiscriminate growth of illegal mining activities till it became disproportionately powerful, politically and economically. It allowed a state of terror by the mining mafia to take and run a parallel administration where intimidation and corruption were the only definitions of governance in Bellary. Simultaneously, the poor implementation of government schemes like the MGNREGA which was the biggest promise of the Congress government to the large rural and urban population living below the poverty line, left the mine workers with few options for survival after the recession. Women were the last to benefit from MGNREGA. None of the women interviewed possessed job cards or had ever received wages under the scheme. Ironically, in a couple of villages government provided financial help to buy books for children; help that is currently useless due to the fact that most children are not going to schools but are forced to work in order to survive.

Despite taxes on their houses and land, all the villages and slums visited at the time of the research lacked basic facilities and sanitation. Women and entire communities continue to lack rights on their land and property and are often forced to migrate to other areas due to crop failure, abandoning their houses. Moreover, a large percentage of women complained about the failure of the PDS in providing basic provisions.

In Anantashayanagudi slum women said that in most cases rations are only provided for a period of three months and shops refuse to honour the cards but sell their stock in the black market. In other cases, only adults holding a voting card are entitled to obtain ration cards. This has posed a huge problem for migrant mine workers who do not have a proof of residence or possess ration cards thereby increasing their cost of living as they have to depend on the open market where prices for food and commodities are higher. Constant threats from the mining mafia, which wants to drive them out of their slum for expansion of the mines, has created insecurity among the people here.

Economics of mining and contrasting social development indicators

In terms of gross total income of the state, Bellary was ranked third next only to the districts of Bangalore (urban) and Belgaum. Bellary district’s primary sector had the

---

Box 7: Uncertain nature of work and livelihoods in mining

The story of Sharada, a 50 year old woman from Anantashayanagudi slum, who has been working in mining since the age of 15, is not unfamiliar in Bellary. Sharada has five children but lost one of her sons in an accident in the mine site where they were illegally employed. She continued working throughout her pregnancies and has had several miscarriages due to the harsh and unhealthy working conditions. Her husband, a mine worker employed in the same site, has been fighting his alcohol addiction for years. Since the closure of the mine she is the only breadwinner for her entire family as her husband is too ill to work. Her children never got a chance to study. Initially they were at home but since her husband’s illness she had to take her children for mine labour. Sharada’s story is the story of most women mine workers in Bellary, whose lives have been affected by the boom in the mining industry and its more recent decline.

household assets for extra cash and buy food. Otherwise, they send their children for work. Farmers who had leased their land for mining now cannot go back to agriculture as the contractors did not bother to reclaim the lands post closure.

Recession has been a difficult dilemma for the women mine labour as survival in the absence of mining had become a struggle. Yet the relief from mining work has reduced their physical ailments. In Anantashayanagudi and Jabbal slums some stated that life was easier before, as even though physically challenging and extremely hard, mining provided them with better salaries and a more continuous/stable work as full time miners. Others, a larger number of women, seemed to agree that despite the worsening economic situation, they felt better without mining. They had less money but did not have to endure extremely harsh tasks at work without access to basic facilities; more children were now going to school and men were spending more time sober due to lack of ‘extra money’. As Saroja of Mariyamahahalli village stated, “I would accept any job opportunity rather than mining as mining is so dangerous for me and my family. I’ll do anything, sweeping, recycling…..”. They felt that once an area is opened up for mining, it nullifies the opportunities of other forms of livelihood and employment and therefore constrains them to demand for mining.

---

23 Interviews at Mariyamahahalli and Galammaguda
24 Interviews at Anantashayanagudi slum
highest percentage contribution—7.98 percent in 2006-07—to the state’s overall primary sector income. A major contributor to this has been mining and quarrying—in 1999-2000 mining and quarrying contributed just 2.35 percent to the GDDP but in 2006-07 this rose to 15.45 percent. At the peak of the mining activity, Bellary boasted of the highest number of private aircrafts.

In stark contrast the social development indicators of the district reflect that the benefits of mining have accrued only to a small population with the majority struggling to make both ends meet. In terms of HDI, Bellary has an overall ranking of 18 among the 27 districts, in 2001. Bellary, with its heavy mineral deposits, is ninth in the income index for districts, but has a very poor education index (23). With regard to GDI, Bellary is ranked 17 with ranking for education at 23, and health and income at seven. Poverty levels in the district are quite high with one-third of the population living below the poverty line. According to a study conducted by the World Bank the districts within the north of the state appear to be poorer, with Bellary accounting for 4.3 percent of the total population of the state and having 7.1 percent of the total poor population.

Female literacy is low, drop-out rate is high and a high percentage of women marry below the legal age of 18 years. Bellary has one of the lowest levels of institutional deliveries—only 45.4 percent—against a state average of 67 percent. It is also a district that has one of the lowest percentages of pregnant women who received a minimum of three antenatal care visits. The above indicators of social development clearly show that an increase in income for the state from mining and quarrying has not necessarily meant a better standard of living for the general population of Bellary district.

In many cases secure livelihoods have given way to unsustainable mining activity. In Mariyamanahalli village, for example, a new mine site was opened up 5 km from the village. When the mining company decided to transform their land into another mine site, most of the women of the village had no option but to abandon agriculture and farming. As the mining activities are again beginning to upscale, women are anxious about their future—whether to go back to mining and face its hardships or wait with hope for another form of survival.

Case study 2: Women mine workers in sandstone mines of Jodhpur district, Rajasthan

Sandstone mining in Jodhpur district, Rajasthan

Rajasthan being the largest producer of minerals, is known for its sandstone production which is an excellent building stone used for construction of some of the famous monuments of India like the Red Fort in Delhi, Buddhist Stupas of Sarnath, Rashtrapathi and Sansad Bhavan in Delhi to name a few. The sandstone from here is used extensively in the construction industry in northern India and is also exported to Canada, Japan and Middle Eastern countries. The smaller stones are used in road laying while the larger blocks are used in house construction.

Official records of the state give the number of leases as
9,456 for 21 minor minerals, in the year 2007-08, of which 1,302 were for sandstone. Official estimates also indicate that sandstone mines employ the highest workforce in the state—89,384 of a total workforce of 237,099 (year 2007-08). According to another government estimate average number of persons employed per day in the sandstone mines was 127,184 (2005-06). Revenue earned from sandstone is next only to marble and masonry stone and the total area under sandstone mining is also the largest for minor minerals in the state (19,211.4 ha). Sandstone mining is currently being done in nearly 14 districts in Rajasthan, including Jodhpur.

Jodhpur lies towards the west in the heart of the Thar Desert and like other districts in the region, is arid and sparsely populated. In terms of HDI the district is ranked ninth. In the social context the region is extremely orthodox, with rigid and unequally defined caste and gender relations (Table 14: Some indicators for Jodhpur district). Sandstones mines here are found mainly in a scattered form. Officially the records indicate that there are 23 leases for sandstone mines in Jodhpur district, covering an area of 23 ha in the district and employing a workforce of 32,560. Even though the area under sandstone mining seems to be really low, the production from here was the highest in 2007-08.

In comparison to other sandstone producing districts, Jodhpur also earned the highest revenue. However, the mining and quarrying sector contributed to only 3.02 percent of the GDDP in the year 2005-06; the highest contribution was from the agricultural sector amounting to 17 percent.

Sandstone quarries may be as small as 200 x 100 feet employing just five to eight people, and their small size exempts them from the purview of any legal or regulatory mechanism. Mining is undertaken with scant regard for the environment, workers’ rights, basic facilities like toilets, drinking water and resting places, or safety procedures or compensation for accidents. Poor health among mine workers is an area of great concern. In a study conducted in 1996 at the sandstone mines in Jodhpur, out of 288 workers examined, 14 percent were

---

**Table 14: Some indicators for Jodhpur district**

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population (2001)</td>
<td>28,86,505</td>
</tr>
<tr>
<td>Percentage SC population to total population (2001)</td>
<td>16</td>
</tr>
<tr>
<td>Percentage ST population to total population (2001)</td>
<td>3</td>
</tr>
<tr>
<td>Population density (2001)</td>
<td>126 per sq km</td>
</tr>
<tr>
<td>Geographic area</td>
<td>22,850 sq km</td>
</tr>
<tr>
<td>Total forest area (2005)</td>
<td>92 sq km</td>
</tr>
<tr>
<td>Forest area as a percent of geographic area (2005)</td>
<td>0.4</td>
</tr>
<tr>
<td>Sex ratio (2001)</td>
<td>908</td>
</tr>
<tr>
<td>Sex ratio ST (2001)</td>
<td>919</td>
</tr>
<tr>
<td>Sex ratio SC (2001)</td>
<td>913</td>
</tr>
<tr>
<td>Mean age of marriage (2001)</td>
<td>17.5</td>
</tr>
<tr>
<td>IMR (2002-04)</td>
<td>74.54</td>
</tr>
<tr>
<td>Mothers who had at least 3 antenatal care visits for their last birth % (2005-06)</td>
<td>31.9</td>
</tr>
<tr>
<td>Institutional births % (2005-06)</td>
<td>38.2</td>
</tr>
<tr>
<td>Mothers who received postnatal care from a doctor/nurse/LHV/ANM/other health personnel within two days of delivery for their last birth (%) (2005-06)</td>
<td>35.7</td>
</tr>
<tr>
<td>Delivery at home and other place assisted by doctor/nurse/LHV/ANM (%) (2007-08)</td>
<td>15.2</td>
</tr>
<tr>
<td>WPR Combined (2001)</td>
<td>27.06</td>
</tr>
<tr>
<td>WPR Female (2001)</td>
<td>33.49</td>
</tr>
<tr>
<td>Literacy rate Combined (2001)</td>
<td>56.67</td>
</tr>
<tr>
<td>Literacy rate Female (2001)</td>
<td>39</td>
</tr>
<tr>
<td>Literacy rate SC Female (2001)</td>
<td>23.6</td>
</tr>
<tr>
<td>Literacy rate ST Female (2001)</td>
<td>12.31</td>
</tr>
</tbody>
</table>
found to be suffering from severe silicosis and 28 percent from silicosis of less severity.

Profile of villages and women involved in this study

The women interviewed included mine workers, some who had been workers in the past, and women whose family members were working in the mines. In addition, the discussions also included the problems and issues faced by women in the villages where they are living, most of which are located close to the mines. In all, discussions with 44 women were held. The villages and sites visited as a part of the study included Bhuri Bheri, a mine site at 12 Mile Basti, Bhat Basti, Meghwal Basti and Ganderu Ki Dhani.

Bhuri Bheri is situated about 8 km from the town of Jodhpur, and has about 150 households. The main communities in this village include the Bheels, the Bhats (both ST communities), the Meghwals (SC community) and a few families of OBCs. A majority of the residents of this village were migrant mine labour from nearby villages and from the town of Ajmer. Drought and resultant crop failure was the primary reason that forced families to leave their villages.

Bhat Basti, a settlement whose residents comprise people from the Bhat and Bheel communities, is located about 14 km from Jodhpur. This settlement is of a relatively recent origin—about 12 years old—and had sprung up when migrants, originally nomads who were involved in grazing sheep, had come here in search of work in the mines. There are roughly 50 houses here. The sandstone mines are scattered around the settlement.

Meghwal Basti in Meghlaysia village is about 16 km from Jodhpur. The settlement has 13 households and is about 50 years old. The residents here are from the Meghwal community, and had mainly come from another village nearby named Rajwah. Both men and women from this settlement work in the mines, with women being a smaller number.

Ganderu Ki Dhani is a village of about 250 households, mostly consisting of mine workers and situated about 8 km from Jodhpur. The residents are mainly Meghwals. Some of the families here possess agricultural land near the village where they are cultivating bajra. Sandstone mine sites extend from the fringes of the village.

Problems and issues of women involved or impacted by sandstone mining

Wages, disparities and work hours

Average wages for women mine workers seemed to range between Rs. 60/- per day and Rs. 80/- per day with Rs. 60/- per day being the norm and very few having ever been paid Rs. 80/- for a full day’s work. Men were paid Rs. 100/- per day for the work done, and some even Rs. 150/-. The work hours ranged from nine in the morning till six in the evening with an hour’s break for lunch and rest in the afternoon.

Wages were based on hours of work per day and any delay in reaching the worksite meant that wages were deducted. The workers had to reach the mine sites by bus and considering the irregularity of transport in rural India, most often they were late for work and this meant a cut in their wages. Therefore, they receive between Rs.40/- and Rs. 50/- on such days with an expense of Rs.20/- per day for transport. This leaves little from their wages for household expenses. Women are mainly involved in removing small pieces of stones (which they refer to as mine waste; the mine waste consists of small pieces of stone or slightly larger blocks that are used in road laying and house construction) from the mine sites, breaking stones and loading the mine waste into trucks. The men are involved in cutting the blocks of sandstone into the required specifications of length and height; this is categorised as skilled work that receives a higher wage.

Neither the men nor the women we met with felt that there was any disparity in wages as the nature of the work done by men and women were essentially different: men were primarily involved in cutting and sizing the slabs while women cleared the mine waste and loaded trucks. At 12 Mile a couple of men said that it was only fair they were paid more as they did the more strenuous work of breaking slabs of stone. A woman doing this activity was unheard of. At Bhuri Bheri when women were asked whether men would be paid the same wage rate for clearing the mine waste there was an argument among the women with differing opinions, concluding that they had no choice over such decisions.

25 By Gramin Vikas Vigyan Samiti (GRAVIS), Jodhpur, and Society for Participatory Research in India (PRIA), New Delhi
Workplace amenities

The mine sites, while they cover a large area at a stretch, are normally small plots owned by separate owners, located adjacent to one another. No distinct boundaries separate one site from the other making it difficult to estimate the number and extent of lease areas. Basic amenities provided at the sites differed. At the mine site in 12 Mile Basti, for example, while one mine worker said that the contractor she worked for did not provide water, two women workers who were in a mine site less than half a kilometre away, said that the owner provided them with water. There was a stone and cement tank in the site that was filled with water by a tanker. Where no facilities for water were made available, the mine workers carried water from their homes.

None of the mine sites had any toilet facilities. Shelters to rest during the lunch hour were rudimentary structures consisting of stones heaped together into pillars with larger slabs placed over these as roofing. These were located right next to the mines, and could hardly be called shelters neither shielding the workers from the scorching desert sun nor dust from the mines. Neither were there any crèches found even in a single site visited.

Retrenchment and work days

The women said that they worked in different mines at different times as work was erratic and depended on the contractors and availability of work. In Bhuri Bheri, for example, the women said that many of them were currently forced to stay at home after the diwali festival as work at the mine sites had slackened. On an average, women worked for 20–22 days a month. During the rest of the month they either did not find any work, or took a few days off for rest as a result of ill-health, or needed to attend to domestic work. The responses by the women indicated that they have resigned themselves to these uncertainties of work and expressed that there are few employment options in the region.

Injuries, accidents and compensation

Women mine workers complained mainly about blisters on their hands and feet and sometimes cuts and bruises sustained at work. Small cuts and bruises were treated by the contractors at the mine site by simple first aid. Janaki mine worker at 12 Mile Basti, said that she was involved in minor mishaps like falling down and getting bruised but not too seriously. She also said she often got blisters on her hands.

Some of the women interviewed had themselves not suffered any major accidents, but they did mention incidents that they were aware of. Vani from Meghwal Basti, said that her husband had suffered an accident in which he had fallen down while at work and hurt his leg. As a result of this he is unable to go to work on a regular basis. No assistance had been provided by the mine owner and they had to use their meagre earnings to treat his injury. The women here also mentioned a 35 year old mine worker, who had broken his backbone. He had been sitting under a trolley sheltering from explosives that had been planted for blasting rocks. Unfortunately, the trolley had fallen on his back and he was now completely bedridden and unable to even walk. The contractor had provided money for initial treatment but no compensation or assistance for follow up treatment. As a result his younger brother (16 years) had been forced to go to work.

At Ganderu Ki Dhani, the women spoke about a mine worker Kamala, of Sur Sagar who had died when a stone hit her on the head during mine blasts. Pari, from the same village said that her son had lost four fingers—they had been cut off at the knuckles—in a mine accident. They had received no help from the mine owners and had borne the entire cost of treatment, themselves. Her son continues to work in the mines inspite of his disability.

At the time of our visit to Bhat Basti, one of the mine workers aged 50 years, had just died. He had suffered a fracture in an accident with a stone cutting machine and never recovered from the injury.
At Bhuri Bheri the women said that if there were major injuries (this has happened to men mostly falling down and injuring themselves) and they needed to go to the hospital neither the contractor nor the mine owner ever paid for their treatment. They have never heard of anyone getting any compensation for accidents at work. Some of the women said that the contractor has on occasions given money for medical expenses but the same was then cut from their wages. None of the women had ever heard of alternate employment being provided to another family member in case of an accident or injury.

No safety equipment of any kind like helmets, gloves, etc., were reported to have been ever provided to any of the mine workers.

**Ill-health**

Several of the women workers interviewed complained of ailments like constant fatigue, body ache, knee pain, chest pain, lower abdominal pain, breathing difficulty and backache as a result of lifting stones. Asha, 26 years old, from Ganderu Ki Dhani, used to work in the mines for about a year but left because of severe body pain and fatigue. Janaki, a 45 year old widow who has been working in the mines at 12 Mile Basti for over 10 years, complained of backache, tiredness and difficulty in breathing.

Silicosis and TB are a major cause of concern among mine workers. A response to an RTI filed by MLPC dated 2 June 2008 gives the number of TB cases in the mining areas of Jodhpur as 324 of which 23 cases were women. However, the organisation suspects that the actual numbers among the mine workers would be much higher.

Soni from Ganderu Ki Dhani had also witnessed her husband succumb to the illness. Health was a major issue not just among women mine workers but also among those living in the community. Lack of awareness was exacerbated by other issues like limited access to health care and the prolonged years of hazardous labour. Shweta, a young pregnant woman from Bhat Basti, did not know how many months pregnant she was. Preeth of Meghwal Basti has, till date, lost six children, one after another. Five of them had been delivered at home and one child at the local medical shop, although the women were clueless about the drug.

The women from Meghwal Basti said that both men and women fell sick regularly but they did not access any health care. They were aware that the PHC at Kairu (12 km away) provided them with free medicines but said the medicines never worked and in any case they were asked to pay money to get treated. Often when they went to Kairu the doctors would not be present or the medicines that were prescribed were not available. A worrying fact pointed out by the local MLPC coordinator was that in Meghwal Basti there were no men aged above 46 years, and in this village number only 35 of the population of men in the village was above 40 years of age. With male mortality increasing, the population of men in the village number only 35 of which 10 are bedridden. The men here work in the quarries of Bijowlia, but after working for three to seven years their lungs are severely affected leading to death in a short period of time. Death is mostly as a result of silicosis.

**Box 8: One village, 60 houses and 70 widows**

In Shirji Ka Kehda, that has 60 households, there are 70 widows and most of them are less than 40 years of age. With male mortality increasing, the population of men in the village number only 35 of which 10 are bedridden. The men here work in the quarries of Bijowlia, but after working for three to seven years their lungs are severely affected leading to death in a short period of time. Death is mostly as a result of silicosis.

Poverty and the rising prices of food have affected their dietary practises and in turn their nutrition. Chameli from Bhat Basti mentioned how *dal* had become unaffordable and now their diet consisted mainly of *chappatis* and vegetables that were cheaply available like potato, onion and chilli. Access to provisions was also quite hard for settlements like Bhat Basti and Meghwal Basti that did
not have any shops selling even basic food items or access in terms of transport. This meant that they had to travel to the nearest town to make their purchases. This was done mostly once a month in bulk.

**Exploitation of women mine labour**

The women were quite reluctant to talk about how their employers treated them at work. They said that the contractors never used any bad language or misbehaved with them and spoke to them politely. They had never faced any kind of abuse, verbal or physical, at the workplace. However, we did overhear the women at Bhuri Bheri saying, “Why should we tell others about what our employers say to us.”

**Substance abuse and domestic violence**

The women said that alcoholism was rampant among men and among some women. Chewing gutka was also a habit both among men and women. Some women said that they even smoked beedis. They stated that tobacco helped overcome fatigue and body pain.

The women from Meghwal Basti said that the men brought back only about Rs. 40/- per day from their wages and the rest was spent on alcohol. On their way back home, the men get off at a neighbouring village, where the liquor shops are located, and spend their day’s earnings, getting drunk.

While some women said that their spouses did not resort to physical violence or beat them, others said that they did face violence at home. However, this was not a subject discussed openly and remained within the four walls of the household. Every family was aware of the problem faced by the other but chooses not to discuss the same.

---

**Box 9: Soni-Victim of an accident in the mines**

Soni is a 69 year old widow of Meghwal Basti. She has three sons who are all mine workers but live separately. She also has three daughters who are married. Soni’s husband, a mine worker, died 15 years ago. He had suffered from TB and underwent treatment at the government run KN Chest Hospital, Jodhpur but even after three months of treatment his condition had not improved and he died soon after. Soni too had worked in the mines for 15 years. Her primary job involved cleaning mine waste. About four years ago she had an accident where she fell while working and hurt her back. She was unable to work anymore as carrying loads was very painful and she quit working at the mines. Today, Soni makes ends meet by selling goat-milk. She sells about 2.5 litres a day and gets between Rs. 10/- and Rs.12/- per litre. Pension, she says, is given only to widows whose sons are below 18 years of age. Since Soni has three sons who are all above 18 years, she said she was not entitled to pension. But her sons stay separately and do not share their income with her or support her financially as they themselves are poor. She neither received any compensation for her injuries nor insurance from the mine owners.

They felt that they had no option but to put up with it.

Children as young as 10 years were found to be addicted to gutka. At Ganderu Ki Dhani and Bhat Basti, several children with stained yellow teeth shyly admitted to chewing gutka, a habit prevalent among child mine workers in this region.
Facilities at the mining settlements

Basic amenities at the settlements visited were severely inadequate. Electricity connections were available at Bhuri Bheri, Ganderu Ki Dhani and Meghwal Basti, and while supply was erratic the monthly bills were exorbitant. At Bhuri Bheri and Ganderu Ki Dhani, all houses except a few had electricity connections. But the women said that the bills ranged between Rs. 1,000/- and Rs. 1,500/- per month, which are very high. The bills appeared highly disproportionate to their consumption, considering the few electrical appliances in their homes and the long hours of power cuts. Of the 13 households in Meghwal Basti only five had power connections as others could not bear the cost. At Bhat Basti none of the houses had electricity connections.

Water was a major problem in the settlements as well. None of the settlements had access to potable water. At Bhuri Bheri and Ganderu Ki Dhani, hand pumps in street corners are the main water source for household use. The women said that water supply was not regular and sufficient, and they had a number of altercations among themselves about water. Water for Meghwal Basti came from a pipeline into a common tank from the Indira Gandhi Nehar Project or sometimes from the Kailana reservoir. The water, which is erratic in supply, is consumed both by people and livestock of the village and the nearby Meghlaysia village where the mine contractors reside. At the time of interview the women said that they had had no water supply since five months and had to walk to a pond outside the village to collect water. As they had to divert a major part of their time for collection of water, they were unable to go for work in the mines daily, and hence had to forgo their day’s wages whenever they had to collect water. At Bhat Basti the settlement relied on a

Box 10: TB and its devastating impacts on women mine workers

Sarala, from Bhuri Beri, 45 years old (she could be younger around 39–40 years) and a widow, has been diagnosed with silico-tuberculosis (she said TB but the MLPC staff stated that the medical records showed diagnosis of silico-tuberculosis). She has been suffering from the illness for three years now. Her husband died several years back (she cannot give the exact number of years, probably six years back). He had been diagnosed with TB four years prior to his death but was not taking any treatment for it. Both her husband and she were mine workers. Sarala has five children: the oldest is a daughter 18 years old and married, two sons aged 15 and 10 year old both of whom work in the mines, a 12 year old son who grazes goats, and the youngest, a girl of seven years, who goes to the MLPC creche. In spite of her illness Sarala is forced to go to work as the family’s earnings put together barely help make ends meet. Work, both for her sons and herself, is not regular; it is based on availability as well as their body’s capacity to work. Her doctor has told her not to work but she is forced to continue with her work of clearing mine waste and sometimes breaking stones at the mine sites. She faces a lot of difficulties performing the tasks at the mine sites as she experiences breathlessness, tiredness and bleeding from the mouth. She spends nearly Rs. 500/- on medicines every month and has never received any help from the mine owners to cover the costs of medicines.

Ritu, from Ganderu Ki Dhani, a widow of 30 years, has four children: a 12 year old boy who works in the mines and earns about Rs. 50/- per day working from eight in the morning till seven in the evening, a 10 year old girl and an eight year old boy who go to school and a six year old boy who is at home. The young son is the sole breadwinner of the family. She does not have a BPL card nor is she receiving the widow pension entitled to her. Her husband, a mine worker, had died six years ago, from silicosis. Her husband had been ill but when he finally went to the KN Chest Hospital in Jodhpur town where he was admitted for three days, the illness had already been far too advanced, and he died while in hospital. Ritu herself has been diagnosed with silicosis and has been undergoing treatment since six months. She had paid for her own treatment and did not get any medical benefits or compensation either from the mine owner or from the government. When we asked her how she and her family manage to survive, she replied that they somehow manage with help from friends and family.

Phulo, of Ganderu Ki Dhani, is a widow of 75 years. Both she and her husband were mine workers. While she had worked for nearly 50 years in the mine her husband had done so for about 60 years. Her husband had been diagnosed with TB and had been ill for six years. He had died about a year back. Initially he was being treated at a private clinic and later at the government KN Chest Hospital in Jodhpur. She has four sons, all mine workers; one of the sons stays with her. Phulo had suffered an accident (not at the mine) as a result of which both her hands had broken and she has difficulties performing any chores.
private contractor who supplied water in a tanker. Each tanker costs Rs 300/- and water lasts them for two or three days. Each household contributes Rs. 20/- per tanker or sometimes less depending on their ability to pay.

Toilets were non-existent in any of the villages visited. Some of the families had cooking gas connections, while others depended on firewood they collected from the surrounding forests, for cooking.

Ownership of houses

Most of the houses in Bhuri Bheri had pattas for their houses. Here, initially the houses had been built by heaping stones one above the other but today many of the houses are pucca structures of stone and cement. A majority of the houses at Ganderu Ki Dhani also had pattas. The pattas for all the houses at Meghwal Basti had been received about five months back. Houses in both these settlements were also largely pucca structures, but a few of the more impoverished families still lived in small houses of heaped stones and plastic sheets. The migrant families of Bhat Basti on the other hand lived in fear of eviction from their houses. As the mining contractors do not provide land for housing, the mine workers settle down in vacant plots of land and are under constant threat of eviction from land owners. This was the case with the mine workers in Bhat Basti. One of the major demands of the people here is a demand for recognition of their settlement and for pattas for their houses. Some houses were also built in the middle of mine sites amidst the dust and mined debris, like Ganga whom we interviewed in her ‘house’. The migrant mine workers have no houses, no toilets and solely depend on the contaminated water from the mine pits or small tankers.

Literacy and education

Literacy levels among the women were abysmally low. Except for a couple of women, the rest of the women interviewed were illiterate. Higher education especially for girls does not seem to be a priority. Vani, of Ganderu Ki Dhani, said that she was keen to educate her daughter but her husband did not think there was any need. Ganderu Ki Dhani had a school for children till Class VIII. At the
time of our visit here we met several adolescent girls. They were mostly helping out at their homes as they had finished studying till Class VIII and in the absence of any facilities for high school education, were staying at home. The girls also told us that there were other girls of their age who work at the mines.

At Bhuri Bheri there is a government school till Class V, and a private school, a couple of kilometres away in Kaliberi. Bhat Basti has no government school, the nearest being located at Kairu about 6 km away. Most of the children above 12 years of age do not go to school and end up working in the mines. Children from Meghwal Basti access a government school about half a kilometre from the village till Class VIII and then drop out or go to Kairu about 12 km away.

**Indebtedness**

Indebtedness is a constant factor in the lives of the mine workers as wages are inadequate for their domestic needs and recurring medical expenses due to constant ill-health as a result of working in the mines consumes a large part of their wages. At Meghwal Basti, for example, a majority of the families here were under debts of amounting to anywhere between Rs. 40,000/- and Rs. 60,000/- usually taken to meet the expenses for some family occasion or health problems. The loans were all taken from the mine owners. Loans were also not usually given to women. The mine owners only lent them small amounts (around Rs. 200/-); the reason being that the skilled work done by men i.e., of cutting the slabs, was the main revenue earner for the mine owner and he could hope to claim the money from the men by deducting their wages or making them cut more slabs. Women performed the not so important and unskilled tasks of clearing mine waste. Hence they perform the lowest end jobs that fetch them meagre wages but place them in a high risk of ill-health that leaves them with little money for their survival. The women also said that during emergencies they purchase household goods on credit from the shop owners and repaid the same whenever they earned some money. They, however, did not have much understanding of the interest calculated against these loans and were at the mercy of the contractors and shop owners and more often, it was found that they pay much more than they actually borrowed.

**Social status of women and division of labour**

A number of women we met in Bhuri Bheri, Meghwal Basti and Ganderu Ki Dhani were in purdah (the younger ones); they said that even though it was a gathering of women they observed the purdah as their mothers-in-law were present in the gathering. They said that even while working in the mines many of the women covered their face, which was an added risk, when they have to climb up or down the mine pits. In addition to working in the mines, the women also bore the entire burden of the housework. Mine workers in Ganderu Ki Dhani said that they would cook in the morning and, on returning, attended to other household duties.

**Alternative employment**

Alternative employment opportunities for women in the community seem practically non-existent. Several of the women we met were members of SHGs, but only one among them (a woman at Bhuri Bheri) had taken a loan to set up a provisions store. A couple of women said that they aspired to take a loan and buy sewing machines.

At Meghwal Basti several women had been beneficiaries of the MGNREGA scheme. All 13 households here have a job card. In the previous year work had been provided on demand of the villagers and it included digging a pond and tree planting. Women were the primary job card holders. The reason stated was that as there were delays in payment of wages under MGNREGA, the men could not afford to wait for the wages. Therefore, the men worked in the mines and the women worked under MGNREGA. Although women found it difficult to meet their expenses because of these delays they had no other option.

**Child labour**

There are also a considerable number of children as young as 10 years, many of them young girls, who were found to be working in the mines from the villages visited. In the absence of any school, opportunities for higher education and faced with poverty, there was reluctance among parents to send daughters to school. Many of the girls either join the mining work force or undertake household tasks and care for their siblings. It was found that often illness or death of a parent forces the child to go to work at a young age to support the family. Sarita,

---

26 Inputs from MLPC Field Coordinators
Ganderu Ki Dhani, is a typical story of a child labourer in the mines here. She is a 16 year old mine worker, having to start work since her father, who was also a mine worker, died of illness nearly five years ago. Children working in the mines are primarily involved in clearing mine waste and work from nine in the morning till five in the evening with an hour’s break for lunch. They are paid around Rs. 70/- per day, sometimes even Rs. 100/-, per day and take off a few days in a month when they feel too tired to work.

Complaints and redressal

The women said that they could not envisage complaining about the lack of amenities at the workplace, or the low and irregular wages, as they would be thrown out of work. The women from Bhuri Bheri said that they had complained about the water and electricity problem in their settlement to the District Collector but no action has yet been taken.

A synopsis of the findings

The case studies covered the status of women working and living in both major and minerals. Iron ore mining in Bellary is a major mineral activity with large companies as well as rat-hole mining by local farmers and contractors involved. In Jodhpur the case study covered the minor mineral sandstone where powerful local mining lobbies operate. However, the status of women in both areas is similar—casual labour, which is highly exploitative, uncertain and leading to serious social, economic and health problems. Some of the glaring problems that we could identify in both the places were:

Feminisation of mine labour where work is casual and migrant in nature

Women working in the mines are mainly from informal, illegal or migrant communities who work on a daily wage or contract basis. They perform the lowest end chores in the mining industry in most hazardous conditions, with no protection or security. With the thrust towards privatisation, the feminisation of the mining industry became a subtle reality as more mining activities came to be outsourced by large industries to contractors who employ cheap migrant labour, mainly consisting of women and children.

Lack of protection at the workplace and house

The women were mainly found to be living in slums or temporary settlements at the mine sites in the case study areas in both states. The lack of housing and along with it the basic amenities of potable drinking water, toilets, PDS, legal right over their houses, school and hospital facilities was universally seen. In all the interviews the women’s foremost demand was for a right to a house with legal ownership. On the other hand, destructive facilities were at their doorstep like liquor shops, drugs, gambling and video shops and other consumer goods attractive to men. As most of the women are from the dalit and lower caste mining livelihoods for women forcing them to depend on mining, were universally prevalent in the case study areas. Further, the closure of economic opportunities for women, once mines are abandoned or closed and the amorphous nature of the mining boom have created situations where even this lowest end daily wage labour is uncertain for women. Barely any women were seen formally employed in the mine sites visited but several were found in contractual works, with their infants beside them or their young children working along with them.

Almost all the women complained of chronic to severe health problems but few reported to have the resources for medical help or to shift from this hazardous work. This situation has been allowed to continue due to unscrupulous, unchecked and indiscriminate mining and expansion, mostly bordering on illegal nature of extraction and tacit complicity of mining lobbies with state authorities. Hence, real figures of women workers differ vastly from official statistics, as will be shown in the later section and it is this discrepancy that creates the invisibility to women’s presence and exploitation in the mining sector.

The mining widows

As the men working in the mines are constantly faced with ill-health, indebtedness and poverty leading to terminal illnesses and premature death, mining regions are dominated by widows, destitute women and single mothers pushed into the mine labour work along with their children, for their survival. In Jodhpur some of the sites visited had more young widows and women-headed households and very few men. In some households children were the sole breadwinners with both parents either ill or dead, clearly implying the unsustainable nature of the economic activity. This again shows the hazardous nature of mining that destroys the health and life of workers. This is also creating a vicious web of poverty pushing generation after generation into mine labour capable of a very short working span.

Lack of minimum wages, facilities at the workplace as stipulated by law for women workers, lack of precautions from pollution, accidents and long term ill-health, glaring physical and sexual exploitation due to vulnerability of women workers by contractors and mine owners, and shrinking economic opportunities in traditional and non-
communities or from devadasi communities where women are traditionally exploited, trafficking and commercial sexual exploitation was reported, making women vulnerable to domestic violence, sexual abuse, HIV/AIDS and abuse by police and the mining mafia. The women expressed that the fluid nature of life in the mining regions weakened the social safety nets both at the workplace and at home. Interviews with women revealed that their access to information was minimal and being unorganised sector workers, they have little knowledge or possibility of redressal mechanisms, or legal structures for unionisation or to demand for proper working conditions.

**State and corporate accountability**

Even if several schemes and policies exist in support of women, as will be seen in the later part of this section, women mine workers and their families have little access to these benefits. At the centre as well as at the state levels the government programmes whether with respect to pension, insurance, employment, education, social security or health are several yet, appear not to reach the women in these mining towns. Except for MGNREGA to a limited extent, none of the women interviewed in the two states reported to have had access to any government schemes. They are depending completely on the private

**Box 12: Demands of women mine workers’ from case study sites**

- Pension for women mine workers and wives of mine workers
- Regular water supply at the place of residence
- Free medical facilities and accident benefits at the mine site and village
- Better education facilities for their children
- Right to wages on weekly off and paid public holidays
- Right to housing, cheaper and regular electricity for the house
- Financial assistance to single women
- Assistance to children with single parent or who were orphans as they were the most affected.
- Pattas for houses
- Proper transport facilities to the mine sites
- Closing down of alcohol shops near the mine sites and housing colonies

**Plastic sheets tied to sticks form ‘houses’ for mine workers- a dog’s existence’**
markets for their services to basic facilities and purchase of food, and pay a much higher price for food and medicines. State institutions of governance, public distribution, police, development services or poverty alleviation have made few inroads into the lives of the women working and living in mining areas leaving them on the edge of survival. Corporate accountability is made nebulous with the complicity of stakeholders involved in the mining activities thereby deflecting the responsibility from any specific companies. This was clearly evident in Bellary as the range of actors involved in mining and processing vary from large companies to small lease holders and illegal mine owners. With very high financial stakes made possible due to irresponsibility towards mine workers, ecological resources and public safety, labour laws, mine safety laws, international conventions ratified by India all fall far short of meeting their purposes, if seen from a gender lens in Bellary and Jodhpur.

**Part 2: Overview of Women Mine Workers in India**

This part presents a larger picture of women mine workers in India linking and comparing the ground realities as highlighted by the case studies with the existing safeguards and legal framework for women workers specifically in the mining sector.

**History and extent of women’s participation in the mining sector in India**

Women mine workers in India have been an invisible part of the mineral industry for many years, undertaking a variety of jobs. Their presence in the formal mining sector has been very limited, where integration and participation of women working has been very low in the formal employment whereas in the unorganised sector they are found in a larger numbers. Historically, mining has been perceived as a masculine industry with several myths and prejudices surrounding women’s presence in the mines—that it will lead to collapse of mine pits and death of miners, minerals will disappear if women touch them, the dress of women in India is not suitable for working in the mines, and that women are not physically or mentally fit to take up jobs in mining. In addition cultural norms and government regulation—for example restrictions on women working in underground mines—have all meant a very negligible presence of women as mine workers in the formal employment sector.

**Table 15: Women workers in Indian collieries in early 1900s**

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage of women in total coal mining workers</th>
<th>Percentage of women working underground</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>32</td>
<td>65</td>
</tr>
<tr>
<td>1904</td>
<td>30</td>
<td>50</td>
</tr>
<tr>
<td>1908</td>
<td>38</td>
<td>59</td>
</tr>
<tr>
<td>1913</td>
<td>37</td>
<td>67</td>
</tr>
<tr>
<td>1918</td>
<td>38</td>
<td>67</td>
</tr>
<tr>
<td>1921</td>
<td>38</td>
<td>60</td>
</tr>
<tr>
<td>1926</td>
<td>34</td>
<td>80</td>
</tr>
<tr>
<td>1931</td>
<td>19</td>
<td>65</td>
</tr>
<tr>
<td>1936</td>
<td>8</td>
<td>43</td>
</tr>
</tbody>
</table>


Increasing mechanisation of coal mines has meant reduced opportunities for women labour.

Historically, there were a large number of women working in the mines, particularly as unorganised labour in the coal industry which has seen a steep decline in women’s inclusion over the years. In the coal mines in the early twentieth century the majority of female employees were working underground (Table 15: Women workers in Indian collieries in early 1900s). The first collieries in the country were concentrated in the eastern region and employed a number of women, with a large number being from the adivasi community. Women in the collieries in India were known as ‘gin girls’ (after the winding engine used in coal mines). Till the early decades of the twentieth century women in coal mines worked in loading the coal cut by the male family members, and carrying the coal from the mine shafts in baskets to the surface.
In 1919 about 38 percent of the total labour force in mining in the country constituted women and this decreased to 30.2 percent in 1926. In the mid-1920s the number of women working underground in the Central Provinces constituted 56.6 percent of all mine workers and of these 47 percent worked below the ground. In what was then the Bengal region 35 percent of all mine workers and 34 percent of all underground workers were women. In the regions of Bihar and Orissa women were only 30.9 percent of the total workforce and 39 percent were underground workers. The conditions even then of women workers were poor; many suffered from poor health and used opium to keep their children quiet.

The progressive elimination of women’s work in underground mine work started in 1929 and was completed by 1936. However, the then Mines Act of 1923 while excluding women from working underground exempted certain areas that included Bihar, Bengal, Orissa, Central Provinces and salt mines of Punjab. The war and the shortage of labour in the coal mines resulted in a reversal of policy in 1942 and by 1943 women formed 4.43 percent of the total underground workforce. However, with the end of the war, restrictions were re-imposed and the year 1948 saw a substantial reduction of the number of women employed in the mining industry as a whole. With the enactment of the Mines Act 1952, which prohibited women from working underground or in night shifts and the subsequent rapid mechanisation of mines, women faced retrenchment and were reduced to doing unskilled work. The employment in the coal mines thereby further reduced from 18.7 percent in 1951 to 14 percent of the total labour force in 1954.

In 1957 women employed in mines formed 19.3 percent of the total force as against 20 percent in 1954. Women’s employment in mines further declined to 103.2 thousand in 1959, rose to 107.7 thousand in 1960 and declined again in 1961 to 106.3 thousand. Post 1961 while employment in the sector in general increased, employment of women in the opencast mines and above the ground steadily declined between 1961 and 1993. The share of women in the total employment in coal mines has declined to 4.05 percent in 1992 and in all the mines put together, the share of women workers slid from 9.8 percent in 1981 down to 6.65 percent in 1992. Under the mining and quarrying sector, the percentage of female workers to the total female population has consistently declined from 1.02 percent in 1901 to 0.05 percent by 2001 (Table 16: Female main workers in mining to female population).

27 The first Mines Act came into force in 1901.
With the large-scale mines becoming more technology and machine driven, the scope for women’s inclusion in the industry became very limited as they are illiterate, lack technical skills and face cultural prejudices. All statistics indicate that while women’s overall employment has increased in the industrial sector, there has been a steady decline in terms of employment in above ground, opencast and underground mines. In coal mines the total number of women miners in opencast mines numbered 8,109 in 1971 and in 2002 this was just 1,610. In above ground coal mines women employed numbered 12,035 in 1971 and this decreased, although marginally, to 11,271 in 2002 (Table 17: Employment in coal mines by categories and sex between 1971 and 2002). Similarly in non-coal mines, female employment fell from 41,744 in 1997 to 27,222 in 2002 (Table 18: Share of women’s employment in different kinds of mines between 1997 and 2002).

The statistics from Table 17 and 18 clearly indicate that percentage share of women employment in the mining sector is only 4.68 and that there has been a consistent decrease in employment of women to an insignificant 27,222 in 2002 from 41,474 in the year 1997.

What these figures, however, do not reveal is the huge number of women employed on a daily wage basis which reflects the total invisibility of women labour in mining. In just Sandur and Hospet taluks of Karnataka we found a few hundred women mine workers in all the sites visited. But the official figures state that only 3,234 women in Sandur and Hospet taluks were employed in mining in 2002.
<table>
<thead>
<tr>
<th>Sl.No</th>
<th>M/M groups</th>
<th>Category</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Coal</td>
<td>Total</td>
<td>503,416</td>
<td>491,289</td>
<td>475,752</td>
<td>458,387</td>
<td>438,179</td>
<td>422,594</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>17,849</td>
<td>18,204</td>
<td>16,694</td>
<td>15,085</td>
<td>13,473</td>
<td>12,881</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>3.55</td>
<td>3.71</td>
<td>3.51</td>
<td>3.29</td>
<td>3.07</td>
<td>3.05</td>
</tr>
<tr>
<td><strong>Non-coal mines</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>China clay</td>
<td>Total</td>
<td>6,762</td>
<td>5,047</td>
<td>4,121</td>
<td>4,072</td>
<td>3,738</td>
<td>3,530</td>
</tr>
<tr>
<td></td>
<td>and white clay</td>
<td>Women</td>
<td>1,000,957</td>
<td>825</td>
<td>747</td>
<td>612</td>
<td>614</td>
<td>14.78</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>14.78</td>
<td>18.96</td>
<td>20.02</td>
<td>18.34</td>
<td>16.37</td>
<td>17.39</td>
</tr>
<tr>
<td>3</td>
<td>Copper</td>
<td>Total</td>
<td>10,273</td>
<td>8,706</td>
<td>7,704</td>
<td>6,880</td>
<td>3,999</td>
<td>3,343</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>18</td>
<td>11</td>
<td>59</td>
<td>58</td>
<td>17</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>0.17</td>
<td>0.13</td>
<td>0.77</td>
<td>0.84</td>
<td>0.43</td>
<td>0.48</td>
</tr>
<tr>
<td>4</td>
<td>Dolomite</td>
<td>Total</td>
<td>3,713</td>
<td>3,557</td>
<td>3,050</td>
<td>2,810</td>
<td>3,999</td>
<td>2,151</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>1,013</td>
<td>1,041</td>
<td>840</td>
<td>706</td>
<td>238</td>
<td>386</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>27.28</td>
<td>29.27</td>
<td>27.54</td>
<td>25.12</td>
<td>11.54</td>
<td>7.43</td>
</tr>
<tr>
<td>5</td>
<td>Gold</td>
<td>Total</td>
<td>6,836</td>
<td>6,128</td>
<td>5,885</td>
<td>5,338</td>
<td>3,618</td>
<td>3,342</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>171</td>
<td>90</td>
<td>120</td>
<td>117</td>
<td>129</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>2.50</td>
<td>1.47</td>
<td>0.84</td>
<td>0.84</td>
<td>0.43</td>
<td>0.48</td>
</tr>
<tr>
<td>6</td>
<td>Gypsum</td>
<td>Total</td>
<td>587</td>
<td>531</td>
<td>500</td>
<td>499</td>
<td>530</td>
<td>412</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>25</td>
<td>16</td>
<td>5</td>
<td>5</td>
<td>17</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>4.25</td>
<td>3.01</td>
<td>1.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>7</td>
<td>Iron ore</td>
<td>Total</td>
<td>38,637</td>
<td>37,290</td>
<td>36,183</td>
<td>35,293</td>
<td>32,305</td>
<td>33,675</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>4,632</td>
<td>4,369</td>
<td>3,950</td>
<td>3,532</td>
<td>3,046</td>
<td>3,234</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>11.98</td>
<td>11.72</td>
<td>10.92</td>
<td>10.01</td>
<td>9.43</td>
<td>9.61</td>
</tr>
<tr>
<td>8</td>
<td>Limestone</td>
<td>Total</td>
<td>32,962</td>
<td>31,242</td>
<td>29,762</td>
<td>31,128</td>
<td>24,276</td>
<td>25,191</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>3,953</td>
<td>2,831</td>
<td>2,940</td>
<td>2,718</td>
<td>2,007</td>
<td>2,095</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>11.99</td>
<td>9.06</td>
<td>9.88</td>
<td>8.73</td>
<td>8.27</td>
<td>8.32</td>
</tr>
<tr>
<td>9</td>
<td>Magnesite</td>
<td>Total</td>
<td>3,457</td>
<td>3,063</td>
<td>2,723</td>
<td>3,113</td>
<td>2,862</td>
<td>2,252</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>878</td>
<td>526</td>
<td>429</td>
<td>694</td>
<td>623</td>
<td>448</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>25.40</td>
<td>17.17</td>
<td>15.75</td>
<td>22.29</td>
<td>1.77</td>
<td>19.89</td>
</tr>
<tr>
<td>10</td>
<td>Manganese</td>
<td>Total</td>
<td>16,074</td>
<td>15,894</td>
<td>16,468</td>
<td>16,156</td>
<td>13,637</td>
<td>3,729</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>4,210</td>
<td>3,597</td>
<td>3,846</td>
<td>3,717</td>
<td>2,806</td>
<td>2,778</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>26.19</td>
<td>22.63</td>
<td>23.35</td>
<td>23.04</td>
<td>20.58</td>
<td>20.23</td>
</tr>
<tr>
<td>11</td>
<td>Mica</td>
<td>Total</td>
<td>1,186</td>
<td>1,112</td>
<td>975</td>
<td>983</td>
<td>609</td>
<td>624</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>99</td>
<td>85</td>
<td>75</td>
<td>95</td>
<td>72</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>8.35</td>
<td>7.64</td>
<td>7.69</td>
<td>9.66</td>
<td>11.82</td>
<td>8.65</td>
</tr>
<tr>
<td>12</td>
<td>Stone</td>
<td>Total</td>
<td>4,899</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>605</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>12.35</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>13</td>
<td>Oil</td>
<td>Total</td>
<td>28,611</td>
<td>29,532</td>
<td>255</td>
<td>23,442</td>
<td>24,481</td>
<td>22,348</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>417</td>
<td>389</td>
<td>341</td>
<td>387</td>
<td>378</td>
<td>88</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>1.46</td>
<td>1.32</td>
<td>1.34</td>
<td>1.65</td>
<td>1.54</td>
<td>0.39</td>
</tr>
<tr>
<td>14</td>
<td>Other minerals</td>
<td>Total</td>
<td>47,124</td>
<td>52,282</td>
<td>50,260</td>
<td>50,660</td>
<td>49,005</td>
<td>48,643</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>6,604</td>
<td>6,853</td>
<td>5,740</td>
<td>5,251</td>
<td>3,689</td>
<td>4,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>14.01</td>
<td>13.11</td>
<td>11.42</td>
<td>10.37</td>
<td>7.53</td>
<td>9.25</td>
</tr>
<tr>
<td><strong>All</strong></td>
<td></td>
<td>Total</td>
<td>704,537</td>
<td>685,673</td>
<td>658,901</td>
<td>638,741</td>
<td>599,301</td>
<td>581,880</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Women</td>
<td>41,474</td>
<td>38,969</td>
<td>35,864</td>
<td>33,107</td>
<td>27,090</td>
<td>27,222</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% share</td>
<td>5.89</td>
<td>5.68</td>
<td>5.44</td>
<td>5.18</td>
<td>4.52</td>
<td>4.68</td>
</tr>
</tbody>
</table>

Note: '-' = not available
the whole country are employed in the iron ore mines—this number can be found in the non-peak season in a small area of Sandur taluk of Bellary district, alone. In the coal mines visited in Hazaribagh, Jharkhand, we found women from almost all the families of adivasis involved in mining work as casual labour for local contractors, loading coal into trucks. There are several young girls who work in the dolomite mines in Orissa, where in another study, we found scores of girls in just one block of Sundargarh district, whereas the official figures above state only 386 women as being employed.

Hence, it can be deduced that there is gross statistical negligence of women mine labour. In addition, with increasing privatisation and informalisation of mine labour, the protected formal employment opportunities are restricted to men while women are increasing in numbers in the casual and migrant labour force in the mining industry.

**Present day work distribution of women mine workers**

Today, in the coal mines, women mainly work as scavengers and collect coal in abandoned coal mines. In Hazaribagh, Jharkhand, adivasi women who have been made landless, today survive on a sort of ‘cottage’ industry where they scavenge for coal from the peripheries of mine sites and burn the raw coal at home to sell in small bags of low grade coal to local peddlers. They are also hired by local contractors for loading and sorting of coal in the large coal mines on a daily wage basis. Women are employed for carrying small stones and lumps for feeding into crushers and also for carrying the screened fractions to different size-stacks to load into the trucks. Young boys snake through the narrow cracks of the coal mines to crawl underground and collect small bags of coal which they bring home to their mothers for burning and selling to local traders. Illegal, dangerous and often leading to accidents and deaths, this kind of rat-hole mining activities where children and women are forced to make their survival are known to all locally but denied officially. This is a common sight if one visits the coal mines of Raniganj in West Bengal.

In slate and dimensional stone, women are employed for fine chiseling and, at times, for hand smoothening as in the case of slate. In the case of manganese nodules, chromite, mica, precious and semi-precious stones, barytes, tungsten and many other minerals women are deft in manually sorting and substantially improving, with high recovery percentage, the quality which cannot be achieved by modern chemico-mechanical means at sustainable costs. In the chromite mines young adolescent girls are hired for crushing and processing of the ore. Such cheap and effective beneficiation methods using women labour are increasingly being adopted in small mines (and even in some mines of big companies).

Women are reported to be employed in the head-loading, stone breaking, cleaning and other forms of daily wage labour in coal and iron ore mines in Jharkhand, Orissa, Andhra Pradesh and Maharashtra. In the iron ore and manganese mines of Karnataka and Orissa, the work is split along class, caste, age and gender lines. Women mine workers are involved in stone breaking, crushing, sieving, grading, sifting, carrying, digging, loading, preparing and filling bags with red oxide powder. Women, particularly from the lower caste, end up doing some of the most hazardous and strenuous work that men refuse to take on. They work without any protective equipment and cover their faces with locally made coarse towels, strips or sari ends that offer little protection from the red dust spraying off the manganese. Hand sorting of manganese is done primarily by women. They work in the manganese belts of Joda-Barbil in Orissa, and in the bauxite loading and stone quarries of Bihar. Adivasi women are considered to be especially adept at sorting of ores like manganese.

Loading bauxite ores into rail wagons at railway sidings is a work predominantly undertaken by women often...
continuously during the peak season, and at times all through the day and night. In the bauxite mines of Katni, Madhya Pradesh, husband and wife teams work together. The men dig while the women collect the ore and load it into the waiting trucks. In the bauxite mines, in the Shriwardhan-HarihaRESHwar belt in the Konkan region of Maharashtra women are involved in sifting, and in loading and unloading ore.

In black stone quarries and crushing units found in Ranchi, Pakur, Sahebganj, Palamau, Gumla, Singhbhum and Dumka districts of Jharkhand women work primarily in the crushers. They also carry loads as heavy as 40 kg for one head load, from the mine site to the crusher sites nearby. In the black stone quarries of West Bengal (Purulia, Bankura and Birbhum districts) women are involved in all jobs except breaking boulders. Cleaning operations and crushers are two other areas where women are engaged in larger numbers while in loading, whether boulders or chips, it is the women who are solely involved.

Breaking and hand picking wolfram from quartz lumps is an interesting practice of women workers whose instincts decide which lump of quartz has an appreciable quantity of wolfram hidden inside (there are not many wolfram mines active today).

In the mica industry, hand picking to separate mica flakes from mined blocks, is done mostly by women. Women workers in the mica industry— for example in Giridih district, Jharkhand— are employed in different stages of processing. ‘Cobbing’ of mica crystals to remove adhering dirt, rock and defective mica, semi-processing of mica which involves cutting or ‘splitting’ mined crude mica into six inch sized chunks, using hammers, knives, sickles, shears, and fingers, and separating the stained and unstained pieces and trimming the mica with a knife to a bevelled edge, removing broken and ragged edges, loose scales, and other major imperfections, all of which involve considerable dexterity, are carried out by women. Next, under the supervision of male foremen, women classify the trimmed mica according to grade (size) and quality in a process called ‘picking’. Women are found in very small numbers in the silvering, capacitor testing and screening processes. Women are also engaged as day labour to pick up unspotted mica and sometimes are engaged in the packing of mica. The industry is thus clearly divided on gender lines with women mostly employed in less skilled jobs like cobbing, splitting, picking and less commonly in packing with very few options of skill upgradation. Men hold all the other ‘skilled’ positions in the mica industry like checking, passing, metering, binding, fabricating, and preparing the condenser and constitute only 1–3 percent of the ‘unskilled’ labour force. Elsewhere in the mica mines of Gudur district in Andhra Pradesh, women work mostly in crushing and sorting the stones while men do the loading. Women, meanwhile, constitute between just 1 and 3 percent of the ‘skilled’ labour force in India’s mica manufacturing industry.

In dolomite mines women generally outnumber men. In dolomite mines in Katni district of Madhya Pradesh, women carry the broken rock on their head from where they are broken to pile them at specified sites. In dolomite factories in Pathra, Madhya Pradesh, the dolomite stones are broken into chips. More women than men are employed, with men usually employed in supervisory roles. Women carry the stones on their heads to be put into the machine. They also fill the sacks with the chips and seal the same. In Sundargarh district of Orissa, young girls form a majority of the mine workers in the dolomite and limestone mines as contract and casual labour.

In Wagholi area of Maharashtra which is known for basalt mining, women are involved in feeding cut basalt into the processing machines and making the processed basalt into various grades and construction material (marum, kankar, shingles, etc). Loading and unloading activities are also done mainly by women. This involves loading cut basalt into pans, dumping them on trucks and trailers and unloading in the case of the non-mechanised trucks.

Gold panning is done by the women, in most cases by older women, of Ghatsila town in Jharkhand. The panning of gold from the River Subarnarekha is carried out by poor women. Industrial extraction is impossible as the gold dust which is in very low ratio to the sand in the riverbed, can only be manually separated. The women earn between Rs.200/- and Rs. 300/- per week for manual labour where they put in seven hours a day of work.

In the case of asbestos mining, a small percentage of women work in the mines; the majority of them work in the milling and processing units. Hence, women are more exposed to inhalation of the toxic dust. Women mine workers in the sandstone mines of Rajasthan are employed in clearing debris and pebbles from the mine, and doing other odd jobs. They also load stones onto trucks and tractors.

Women who belong to the Waddera/Vadar caste across the country, historically belong to the occupation of stone breaking. They live in separate communities from the rest of the village, either as nomadic, migrant or ‘self-employed’ workers, breaking stones and manually moulding these into small stone pestles and mortars or construction material. They either work directly as daily wage labour for contractors or work in groups by purchasing stone from big contractors and supply the
broken pieces to other contractors. The expansion of the national highways, roads and the growing urban demand for infrastructure have created innumerable pockets of such migrant mine workers along the highways with women forming the majority of stone breakers.

In the diamond mines of Panna, Madhya Pradesh, both adivasi and rural women, particularly those who have lost their lands for the Panna Tiger Reserve (national park), work alongside the men in sieving the mud dug out by the men, to pan for the precious stones. In Panna the women work both in the stone quarries and in the diamond mines along with their children.

Thus the range of minerals and locations across which women work in mines and quarries in India is very vast. However, the invisibility lies in recognising women as a section of mine labour either in terms of numbers, economics or with respect to planning for their legal and labour rights. Therefore it is important to understand what the law defines as a mine worker and the rights and facilities required to be provided to them by the mine owners and by the government, in order to analyse the extent to which women enjoy or fail to enjoy these legal safeguards as mine workers.

**Nature of employment: Informalisation of women mine labour**

As most of the women mine workers are engaged in the unorganised sector, as seen from the above mentioned activities, it is important to understand the definitions of the forms of mine labour in which these women are employed. These include the terms informal, unorganised, contract, illegal, causal and migrant that are most often used to describe women mine workers in the country.

There is a continuing debate on the issue of definition of the term informal sector and informal worker. Workers are considered to have informal jobs, if their employment relationship is, in law or in practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits (e.g. advance notice of dismissal, severance of pay, paid annual or sick leave). Informal wage employment is common among employees of informal enterprises, casual or day labourers, temporary or part time workers, unregistered or undeclared workers and industrial out workers (home workers). While the terms are used interchangeably, the term informal sector has not been used in official statistics in India. The term used for the same is the ‘unorganised sector’ (for formal employment is the ‘organised sector’).

In India, the First Indian National Commission on Labour (1966-69) defined unorganised sector workforce as, ‘those workers who have not been able to organise themselves in pursuit of their common interest due to certain constraints like casual nature of employment, ignorance and illiteracy, small and scattered size of establishments’.

The NCEUS defines the unorganised/informal sector as one that, ‘consists of all unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than 10 total workers’. It defines unorganised worker to, ‘consist of those working in the unorganised enterprises or households, excluding regular workers with social security benefits, and the workers in the formal sector without any employment/ social security benefits provided by the employers’.

The National Commission of Self Employed Women in 1986 made specific reference to women workers in the unorganised sector and characterised the unorganised sector as one in which women ‘do arduous work as wage earners, piece rate workers, casual labour and, paid and
Box 13: Mining in the organised sector - Not a different story

The situation of women labour in the organised sector is no different with work being denied to them in the organised sector. In the organised mining and quarrying sector 66,000 are working in the public sector whereas 7,300 are in the private sector (Table 19: Women employed in organised mining and quarrying industry). However, this is a deceptive form of work participation as women are found in large numbers working in the private sector but as casual labourers and daily wage labour. The same is true of the public sector where the work is outsourced to contractors. In the organised sector they are reduced to doing unskilled work like sweeping, cleaning premises, gardening or in non-mining activities (computer operators, doctors, etc.). There has also been a reduction of work in the private sector of the organised mining and quarrying industry. This clearly indicates that as the mining sector is being opened up to the private companies, local and transnational, the probability of women gaining employment in the mining sector is correspondingly going to decrease. NALCO has just 321 women employees at different levels and categories, while in another PSU, HCL only 5.77 percent (309 of 5,353) of the total employees were women with the majority being in the lower categories (figures as on 31 December 2009). Hence, figures indicate that mining as a major economic sector may not provide scope for positive growth in employment opportunities for women.

<table>
<thead>
<tr>
<th>Year</th>
<th>Public sector</th>
<th>Private sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>62.1</td>
<td>16.5</td>
</tr>
<tr>
<td>1995</td>
<td>64.6</td>
<td>16.0</td>
</tr>
<tr>
<td>1996</td>
<td>65.0</td>
<td>16.4</td>
</tr>
<tr>
<td>1997</td>
<td>62.3</td>
<td>12.0</td>
</tr>
<tr>
<td>1998</td>
<td>58.3</td>
<td>12.7</td>
</tr>
<tr>
<td>1999</td>
<td>58.2</td>
<td>10.4</td>
</tr>
<tr>
<td>2000</td>
<td>57.6</td>
<td>8.9</td>
</tr>
<tr>
<td>2001</td>
<td>55.6</td>
<td>8.4</td>
</tr>
<tr>
<td>2002</td>
<td>55.3</td>
<td>6.9</td>
</tr>
<tr>
<td>2003</td>
<td>54.3</td>
<td>6.6</td>
</tr>
<tr>
<td>2004</td>
<td>66.0</td>
<td>7.3</td>
</tr>
</tbody>
</table>


Table 19: Women employed in organised mining and quarrying industry (figures in thousands)

There are other definitions as well, the most recent one of which is given in the newly enacted Unorganised Workers Social Security Act 2008 and which states that, ‘unorganised worker means a home-based worker, self-employed worker or wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the Acts mentioned in Schedule II of this Act’. The Act further defines that the ‘unorganised sector means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing any service of any kind whatsoever, and where the enterprise employs workers, the number of workers is less than ten’.

India has a huge workforce of 457.46 million workers (2004-05). A striking feature of this workforce is that nearly 86 percent or 394.9 million workers are informal workers engaged in the unorganised sector. To this, one must add another 6 percent that are informal workers in the formal sector, which makes it 92 percent (A large number of persons working in the formal sector by enterprise are engaged in informal work by nature. Like the workers in the unorganised sector they too lack social security, job security or benefits which regular wage employees are entitled to). A significant number of these are women. In 2004-05 of the 148 million women workers in the Indian economy 142 million (or as much as 96 percent) were unorganised workers (as opposed to 91 percent unorganised male workers). Past trends and all available evidence also suggests that the bulk of the growth in employment in future will come from the unorganised sector. This workforce characterised by its informal, unorganised, casual, migrant and contractual nature is an aspect of women mine labour as well and the range of activities mentioned above is an indication of the same.

In the unorganised sector of mining, while numbers are larger but not quantified, women are not found in the supervisory roles but are involved in the back-breaking jobs like loading, sorting, cutting and other direct mining activities. They undertake diverse activities that machines cannot perform or in cases where the contractors find it financially unviable to operate machines.

One of the characteristics of the unorganised mining sector in India is the large migrant population who are exposed

unpaid family labour’.

88

to a number of hazards. These migrant populations are forced to move out of their homes in search of employment to survive. They move out permanently and settle in areas where they find work or work on a seasonal basis. A large number of these are women who move along with their families in search of employment. However, recently there has been an increase in the independent migration of females as well. Across the country in small-scale and large-scale mines migrant labour is seen toiling away. There are no accurate mining industry specific estimates of migrant labour but whatever numbers are quoted are grossly inadequate. Contractors and employers prefer migrants as labour but often under-report the number of employees. They are said to work harder, take fewer days off and do not create any conflicts. Migrant labour is said to contribute to at least 10 percent of the country’s GDP and the economic contribution of 6 million migrant workers in the mining and quarrying estimated at 129,204 million (value added per worker in the unorganised sector=Rs.21,534/-). Though not all migrant workers are at risk, migration ensures that a considerable number are vulnerable to HIV infections owing to the fact that they stay away from families for long durations and work under diverse pressures and social conditions. World over, the mining sector particularly stands vulnerable to the problem of HIV/AIDS.

The government of India enacted the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979. The Act applies ‘(a) to every establishment in which five or more inter-state migrant workmen (whether or not in addition to other workmen) are employed or who were employed on any day of the preceding 12 months; (b) to every contractor who employs or who employed five or more inter-state migrant workmen (whether or not in addition to other workmen) on any day of the preceding 12 months’.

The Act defines a workman as ‘any person who is recruited by or through a contractor in one state under an agreement or other arrangement for employment in an establishment in another state, whether with or without the knowledge of the principal employer in relation to such establishment’. The principal employer in the case of mines is ‘(a) the owner or agent of the mine and where a person has been named as the manager of the factory under the Factories Act, 1948, the person so named; (b) in relation to a mine, the owner or agent of the mine and where a person has been named as the manager of the mine, the person so named’. The Act lays down the responsibilities of the contractor with regard to payment of timely wages, provision of suitable residential and health facilities, protective clothing and notification of accidents. It also specifies that the contractor is required to pay equal wages as paid to locals, a displacement allowance (payable at the time of recruitment, and equal to 50 percent of the monthly wages payable to him or Rs. 75/-, whichever is higher) and journey allowance. In the event the contractor does not provide the above facilities the principal employer has the responsibility for the same. While punitive action for failure to provide the services includes imprisonment, the principal employer can plead innocence if they prove that non-compliance was without their knowledge.

The definition of ‘migrant worker’ itself is taken as a loophole. The Act does not cover migrants who move from one region to another within a state and cannot therefore enjoy the benefits. Employers also deny that workmen are recruited from other states and contend that they are...
brought from regions close by to the work site. Thus the Act has been of little benefit to the unorganised migrant workers in the country. In the case of Bellary and Jodhpur, the case study sites, a large number of those employed had come as migrants. In Jodhpur, they were mostly agriculturists from other towns in Rajasthan. They had left their homes along with their families as a result of repeated drought and crop failure and made their way to the mine sites in search of employment. Some of the families had settled down here on a permanent basis with no intention of returning back to their original hometown. They had built or were looking at building permanent homes for themselves. The families of one village, Meghwal Basti, had moved to the current site as the village they were originally staying in had expanded. In the case of Bhat Basti, the residents were from a nomadic community who had settled down here near the mines as it provided them with a source of income. They lived in constant fear of eviction and being forced to migrate once again. Before the recession, the majority of the workforce in the Bellary iron ore mines were migrants, mostly landless labour from the surrounding towns of Koppal, Kudligi, Hagaribommanahalli and Papanayakahalli in Karnataka, and from other states like Andhra Pradesh who were employed to work as daily wage labour. Bellary was thus full of migrant worker camps; women and children living in small plastic tents next to the mine sites exposed to the toxic dust with no basic amenities.

Casual labour is broadly understood as workers without proper job contracts, social security and assurance of work. These include such workers in the organised and unorganised sector. The NSSO defines a casual wage labour as, ‘a person who was casually engaged in other farm or non-farm enterprises (both household and non-household) and, in return, received wages according to the terms of the daily or periodic work contract’. It is the casual nature of the employment that defines a casual wage labour. It is the marginalised groups like the SCs and STs who form a large part of the casual labour, and significantly lower wages are paid to these groups; gender bias too exists in wage payments (Table 20: Average daily wages/earnings across social groups in India).

As seen in the case studies women in both the sites were employed on a daily wage basis; many of these were women from ST communities as was in Rajasthan. Where they were late for work, wages were deducted proportionately as mentioned by the women interviewed in Meghwal Basti. The work was erratic in nature and the women in the study sites said that there existed no steady and regular employment.

The Contract Labour (Regulation and Abolition) Act 1970 legislation provides specific guidelines for employment of and protection to contract workers. The Act applies ‘(a) to every establishment in which 20 or more workmen are employed or were employed on any day of the preceding 12 months as contract labour; (b) to every contractor who employees or who employed on any day of the preceding 12 months 20 or more workmen (provided that the appropriate government may, after giving not less than two months’ notice of its intention so to do, by notification in the official gazette, apply the provisions of this Act to any establishment or contractor employing such number of workmen less than 20 as may be specified in the notification)’. The Act says that it is not applicable where work of any casual or intermittent nature is performed. Work performed is termed intermittent in nature if, ‘(i) it was performed for more than 120 days in the preceding 12 months, or (ii) it is of a seasonal character and is performed for more than 60 days in a year’.

The Act says that, ‘a workman shall be deemed to be employed as ‘contract labour’ in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer’. The principal employer in the case of a mine is, ‘the owner or agent of the mine and where a person has been named as the manager of the mine, the person so named’. A contractor, ‘in relation to an establishment, means a person who undertakes to produce a given result for the establishment, other than a mere supply of goods of articles of manufacture to such establishment, through contract labour or who supplies contract labour for any work of the establishment and includes a sub-contractor’.

**Table 20: Average daily wages/earnings across social groups in India**

<table>
<thead>
<tr>
<th>Year 2004-05</th>
<th>Rural</th>
<th>Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Males</td>
<td>Females</td>
</tr>
<tr>
<td><strong>Casual</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STs</td>
<td>45.63</td>
<td>33.33</td>
</tr>
<tr>
<td>SCs</td>
<td>54.92</td>
<td>36.06</td>
</tr>
<tr>
<td>Others</td>
<td>56.05</td>
<td>34.35</td>
</tr>
<tr>
<td><strong>Regular</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STs</td>
<td>130.38</td>
<td>78.04</td>
</tr>
<tr>
<td>SCs</td>
<td>20.53</td>
<td>59.00</td>
</tr>
<tr>
<td>Others</td>
<td>178.67</td>
<td>113.37</td>
</tr>
</tbody>
</table>

Source: MoLE. 2010. Annual report to the people on employment. Ministry of Labour and Employment, Government of India, New Delhi, India
The Act specifies certain requirements to be met for the
health and welfare of the contract labour and includes,

- provision of canteens where number of such workers
  exceeds hundred,
- provision of rest rooms where work is undertaken in
  the night,
- provision of wholesome drinking water at convenient
  places,
- provision of washing facilities,
- provision of latrine and urinals at prescribed places
  accessible to the contract labour,
- provision of first aid facilities wherever contract
  labour is employed,
- responsibility for payment of wages and ensuring that
  wages are paid as per the Minimum Wages Act 1948
  and
- inclusion of Provident Fund coverage

While the above are to be provided by the contractor, in
the event of his failure to do so within a prescribed time it
is the responsibility of the principal employer to ensure
that the same are provided. The principal employer can
recover the cost of providing these amenities from the
contractor. Here too liability for non-compliance includes
imprisonment but if the principal employer can prove that
the same was done without their knowledge they escape
punishment of any form.

The term ‘contract’ often used to describe the labour in
the mines is in reality a misnomer. Even if the employee
has worked for the year round they are paid only on a
daily wage basis and are not provided any of the facilities
under the Act. Neither the principal employer nor the
contractor in reality, claim any responsibility to the
contract labour.

In addition, illegal mining in the country far outstrips the
number of legally operational mines. A Parliamentary
Committee report in 2005 gave the number of illegal mines
in the year 2005 as 14,504. Figures released more recently
by the Ministry of Mines put the number of illegal mines
for major minerals as 2,496 and minor minerals as 28,055.
These mines scattered across the country employ labour,
many of whom are women, where there is no contract,
agreement or recruitment and the contract is merely based
on verbal assurance. This section of labour force is also
deprived of any safeguards or security in terms of work.

Thus the definitions and aspects of the employment
discussed above cover those workers who do not enjoy
employment security, have no protection against accidents
or illness, have no social security like maternity benefits,
health care benefits, pension etc., Without doubt the mine
labour of women as seen from the case studies come under
this category.

Safeguards and violations: Mine labour in India

Again, it is important to first understand what the law
provides as safeguards to mine workers before we
compare it to the women workers’ situation.

Mines Act 1952

The Mines Act 1952 is the central legislation that lays
down the labour and safety regulations in mines in the
country. The health and safety of the workers are governed
by the Rules that are created under the jurisdiction of the
Mines Act 1952. The enforcement of the Act and its Rules
is the responsibility of the Ministry of Labour and
Employment and is administered through its subordinate
office, the DGMS.

---

Box 14: Subordinate legislations for mine labour

Under the Mines Act 1952

Regulations to regulate the technical operations in mines

- Coal Mines Regulations 1957
- Metalliferous Mines Regulations 1961
- Oil Mines Regulations 1984
- Mines Rescue Rules 1985: To provide for rescue of
  persons at work in the event of fire, explosions, etc.
  This is applicable to coal and metalliferous
  underground mines.
- Mines Vocational Training Rules 1966: To equip mine
  workers in all types of mines to recognise and deal
  with hazards.
- Coal Mines Pit-head Rules 1959: To provide bathing
  facilities for workers employed in coal mines.
- Mines Creche Rules 1966: To provide shelter to
  children of female employees. Very clear provisions
  are provided under the rules.
- Mines Rules 1955: To provide for welfare, health
  and medical provisions in respect of coal,
  metalliferous and oil mines.

Under the Maternity Benefit Act 1961

- Maternity Benefit (Mines and Circus) Rules 1963:
  To provide for maternity benefit to pregnant women
  workers.
- See Annexure 4 for details
Some important definitions

According to Chapter I of the Mines Act 1952 of India, ‘a person is said to be ‘employed’ in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with knowledge of the manager, whether for wages or not:

(i) in any mining operation (including the concomitant operations of handing and transport of minerals up to the point of despatch and of gathering sand and transport thereof to the mine);

(ii) in operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations;

(iii) in operating, servicing, maintaining or repairing any part or any machinery used in or about the mine;

(iv) in operations, within the premises of the mine of loading for despatch of minerals;

(v) in any office of the mine;

(vi) in any welfare, health, sanitary or conservancy services required to be provided under this Act, or watch and ward, within the premises of the mine excluding residential area; or

(vii) in any kind of work whatsoever which is preparatory or incidental to, or connected with mining operations’.

The Mines Act 1952 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:

(i) all borings, bore holes, oil wells and accessory crude conditioning plants, including the pipe conveying mineral oil within the oilfields;

(ii) all shafts, in or adjacent to and belonging to a mine, where in the course of being sunk or not;

(iii) all levels and inclined planes in the course of being driven;

(iv) all opencast workings;

(v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;

(vi) all adits, livels, planes, machinery works, railways, tramways and sidings in or adjacent to and belonging to a mine;

(vii) all protective works being carried out in or adjacent to a mine;

(viii) all workshop and store situated within the precincts of a mine and the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;
(ix) all power stations, transformer sub-stations converter stations: rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;

(x) any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such and refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine;

(xi) any premises in or adjacent to and belonging to a mine or which any process ancillary to the getting, dressing or operation for sale of minerals or of coke is being carried on’.

The Act further defines minerals as, ‘all substances which can be obtained from the earth by mining, digging, drilling, dredging, hydraulicizing, quarrying, or by any other operation and includes mineral oils (which in turn include natural gas and petroleum)’. It defines office of the mine as, ‘any office at the surface of the mine concerned’, opencast working as, ‘a quarry, that is to say an excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, not being a shaft or an excavation which extends below superjacent ground’.

The Act defines owner, when used, in relation to a mine as, ‘any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof and in the case of a mine the business whereof is being carried on by liquidator or receiver, such liquidator or receiver but does not include a person who merely receives a royalty rent or fine from the mine, subject to any lease grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but (any contractor or sublessee for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability’.

The above definitions of mine workers and mining activities, if genuinely assessed, would include all the countless women mentioned above, working in various forms of mining activities spread across the country. Instead, the statistics provided indicate that on an average only 27,000 women as employed in the mining sector in India. The field visits made to the different mines sites as part of this study provide a different picture as women were found to be working in many of the above mentioned activities described under the Mines Act 1952, but with little recognition of their work participation in the statistical profile of the country.

**Provision for health and safety**

Chapter V of the Mines Act 1952 provides for the following:

**Drinking water**

With regard to drinking water the Act says that,

‘(1) in every mine effective arrangement shall be made to provide and maintain at suitable points conveniently situated a sufficient supply of cool and wholesome drinking water for all persons employed therein. Provided that in case of persons employed below ground the Chief Inspector may, in lieu of drinking water being provided and maintained at suitable points, permit any other effective arrangements to be made for such supply;
(2) all such points shall be legibly marked ‘DRINKING WATER’ in a language understood by a majority of the persons employed in the mine and no such point shall be situated within six metres of any washing place, urinal or latrine, unless a shorter distances is approved in writing by the Chief Inspector;

(3) in respect of all mines or any class or description of mines, the central government may make rules for securing compliance with the provisions of subsections (1) and (2) and for the examination by prescribed authorities of the supply and distribution of drinking water’.

Conservancy

The Act says that,

‘(1) there shall be provided, separately for males and females in every mine, a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to persons employed in the mine at all times;

(2) all latrines and urinals provided under sub-section (1) shall be adequately lighted, ventilated and at all times maintained in a clean and sanitary condition;

(3) the central government may specify the number of latrines and urinals to be provided in any mine, in proportion to the number of males and females employed in the mine and provide for such other matters in respect of sanitation in mines (including the obligations in this regard of persons employed in the mine) as it may consider necessary in the interests of the health of the persons employed’.

Medical appliance

With regard to medical appliances the Act notes that,

‘(1) in every mine there shall be provided and maintained so as to be readily accessible during all working hours such number of first-aid boxes or cupboards equipped with such contents as may be prescribed;

(2) nothing except the prescribed contents shall be kept in a first-aid box or cupboard or room;

(3) every first-aid box or cupboard shall be kept in the charge of a responsible person who is trained in such first-aid treatment as may be prescribed and who shall always be readily available during the working hours of the mine;

(4) in every mine there shall be made to as to be readily available such arrangements as may be prescribed for the conveyance to hospitals or dispensaries of persons who, while employed in the mine suffer bodily injury or become ill;

(5) in every mine wherein more than 150 persons are employed there shall be provided and maintained a first-aid room of such size with such equipment and in the charge of such medical and nursing staff as may be prescribed’.

Notice for accidents

In the event of accidents the Act says that, ‘whenever there occurs in or about a mine,

(a) an accident causing loss of life or serious bodily injury, or

(b) an explosion, ignition, spontaneous heating, outbreak of fire or irruption or inrush of water or other liquid matter, or

(c) an influx of inflammable or noxious gases, or

(d) a breakage of ropes, chains or other gear by which persons or materials are lowered or raised in a shaft or an incline, or

(e) an overwinding of cages of other means of conveyance in any shaft while persons or materials are being lowered or raised, or

(f) a premature collapse of any part of the workings, or

(g) any other accident which may be prescribed, the owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice-board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than 14 days from the date of such posting’.

Notice for certain diseases

With regard to diseases the Act specifies that,

‘(1) where any person employed in a mine contacts any disease notified by the central government in the official gazette as a disease connected with mining operations the owner, agent or manager of the mine shall give notice of the occurrence to such authority in such form and within such time as may be prescribed, and he shall simultaneously post one copy of the notice on a special notice-board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than 14 days from the date of such posting’.
is or has been employed in a mine and who is or is believed by the medical practitioner to be suffering from any disease notified under sub-section(1) the medical practitioner shall without delay send a report in writing to the Chief Inspector stating:

(a) the name and address of the patient,
(b) the disease from which the patient is or is believed to be suffering and
(c) the name and address of the mine in which the patient is or was last employed;

(3) where the report under sub-section (2) is confirmed to the satisfaction of the Chief Inspector by the certificate of a certifying surgeon or otherwise that the person is suffering from a disease notified under sub-section (1), the Chief Inspector shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the owner, agent or manager of the mine in which the person contracted the disease;

(4) if any medical practitioner fails to comply with the provisions of sub-section (2), he shall be punishable with fine which may extend to Rs. 50/-.

The above details of the Mines Act 1952 have been mentioned extensively as the case studies clearly show that none or few of these facilities are provided for women working in the mines. There are no facilities for toilets, let alone separate toilets for men and women. Drinking water, while provided for in some mines, is mostly brought from home by the workers. Accidents are commonplace, but other than some minor first-aid at the site no form of assistance or compensation was provided. As seen in Jodhpur, a number of women interviewed either suffered from TB or had a family member who had succumbed to the disease. But none of them had received any assistance from the mine owners. This glaring reality is increasingly visible due to the informalisation and illegal nature of mining activities where women and children are hired in large numbers without any legal protections.

Provision for hours and limitation of employment

Chapter VI of the Mines Act 1952 lays down the below with regard to hours and limitation of employment.

Weekly day of rest

The Act specifies that, ‘no person shall be allowed to work in a mine for more than six days in any one week’.

Compensatory days of rest

The Act also specifies that, ‘under specific conditions if a person employed therein deprived of any of the weekly days of rest for which provision is, he shall be allowed, within the month in which such days of rest was due to him or within the two months immediately following that month, compensatory days of rest equal in number to the days of rest of which he has been deprived’.

Weekly hours of work

The Act mentions that, ‘no adult employed above ground in a mine shall be required or allowed to work for more than 48 hours in any week or for more than nine hours in any day, provided that, subject to the previous approval of the Chief Inspector, the daily maximum hours specified to this sub-section may exceed in order to facilitate the change of shifts. The periods or work of any such adult shall be so arranged that along with his interval for rest, they shall not in any day spread over more than 12 hours, and that he shall not work for more than five hours continuously before he has had an interval for rest of at least half an hour’.

Overtime wages

The Act with regard to overtime wages says that, ‘(1) where in a mine a person works above ground for more than nine hours in any day or works below ground for more than eight hours in any day or works.
for more than 48 hours in any week, whether above
ground or below ground, he shall in respect of such
overtime work be entitled to wages at the rate of twice
his ordinary rate of wages the period of overtime work
being calculated on a daily basis or weekly basis
whichever is more favourable to him;

(2) where any person employed in a mine is paid on piece
rate basis, the time-rate shall be taken as equivalent
to the daily average of his full-time earning for the
days on which he actually worked during the week
immediately preceding the week in which overtime
work has been done, exclusive of any overtime, and
such time-rate shall be deemed to be the ordinary
rate of wages of such person, provided that if such
person has not worked in the preceding week on the
same or identical job, the time rate shall be based on
the average for the day he had worked in the same
week excluding the overtime or on the daily average
of his earnings in any preceding week whichever is
higher’.

Employment of those below 18 years

The Act says that,

‘(1) after the commencement of the Mine (Amendment)
Act 1983, no person below 18 years of age shall be
allowed to work in any mine or part thereof;

(2) notwithstanding anything contained in sub-section
(1), apprentices and other trainees, not below 16 years
of age, may be allowed to work, under proper
supervision, in a mine or part thereof by the manager,
provided, in the case of trainees, other than
apprentices prior approval of the Chief Inspector or
an Inspector shall be obtained before they are allowed
to work’.

Employment of women

Specifically with regard to women’s employment the
Mines Act 1952 says that,

‘(1) no woman shall, notwithstanding anything contained
in any other law, be employed-

(a) in any part of a mine which is below ground and

(b) in any mine above ground except between the
hours 6 a.m. and 7 a.m.;

(2) every woman employed in a mine above ground shall
be allowed an interval of not less than 11 hours
between the termination of employment on any one
day and the commencement of the next period of
employment;

(3) notwithstanding anything contained in sub-section (1)
the central government may, by notification in the
official gazette, vary the hours of employment above
ground of women in respect of any mine or class or
description of mine, so however that no employment
of any woman between the hours 10 a.m. and 5 a.m.
is permitted thereby’.

The case studies provide a stark contrast to what the Act
says. There is no concept of a paid weekly off let alone a
compensatory off. It was sheer exhaustion that forced the
women labour to take rest and forgo the day’s income.
Children as young as 10 years were found working in
mines, some of them were the sole breadwinners of some
families who had lost one or both parents to illness like
TB or silico-tuberculosis.

Leave with wages

Chapter VIII of the Mines Act 1952 deals with leave and
wages. Leave as per the Act ‘shall not include weekly
days of rest or holidays or festivals or other similar
occasions whether occurring during or at either end of
the period’. With regard to annual leave for those working
above ground the Act, specifies that, ‘every person
employed in a mine who has completed a calendar year’s
service therein shall be allowed, during the subsequent
calendar year leave with wages, calculated at the rate of
one day for every 20 days of work performed by him’.
The Act also makes provisions for payment of wages
during leave days at the same rate as that was being paid
at the time of work.

While there exist no uniform and comprehensive wage
policy for all sectors of the economy in India, there does
exist a mechanism for determination of wages for both
the organised and the unorganised sectors and for
enforcement of the same. While in the organised sector
the wages are determined by negotiation between
employer and employee, for the unorganised sector
minimum rates are fixed by the central and state
government under the provisions of the Minimum Wages
Act 1948 for scheduled employments (Table 21: Range
of minimum wages for unskilled workers in the different
states and union territories; Table 22: Area-wise rates of
minimum wages for scheduled employments in the central
sphere). However, the minimum wages are often not
enough to meet the living standards of populations living
below the poverty line. To address this lacuna, a National
Floor Level Minimum wage has been fixed by the central
government—currently at Rs. 80/- per day—to ensure
uniform wage structure and disparity in minimum wages.
The state governments can fix wages above this for
different occupations. However, while the floor wage was
introduced in 1996, it has only a recommendatory status
Table 21: Range of minimum wages for unskilled workers in the different states and union territories

<table>
<thead>
<tr>
<th>No</th>
<th>State/Union territory</th>
<th>Range of minimum wage per day (in Rs.)</th>
<th>No</th>
<th>State/Union territory</th>
<th>Range of minimum wage per day (in Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Central sphere</td>
<td>78–186</td>
<td>18</td>
<td>Mizoram</td>
<td>103</td>
</tr>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>58.25–163</td>
<td>19</td>
<td>Nagaland</td>
<td>66–70</td>
</tr>
<tr>
<td>2</td>
<td>Arunachal Pradesh</td>
<td>55</td>
<td>20</td>
<td>Orissa</td>
<td>70</td>
</tr>
<tr>
<td>3</td>
<td>Assam</td>
<td>54.8–79.6</td>
<td>21</td>
<td>Punjab</td>
<td>102.6–104.31</td>
</tr>
<tr>
<td>4</td>
<td>Bihar</td>
<td>75–89</td>
<td>22</td>
<td>Rajasthan</td>
<td>87.81–100</td>
</tr>
<tr>
<td>5</td>
<td>Chhattisgarh</td>
<td>69–103.28</td>
<td>23</td>
<td>Sikkim</td>
<td>100</td>
</tr>
<tr>
<td>6</td>
<td>Goa</td>
<td>90–110</td>
<td>24</td>
<td>Tamil Nadu</td>
<td>57.94–158.7</td>
</tr>
<tr>
<td>7</td>
<td>Gujarat</td>
<td>55–115</td>
<td>25</td>
<td>Tripura</td>
<td>62–98.08</td>
</tr>
<tr>
<td>8</td>
<td>Haryana</td>
<td>138</td>
<td>26</td>
<td>Uttar Pradesh</td>
<td>76.31–115.87</td>
</tr>
<tr>
<td>9</td>
<td>Himachal Pradesh</td>
<td>100</td>
<td>27</td>
<td>Uttarakhand</td>
<td>72.22–142.42</td>
</tr>
<tr>
<td>10</td>
<td>Jammu and Kashmir</td>
<td>66</td>
<td>28</td>
<td>West Bengal</td>
<td>57.01–126.42</td>
</tr>
<tr>
<td>11</td>
<td>Jharkhand</td>
<td>86.4–90</td>
<td>29</td>
<td>Andaman and Nicobar</td>
<td>130–161.77</td>
</tr>
<tr>
<td>12</td>
<td>Karnataka</td>
<td>73.96–133.1</td>
<td>30</td>
<td>Chandigarh</td>
<td>136.4</td>
</tr>
<tr>
<td>13</td>
<td>Kerala</td>
<td>72–328.8</td>
<td>31</td>
<td>Dadra and Nagar Haveli</td>
<td>102</td>
</tr>
<tr>
<td>14</td>
<td>Madhya Pradesh</td>
<td>88.2–133.65</td>
<td>32</td>
<td>Daman and Diu</td>
<td>95</td>
</tr>
<tr>
<td>15</td>
<td>Maharashtra</td>
<td>46.13–201.3</td>
<td>33</td>
<td>Delhi</td>
<td>142</td>
</tr>
<tr>
<td>16</td>
<td>Manipur</td>
<td>72.4</td>
<td>34</td>
<td>Lakshwadeep</td>
<td>71.9</td>
</tr>
<tr>
<td>17</td>
<td>Meghalaya</td>
<td>70</td>
<td>35</td>
<td>Puducherry</td>
<td>55.77–124</td>
</tr>
</tbody>
</table>

and no statutory sanction.

The Annual Survey of Industries’ public information for 2004-05 indicates very large wage differentials. In the ‘organised factory’ sector the average wage ‘per man day worked’ for regular male workers was Rs. 212.30/-, whereas for female workers it was just Rs. 91/- implying a gender pay gap. Male casual workers in the organised sector on an average Rs. 73/- per day whereas in the unorganised sector they earned just Rs. 51.30/-; for female casual workers these amounts were respectively Rs. 47.40/- and Rs. 32.40/-. From Table 23 (Average daily wage/salary earnings received from regular wage/salaried employment in mining and quarrying according to broad educational level) and 24 (Average wage earnings received from regular by casual wage employment in mining and

### Table 22: Area-wise rates of minimum wages for scheduled employments in the central sphere (effective 1 April 2010)

<table>
<thead>
<tr>
<th>Name of scheduled employment</th>
<th>Category of work</th>
<th>Rates of wages including Variable Daily Allowance per day in Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-coal mines*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unskilled</td>
<td>Above ground</td>
<td>149</td>
</tr>
<tr>
<td>Semi-skilled/unskilled supervisory</td>
<td>Below ground</td>
<td>186</td>
</tr>
<tr>
<td>Skilled/clerical</td>
<td></td>
<td>224</td>
</tr>
<tr>
<td>Highly skilled</td>
<td></td>
<td>261</td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unskilled</td>
<td>Area A</td>
<td>158</td>
</tr>
<tr>
<td>Semi-skilled/unskilled supervisory</td>
<td>Area B</td>
<td>173</td>
</tr>
<tr>
<td>Skilled/clerical</td>
<td>Area C</td>
<td>188</td>
</tr>
<tr>
<td>Highly skilled</td>
<td></td>
<td>209</td>
</tr>
<tr>
<td>Sweeping and cleaning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unskilled</td>
<td></td>
<td>224</td>
</tr>
<tr>
<td>Watch and ward</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Without arms</td>
<td></td>
<td>224</td>
</tr>
<tr>
<td>With arms</td>
<td></td>
<td>248</td>
</tr>
<tr>
<td>Loading and unloading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unskilled</td>
<td></td>
<td>224</td>
</tr>
<tr>
<td>Construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unskilled</td>
<td></td>
<td>224</td>
</tr>
<tr>
<td>Semi-skilled/unskilled supervisory</td>
<td></td>
<td>248</td>
</tr>
<tr>
<td>Skilled/clerical</td>
<td></td>
<td>273</td>
</tr>
<tr>
<td>Highly skilled</td>
<td></td>
<td>297</td>
</tr>
</tbody>
</table>

Workers engaged in stone mines for stone breaking and stone crushing

1) Excavation and removal of overburden with 50 m lead/1.5 m lift:
   a) Soft soil 150.58
   b) Soft soil with rock 228.34
   c) Rock 302.19

2) Removal and staking of rejected stones with 50 m lead 1.5 m lift Stone breaking or stone crushing for stone size
   (a) 1 inch to 1.5 inches 938.15
   (b) Above 1.5 inches to 3 inches 801.47
   (c) Above 3 inches to 5 Inches 468.54

Employees engaged in the employment of following mines: gypsum, barytes, bauxite, manganese, china clay, kyanite, copper, clay, magnesite, white clay, stone, steatite (including soapstones and talc), ochre, asbestos, fire clay, chromite, quartzite, quartz, silica, graphite, felspar, lartite, dolomite, red oxide, wolfram, iron ore, granite, rock phosphate, hematite, marble and calcite, uranium, mica, lignite, gravel, slate and magnetite.

quarrying for different age groups) it is clear that there is a significant variance in the wages earned between regular workers and casual/daily wage labour in the mines. The Tables 23 and 24 also show the gender disparities in wages with women earning half or less than half the wages of men for the same level of qualification. Here it should also be noted that wage rates from the age group of 5–15 are also included, indicating the existence of child labour in the mining sector.

As seen from the case studies, women in the sandstone mines were being paid between Rs.60/- and Rs.80/-, with the former being the norm. Men were paid Rs. 150/- per day for cutting stones. In Bellary the wages ranged between Rs. 40/- and Rs. 200/- day’s work. Wages are extremely low and with considerable disparity between the wages of men and women. There was no concept of leave with wages or weekly off; if they did not go to work they forfeited their wages.

**Table 23: Average daily wage/salary earnings received from regular wage/salaried employment in mining and quarrying according to broad educational level**

<table>
<thead>
<tr>
<th>Age group 15–59</th>
<th>General educational level</th>
<th>(in Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not literate</td>
<td>Literate and upto middle</td>
</tr>
<tr>
<td>Rural+male</td>
<td>96.63</td>
<td>113.10</td>
</tr>
<tr>
<td>Rural+female</td>
<td>78.72</td>
<td>47.45</td>
</tr>
<tr>
<td>Rural+person</td>
<td>95.03</td>
<td>112.38</td>
</tr>
<tr>
<td>Urban+male</td>
<td>308.44</td>
<td>285.87</td>
</tr>
<tr>
<td>Urban+female</td>
<td>178.67</td>
<td>109.42</td>
</tr>
<tr>
<td>Urban+person</td>
<td>276.88</td>
<td>279.42</td>
</tr>
<tr>
<td>Rural+urban male</td>
<td>182.12</td>
<td>214.53</td>
</tr>
<tr>
<td>Rural+urban female</td>
<td>147.57</td>
<td>98.91</td>
</tr>
<tr>
<td>Rural+urban person</td>
<td>176.65</td>
<td>211.51</td>
</tr>
</tbody>
</table>


**Table 24: Average wage earnings received from regular by casual wage employment in mining and quarrying for different age groups**

<table>
<thead>
<tr>
<th>Age group (in years)</th>
<th>(in Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5–14</td>
</tr>
<tr>
<td>Rural+male</td>
<td>46.23</td>
</tr>
<tr>
<td>Rural+female</td>
<td>50.72</td>
</tr>
<tr>
<td>Rural+person</td>
<td>49.64</td>
</tr>
<tr>
<td>Urban+male</td>
<td></td>
</tr>
<tr>
<td>Urban+female</td>
<td></td>
</tr>
<tr>
<td>Urban+person</td>
<td></td>
</tr>
<tr>
<td>Rural+urban male</td>
<td>46.23</td>
</tr>
<tr>
<td>Rural+urban female</td>
<td>50.72</td>
</tr>
<tr>
<td>Rural+urban person</td>
<td>49.64</td>
</tr>
</tbody>
</table>

Regulations, rules and by-laws

The Indian Mines Act 1952, Chapter VII Regulations, Rules and By-laws specifically mentions women and says that ‘for requiring the maintenance in mines wherein any women are employed or were employed on any day of the preceding 12 months of suitable rooms to be reserved for the use of children under the age of six years belonging to such women, and for prescribing either generally or with particular reference to the number of women employed in the mine, the number and standards of such rooms, and the nature and extent of the amenities to be provided and the supervision to be exercised therein; (e) for requiring the maintenance at or near pit-heads of bathing places equipped with shower baths and of locker rooms for the use of women in mines where women are employed, and for prescribing, either generally or with particular reference to the numbers of men and women ordinarily employed in a mine, the number and standards of such places and rooms’.

In addition it says that the central government can make regulations, ‘for prohibiting, restricting or regulating the employment of women in mines or in any class of mines of on particular kind of labour which are attended by danger to the life, safety, or health of such persons and for limiting the weight of any single load that may be carried by any such person’.

What the field case studies showed as against the above provisions under the law

In the mining sector casual labour either earn through daily wage or as a group on contract basis calculated per unit of work. Nowhere did we find, while undertaking the case studies, women having information about their right to minimum wages. Neither did we find the women receiving the minimum wage as per stipulation. In many instances, as found in the case studies, women are not even in the muster rolls of the companies and hence they can never demand for regularisation or other facilities like crèches, insurance, health benefits or proper wages.

None of the rules seem to hold good where women mine workers are concerned. We not only did not find any of these facilities in the mine sites, neither did we find women equipped with any safety equipment, work gear like helmets, boots, implements or machinery that would reduce their drudgery or safety gear that prevents dust or noise pollution even during meal times. Infants were normally found crawling around the mine sites or cradled to trees exposed to the dust and dangers of blasting. The living quarters of the workers were located at the mine sites in the case of Karnataka or very far from the sites as in Rajasthan where the women have to use the highly irregular bus facilities to go to work. In both cases they were found to face severe hardships in terms of poor housing, lack of toilets, drinking water at the mine site or living quarters, lack of security especially for adolescent girls, and lack of school facilities for their children. Women workers normally did not receive advance payment of wages or were given loans. But as the men were most often in debt, the women were forced to work in order to repay the debts.

The large companies employ few women and claim to provide minimum wages. But most of their work is outsourced to contractors who employ women in large numbers, and do not pay them proper wages. In small-scale mines, work is erratic, scattered across small mine sites and the nexus between mine owners and law keepers ensures that the mine owners escape the gaze of law with regard to employment and wages.

Women, most commonly are only paid for the days they work and do not get paid on the days off from work, even if it is once a week or month, or during illness or maternity leave. The women mine workers interviewed in all the states said they never got paid for their weekly or monthly offs and had never enjoyed maternity benefits. They work till their delivery and join back work immediately after. If they take leave during this period, they do not receive any wages for loss of work.

We did not find any crèches or toilets or rest rooms in any of the sites we visited. There were no medical kits and none of the women interviewed had been treated for any medical ailments or accidents incurred. They all stated that they either approach the local quacks or sometimes go to the government hospitals, but these expenses were borne by themselves and not by their mine owners. In many situations they did not know their mine owners and
only had contact with the contractor or supervisor. Neither did they know whether the mine they worked in was legal or illegal.

Women who work for small contractors on daily wage basis put in anywhere between eight and 12 hours of work per day as was seen in the field visits to Rajasthan and Karnataka. In Karnataka some women reported that they were sometimes also called for work during night, especially where there is illegal mining.

In response to the RTI applications filed by us to the respective state Labour Departments regarding women mine labour, wages and facilities, we received the following information:

- Some state offices denied that women were employed in the mines or quarries, as in Thane district of Maharashtra.
- Some state offices merely forwarded the schemes as given under the law like minimum wages, crèches and other social security benefits without stating whether these were being implemented in the mine sites.
- Some offices replied that they received no complaints and reports regarding any misconduct or non-implementation of the regulations as far as women mine workers were concerned.
- All responses stated that no child labour was found to be working in the mines. However, the Mines Act 1952 categorically states that no person below the age of 18 years was to be employed in the mines. In the field visits, we found several children below the age of 18 working in the most hazardous conditions.

It has to be mentioned here that it was difficult to verify whether the mine sites visited were legally operating mines or illegal mines as lease deeds and ownership was not clear to the workers interviewed. This not only makes it difficult for verifying the inspection reports of the Labour Department, it leaves no necessity for responsibility on the mine owner as the mine itself is illegal.

**Protective legislations applicable to women workers**

India has a wide range of labour laws—currently 44 labour laws (see Annexure 2 for a complete list) exist in the central sphere that cover different aspects of labour with regard to wages, remuneration, social security, etc. Several of these Acts also have specific provisions that protect or provide security to women mine workers (Table 25: Employment of women-Protective legal provisions applicable to women in mining). Acts like the Coal Mines...
Table 25: Employment of women—Protective legal provisions applicable to women in mining

<table>
<thead>
<tr>
<th>Name of the enactment</th>
<th>Protective legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Contract Labour (Regulation and Abolition) Act 1970</td>
<td>Provision of crèches where 20 or more women are ordinarily employed as contract labour. Female contract labour to be employed by any contractor between 6 a.m. and 7 p.m. with the exception of mid-wives and nurses in hospitals and dispensaries.</td>
</tr>
<tr>
<td>The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979</td>
<td>Provision of crèches for the benefit of women workers in establishments wherein 20 or more women are ordinarily employed as migrant workers and in which employment of migrant workers is likely to continue for three months or more.</td>
</tr>
<tr>
<td>The Mines Act 1952</td>
<td>Employment in mines below ground prohibited and in any mine above ground except between the hours of 6 a.m. and 7 p.m. however no employment of women between 10 p.m. and 5 a.m. is permitted. Further, women employed above-ground shall have rest period not less than 11 hours.</td>
</tr>
<tr>
<td>The Maternity Benefit Act 1961</td>
<td>Maternity benefits to be provided on completion of 80 days working. Not required to work during six weeks immediately following the day of delivery or miscarriage. In no work of arduous nature, long hours of standing likely to interfere with pregnancy/normal development of foetus or which may cause miscarriage or is likely to affect health to be given for a period of six months immediately preceding the period of one week before delivery. On medical certificate, advance maternity benefit to be allowed. Rs.250/- as medical bonus to be given when no pre-natal confinement and post-natal care is provided free of charge.</td>
</tr>
<tr>
<td>The Equal Remuneration Act 1976</td>
<td>Payment of equal remuneration to men and women workers for same or similar nature of work protected under the Act.</td>
</tr>
<tr>
<td>The Employee’s State Insurance (General) Regulation 1950</td>
<td>No discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.</td>
</tr>
<tr>
<td>The Lime Stone and Dolomite Mines Labour Welfare Fund Act 1972</td>
<td>Claim for maternity benefit becomes due on (General Regulation 1950) the date medical certificate issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child.</td>
</tr>
<tr>
<td>The Industrial Employment (Standing Orders) Act 1946</td>
<td>Provision regarding safeguards against sexual harassment of women workers at their workplaces.</td>
</tr>
</tbody>
</table>

Provident Fund and Miscellaneous Provisions Act 1948 and the Payment of Gratuity Act 1972 are also applicable in the mines.

However, with so many labour laws and social security legislations none of them are comprehensive by themselves and cover only a very small percentage of the workforce. Labour regulation in India on one hand is seen as providing excessive protection to a small segment of the workforce in the organised sector, while on the other hand it leaves a majority of those in the unorganised sector completely unprotected either because of the non-applicability of regulatory provisions, or because of ineffective implementation of provisions that apply to them. The NCEUS clearly states that, ‘if we take the effectiveness of coverage of different labour regulations into consideration, the actual coverage of the labour regulations in India is very small: the laws themselves apply only to a small proportion of workforce and they are actually implemented in the case of even smaller segments’. It further adds that ‘there is hardly any regulation of conditions of work and no provision for social security of any kind for the workers working in establishments employing less than 10 workers. And they constitute an overwhelming majority— 92 percent of all workers and 84 percent of all wage earners’. It needs mention here that the large majority of women mine workers are in the unorganised sector which implies that almost the entire working population of women need to be brought into proper legislative protection.

In 1999-2000, legislation concerning working conditions ‘technically’ (by definition) covered 2.5–3.9 percent of the total labour force; laws concerning wages and remuneration 5.2–10.5 percent, with the relatively positive exception of the Minimum Wages Act 1948 (38.1 percent), and laws concerning social security covered 2.2–3.7 percent of the labour force. The effective coverage is much lower, in particular that of the Minimum Wages Act 1948 (9.3 percent). Out of the labour force of 393.21 million (2001) only 8 million would have been covered under the Employees State Insurance Act 1948 and none of them were from the unorganised sector.

Part of the reason for ineffectiveness and non-compliance of labour regulations is also the confusion created by multiplicity of laws, definitions of concepts and categories and administrative jurisdictions. In addition the laws are applicable only where there is an identifiable employer-employee relationship which is mostly not possible in the unorganised sector. Often the employer avoids responsibility by taking advantage of loopholes in the laws. Contractual nature of employment means that the principal employer does not even come into the picture. In some cases, certain Acts do not apply in mines, for example the Employees State Insurance Act 1848 while applicable to women is not applicable in mines (as well as seasonal factories and plantations). In addition policy reforms, for example, in the XI Plan that suggests, ‘amending the provisions of Contract Labour (Regulation and Abolition) Act 1970 which prohibit employment of contract labour in mining activities…[to] facilitate offloading of certain activities in coal mining for improved economics of operations’ are of concern.

At any rate, none of the applicable laws were seen to be applied in the mine sites visited, except that of non-employment of women in night shifts. Pregnant women too are deprived of paid maternity leave of even a day off in their most vulnerable condition, and the high rate of miscarriages as shown in the case studies are proof of the inhuman conditions existing in the mine sites. Equal wages are a promise merely on paper, the inequality being justified by mine owners who insist that women undertake jobs that require less skill and more physical strain. Creches for children, rest hours for women mine workers and protection from sexual harassment at the workplace were found to be non-existent in the mines visited. Unionisation is also extremely hard among women mine workers in the unorganised sector since they are scattered as a workforce.

**The Unorganised Workers Social Security Act 2008**

Social security is an important pillar of a welfare state. It is a means by which the state ensures that citizens are not allowed to fall below a prescribed level. Social security comprises health insurance, employment insurance, provident fund, pension, gratuity and allowances for widows and family. Social security system in India was strengthened post Independence where Article 41 of the Indian Constitution laid down that the state shall make effective provision for securing the right to public assistance in case of unemployment, old age, sickness and disablement and in other cases of undeserved want. Several Acts were revised, new Acts were introduced, policies and schemes were framed by the government, and certain industries and state governments introduced their own social assistance programmes.

However, the majority of the workforce continued to be deprived of the basic rights. There had been a demand for a while for a comprehensive legislation for unorganised workers. The Second National Commission on Labour in the year 1999 that submitted its report in 2002 recommended an umbrella legislation for unorganised sector workers. Post this report different bills were floated by the government, and in 2004, the Ministry of Labour
and Employment introduced a scheme for social security for unorganised workers. This was followed by a draft bill in 2004 by the Ministry of Labour and Employment, another bill in 2006 by the NCEUS. There were also two other bills that had been floated: Unorganised Sector Workers Social Security Bill 2005 by the National Advisory Council of the United Progressive Alliance government and the Unorganised Sector Workers Bill 2005 by National Centre for Labour. Finally the Parliament passed the Unorganised Workers Social Security Act 2008.

Under this Act the central government is required to notify welfare schemes for unorganised workers relating to (a) life and disability cover (b) health and maternity benefits (c) old age protection and (d) other benefits. The welfare schemes under this as per the Act include:

1. Indira Gandhi National Old Age Pension Scheme
2. National Family Benefit Scheme
3. Janani Suraksha Yojana
4. Handloom Weavers Comprehensive Welfare Scheme
5. Handicrafts Artisans Comprehensive Welfare Scheme
6. Pension to Master Crafts Persons
7. National Scheme for Welfare of Fishermen and Training and Extension
8. Janshree Bima Yojana
9. Aam Aadmi Bima Yojana
10. Rashtriya Swasthya Bima Yojana

The state governments were required to formulate welfare schemes relating to: provident fund (b) employment injury benefit (c) housing (d) educational schemes for children (e) skill upgradation of workers (f) funeral assistance and (g) old age homes.

A National Social Security Board and respective State Social Security Boards constituted under this Act are to be responsible for ensuring implementation of the Act. The state government is required to set up Worker Facilitation Centres at the district levels to disseminate information about social security schemes, assist unorganised workers register to acquire identity cards that will make them eligible for accessing schemes, and facilitate workers enrolment in the different schemes. State and central government can make rules under this Act by passing the same in the State Legislature or Parliament respectively.

While the Act is a step in the right direction, for women mine workers there exists the danger that the schemes and programmes will continue to remain outside their access to social security. What does social security mean for women mine workers? This itself needs to be examined carefully keeping their specific needs as mine workers in mind. Is mere enactment of an Act going to bring about changes? How do health benefits, insurance, pension, basic rights of housing, drinking water, toilets, ration, medical and health facilities and accident benefit be targeted to benefit this extremely vulnerable group and at the same time ensure to be free from indebtedness?

**Policies for labour development in general and women in particular**

In recognition of the changing work situation and the growing population of unorganised sector workers and their problems, a number of policies have been drafted in the recent past by various ministries. Since these are merely at policy level dialogue within the government and with the public, their implementation cannot yet be fully critiqued. However, we present here some of the policies and their implications for women mine workers and some of the analyses and critiques drawn from civil society.

**National Policy for the Empowerment of Women 2001**

The goal of the National Policy for the Empowerment of Women, passed in the year 2001, is to bring about the advancement, development and empowerment of women and specifically includes:

(i) Creating an environment through positive economic and social policies for full development of women to enable them to realise their full potential.

(ii) The *de jure* and *de facto* enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres—political, economic, social, cultural and civil.
(iii) Equal access to participation and decision-making of women in social, political and economic life of the nation.

(iv) Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office, etc.

(v) Strengthening legal systems aimed at elimination of all forms of discrimination against women.

(vi) Changing societal attitudes and community practices by active participation and involvement of both men and women.

(vii) Mainstreaming a gender perspective in the development process.

(viii) Elimination of discrimination and all forms of violence against women and the girl child.

(ix) Building and strengthening partnerships with civil society, particularly women’s organisations.

The policy prescriptions include making the judicial-legal system more responsive and gender sensitive to women’s needs, bring about greater equality in power sharing and participation in decision-making at every level, mainstream gender perspective into the development process, bringing about economic (poverty eradication programmes specific to women, strengthening of micro-credit, specific programmes for women in agriculture and industry), and social empowerment of women (equal access to education, holistic approach to women’s health and nutrition, inclusion of women’s perspectives in housing policies and provision of safe and adequate housing, provision of safe drinking water and proper sanitation facilities, women’s perspectives in environmental protection and development to be included in policies). The policy would also deal effectively with violence against women and specifically protect rights of the girl child. All the ministries at the central and state level are required as per the policy to draw up action bound plans for its implementation and strengthen the institutional mechanisms at their respective levels. The policy also calls for a review of the existing legislation to eliminate all gender discriminatory elements.

National Employment Policy (draft)

The National Employment Policy is still in a draft stage. The policy was developed in the context of accelerated economic growth, declining employment growth, dependence of workforce on agriculture inspite of low productivity in the sector, declining employment in formal sector and casualisation or informalisation of employment with jobs characterised by low earning, poor work conditions and lack of social protection and organisation. The policy objective is to provide a framework towards the goal of achieving remunerative and decent employment for all women and men in the labour force. More specifically it aims at:

- Accelerating employment growth in the organised sector, and
- Improving the quality of jobs (in terms of productivity, earnings, and protection of workers) in the unorganised sector.

With regard to gender the policy states that, ‘Gender should form an essential dimension in all aspects of labour market policy [...] In the context of labour market policies, the following points need special emphasis:

- All labour regulations must be subjected to gender equality test and those positively specifying equality and prohibition of discrimination should be strictly implemented.

- Special employment programmes should not only insist on high participation of women, but should also specially emphasise undertaking such projects for execution under the programme that favour women by reducing their workload and drudgery and improving their health.

- Training of women should aim at mainstreaming their employment rather than confining them to the stereotyped ‘female occupations’.

- Labour market information and employment service and building of data base for employment should invariably be gender-specific’.

It recognises women as a special section of the workforce and states that, ‘The National Employment Policy recognises the severe constraints faced by women workers in terms of (a) lack of recognition of their contribution in many economic activities that are not adequately measured, (b) discrimination specially heightened by social disadvantages and (c) wide gap in opportunities, wages and security as compared to male workers (d) lack of supportive structures to facilitate their employment’.

Regarding gender sensitive macro-polices it states that,

- ‘Gender sensitive employment policies that take into account the special circumstances and problems of women will therefore be enunciated from time to time. Such policies will aim at shifting women from invisible to visible work, from low productive
employment, especially in agriculture, to high productive employment, and from low wage and no social security to higher wage with social security work conditions.

- Complimentary policies such as credit policies result in male bias. This will be corrected by taking special measures to access credit and such other facilities for women entrepreneurs and home based workers.

- Technology policies often lead to more displacement of women than male workers. Promotion and innovation of gender sensitive technology will be undertaken in aiding women workers and enhancing their participation.

- Formal credit as well as employment and development institutions will be guided, and if necessary mandated, to link with the SHGs to provide a range of services. The models that are currently working in some states will have to be studied and adapted to the conditions of other states. For this the central government will encourage state governments with appropriate technical and financial assistance to initiate suitable policies and programmes.

- Women as a percentage of workforce in SEZs is very high and their participation in unorganised sector within EPZs almost double that in organised work. There needs to be special focus on the women’s participation in trade related employment, and the nature of such employment”.

With regard to identifying specific sectors the policy states that,

- ‘Sectors where women’s participation is significant will be identified for specific focus as, for example, in agriculture, food processing, fishing, plantations, forestry, horticulture, export intensive manufacturing, tourism and care services with a view to introduce technology that are drudgery reducing and/or labour augmenting thereby creating conditions for employment generation, a decent work and higher productivity.

Clean and potable water is a right, especially for women from mining affected communities
Policies and programmes for skill training and development for women will have a specific component of entrepreneurship development for women-headed micro- and small enterprises’.

With regard to facilitating structures the policy states that,

- ‘Special institutional mechanisms will be created to cater to women’s employment, such as information centres and organisational structures to promote decent employment in emerging sectors and activities.

- Special facilities (in the form of committees) will be established in clusters and large enterprises to ensure that basic conditions of work with dignity are provided for women workers and that no discriminatory practices are allowed.

These relate to (i) sanitary, drinking water, eating and child care facilities, (ii) ensure the payment of minimum wages wherever applicable, (iii) enforcement of safety standards and (iv) representation of women in collective bodies of workers.

- A specific area in which women have responded in large numbers arising out of economic compulsions is their high level of participation in the National Rural Employment Guarantee Programme. It will also be the endeavour of the government to ensure that wage payments are carried out in a timely and transparent manner and create such systems (like Post Office or Bank Savings Accounts) that will both ensure timely and full payment and empower them in the long run in dealing with modern financial institutions.

- Special attention will be given to the educational and skill training requirements of women workers thereby addressing, inter alia, the perceived bias against women workers in the labour market’.

With regard to organisation and empowerment the policy mentions that,

- ‘Given the greater deficit in organisation and representation of women workers, especially in the informal economy, special programmes and enabling conditions will be created for organising informal women workers and strengthening their collective capacity.

- The SHGs of women have emerged as an innovative form of organisation for accessing credit, marketing as well as other services. While encouraging the spread of this organisational form to areas where it is currently either absent or low presence, policies will be put in place to ensure that micro-credit graduates from consumption smoothening to livelihood credit that will have a focus on the creation of productive employment with backward-forward linkages’.

The draft National Employment Policy also recognises migrant workers as a vulnerable group and recommends that,

- ‘Effective enforcement of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act of 1979 will be ensured to regulate the recruitment as well as terms and conditions of work.

- ‘The state governments will ensure that migrant workers have access to basic amenities such as shelter, drinking water and sanitation, health care and access to schooling for the children. In addition, it will also ensure, through appropriate legislation that the social security scheme for workers in the unorganised sector are also made available to the migrant workers’.

National Policy on Safety, Health and Environment at Workplace

The fundamental purpose of the National Policy on Safety, Health and Environment at Workplace developed by the Ministry of Labour and Employment is, ‘not only to eliminate the incidence of work related injuries, diseases, fatalities, disaster and loss of national assets and ensuring achievement of a high level of occupational safety, health and environment performance through proactive approaches but also to enhance the well-being of the employee and society, at large’.

The objectives of the policy include,

- ‘Continuous reduction in the incidence of work related injuries, fatalities, diseases, disasters and loss of national assets.

- Improved coverage of work related injuries, fatalities and diseases and provide for a more comprehensive data base for facilitating better performance and monitoring.

- Continuous enhancement of community awareness regarding safety, health and environment at workplace related areas.

- Continually increasing community expectation of workplace health and safety standards.
Improving safety, health and environment at workplace by creation of ‘green jobs’ contributing to sustainable enterprise development.

The policy document lays down points with regard to enforcement and national standards to be adhered to. It lists out the methods of compliance, creation of awareness, need for research and data collection, skills development, data collection and review.

National Policy on HIV/AIDS and the World of Work

Recognising the increased vulnerability of the unorganised sector and migrant workforce to HIV/AIDS the Ministry of Labour and Employment and NACO under the Ministry of Family Health and Welfare have developed a national policy guideline on HIV/AIDS intervention in the world of work.

The aims of the policy are,

- Prevent transmission of HIV infection amongst workers and their families.
- Protect rights of those who are infected and provide access to available care, support and treatment.
- Protect workers from stigma and discrimination related to HIV/AIDS by assuring them equity and dignity at the workplace.
- Ensure safe migration and mobility with access to information services on HIV/AIDS.

With regard to gender the policy states that, ‘women are more likely to be infected and adversely affected by the HIV/AIDS epidemic than men due to their biological, socio-cultural and economic reasons. Equal gender relations and the empowerment of women are vital to successfully preventing the spread of HIV infection and enabling women to cope with HIV/AIDS’.

Recognising the unorganised sector separately, the policy states that, ‘a multi-pronged strategy will be adopted in the national programme to strengthen the policy and programmatic interventions’. These include,

- Inclusion of HIV/AIDS in labour legislations like the informal sector bill, social security schemes like ESIC/ labour welfare funds/schemes of the central as well as state Labour Departments.
- Enhancing coverage of mobile and migrant workers is a key strategy in the national programmes, which will be implemented with engagement of private sector and trade unions.
- Mainstreaming HIV/AIDS in the existing programmes of different ministries is another way to expand the coverage of workers in the informal economy. For example, the Central Board for Workers Education, an institution of the Ministry of Labour and Employment, is reaching out to nearly 3 lakh workers every year, about 70 percent of whom are in the informal economy. The reach can be phenomenal when HIV/AIDS is integrated in the programmes/schemes of the ministries, and civil society organisations associated with them like agriculture (including cooperatives), rural and urban development, tourism, Panchayati Raj, women and child, etc.
- SACS are encouraged to partner with local industrial associations and NGOs to develop programmes for workers engaged in small and micro enterprises.
- Corporate sector is encouraged to expand their workplace programmes to their contractual workers, vendors/ supply chains as part of their CSR initiatives.
- SACS are encouraged to partner with local sectoral trade unions, like plantations, mines, agriculture, construction, taxi/auto drivers, etc., and other organisations connected with these sectors to develop interventions to cover workers in the informal economy.

Implications on gender rights in the mining sector

The above policy statements are clearly glorious in intention but their implementation and legal safeguards are far short of these statements. There is no mention in the gender policies on employment, of mining as a significant sector where women are involved, for planning interventions. Such policies have little viability of action when the state and governance institutions have failed to regulate and implement even the existing laws. The poor implementation of the provisions of the Mines Act 1952 as seen in the case studies and the status of women workers across the country is starkly indicative of this lack of political will and bureaucratic capacity. For example, in Rajasthan, many of the mine workers stated that they were diagnosed with silicosis and mining induced TB. However, the refusal by the state and the mining industry to take responsibility for these victims reflects the poor intentions of the government in providing health and environmental safety to mine workers. Hence, the mining widows will have few takers in the government to redress their health and safety if the social security and industrial health policies do not have monitoring and regulatory mechanisms in place.

The reliability of the intentions of the government when it comes to implementation of the policy statements like...
the need for moving away from the stereotyped work opportunities for women are in serious doubt especially as the stereotyped female roles are much more glaring in the mining sector. The policy statements of promotion and innovation of gender sensitive technologies does not seem to have focus on the mining sector, and therefore, skills development and inclusion of women in the formal labour force, providing for work safety in mining is not convincing enough. Unless the policies clearly come up with legal safeguards and stronger labour legislations on behalf of women, whether migrant or unorganised sector workers, such generalised statements of good intentions will remain mere intentions.

This sector of workers cannot be socially and economically made secure with superficial development incentives like training, awareness creation or skills building, without specific legal protection of decent wages, sustained work opportunities, work safety, punitive action on employers for non-compliance especially as the mining sector has shifted towards contractualisation of work, privatisation and illegal operations which are highly exploitative of workers. The contractualisation of mine labour has completely destroyed accountability of mining companies and the government machinery towards mine workers who are as orphaned as the mines themselves. The market viability of minerals has a direct and indirect correlation to cutting labour costs because of which mining companies outsource most of the labour intensive work to contractors who engage the cheapest of labour most often translating into women and child labour. Therefore, unless legal protections and standards of employment are concretely specified, the policies will not make any positive impact on women mine workers.

Mining, world over, has been recognised as a sector significantly responsible for the spread of HIV/AIDS due to the very nature of its economy—migrant, unorganised, economically unviable, hazardous and socio-culturally disruptive. There are sufficient case studies in mining regions to corroborate the high incidence of HIV/AIDS among mine workers and communities living around mine sites. However, in India, there is little statistical information or research linking mining with HIV/AIDS. In terms of interventions, mining as a sector has not been a direct focus of the government AIDS control programmes. A greater degree of policy intervention on addressing the incidence of HIV/AIDS in mining areas is required. This is not only in the context of awareness building, but also in prevention. It is urgent to review the social sustainability of the mining economy and the costs incurred by governments and social welfare bodies on HIV/AIDS intervention programmes after a region is converted into a mining zone as it is simultaneously converted into a HIV/AIDS hotspot. These are invisible costs of mining on women and on the governments that are forced to take up health intervention activities in mining areas. Therefore, the extent to which mining should be prioritised vis-a-vis other forms of economy should also be debated if true sustainable development is the agenda of India’s Five Year Plans.

Schemes and programmes for women empowerment and social security

In India social security is used in a broad sense to cover preventive, promotional and protective measures where unorganised workers are concerned. They may be statutory, private or public. There are also schemes specific to women’s empowerment that comes under the purview of Ministry of Women and Child Development. The commitments of the government also include the Fundamental Rights and Directive Principles of the Constitution, as well as the Conventions and Covenants accepted at an international level.

The different schemes are being administered by the respective Ministries or government agencies (for example Life Insurance Corporation), cooperatives [for example the Self Employed Women’s Association (SEWA)] or...
NGOs. In addition, the states may provide schemes at their level which include schemes for social security, women’s development and empowerment. While some of the schemes provide coverage to a few categories of unorganised sector workers, a large number have remained outside the safety net of social security and include insurance schemes, employment assistance schemes, welfare funds, provident funds and pension schemes.

Different schemes for social security and employees welfare initiated by the government are given below:

**Insurance schemes**

Examples are the group insurance schemes of the Life Insurance Corporation and General Insurance Corporation of India for unorganised sector workers. Others include Janshree Bima Yojana for people living below or marginally above the poverty line and Aam Aadmi Bima Yojana for landless rural households which also include workers in the unorganised sector. The National Health Insurance Scheme called the Rashtriya Swasthya Bima Yojana for BPL families in the unorganised sector was launched in October 2007 involves issue of a smart card to cover hospitalisation expenses of members of a family. The beneficiary pays just Rs. 30/- per annum while the government pays the premium of around Rs. 600/- for a total annual entitlement of healthcare worth Rs 30,000/-. This makes the scheme attractive. This is considered an important step towards securing the health security of some of the poorest sections in the country. The Krishi Shramik Samajik Suraksha Yojana 2001 for the agricultural landless labour launched in July 2001 provides for pension and insurance besides providing money back.

**Employment oriented schemes**

Examples of these are Swarnjayanti Gram Swarojgar Yojana, Pradhanmantri Gram Sadak Yojana, Sampoorna Gramin Rojgar Yojana and the MGNREGA designed to benefit unorganised workers.

**Pension schemes**

These extend to destitute like, mentally retarded persons, freedom fighters, widows and destitute/widowed persons. One of the main schemes is the Indira Gandhi National Old Age Pension Scheme. Rajasthan introduced the Vishwakarma Unorganised Workers Contributory Pension Scheme 2007 and is the first state to have done so. The scheme has met with some success.

**Unemployment allowance**

The Rajiv Gandhi Shramik Kalyan Yojana under the ESIC where insured persons are provided unemployment allowance in cash equal to 50 percent of their wages for one year.

**Food security schemes**

These include schemes like the Annapurna, Antyodaya Anna Yojana and the ICDS for providing supplementary nutrition for women.

**Housing schemes**

And example is the Indira Awas Yojana which is the most important subsidised rural housing scheme for families below the poverty line. The Scheme for Economically Weaker Sections provides housing assistance to rural poor.

** Provident Fund schemes**

At the state level an example is the State Assisted Scheme of Provident Fund for Unorganised Workers of the West Bengal government.

**The Unorganised Workers Social Welfare Scheme**

This was launched in 2004 to provide three basic necessities to the workers in the unorganised sector. The scheme is available for the workers drawing pay/wages/income not more than Rs. 6,500/- per month. The three necessities identified under the scheme are with regard to pension, personal accidental insurance coverage of Rs. 1 lakh and medical insurance coverage under the Universal Health Insurance Scheme (UHIS) for a family of five including the member. Workers, government and employers contribute to this scheme that is being implemented through the Employees Provident Fund Organisation.

**National Social Assistance Programme**

This is an important scheme for workers in the unorganised sector that provides social assistance to poor households in the case of old age, death of the breadwinner, and maternity through the National Old Age Pension Scheme (Indira Gandhi National Old Age Pension Scheme), National Family Benefit Scheme and the National Maternity Benefit Scheme respectively.

**Welfare funds**

These are contributory or tax-based for mine workers, beedi rollers, cine workers, and workers in the building sector.
industry; these funds are financed by cess levied on the production or export of specified goods. They provide mainly medical care, assistance for the education of children, housing and water supply, and recreational facilities. For mine workers the funds created are the Limestone and Dolomite Mines Labour Welfare Act 1972, Iron Ore, Manganese Ore and Chrome Mines Labour Welfare Fund Act 1976 and Mica Mines Labour Welfare Fund Act 1946. The funds are created by levying and collecting a cess on the value of exports (in the case of mica) and the production of the mineral (limestone, dolomite, iron ore, chrome or manganese).

**National Social Security Fund**

This has been launched for unorganised sector workers with initial allocation of Rs. 1,000/- crores.

**Women empowerment schemes /programmes of the Ministry of Women and Child Development**

- Swayamsidha which is the flagship scheme of the ministry for the holistic empowerment of women through SHGs.
- Rashtriya Mahila Kosh or the National Credit Fund for Women, an autonomous organisation under the Ministry that provides micro-finance services through SHGs essentially for promoting self-employment opportunities and targeting very poor women especially from the unorganised sector.
- Gender Budgeting Scheme to guide to develop an integrated approach to the Gender Budgeting Cells set up under different departments and Ministries of the government to coordinate gender budgeting exercises for them and to facilitate gender budgeting analysis.
- Swadhar scheme for women in difficult circumstances—widows, destitute and deserted women, women ex-prisoners, victims of sexual abuse and crimes, including those trafficked and rescued from brothels, migrant or refugee women who have been rendered homeless due to natural calamities, mentally challenged women and women victims of violence. The scheme aims to provide primary need of shelter, food, clothing, emotional support and counseling, and rehabilitation support.
- Support to Training Employment Programme (STEP) for mobilising women into small viable groups and make facilities available to them through access of credit, training for skill upgradation, taking up employment-cum-income generation programmes and support services for further improving training and employment conditions for women. The target group include wage labour, unpaid daily workers, female-headed households, migrant labour and, tribal and dispossessed groups.
- Kishori Shakti Yojana scheme to empower adolescent girls improve the nutritional, health and development status, promote awareness of health, hygiene, nutrition and family care, provide opportunities for learning life skills, going back to school, helping them gain a better understanding of their social environment and taking initiatives to become productive members of the society.
- Construction of hostel and short stay homes for working women and girls.

There are thus, a whole range of schemes available for women at the national and state level and across different departments of the government. But sadly, very little of these benefit any of the women mine workers. There is a severe lack of awareness about the schemes not only among the people, but even among local organisations working for the benefit of women. The schemes under the Ministry of Women and Child Development are more programmatic and scattered in nature. Hence, like most other government programmes, interventions do not address the causes but merely provide cosmetic incentives for different sections of women and are heavily dependent on the lower end department staff, their motivation, corruption, apathy included, in selection of beneficiaries and in the processing of these schemes. Women mine workers do not receive direct benefits or attention inspite of the serious problems they face. Nor is there a
coordinated effort through the ministry to inter-link the various laws and schemes applicable through other ministries to effectively administer or govern the concerns of women. For example, the maternity benefits for women mine workers as stated under the different labour related laws have no link to the Ministry of Women and Child Development or to the Ministry of Health. Hence, it is important to review this schematic approach to addressing women’s problems without proper supportive legal safeguards and monitoring mechanisms.

**Governance institutions related to workers and women**

**Ministry of Labour and Employment**

The Ministry of Labour and Employment is one of the oldest and most important ministries in the Government of India. The primary responsibility of the Ministry, along with the Labour Departments of the state and union territories, is to protect and safeguard the interests of workers in general and those who constitute the poor, deprived and disadvantaged sections of the society. The Ministry focuses on creating a healthy environment for work, in promotion of welfare and providing social security both in the organised and unorganised sectors through the evaluation, enactment and implementation of various laws.

Under the Concurrent Subjects the Ministry is required to look into various aspects of labour welfare like conditions of labour, provident fund, pension, gratuity, employers liability, compensation, health and sickness insurance and unemployment insurance for workers including unorganised, contract and migrant workers. This is done through administration of the different Acts like Minimum Wage Act 1948, Employees State Insurance Act 1948, Employees Provident Funds and Miscellaneous Provisions Act 1952, Payment of Gratuity Act 1972, Maternity Benefits Act 1961 and Workmen’s Compensation Act 1923. The Ministry also ensures implementation of Labour Funds including those for some mines.

A separate cell, called the Wage Cell, was also established in 1975 for women labour by the Ministry of Labour and Employment to pay special attention to the problems of women in labour. The functions of this Cell are:

(i) Coordinating effort in respect of women labour within the policy framework on women drawn by Ministry of Women and Child Development, the latter being the nodal department on the issue.

(ii) Work in conjunction with Ministry of Women and Child Development and provide useful inputs on women workforce for effective formulation of programmes and policies on the subject.

(iii) Implementation of the Equal Remuneration Act 1976, i.e., its extension to various employments/industries and examination of the difficulties, if any, pointed out by the units/industries. The implementation of the Equal Remuneration Act 1976 is done at two levels—at the central level it is a task that is entrusted to the Chief Labour Commissioner who heads the Central Industrial Relations Machinery (CIRM). The central government has appointed Labour Enforcement Officers as Inspectors for the purpose of making investigation by causing production of relevant registers/records as to whether the provisions of the Equal Remuneration Act 1976 are being complied with by the employers. Assistant Labour Commissioners have been appointed as authorities for the purpose of hearing and deciding complaints with regard to the contravention of any provision of the Act, claims arising out of non-payment of wages at equal rate to men and women workers.

The Regional Labour Commissioners have been appointed as appellate authorities to hear complaints in respect of cases decided by the Assistant Labour Commissioners. For employment other than those in the central sphere implementation rests with the state governments and the officials of the State Labour Departments. The central government monitors the implementation of the provisions of the Equal Remuneration Act 1976 by the state governments.

(iv) Setting up of Advisory Committee for promotion of employment of women under the Equal Remuneration Act 1976 and providing secretariat assistance to the Committee.

(v) Follow up action on the Supreme Court Judgement in the matter of prevention of sexual harassment of women at their workplace and periodical reviews of

Mine workers’ colonies have no drinking water or basic amenities—adds on to the drudgery of women and girl children.
the initiatives taken in the matter in consultation with related agencies viz. National Commission for Women, Ministry of Women and Child Development, National Labour Institute, etc.

(vi) Administering a Grants-in-Aid Scheme for providing financial assistance to organisations (voluntary and non-government) for taking up action programmes/projects for the benefit of women labour. This includes organising working women and educating them about their rights/duties, providing legal aid to working women and conducting seminars, workshops, etc., aimed at raising the general consciousness of the society about the problems of women labour.

The subjects allotted to the Ministry under the Union List include regulation of labour and safety in mines. Administration of laws connected with safety and welfare in mines other than coal mines; organisations of the Chief Inspector of Mines and Mica Mines Welfare also come under the purview of the Ministry. The Ministry works through the DGMS to ensure enforcement of the Mines Act 1952 and the Rules and Regulations framed under it. DGMS, along with another subordinate office, the DGFASLI assists the Ministry in technical aspects of occupational safety and health. Through its Welfare Commissions it provides facilities to workers the workers employed in the mica, limestone, dolomite, iron ore, manganese and chrome ore mines. It also liaisons with the ILO.

There are specific schemes also initiated by the Ministry with regard to financial assistance for health and occupational illness like TB, heart diseases, cancer, maternity, etc. In addition welfare, education, recreational, housing and drinking water facilities in mines (see Annexure 3 for details). However, these schemes are for mine management and employees in the formal sector.

Ministry of Women and Child Development

The Ministry of Women and Child Development is the nodal ministry for all issues and development needs of women including female employment. The Ministry guides and coordinates the efforts of both government and NGOs working in the field of women and child development, and implements innovative programmes for both groups. The programmes cover and support services, training for employment and income generation, awareness generation and gender sensitisation. These programmes play a supplementary and complementary role to the other general developmental programmes in the sectors of health, education, rural development, etc. The Department is also the nodal Ministry for implementation of CEDAW and the Beijing Platform for Action.

National Commission for Women

The National Commission for Women was set up as a statutory body in 1992. It is today the apex national level organisation with the mandate for protecting and promoting the interests of women. It reviews the Constitutional and legal safeguards for women, recommends remedial legislative measures, facilitates redressal of grievances and advises the government on all policy matters affecting women.

The Commissions’s strategy is as below:

- Economic empowerment through building-up skills and securing access to gainful employment.
- Political empowerment through awareness, training and mobilisation for equitable representation in all fora.
- Prevention of violence and discrimination against women inside and outside the home through legal reform and sensitive enforcement.
- Amelioration of conditions of disadvantaged women namely:
  - Physically challenged women including those who are visually disabled or mentally affected.
  - Socially challenged women including Muslim women, SC/ST women, widows and prostitutes.
- Prevention of indecent representation of women in the media through legal and social sanctions.

The multi-pronged strategy of the Commission applied through its different cells that include:

Complaints and Counselling Cell: Tackling of complaints that relate to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, refusal to register FIR, cruelty by husband, deprivation, gender discrimination and sexual harassment at workplace.

Legal Cell: Reviews the constitutional and legal safeguards provided for women, recommend remedial legislative measures, felicitate redressal of grievances and advises the government on all policy matters affecting women.

Research and Studies Cell: Undertakes issues related with socio-economic conditions of women in the country and calls for special studies or investigations into specific problems or situations arising out of discrimination against women and undertakes promotional and educational research so as to suggest ways of ensuring due
representation to women in all spheres. This includes studies on social mobilisation, maintenance and divorcee women, Panchayati Raj in action, women labour under contract, gender bias in judicial decisions, family courts, gender component in the various Commissions’ reports for women, violence against women, women’s access to health and education in slums, etc.

Public Relations Cell: This Cell throws light on the activities undertaken by the Commission to fulfil its mandate to participate, advice on the planning process of socio-economic development of women and evaluate the progress and development of women under the central and the state government

RTI Cell: Provides information about the Commission

NRI Cell: Deals with issues pertaining to NRI marriages

The above three are the primary organisations at the central level that deal with the issues of labour and/or women. However, they seem to function in isolation or are limited in their areas of interventions and approaches to women’s problems. If programmes for protection and promotion of women workers are to be made effective there needs to be a linkage between the labour and women centric departments in the government. As it exists now the structure does not address the labour conditions of women workers specifically, and as a result women workers in a hazardous industry like mines continue to be exploited within the unorganised workforce of the country.

International agreements in India and women labour


CEDAW is seen as an international bill of rights for women. State parties who ratify the Convention are required to ensure gender equality in their domestic legislation and repeal all such laws that are discriminatory towards women. Among other things CEDAW lays down the obligations of the state parties with regard to women’s employment status. Article 11(1) of CEDAW in this regard says that, ‘states parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to work as an inalienable right of all human beings;

(b) the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction’.

The Convention in Article 11(2) goes on to say that, ‘in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, states parties shall take appropriate measures:

(a) to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) to provide special protection to women during pregnancy in types of work proved to be harmful to them’.

India had ratified CEDAW in the year 1993 and the government has till date submitted the First, and the Second and Third reports; the latter two being a cumulative report for the country. While the agreement is not legally binding, by ratifying it, India has made a commitment to uphold its principles. In its First Report submitted in March 1999 with regard to women’s employment the report recognises that, ‘women are mostly found in marginal and casual employment and that also mostly in agriculture and the growing informal sector.’
Under Article 11 the report mentions the different safeguards provided by law under various Acts to women workers and social security measures adopted for their benefit.

With regard to women labour in mines, it makes a mention of the protective regulations under the different Acts including the Mines Act 1952 (restriction on carrying loads, night work and prohibition of women employment underground and in hazardous work). To a query posed by the CEDAW Committee regarding feminisation of poverty, the representatives responded that, ‘as far as women and labour was concerned, a strategy was being worked out by the central government to provide protection and benefits to women workers in the informal sector.’ The concluding comments of the First Report stressed on the gaps in legislative framework and ineffectiveness that undermined women's equality leading to discrimination and gender-based violence.

In the Second and Third Reports submitted in October 2005 the article on employment again makes mention of the several Acts providing safeguards to women workers including working conditions and social security. Once again it touches upon the disparity in employment opportunities for women with the majority of them being employed in the informal sector. It mentions the proposed bill for social security and the Task Force appointed to review all laws to provide for legal equality for women and the process initiated for amendment of some laws including labour laws. The Committee in its concluding comments said that several of the recommendations of the First Report had not been implemented. It also expressed concern and called for a speedy enactment of the proposed social security bill for unorganised workers and proactive measures to address the persisting wage gap between men and women labour in the country.

**International Labour Organisation Conventions**

India is a founder member of the ILO when it came into existence in 1919. The ILO instruments have been used as guiding principles for the evolution of legislative and administrative measures with regard to labour in India. These are legally binding instruments and once ratified the country is required to frame supporting legislations for their implementation in the country.

India has ratified 42 of the 188 Conventions till date. However, it has ratified only four of the eight core conventions. The core conventions ratified are the Forced Labour Convention (No. 29), Abolition of Forced Labour Convention (No.105), Equal Remuneration Convention (No.100) and Discrimination (Employment Occupation) Convention (No.111). The remaining four that still need
to be ratified are Freedom of Association and Protection of Right to Organised Convention (No.87), Right to Organise and Collective Bargaining Convention (No.98), Minimum Age Convention (No.138) and Worst forms of Child Labour Convention (No.182). The Ministry of Labour website has this to say about India’s stance on ratifications of various Conventions.

‘Ratification of a Convention imposes legally binding obligations on the country concerned and, therefore, India has been careful in ratifying Conventions. It has always been the practice in India that we ratify a Convention when we are fully satisfied that our laws and practices are in conformity with the relevant ILO Convention. It is now considered that a better course of action is to proceed

Table 26: ILO Conventions with special reference to industry and India’s status of ratification

<table>
<thead>
<tr>
<th>Convention No.</th>
<th>Convention name</th>
<th>Status (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hours of Work Industry 1919</td>
<td>Y</td>
</tr>
<tr>
<td>3</td>
<td>Maternity Protection 1919</td>
<td>N</td>
</tr>
<tr>
<td>5</td>
<td>Minimum Age (Industry) 1919</td>
<td>Y</td>
</tr>
<tr>
<td>6</td>
<td>Night Work of Young Persons (Industry) 1919</td>
<td>Y</td>
</tr>
<tr>
<td>14</td>
<td>Weekly Rest (Industry) 1921</td>
<td>Y</td>
</tr>
<tr>
<td>17</td>
<td>Workmen’s Compensation (Accident) 1925</td>
<td>N</td>
</tr>
<tr>
<td>18</td>
<td>Workmen’s Compensation (Occupational Disease) 1925</td>
<td>Y</td>
</tr>
<tr>
<td>19</td>
<td>Equality of Treatment (Accident Compensation) 1925</td>
<td>Y</td>
</tr>
<tr>
<td>24</td>
<td>Sickness Insurance (Industry) 1927</td>
<td>N</td>
</tr>
<tr>
<td>26</td>
<td>Minimum Wage-Fixing Machinery 1928</td>
<td>Y</td>
</tr>
<tr>
<td>29</td>
<td>Forced Labour 1930</td>
<td>Y</td>
</tr>
<tr>
<td>42</td>
<td>Workmen’s Compensation (Occupational Diseases) (Revised) 1934</td>
<td>Y</td>
</tr>
<tr>
<td>45</td>
<td>Underground Work (Women’s) 1935</td>
<td>Y</td>
</tr>
<tr>
<td>47</td>
<td>Forty-hour Week 1935</td>
<td>N</td>
</tr>
<tr>
<td>52</td>
<td>Holidays With Pay 1936</td>
<td>N</td>
</tr>
<tr>
<td>59</td>
<td>Minimum Age (Industry) (Revised) 1937</td>
<td>N</td>
</tr>
<tr>
<td>63</td>
<td>Concerning Statistics of Wages and Hours of Work 1938</td>
<td>N</td>
</tr>
<tr>
<td>77</td>
<td>Medical Examination of Young Persons (Industry) 1946</td>
<td>N</td>
</tr>
<tr>
<td>81</td>
<td>Labour Inspection 1947</td>
<td>Y</td>
</tr>
<tr>
<td>87</td>
<td>Freedom of Association and Protection of the Right to Organise 1948</td>
<td>N</td>
</tr>
<tr>
<td>88</td>
<td>Employment Services 1948</td>
<td>Y</td>
</tr>
<tr>
<td>89</td>
<td>Night Work (Women) (Revised) 1948</td>
<td>Y</td>
</tr>
<tr>
<td>90</td>
<td>Night Work of Young Persons (Industry) (Revised) 1948</td>
<td>Y</td>
</tr>
<tr>
<td>95</td>
<td>Protection of Wages 1949</td>
<td>N</td>
</tr>
<tr>
<td>98</td>
<td>Right to Organise and Collective Bargaining 1949</td>
<td>N</td>
</tr>
<tr>
<td>100</td>
<td>Equal Remuneration 1951</td>
<td>Y</td>
</tr>
<tr>
<td>102</td>
<td>Social Security (Minimum Standards) 1952</td>
<td>N</td>
</tr>
<tr>
<td>103</td>
<td>Maternity Protection (Revised) 1952</td>
<td>N</td>
</tr>
<tr>
<td>105</td>
<td>Abolition of Forced Labour 1957</td>
<td>Y</td>
</tr>
<tr>
<td>107</td>
<td>Indigenous and Tribal Populations 1957</td>
<td>Y</td>
</tr>
<tr>
<td>111</td>
<td>Discrimination (Employment and Occupation) 1958</td>
<td>Y</td>
</tr>
<tr>
<td>117</td>
<td>Social Policy (Basic Aims and Standards) 1962</td>
<td>N</td>
</tr>
<tr>
<td>118</td>
<td>Equality of Treatment (Social Security) 1962</td>
<td>Y</td>
</tr>
<tr>
<td>121</td>
<td>Employment Injury Benefits 1964</td>
<td>N</td>
</tr>
<tr>
<td>122</td>
<td>Employment Policy 1964</td>
<td>Y</td>
</tr>
<tr>
<td>123</td>
<td>Minimum Age (Underground Work) 1965</td>
<td>Y</td>
</tr>
<tr>
<td>124</td>
<td>Medical Examination of Young Persons (Underground Work) 1965</td>
<td>N</td>
</tr>
<tr>
<td>128</td>
<td>Invalidity, Old-Age and Survivors’ Benefits 1967</td>
<td>N</td>
</tr>
<tr>
<td>130</td>
<td>Medical Care and Sickness Benefits 1969</td>
<td>N</td>
</tr>
<tr>
<td>131</td>
<td>Minimum Wage Fixing 1970</td>
<td>N</td>
</tr>
<tr>
<td>132</td>
<td>Holidays with Pay (Revised) 1970</td>
<td>N</td>
</tr>
</tbody>
</table>
with progressive implementation of the standards, leave
the formal ratification for consideration at a later stage
when it becomes practicable'.

Several of the Conventions that are not ratified are
important for industrial workers, especially in the
unorganised sector. While India has several legislations
at the central level, ratification of these Conventions
would only help in strengthening its commitment to the
existing laws (Table 26: ILO Conventions with special
reference to industry and India’s status of ratification).
The government has expressed its intent to ratify several
of these, but no specified timeframes have been set for
the same.

With regard to indigenous people workers’ rights, ILO
Conventions No. 107 and 169\(^{30}\) cover issues of working
conditions among other rights like right to land, education,
social security and health. Under Convention No 107
workers’ rights include admission to employment, equal
remuneration for equal value of work, medical and social
assistance, prevention of injuries and compensation for
the same, right to industrial hygiene and housing, right to

\(^{30}\) While India has ratified Convention No. 107, it had not
done so for the revised Convention No. 169.
(a) remuneration which provides all workers, as a minimum, with:

(i) fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) a decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) safe and healthy working conditions;

(c) equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays’.

Article 8 undertakes to ensure that the right to form trade unions is recognised and states that, ‘the states parties to the present Covenant undertake to ensure:

(a) the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organisation concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others’.

Article 9 states that, ‘the states parties to the present Covenant recognise the right of everyone to social security, including social insurance’ while Article 10(2) says that, ‘special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits’. Article 12 states that, ‘the steps to be taken by the states parties to the present Covenant to achieve the full realisation of this right shall include those necessary for […] (b) the improvement of all aspects of environmental and industrial hygiene; (c) the prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) the creation of conditions which would assure to all medical service and medical attention in the event of sickness’.

India submitted its First Report in 1990 and the combined Second to Fifth Report in the year 2006. The latter periodic report by the government recognises that, ‘the female workers in their workplace have for generations been subjected to varying degrees of exploitation’, and mentions the guidelines adopted by the government to prevent sexual harassment at the workplace.\(^{31}\) The grant-in-aid scheme adopted by the government for welfare of women labour by awareness training and skill generation is mentioned. India’s ratification status of different ILO Conventions and supporting legislations is discussed in detail in different sections of the report. Efforts by the government with regard to women’s employment mentioned include the separate counters for women at Employment Exchanges and more women posted at these Exchanges. One of the factors for the low labour participation rates, as mentioned in the report, is the low reflection of women’s economic activity in statistics. The periodic report also mentions that a wage policy in the country is of importance because the majority workforce is in the unorganised sector and goes on to discuss the relevant Acts, wage policy and wage fixing mechanisms in the country.

The report also recognises that, ‘the character and nature of the informal or unorganised sector are undergoing fundamental changes. The movement is from permanent to casual, contractual, temporary employment, from establishment based to home-based production, male dominated to female intensive work situation, regulated to unregulated forms of labour’. The multitude of laws for protecting occupational health, regulating conditions of work and occupational health issues, safeguards for unorganised sector, freedom to form trade unions and social security measures adopted by the government, as well as the specific reasons for non-ratification of important ILO Conventions that relate to these issues are mentioned in the report.

It merely mentions tribal people with regard to employment assistance programmes (training, counselling and reservations), and in its specific responses to the Committees questions with regard to development of minorities (in the areas of education, enacting legislations, implementing schemes and programmes, representation in institutions and statistics on poverty levels).

In its concluding comments the CSECR Committee members, were ‘deeply concerned that in spite of the Constitutional guarantee […] widespread and often socially accepted discrimination, harassment and/or violence persist against members of certain disadvantaged and marginalised groups, including women, […] informal sector workers, […]’. The Committee also stated that, ‘in spite of the commendable efforts by the state party in

\(^{31}\) As laid down by the landmark Supreme Court judgement in the Visakha vs State of Rajasthan case.
promoting equality of men and women, such as the adoption of the National Policy on the Empowerment of Women 2001 [...] widespread gender inequalities, cultural stereotypes and personal laws of minority groups continue to prevail, affecting negatively the equal enjoyment of economic, social and cultural rights by women’. It noted, ‘with concern the disproportionate representation of women in the informal labour market and the significant gender disparities in wages’. The Committee recommended that the government, ‘undertake and enforce effectively measures to ensure equal treatment between men and women in the labour market, and to consider enacting legislation on equal pay for work of equal value in both the public and the private sectors, and for such legislation to be adopted at the state level’.

The reality at the case study sites is vastly different from the government’s commitment under the different international covenants and conventions. While there are some laws at the national level supporting CEDAW and CSECR, as well as ratified conventions under ILO, the government must strengthen these for more effective implementation and take the progressive step towards ratifying the ILO Conventions that are still under consideration. The government should make the process of report submission more participatory by actively working with civil society groups so that concerns of specific sections are addressed at the national level in keeping with its international commitments.

Implications for Women Mine Workers

The status of women mine workers from the secondary data as well as case studies conducted in Rajasthan and Karnataka does not reflect a healthy economy from a gender perspective. Women working in the mines are mainly informal, illegal or migrant communities who work on a daily wage or contract basis. They perform the lowest end chores in the mining industry in most hazardous conditions, with no protection or security.

With the thrust towards privatisation, the feminisation of the mining industry became a subtle reality as more mining activities came to be outsourced by large industries to contractors who employ cheap casual and migrant labour, mainly consisting of women and children. Few of the laws or development programmes and policies for women workers seem to be accessible to the women mine workers. There is no proper enumeration of the population of women workers and their demography for the government to even plan any intervention strategies. Particularly vulnerable are the women migrant labour whose figures are not clear and who suffer from both lack of traditional social support structures as well as absence of state support structures.

As per the IBM, 70 percent of all legal and illegal mines appear to flout rules and regulations. Therefore, gender discourse on mine workers has to address the problems related to the very nature of labour laws and policies that
are pushing for privatisation, mechanisation and deregulation. The incentives and policy changes being offered through the proposed policies for unorganised sector workers do not give confidence that any legal accountability for companies and governments is on the agenda. In the absence of this, mere service-oriented incentives do not address the burning concerns of poverty, malnutrition and the very unviable economics of mining for women mine workers.

Lack of minimum wages, facilities at the workplace as stipulated by law for women workers, lack of precautions from pollution, accidents and long term ill-health, glaring physical and sexual exploitation due to vulnerability of women workers to contractors and mine owners, and shrinking economic opportunities in traditional and non-mining livelihoods for women forcing them to depend on mining, were universally prevalent in the case study areas.

Almost all the women complained of chronic to severe health problems but few reported to have the resources for medical help or to shift from this hazardous work. For them, mining has become a vicious web of poverty, ill-health and indebtedness from which they see no escape. This situation has been allowed to continue due to unscrupulous, unchecked and indiscriminate mining and expansion, mostly bordering on illegal nature of extraction due to tacit complicity of mining lobbies with state authorities. Hence, real figures of women workers differ vastly from official statistics, and it is this discrepancy that creates the invisibility to women’s presence and exploitation in the mining sector.

The mining economy is based on high economic stakes, corruption, malpractices and the wide disparities in accumulation of wealth by those who own the mines and those who work in the mines. This has been officially admitted in the Parliament where 40 percent of all mining activities in the country are stated to be illegal. Mining by its very nature of fraudulent money, more than any other sector, provides ample scope for decay in governance institutions, regulatory bodies and legal safeguards, which were very clearly visible in the mine sites when the women were interviewed. Their fear of mine owners’ and political powers was clearly evident in their reluctance to speak out about their problems, leave alone finding strategies for seeking redressal. Hence mere well-intentioned policies, protective legislations and international commitments do not translate into implementation and practice, especially with respect to mining.

The mining sector is paradoxical in terms of issues concerning rights of women mine labour. This is so because the very nature of mining is hazardous and physically strenuous, and therefore, demanding for greater inclusion of women in the mine labour force opens up the women’s lives to new problems, while hoping to create more opportunities. Unless working conditions and setting high standards of mining operations are strictly enforced mining will pose a host of social and health problems to women workers. Unless women are trained in skilled employment in the mines, they will continue to be restricted to the lowest end laborious tasks. Whereas in many countries of Africa and Australia, for example, women workers have fought for inclusion in the underground mines and for more technical jobs in the mining sector, demanding for the same in a country like India, depends on a radical shift in the thinking of policy makers and governance institutions to ensure strict enforcement of laws, health and safety standards of women mine workers, strong regulatory bodies, strengthening legal rights of workers through linking policies with legal accountability, punitive action, clearly stated compliance and redressal mechanisms.

The complexity in pinning responsibility currently lies with the lack of accountability in the entire chain of the mining activity. As is visibly clear, while formal employment (whether male or female) is consistently reducing, unorganised and informal labour forms the main workforce today. Unless all the players in the entire chain of mining activities from the points of extraction to processing and trade are held collectively responsible, the larger companies will always escape accountability to women workers who are not directly employed by them while the contractors have no legal accountability to workers. Hence the entire range of schemes and laws provided under various ministries—whether of wages, maternity benefits, working conditions, insurance, accident or pension schemes—fall short of implementation as they are deemed not to be ‘employed’. Work participation standards should be applied for women—work gear, training, first aid and safety equipment—and these should be clearly defined for different minerals and mining activities and should apply to the entire chain of mining activity including subcontracting work. The Contract Labour (Regulation and Abolition) Act 1970 and the Unorganised Workers Social Security Act 2008 have to be made stronger legislations on behalf of workers rather than merely providing schematic incentives for workers having no legal teeth.
SECTION - III

RECOMMENDATIONS AND CONCLUSION

Adivasi woman anxious about the impacts of mining on her family
Protecting the Rights of Tribal Women Impacted by Mining

The National Mineral Policy 2008 states that the guiding principle shall be that a ‘miner shall leave the mining area in better ecological shape than he found it’. Further, the government should not, in the guise of ‘enabler’, abdicate its fundamental responsibilities in mining areas. Especially in the case of the tribal women in the Scheduled Areas, the most vulnerable section of the mining affected communities, the state should take the principal responsibility for all aspects of mining projects and should not transfer this responsibility to private players. To fulfill this responsibility, the state should:

Protect the rights of tribal women under the Fifth Schedule

Any dilution of the Fifth Schedule and the Land Transfer Regulations of the state governments would imply violation of the rights of tribal women whose lives are linked to the lands and natural resources. The repeated attempts at bringing amendment to the Fifth Schedule which aims at allowing transfer of lands in the Scheduled Areas for private mining should be prevented at all costs. In this direction, the Samatha Judgement which acts as the custodian of tribal women’s control over their lands should be respected in its true spirit.

Respect the Panchaya (Extension to Scheduled Areas) Act 1996

The PESA Act 1996 should be respected and complied with in accordance with the UN Universal Declaration on the Rights of Indigenous Peoples. Unless the processes of consultations are transparent and democratic, the laws merely serve as a mandatory procedure rather than ensure true governance and participation. Mining projects are being cleared at gunpoint with public hearings staged through police repression where women are intimidated from speaking out. In a region where the government is unable to deal with political disturbances and conflicts with extreme violent groups, it is imminent to deepen the violence. The state should understand that respecting people’s rights and implementing gender sensitive policies are more important than the economic profits made by a few mining companies. Political stability should be the urgent priority especially in the Scheduled Areas where violence and political conflict have reached disproportionate levels. The state should be conscious that addressing true development needs of people in these remote areas is economically more pragmatic than armed conflict or the foreign exchange gained to a few companies at the cost of people’s development without the benefits being enjoyed by local communities.

FPIC for tribal women read along with the PESA Act 1996 in the context of mining implies:

a. That the women have the right to project specific information on the quantity of water, extent of forest and revenue land and all other resources that will be diverted for the activity.

b. That the full participation of and decision-making by the tribal women is imperative without which no Gram Sabha resolution is valid.

c. That the PESA Act 1996 should be read as village or group of hamlets being taken as Gram Sabha and not the village Panchayat as adopted in some of the state Acts. All affected villages and families should have the right of participation in Gram Sabha meeting to pass resolution regarding a project.

d. That the NOCs for sanctioning minor minerals should be vested with the Gram Sabhas. No NOC can be made valid without the consent of the women in the Gram Sabha.

e. That the women should have access to information, decision-making over utilisation of royalties and verification of utilisation, mine site verification, complaints over non-compliance, and
participation in grievances and redressal processes that affect their communities.

f. That the women should have the freedom of objecting to any mining projects that hinder their protection and development, without fear or threat.

g. That the process of EIA should be undertaken by independent agencies, and with clear and measurable gender assessment indicators.

h. That the public hearings should be conducted in an atmosphere of democratic conduct without obstructing the participation of women through state and police excesses as is currently being followed.

i. That the company should provide, in written form to the Gram Sabha, a guarantee that the mining activity will not be located near the habitations, school, anganwadi, water sources and health centre of the village.

j. That the company should provide a guarantee that water bodies used by the community will not be affected by their operations and should allow for community evaluation of these sources and their quality from time to time, and that no area beyond the lease area will be occupied/acquired without formal procedure.

k. That the company should also guarantee that only specified areas far away from the village will be used for parking of trucks and vehicles, and these areas should be designated before the clearance of the lease so that women and children are protected from a socially threatening environment that is created by movement of a floating population.

l. That dust and water pollution will be mitigated through regular precautionary actions (which already exist under law) but penal action will be taken if regular mitigating activities are not undertaken. Project monitoring process should be formally defined at the time of granting of lease with affected women as participants in the monitoring activities.

m. That health check-ups and treatment should be provided by the mining company both to the workers and to the community, and results of the same should be available for public scrutiny at the office of the company and also submitted to the district medical and health officers at regular intervals fixed at the time of the lease or provided in the Mines Safety Rules of the MMDR Act 1957.

n. That mine closure plans should be provided at the time of granting of lease with clear explanation and timeframe on how the clean up of closed/abandoned mines will be undertaken, reclamation of lands, water bodies, forests will be done, resettlement of workers and communities if required, and such other socio-
ecological costs of closure should be spelt out. A closure audit should be undertaken by an independent agency with defined participation of women from affected communities in the process of mine closure audit.

**Undertake stocktaking of Brownfields before opening up Greenfields**

Land acquisition leads to displacement of women and children who are the most compromised in resettlement and rehabilitation for mining projects, with added disadvantage to nature dependent Scheduled Areas. A stocktaking of current utilisation of land acquired, wastage, dumping, disturbance to water bodies, etc., to be assessed with the help of an independent technical and social assessment committee that has a clear gender equity mandate. The assessment developed through measurable indicators could include such aspects as impacts on women and children, the effect on their health, education, livelihood, violence, food and social security, as well as their relation to ecological resources. This stock taking of Brownfields should set the direction for planning in the Greenfields.

A time-bound programme for right-sizing acquisitions must be enforced as vast areas of land are acquired without utilising the same for the specified purpose and without finding alternatives for more frugal use of land.

There is a huge potential for rationalisation of mining leases and also to cull poorly productive deposits and illegal mines without the need to acquire more and more areas. Details of land to be acquired, rationale for requiring the specified area, what non-displacing alternatives have been explored, clear design and working plans for the specified area proposed need to be developed.

Clearances for mining lease should not only be obtained from the Forest Department but also from key departments like that of Water Resources, Education, Women and Child Development as these resources and delivery of services are seriously affected by mining activities.

**Give precedence to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006**

Where there is a conflict of interest between mining and settlement of people’s rights under the FRA 2006, implementation of the FRA 2006 should take precedence over acquisition of lands for mining as the former is a legal right ensured to the tribal people in the Constitution. This is important from the perspective of gender as, in many places, women are getting joint pattas to the lands under the FRA 2006 and it would be a gross injustice to prevent the settlement of their rights for the sake of mining interests.
EIA documents to be made mandatory to provide for details of impacts of the mining project on local communities with focus on women and children, a cost-benefit analysis of the project based on social and gender impacts, losses to all sections of the communities including women (income, livelihood, resource ownership and usufructory rights, social, cultural and ecological losses) and how they will be compensated/addressed, concrete benefits of the project inclusive of gender equity in economic opportunities, rehabilitation and resettlement, education, training and other skills development benefits, in clear written form for the Gram Sabhas to take their decision over the projects. The Environment (Protection) Act 1986 should be immediately amended to make it compulsory for EIAs to have this component and to set up independent agencies for undertaking the EIA instead of the current practice of agencies hired by the interested companies.

Ensure gender equity in rehabilitation planning

Rehabilitation must be an integral part of the lease agreement and the rehabilitation plans should clearly specify the impacts on women and children and the plan for rehabilitating them. These should begin with a baseline survey of pre-existing social, health, nutrition and economic condition, food security, both from forest and land, of the women and their families and to ensure that adequate information exists to accomplish rehabilitation tasks. These include providing employment, livelihood to displaced/affected families, widows and single mothers with children, made destitute due to mining, mentally and physically challenged in the community, especially chronic and long-term health problems which have resulted from mining and related to pollution, contamination, toxicity, disappearance of resources like water bodies that have affected the nutrition and food security of the communities, etc.

Rehabilitation and resettlement should be based on gender equity in respecting legal rights as well as providing new opportunities and benefits. The legal rights to be kept in mind are:

- To recognise right of women to be treated as co-parceners as per the Hindu Succession (Amendment) Act 2005. Women to be treated as head of the household on par with the husbands and made joint owners along with their husbands of the resettled houses, lands and compensation with joint pattas with respect to the former, and joint bank accounts for the latter. The law should specify the legal rights of single women, widows and women-headed households when their lands are acquired and provide for a fair share in the legal rights to resettlement.

- Provide equal rights to the daughters as with sons, over the lands acquired by the companies as per the Hindu Succession (Amendment) Act 2005. Daughters to get equal share in the compensation and rehabilitation as that of sons. Daughters should be provided jobs as that of sons in the mining project corresponding with their educational levels.

The affected communities should have the legal right to rehabilitation before displacement and land alienation. The affected communities complain that the coal companies are taking reference to the Coal Bearing Areas (Acquisition and Development) Act 1957 to force affected communities to first demolish their houses before claiming for compensation. This practice should be revoked and necessary amendments need to be brought in if any of the sections of the Act so imply this practice, as it is a violation of the right to housing and right to life of the affected communities. The identification of alternate lands for housing and release of funds for reconstruction involves long delay which violates the basic rights of shelter and right to life of the affected. Rehabilitation should be completed in a time-bound manner with punitive action for non-/incomplete implementation stated within the project document.

Further, the land acquisition and rehabilitation plan for a village should be provided in a comprehensive manner instead of the staggered manner of displacing a few families at a time and offering jobs and resettlement...
likewise. The Gram Sabhas cannot take a proper decision in the absence of a comprehensive project plan and rehabilitation plan for the village.

Women should be equal participants in the planning and implementation of rehabilitation where they are involved in the identification of alternate sites and water sources, design of houses and villages, kitchen gardens, schools, healthcare centres and other amenities identified and planned by them. They also should have the right of giving or withholding permission for liquor shops, especially in the Scheduled Areas where the Gram Sabhas have the ‘power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant’ under the PESA Act 1996.

Rehabilitation and resettlement should be part of the project cost and should have a decent living standard provided to the affected. The current practice of huge expenditure and land allocation for the company townships whereas the resettled colonies are provided with less than minimal facilities should be stopped. There should be a shift to pragmatic and socially just approach to rehabilitation.

*The rehabilitation plans should include a preliminary and periodic assessment plan for:*

a. Existing institutions that support the development of women and children like *anganwadis*, schools, colleges, health institutions both traditional and governmental, status of water resources, houses, roads and transport.

b. Details of how minimum disturbance to the existing resources, water bodies, cultures and social institutions will be ensured by the company.

c. Details of how these disturbances will be compensated/rehabilitated/alternated within the project cost, especially with respect to women and children.

d. Free health services and hospital facilities should be provided not only for employees but also for affected communities and communities around the mining project, particularly child healthcare facilities that address the pollution and other problems that result from mining. The mining companies should set aside
a health fund that is independently handled, for the
treatment of women and children who suffer from
serious illnesses. The mining companies should
compensate the communities with health problems/
deformities/birth defects that are associated with
mining activities. An independent medical assessment
that especially looks into reproductive health
concerns has to be provided for to avoid biased
medical reports on behalf of the company. Some
existing mining areas have been receiving reports of
alarming rates of health problems among women and
children—these hotspots should be identified and
declared as health emergency zones and an urgent
health intervention programme should be taken up.

Penalties should be defined for non-implementation of
rehabilitation as per projected plans and assessments with
recommendations made by the monitoring committee.

Mine closure plan should include clear financial
allocations and programmes for protection and
development of women and children. The post-closure
livelihood plan for workers and local communities should
be specified. The mining companies should not be allowed
to abruptly close down their hospitals and medical
facilities without a withdrawal plan for medical facilities
with formally laid down procedures and permissions for
handing over of these services to the public health
departments with financial commitments during the
transition period. Women from the affected communities
should be involved in these mine closure plans and
implementation of mine closure.

Further, rehabilitation should show direct benefits for
women and children, not just SHG schemes, or collective
programmes under CSR, which are not a true replacement
of their lost livelihoods. The current practice of providing
monetary compensation has shown that within a short
period the project affected families are made destitute as
a result of losing their lands and economic sustenance.

Concrete alternate livelihood activities and proper
economic activity that treats them as individual economic
units have to be clearly indicated. Rehabilitation should
also include not just the immediate land losers but all
who are directly and indirectly affected. Otherwise,
women who lose their rights to cultivate their kitchen
gardens or lose access to water due to the groundwater
depletion as a result of mining, are an example of how
mining creates losses without pinning responsibilities or
assessing the actual costs/losses.

The reason for mining regions to be dominated by
corruption, violence and terror is due to the huge profits
that are made by companies thereby creating unholy nexus between political and economic lobbies, while the local conditions of people and environment are destroyed. This state of terror and helplessness was visible in the project areas visited in the five states. Unless costs are distributed fairly, incomes and profits are more distributive and particularly, shared with local bodies and communities, this huge divide caused by mining will destroy the entire democratic framework of India. Therefore, financial transparency is of utmost importance. Government, banks/investment agencies and companies have to commit to transparency like making public the payments made by companies, accountability as in processes like the Extractive Industries Transparency Initiative and setting up more stringent social and rehabilitation policies.

And lastly, the best sustainable development framework, considering the status of weak governance in mining areas in India and the even poorer access to rights that women have, is to ‘Minimise Mining’.

Sustainable development of the country and not that of a company should be the purpose of mining. Therefore, a review of the economics of mining is urgently required here, from a gender-based perspective with a thorough assessment of the costs and benefits of mining vis-a-vis the diverse other resources and livelihoods in this Greenfield area. Particularly, women’s existing incomes and economic sustenance have to be assessed against the proposed economics of mining to understand whether mining provides a better scope for sustenance to the women. The assessment should also include the ecological economics of mining as against existing livelihoods and resource utilisation. These should be further based on assessment of the constitutional-customary rights of women in mining and pre-mining situations.

Protection of Women Mine Workers

As per the definition of the Mines Act 1952, the large number of women working in unorganised, informal and illegal mines falls under the definition of a ‘mine worker’. However, the existence of women as mine workers is not recognised in the enumeration of Census records, in company registers, trade union membership or any other form of identity. Therefore, they do not enjoy any of the provisions as laid down in the Mines Act 1952 or under any other laws. This also leads to official denial of the presence of women workers in the mining sector, and to their problems.

For enforcement of the Act to ensure that women workers are protected, certain policy and legal provisions should be extended along with rules and standards that are in conformity with the law.

1. First, proper enumeration of workers in the Census and other official surveys has to be taken as a serious matter.

2. Although the National Mineral Policy 2008 states that its goal is not only the exploitation of these natural resources for capital goods, infrastructure and industry, but the sustainability of the communities and environment, it does not clearly indicate as to how the industry will provide sustainable livelihood for its workers. So far, efficiency in mineral extraction is being viewed from the needs of the industry in terms of the pace at which leases are processed and an enabling environment for investments, but not from the point of health and sustainability of its workers. As stated in the secondary data, the contribution of the mining sector to the total employment is marginal. Unless the employability of the sector is reviewed, the sustainability of mining in the context of the economics of employment is questionable, especially where women are concerned. Therefore the National Mineral Policy 2008 should be redefined to include making employment in the industry sustainable to workers. Further, the Policy should review the process of privatisation and mechanisation and retrenchment of workers as all these lead to women being the first to be laid off. The Policy should make it mandatory for mining companies to maintain gender equity at all levels and dimensions of mining activities. In addition the Policy should insist that companies ensure at least 30 percent...
of its employment to have women, not just at the lowest end but at all levels.

3. The policy of banning women from underground work should be reviewed as this legal obstacle has been removed in many countries. Instead, improving workplace standards, providing work safety training and equipment to its women employees is more desirable to preventing them from most of the technical and professional tasks in the sector. This also calls for improved technology for adapting to the requirements of women workers.

4. The policy of privatisation, deregulation and casualisation of mine labour should be reviewed from the perspective of women workers as majority of them are in the unorganised and informal workforce. This system leaves mining corporates unaccountable to women workers as they are not formally hired, do not reflect in the employment register and neither the state nor the industry are responsible for their safety and well-being.

5. The Ministry of Labour and Employment at the centre and Labour Departments of the state governments should enable the assessment and follow-up on action taken reports, both at the mine site as well as in their offices. Periodicity and regularity of the inspections should be clearly specified at the time of the grant of mining leases and the Labour Departments should put into place adequate personnel for fulfilling its responsibilities. Such pre-conditions should include:
   - Assessment and setting mineral specific standards based on lease area, type of mineral, lease period, nature of extraction activities required, sex disaggregated mine labour required for proper information on employment in a specific project whether local or migrant, formally employed or sub-contracted.
   - The modalities of how basic amenities like housing, drinking water, toilets, electricity, education and medical facilities have to be worked out at the time of sanctioning the lease—whether through local bodies, the mining companies themselves or state administration from the royalty and profits—to ensure that workers’ families have a decent standard of living.
   - Standards for operating a mine should include specifying the nature of work equipment and safety gear, work hour facilities, transport and other amenities, minimum wages that are viable for women workers’ sustainable living, insurance, medical and health benefits and other such technical facilities required for the women workers. An assessment of the capability of the mine owner in providing for these should be undertaken before the sanctioning of mine lease.

6. In terms of legal safeguards, the Mines Act 1952 and the MMDR Act 1957 should be amended together to include provisions for the above policy issues, especially where informal workers are concerned. Within these Acts, the granting of mining leases should have precautionary rules and pre-conditions
to safeguard the workers’ rights. These pre-conditions should be set clearly before the initiation of any project related activity on ground and clearances should be subject to monitoring by civil society groups, workers themselves and local governance institutions to provide checks and balances.

7. There is no clarity over definitions of informal, contract, casual or migrant mine labour and what the rights of workers under each of these categories are. Unless these are defined under law, there is no protection for the women mine workers. Particularly, migrant women labour are going to be a large section of mine workers in India, given the ambitious plans of expansion of mining activities in the country. Labour laws for migrant labour are too broad like in the case of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, and do not focus on women mine labour. This Act along with the Unorganised Workers Social Security Act 2008 and the Mines Act 1952 should all provide for specific legal rights of women workers in lieu of the development incentives, which should be regarded as only supplementary benefits.


9. Legal responsibility for protection of mine workers as per the Mines Act 1952 should be pinned to all levels of mine ownership—the large companies which either undertake extraction directly or purchase the ore from local contractors to traders who purchase processed ore/metals (especially in the case of diamonds) and to the entire chain of extraction and markets. This is necessary as most women mine workers are hired on daily wage basis by contractors even where large companies operate which do not take any responsibility towards this informal labour. Therefore, the principal mine owner should be held responsible to the workers in the entire mining operations whether they employ them directly or indirectly. While certain Acts like the Contract Labour (Regulation and Abolition) Act 1970 hold the principal employer liable as well, loopholes in the Act are used to escape from any liability. These should be strengthened by proper contractual agreements. Contracts between the principal mine owner/large mining company and local contractor should be made public and transparent with respect to hiring of workers so that the provisions under the Mines Act 1952 are respected. This would also enable tangible and measurable indicators for mine site inspections by labour officials.

10. Punishment for non-compliance with the Mines Act 1952 with respect to workers’ rights and duties of mine owners should be clearly stated at the time of sanction of lease and should be included within the legal framework. Punitive action like cancellation of licences should be clearly specified under law for different categories of offences by mine owners. Especially the involvement of child labour, and facilities for women mine labour should be emphasised in these offences. Information and workers details regarding accidents, expenditure on accident benefits, maternity benefits, insurance and other details should be made mandatory for display in the offices of the mining companies and in the respective Labour Department offices.

11. Redressal and grievance mechanisms should provide enabling facilities for women workers to put up complaints and participate in assessment, review and redressal of grievances. These should include the right of women to have worker identity cards specifying the details of their employment, right of unionisation and collective bargaining. Specifically, it should include complaints against sexual abuse, violence and exploitation of women mine labour. There should be an adolescent monitoring cell that provides protection to the young girls working in the mines. These complaints and grievances reports should be made available in the local Labour Department offices for public scrutiny.

12. The ability of the Labour Departments to conduct regular mine site inspections is brought to question...
as they are currently unable to cover even a fourth of the mine sites operating. This also brings to question the issue of illegal mining where more than 40 percent of the mine sites today are stated to be operating illegally. The Ministry of Mines and Ministry of Labour and Employment should together develop a plan of intervention in terms of resource allocation, personnel and monitoring mechanisms for addressing this serious lacuna.

13. With respect to small-scale mines and minor minerals, as they fall within the state purview, the state Acts should have corresponding legislations to protect the rights of workers and migrant labour. Details of these should be provided at all levels and to all concerned departments for their consent to provide services, resources, funds for workers, and women workers’ rights to housing, water, toilets, etc., in the new settlements and mine sites.

14. A review of the minimum wages needs to be conducted for mine labour as most women are forced to work in the mines as a result of health problems, death and indebtedness of mine workers’ families. A proper assessment of the economic status of mine workers and their families is urgently required for a pragmatic assessment of wages, particularly where women workers face un-remunerative wages.

15. The NOCs to be obtained from respective Gram Sabhas, Panchayats and Zilla Parishads depending on the nature of lease should include women’s participation at these levels in decision-making over granting NOCs. The information regarding lease area, number of workers to be hired locally and from outside, migrant population and period of their stay, diversion of water and other resources for workers’ settlements, and such other information should be provided to the women in the communities at the time of clearances.

16. Water is a serious concern for workers as well as for communities especially for women who bear the burden of collecting water. The sanction of mining lease should set as a pre-condition, the provision of safe drinking water and accessible water for domestic use for workers at the mine site as well as near housing settlements. Areas that are facing water crisis whether in terms of contamination or depletion should be identified as ‘no-go’ areas and banned from further mining.

17. Regular cleaning up of water bodies and the surroundings of the mine site, workers’ settlements and communities should be the sole responsibility of the mine owner and conditions for maintenance should be specified at the time of sanction of lease. The costs for this should be included as part of the project cost, but not cut from the wages/salaries of workers.

18. Women are involved in some of the most hazardous activities in mining. These areas have to be identified and the Ministry of Mines should come up with a detailed report that includes how this will be addressed.

19. Information about occupational diseases and mining associated illnesses—social and physical—and precautions required should be available to the workers’ families and to the communities. In the current scenario where workers are suffering from serious occupational diseases like silicosis and TB, an independent medical assessment committee and grievance redressal cell is urgently required to be set up by the Ministry of Mines in coordination with the Ministry of Women and Child Development, to undertake mine site surveillance and come up with authentic medical reports. The committee should have women medical experts and civil society representatives to undertake examination of women mine workers and to ensure transparency in the

Women, and young girls are involved in the most hazardous mining work. The areas where they work need to be identified.
conduct of these examinations. Access to this information should be made available for public scrutiny.

20. The Ministry of Mines should ensure gender budgeting of all its projects that includes employment opportunities for women, employment benefits to women workers, training, equipment, work gear, skills upgradation and research on women workers, improved mining methods for protection of women workers at the mine site, expenditure on women related development and protection interventions for workers and women in communities, grievance redressal, medical and accident benefits, insurance and pensions, expenditure on medical examination of women workers, inclusion of women in management and technical levels. The Ministry should insist on mining companies to provide for the same.

21. Independent gender audit should be periodically undertaken of large and small mines separately with clearly specified indicators and which include the participation of the women workers in these exercises. Gender audit should be made mandatory within the project period as a pre-condition to sanction of lease.

The final challenge to the mining industry and to the government lies in meeting the gender equity challenge in employment. Creation of employment opportunities should be one of the key priority areas for assessment of any economic activity or project, including mining. This requires a radical shift from the conservative approach to women mine labour, which so far, has been confined to the unskilled lowest end casual labour to providing opportunities at all levels of technical and professional jobs. The EIA documents should specify the employment opportunities in clear terms as projects are made to appear viable mainly by generalised statements of improving employment opportunities directly or indirectly, in the region without specifying in concrete terms what these employment opportunities translate in real terms for the local communities. Mechanisation and technology usage should actually provide more opportunities for women in today’s environment where women are equally competent to handle technology. This is also linked to opening up more education opportunities for women in the mines and metallurgy sectors, geological sciences and information technology related to mining.

A recent IFC guide\(^{32}\) to inclusion of women in the mining workforce came out with a framework for mining companies to adopt. The framework indicates all three areas of a company—core mining operations, processing and administration—need to include women employees through conscious measures like setting recruitment targets for women, securing management commitment in policies and structures, and retaining women employees through key initiatives like training, enabling work

---

facilities and conditions, and providing programme leadership opportunities for women. Besides, companies should undertake gender audit to continuously assess their ability to maintain gender equality. The IFC guide provides a glorious framework for gender equality that few global mining companies, like Lonmin Plc, have come forward to adopt. At best, Lonmin’s efforts remain a best practice although to a limited extent.

It is a long struggle for women mine workers in the context of casual labour that they are in today to anticipate any such framework to become feasible in India. Therefore, such benchmarks as these can be used to assess the statements of the mining industry of providing innumerable direct and indirect employment opportunities and benefits to conclude whether mining has the potential of being gender equal for workers. This is a challenge that the state and the mining industry operating in India today should be open to review before proposing more mines to be opened up.

Conclusion

The Ministry of Mines in India is proposing for 26 percent of the profits from mining projects to be shared with the local communities given the increasing political violence and community resistance particularly in the tribal areas of India. The MoEF’s verdict over Vedanta’s bauxite leases in Niyamgiri, Orissa, has thrown open a whole gamut of issues that the nation needs to confront with respect to community rights and mining companies. What came to visibly catch the attention of the national and international media in this campaign was the voice of the adivasi women who stood in the forefront of this battle to protect their lands. It brought into national debate the issues over employment, rehabilitation, economic opportunities for local communities, the protection of forest resources, the threat to water systems, corporate abuse and legal violations and, the whole question of ‘Mining—at what cost?’

While the mining industry has shown a strong resistance for such a socially distributive economic policy there is also the question of how gender equity can be made inclusive in this sharing. It is necessary to begin this dialogue even while it is necessary for a policy review of the very nature of mining that is happening today in the country. Whether in implementing rehabilitation or in allowing local governance structures to participate in decisions over whether or not to allow mining projects, or in the drafting of the rehabilitation or social security bills, the need for gender equity and assessment should form the basis. Employment opportunities in the mining sector have to be assessed from the dimension of quality of work, work safety standards and workers’ living conditions with emphasis on gender equity. The current mine labour status, especially with respect to women and child labour does not support an argument of mining as a form of sustainable economic opportunities.

Field visits and discussions with the women as part of this study showed that women had little access to information or understanding of their rights as given in the laws. It is almost impossible for these women to utilise the legal safeguards or development programmes, or worse, even to demand for them on their own. The unorganised sector is barely touched by the labour unions and rarely are women found to have any affiliation with unions. This is one of the most important areas of concern that the trade unions in India need to focus on as they are yet to reach out to the women mine labour in the informal sector, to the extent required.

With the increasing informalisation, this gap is only bound to increase where women workers are concerned. There is an urgent need for both trade unions and civil society groups to extend support to women mine workers. There has been a lot of work done in creating alternate collectives for women through the creation of SHGs in some of the places visited. These spaces need to be utilised not only for the immediate savings and informal banking of women workers but in strengthening their access to information, strategising and gaining collective strength in bargaining.
for core issues of women workers at the workplace and housing colonies.

Particularly as most of the women are found in the minor minerals and small-scale mines, it is important to enable them to negotiate effectively with mine owners, local Panchayats and local decision-making bodies over utilising the royalties from mining activities for facilities of women workers and their families. This is easier said than done given the crime and corruption and the whole ethos of mining mafia that dictate terms in mining areas and constrains civil society groups from active engagement. Therefore, the economics of mining needs to be urgently reviewed from a gender perspective, between the valuation of minerals in the global market and the assessment of the quality of life of women workers and women in the communities. Any policy directives in our country have to be based on the ground realities in implementation where we have an ethos of weak governance institutions and ineffective regulatory bodies. The mining sector in India needs a serious review from this dimension.

It is time that our governments take seriously the debate over mining and sustainable development in a manner that is universally accepted, pragmatically deliverable and socially just. As presented in the report ‘Framework for Responsible Mining: A Guide to Evolving Standards’ the guiding principles that need to be adopted are sustainable development, equity, participatory decision-making, accountability and transparency, precaution, efficiency, and polluter responsibility (the ‘polluter pays’ principle). In the context of gender and mining, these principles have to be adopted with a firm commitment to gender equity at all stages and types of mining operations. These should be addressed through a review of the existing policies, laws, standards, monitoring and redressal mechanisms.

Hence, for an assessment of the status of the mining affected women of India, the indicators do not lie in the global trading at the London Metal Exchange but in the vicious realities of malnutrition, mortality, starvation deaths, child labour, destitution and ill-health and the extent to which mining is responsible for this status. For, it is a reality that some of the most mineral rich and mineral exploited nations in the world, are the worst in HDI. This paradox is not an accident of development; rather, it is due to the mining economy that forms the basis of their development. Women have to be included in the negotiating table at all levels to bring home this reality between business and human rights.

REFERENCES


Bose, Tarun Kanti. 2006. Do media have a space? For women trafficked in mining in Jharkhand. Friedrich Ebert Stiftung, New Delhi, India.


CPCB. 2007. Comprehensive industry document on iron ore mining. Central Pollution Control Board, New Delhi, India.


DGFASLI. (no year). Existing set-up of safety and health in the workplace. Working paper, Directorate General Factory Advice and Labour Institute, Mumbai, Maharashtra, India. URL: http://dgfasli.nic.in/working_group/chap_1.htm (accessed September 2010).


Fernandes, Walter and Gita Bharali. (no year). Mining in northeastern India in the age of globalisation.


Ots, AB. 2009. An overview of development projects, displacement and rehabilitation in Orissa. Tribal Research Institute, Orissa, India.

Parthasarathy, D.(no year). Artisanal and small mines: Basalt and bauxite mining in Maharashtra, India. Department of Humanities and Social Sciences, Indian Institute of Technology, Bombay, India.

Parthasarathy, D. (no year). Artisanal and small mines: Basalt and bauxite mining in Maharashtra, India. Department of Humanities and Social Sciences, Indian Institute of Technology, Bombay, India.

Patel, Amrita M. and Asha Hans. (no year) A situational analysis of women in Orissa, National Commission for Women, New Delhi, India.


PRIA. 2009. Comprehensive district annual plan (2008-09), Angul district, Orissa. Society for Participatory Research, New Delhi, India.

PRIA. 2009. District vision 2020, Angul district, Orissa. Society for Participatory Research, New Delhi, India.


Sharma, Usha. 2006. Women labour in India. Mittal Publications, New Delhi, India.


The National Consultation on Impacts of Mining on Women in India was organised on 12 and 13 February 2010, at Angul, Orissa. The Consultation was a platform to share the findings of the study with the various campaigns and people’s struggles working on mining issues in India, particularly, the groups that were involved in the field case studies in the five states of Andhra Pradesh, Jharkhand, Orissa, Karnataka and Rajasthan. Hosted by Nari Surakhya Samithi, and supported by HIVOS, the Consultation was attended by over 50 women and grassroots activists from different states, both from mine workers’ groups as well as adivasi/people’s struggles fighting against displacement due to mining projects. A field visit was organised to the affected villages and displaced/resettled colonies in areas where the Mahanadi Coalfields Limited (MCL) operates, which is one of the largest and earliest public sector companies in India.

Adivasi women from the proposed bauxite mining and refinery areas of Andhra Pradesh, alumina plant area in Niyamgiri of Orissa, Calcutta Electric Supply Corporation-RP Goenka (CESC-RPG) power project and coal mining projects in Dumka and Hazaribagh districts of Jharkhand, MCL coal mining area of Orissa, dolomite and limestone mining affected women from Sundargarh in Orissa narrated their problems, particularly the corporate and police excesses and the forcible land acquisition that is taking place in their lands.

Women mine workers of stone quarries and iron ore mines from Maharashtra and Karnataka respectively, presented their problems of low wages, uncertain work, mine accidents, the health problems and living conditions. Particularly, every one spoke about the crisis of water as mining companies pollute the water bodies, and communities and workers are forced to consume contaminated water or live without water facility as groundwater is badly depleted due to mining.

The field visit to the villages around the MCL coal mines was evidence of the problems faced due to mining and especially the deplorable state of resettlement and rehabilitation. Here, communities complained of the improper rehabilitation processes, lack of compensation or employment in the mines and the destruction to their agriculture and fishing resources. The participants saw for themselves the demolished homes, disappearing water supplies and heavy vehicular traffic. The high levels of air and water pollution that were clearly visible are symbolic of the irresponsible nature of mining activities destroying not just the immediate surroundings, but the entire region where extraction and processing projects are located. Also visited was the National Aluminium Company (NALCO) fly-ash pond in Angul, that had turned grey the entire area. The participating women who came from different states, were shocked and terrified to see the status of mining affected villages and expressed their anger that the government wanted to convert their respective areas to a similar form of destruction.

APPENDIX:

NATIONAL CONSULTATION ON IMPACTS OF MINING ON WOMEN IN INDIA

Participants of the National Consultation
## Annexure 1: Central labour and industrial laws that deal with conditions of work

<table>
<thead>
<tr>
<th>Broad categories of conditions of work</th>
<th>Description/details</th>
<th>Laws that have provisions to regulate conditions of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration and timing of work</td>
<td>Hours of work, hours of rest, spread over, overtime, hours of work per week, night work, paid holidays during week</td>
<td>Minimum Wages Act 1948, Child Labour (Prohibition and Regulation) Act 1986, Inter-State Migrant Workmen Act 1979, Beedi and Cigar Worker (Conditions of Employment) Act 1966, Building and Other Construction Workers Act 1996</td>
</tr>
</tbody>
</table>

**Note:** The set of issues related to social security are not considered for purpose of conditions of work.

**Source:** NCEUS. 2007. Report on conditions of work and promotion of livelihoods in the unorganised sector. National Commission for Enterprises in the Unorganised Sector, New Delhi, India
## Annexure 2: List of central labour Acts

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Employees State Insurance Act 1948</td>
</tr>
<tr>
<td>2</td>
<td>The Employers Provident Fund and Miscellaneous Provisions Act 1952</td>
</tr>
<tr>
<td>3</td>
<td>The Dock Workers (Safety, Health and Welfare) Act 1986</td>
</tr>
<tr>
<td>4</td>
<td>The Mines Act 1952</td>
</tr>
<tr>
<td>7</td>
<td>The Mica Mines Labour Welfare Fund Act 1946</td>
</tr>
<tr>
<td>8</td>
<td>The <em>Beedi</em> Workers Welfare Cess Act 1976</td>
</tr>
<tr>
<td>9</td>
<td>The Limestone and Dolomite Mines Labour Welfare Fund Act 1972</td>
</tr>
<tr>
<td>10</td>
<td>The Cine Workers Welfare (Cess) Act 1981</td>
</tr>
<tr>
<td>11</td>
<td>The <em>Beedi</em> Workers Welfare Fund Act 1976</td>
</tr>
<tr>
<td>13</td>
<td>The Child Labour (Prohibition and Regulation) Act 1986</td>
</tr>
<tr>
<td>14</td>
<td>The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996</td>
</tr>
<tr>
<td>15</td>
<td>The Contract Labour (Regulation and Abolition) Act 1970</td>
</tr>
<tr>
<td>16</td>
<td>The Equal Remuneration Act 1976</td>
</tr>
<tr>
<td>17</td>
<td>The Industrial Disputes Act 1947</td>
</tr>
<tr>
<td>18</td>
<td>The Industrial Employment (Standing Orders) Act 1946</td>
</tr>
<tr>
<td>19</td>
<td>The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979</td>
</tr>
<tr>
<td>20</td>
<td>The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments Act 1988</td>
</tr>
<tr>
<td>21</td>
<td>The Maternity Benefit Act 1961</td>
</tr>
<tr>
<td>22</td>
<td>The Minimum Wages Act 1948</td>
</tr>
<tr>
<td>23</td>
<td>The Payment of Bonus Act 1965</td>
</tr>
<tr>
<td>24</td>
<td>The Payment of Gratuity Act 1972</td>
</tr>
<tr>
<td>25</td>
<td>The Payment of Wages Act 1936</td>
</tr>
<tr>
<td>26</td>
<td>The Cine Workers and Cinema Theatre Workers (Regulation of Employment Act ) 1981</td>
</tr>
<tr>
<td>27</td>
<td>The Building and Other Construction Workers Cess Act 1996</td>
</tr>
<tr>
<td>28</td>
<td>The Apprentice Act 1948</td>
</tr>
<tr>
<td>29</td>
<td>The Factories Act 1948</td>
</tr>
<tr>
<td>30</td>
<td>The Motor Transport Act 1961</td>
</tr>
<tr>
<td>31</td>
<td>The Personal Injuries (Compensation Insurance) Act 1963</td>
</tr>
<tr>
<td>33</td>
<td>The Plantation Labour Act 1951</td>
</tr>
<tr>
<td>34</td>
<td>The Sales Promotion Employees (Conditions of Service) Act 1976</td>
</tr>
<tr>
<td>35</td>
<td>The Trade Unions Act 1926</td>
</tr>
<tr>
<td>36</td>
<td>The Weekly Holidays Act 1942</td>
</tr>
<tr>
<td>37</td>
<td>The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act 1955</td>
</tr>
<tr>
<td>38</td>
<td>The Child Labour (Pledging of Labour) Act 1938</td>
</tr>
<tr>
<td>39</td>
<td>The Workmen’s Compensation Act 1923</td>
</tr>
<tr>
<td>40</td>
<td>The Employment Exchange (Compulsory Notification of Vacancies) Act 1959</td>
</tr>
<tr>
<td>41</td>
<td>The Bonded Labour System (Abolition) Act 1976</td>
</tr>
<tr>
<td>42</td>
<td>The Beedi and Cigar Workers (Conditions of Employment ) Act 1966</td>
</tr>
<tr>
<td>43</td>
<td>The Employees Liability Act 1938</td>
</tr>
<tr>
<td>44</td>
<td>The Unorganised Workers Social Security Act 2008</td>
</tr>
</tbody>
</table>

Annexure 3: Schemes of the Ministry of Labour and Employment for mine workers

Health: Schemes include financial assistance for occupational illnesses.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Nature of assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ophthalmic problems</td>
<td>Financial assistance of Rs.300/- for purchase of spectacles</td>
</tr>
<tr>
<td>TB</td>
<td>Reservation of beds in TB Hospitals and domiciliary treatment for workers. Subsistence allowance Rs.750/- per month to Rs.1,000/- is paid to workers</td>
</tr>
<tr>
<td>Heart diseases</td>
<td>Reimbursement of expenditure up to Rs.1.3 lakh to workers</td>
</tr>
<tr>
<td>Kidney transplantation</td>
<td>Reimbursement of expenditure up to Rs.2 lakh to workers</td>
</tr>
<tr>
<td>Cancer</td>
<td>Reimbursement of actual expenditure on treatment, medicines, and diet charges incurred by workers, or their dependants</td>
</tr>
<tr>
<td>Minor surgery like hernia, appendectomy ulcer, gynaecological diseases and prostrate diseases. Mental diseases</td>
<td>Reimbursement of expenditure upto Rs.30,000/- to workers and their dependants Financial assistance for treatment of mental diseases, diet, railway fare and subsistence allowance to workers</td>
</tr>
<tr>
<td>Leprosy</td>
<td>Financial assistance for Rs.30/- per patient per day for indoor treatment and Rs.6/- per patient per day for outdoor treatment to workers. Subsistence allowance of Rs.300/- per month with dependants and Rs.200/- per month without dependants for workers</td>
</tr>
<tr>
<td>Maternity benefits</td>
<td>Grant of Rs.1,000/- per delivery to a female worker (for first two deliveries)</td>
</tr>
<tr>
<td>Family welfare</td>
<td>Monetary incentive of Rs.500/- per head to the workers for undergoing sterilisation</td>
</tr>
<tr>
<td>Marriage of the daughter of widow/ widower</td>
<td>Financial assistance of Rs.5,000/- each is given for the marriage of the two daughters of the widow/widower workers, and widower</td>
</tr>
<tr>
<td>Funeral expenses</td>
<td>Rs.1,500/- for funeral expenses of the diseased workers</td>
</tr>
</tbody>
</table>

Welfare schemes

(i) Scheme for artificial limb for workers working in mines;
(ii) Scheme for fatal and serious accidental benefit, for mine workers;
(iii) Scheme for payment for grant-in-aid to the mine managements who are maintaining hospital for the workers and their families;
(iv) Scheme for organising health camps;
(v) Grant-in-aid for the purchase of ambulance, 75 percent of the cost or Rs. 3 lakh whichever is less;
(vi) Grant-in-aid for the purchase of bus for transporting workers, 75 percent of the cost or Rs.5 lakh whichever is less; and in case of mini-bus, 75 percent of the cost or Rs.3 lakh whichever is less.

Education schemes

- Scholarship awarded to the children to the workers
studying from Class I to professional degree courses ranging from Rs.250/- to Rs.8,000/-.

- Financial assistance to the extent of 75 percent of the cost subject to maximum Rs.5 lakh for normal bus and Rs.30 lakh for mini-bus to the mine management for transporting school-going children of the workers.
- Mine managements provided Rs.5,000/- for purchase of books in the library.

Recreation schemes

For organising sports/games, social and cultural activities for workers and their families.

Housing scheme

Under Revised Integrated Housing Scheme (RIHS) that was effective from 1 April 2007, a subsidy of Rs.40,000/- is released in two equal instalments for construction of houses. In addition to the individual housing scheme, the management is granted Rs.40,000/- for type-I houses and Rs.50,000/- for type-II houses for providing accommodation to the workers on charge of nominal rent.

Water supply

Mine managements are provided with 75 percent of the actual cost incurred for the arrangements of drinking water facilities.

Annexure 4: Details of Rules for women mine labour

The Mines Rules 1955

Some of the important points with regard work environment and employment are given in brief here.

Chapter IV-A: Medical examination of persons employed

The Rules say that, ‘nothing in this Chapter shall apply to persons who are employed purely on temporary or causal basis for a continuous period not exceeding six months’. Medical examination is carried out for existing employees and employees who are to join the mining company. This is done by a specified Medical Officer, and for women by a male medical practitioner in the presence of another woman. During the course of the examination if an existing employee is found to have contracted an industrial disease (as specified in Schedule III of the Workmen’s Compensation Act 1923) the provisions under the said Act would apply.

Chapter V: Health and sanitation provisions

With regard to drinking water the Rules specify that,

‘(1) the quantity of drinking water to be provided in a mine or any part thereof shall be on a scale of at least two litres for every person employed at any one time and such drinking water shall be readily available at conveniently accessible points during the whole of the working shift;

(2) where 100 persons or more are employed, either above ground or in opencast workings, at any one time, an inspector may by order in writing require the drinking water to be effectively cooled by mechanical or other means available;

(3) no charge shall be made for the drinking water so supplied’.

With regard to storage of drinking water the Rules specify that,

‘(1) if drinking water is not provided from taps connected with constant water supply system, it shall be kept cool in suitable vessels sheltered from whether and such vessels shall be emptied, cleaned and refilled very day. Steps shall be taken to preserve the water, the storage vessels and the vessels used for drinking water in clean and hygienic conditions;

(2) if the source of drinking water is not from a public water supply system. An inspector may by order in writing require the owner, agent or manager of the mine to submit with the least possible delay a certificate from a competent health authority or analyst as to the fitness of the water for human consumption’.

With regard to surface latrines and urinals the Rules specify that,

‘(1) on the surface at every mine, adequate latrine and urinal accommodation shall be provided at conveniently accessible places separately for the use of males and females employed in the mine;

(2) The scale of latrine accommodation shall be at least one seat for every 50 males and at least one seat for every 50 females employed at one time, provided that where sanitary latrines are maintained in bathing places the number of latrines to be provided under this rule may include such sanitary latrines’. Very specific standards have been set under the Rules,

‘b) it shall be built of brick or other suitable building material;

c) it shall be adequately drained and properly ventilated and afforded effective protection from the weather; […]

e) the floor and any interior surface of walls up to
a height of 1.24 m shall be cement punned or otherwise so finished as to provide a smooth impervious surface;

f) it shall be partitioned off so as to secure privacy and shall have a proper door and fastenings; and where a latrine intended for the use of one sex adjoins a latrine intended for the use of other sex, the approaches shall be separate;

g) where a latrine is of the service type, the service chamber shall be provided with an efficient trap door and the receptacle for night-soil shall be of galvanised iron;

h) the interior walls, ceilings and partitions shall be white-washed once at least in very four months, and the date of such white-washing shall be recorded in a book kept at the mine for the purpose.

Provided that this requirements regarding white-washing shall not apply to those parts of walls, ceilings or partitions which are laid in glazed tiles or otherwise finished so as to provide a smooth polished and impervious surface but all these parts shall be washed with suitable detergents and disinfectants at least once in every seven days'.

The Rules with regard to signboards mention that, ‘where persons of both sexes are employed, there shall be displayed outside each latrine a signboard in the language understood by the majority of work persons ‘For Male’ or ‘For Females’ as the case may be. Each sign board shall also have the figure of a man or a woman as the case may be’. Provision of water for washing (piped or otherwise) close to the latrines and proper sanitation facilities are mentioned in the Rules.

Chapter VI: First-aid and medical appliances

With regard to first-aid the Rules specify very clearly that,

‘(1) it shall be the duty of the owner, agent or manager of a mine to see that adequate and suitable arrangements are made for the training of persons in first-aid and the provision of such equipment as is prescribed in these rules.

(2) (a) it shall be the duty of the owner, agent or manager to see that adequate and suitable arrangements are made for the speedy removal from the mine to a dispensary or hospital of persons employed in the mine who while on duty suffers from serious bodily injury or illness of a serious nature’.

With regard to first-aid rooms the Rules state that,

‘(1) at every mine employing more than 150 persons on any one day of the preceding calendar year, there shall be provided and maintained in good order a suitable first-aid room;

(2) the first-aid room shall be situated at a convenient place on the surface of the mine and shall be used only for first-aid work;

(3) the first-aid room shall have a floor space of not less than 10 sq m and shall contain at least the equipment specified in the Second Schedule’.

The first-aid room should have a qualified nurse, dresser, compounder or medical practitioner and should be equipped with required and adequate medical equipment and medicines. Where the number of persons ordinarily employed in a mine is more than 1,000, there should be a resident medical practitioner.

Chapter VII: Employment of persons

The Rules specify that with regard to weekly day of rest as ‘a day of rest for any person shall mean period of rest of at least 24 consecutive hours’ and that compensatory day of rest, ‘shall be so spaced that in any one week not more than two such days shall be allowed to any one person’.

Chapter IX: Welfare amenities

With regard to provision of shelters the Rules specify that, ‘at every mine where more than 50 persons are ordinarily employed, there shall be provided adequate and suitable shelters at or near loading wharves, opencast workings, workshops and mine entrances where 25 or more persons are ordinarily employed, for taking food and rest’.

And that every shelter shall,

‘(a) have a floor area of not less than 14 sq m and (i) in the case of flat roof a height of not less than 2.5 m to the lowest part of the roof; and (ii) where the roof is a sloping one, a height of not less than 1.8 m to the lowest part of the roof and of not less than 2.5 m to the highest part of the roof;

(b) be so constructed as to afford effective protection from the weather;

(c) be constantly provided with adequate supply of cool and wholesome drinking water during the working hours of the mine;

(d) be kept in a clean and tidy condition’.

The Rules also specify details with regard to maintaining register of employees and their attendance, wages, compensatory off, leave with wages, overtime wages and report of accidents. The details with regard to issue of
identity tokens are also specified. Initial and later medical examination report formats, as well as the medical standard of fitness for mine employees are given in the Rules. The Schedules II and III specify the equipment that is to be provided at the first-aid station, while Schedule IV gives details of exemption from hours and limitation of employment.

**Maternity Benefit (Mines and Circus) Rules 1963**

The central government has specified Rules under the Maternity Benefit Act 1961 specifically in the case of women mine workers. Under this Rule the employer of every mine is required to maintain a muster roll with particulars of women employed in the mine. Any women employed and entitled to maternity benefit is required to be provided with due payment of benefit by her employer provided she gives notice of her condition by submitting the requisite proof from a medical officer or practitioner. Wages and medical bonus too must be paid to the worker as per the rules fixed. Nursing mothers are eligible for two breaks of 15 minutes each with extra time between five and 15 minutes to make allowance for journey time. The competent authority (in this case the Labour Commissioner) is responsible to ensure implementation of the Rules in his territories.

**Mines Creche Rules 1966**

The Rules requires that the owner of a mine (or a group of mine owners jointly) that employs any women in the preceding 12 months should construct a crèche according to standards prescribed; this can be a temporary structure till such time that a proper one is constructed. The Rules define a crèche as ‘a room of rooms with ancillary accommodation reserved for the use of children under six years of age, of women employed in a mine’.

The ‘competent authority’ as per the Rules, ‘in respect of coal mines, the Coal Mines Welfare Commissioner, and in respect of the Chief Inspector of Mines, and includes any person authorised in writing in this behalf by the said Welfare Commissioner in the case of coal mines of by the Chief Inspector in the case of other mines [...]’.

The type of crèche (A,B,C or D) will depend upon the number of women employees. The staff appointed by the mine owner need to have undergone the required training and oversee the sanitation and working of the crèche. The numbers of staff vary with the type of the crèche.

Specific standards for crèches as per the Rules are:

‘(i) it shall be contained in one building, built of brick

<table>
<thead>
<tr>
<th>Number of women currently employed or were employed on any day of the preceding 12 months whichever is greater</th>
<th>Type of creche</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal mines</td>
<td>Mines other than coal mines</td>
<td>Notation</td>
</tr>
<tr>
<td>10 or less</td>
<td>30 or less</td>
<td>A Type</td>
</tr>
<tr>
<td>11–50</td>
<td>31–100</td>
<td>B Type</td>
</tr>
<tr>
<td>51–100</td>
<td>101–200</td>
<td>C Type</td>
</tr>
<tr>
<td>More than 100</td>
<td>More than 200</td>
<td>D Type</td>
</tr>
</tbody>
</table>
and mortar, adequately lighted and properly ventilated and affording protection from all kinds of weather [...];

(ii) it shall be constructed on a suitable site selected by the mine management with the previous approval of the competent authority;

(iii) the flooring shall be of cement or stone and the ceiling shall not be less than four metres high from the floor;

(iv) the woodwork shall be painted or varnished once in every three years’.

The Rules specify the kind of latrines that need to be provided depending on the type of crèche: one latrine each for A, B and C type and two for D type. In addition a separate latrine needs to be provided in all types for use of children affected by infectious diseases. All latrines need to be kept in a sanitary condition.

With regard to bathrooms the Rules specify that, ‘in every crèche there shall be provided a closed bathroom with separate space for washing and drying soiled clothes or bed linen [...] equipped either with a sink or masonry tubs and the quantity of water to be provided shall be on a scale of at least 15 litres per child attending the crèche.’

The other facilities mentioned in the Rules are the provision of cradles, cots, beds, linen, bedding, feeding bottles, cooking utensils, toys and furniture (as given in Schedule II of the Rules). With regard to water the Rules specify that, ‘a supply of cool and wholesome drinking water shall be provided for each crèche on a scale of at least two litres per child attending the creche’.

Milk and diet for children and clean clothes for the crèche staff also need to be provided.

The crèche is to be kept open at all times, both day and night, when women employees are working at the mine with proper lighting in the night.

Medical examination of the children should be made every month by a qualified medical practitioner, and an examination of the nursing mothers is to be made every two months as well preferably by a female medical practitioner. If examination is done by a male doctor it should be done in the presence of the crèche nurse.

<table>
<thead>
<tr>
<th>Age group of children</th>
<th>Time, measure and nature of food</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 weeks–6 months</td>
<td>0.25 litres of milk</td>
</tr>
<tr>
<td>0.25 litres of milk</td>
<td>0.25 litres of milk</td>
</tr>
<tr>
<td>6 months–1 year</td>
<td>0.25 litres of milk with suji</td>
</tr>
<tr>
<td>0.25 litres of milk</td>
<td>0.25 litres of milk with suji</td>
</tr>
<tr>
<td>1 year–2.5 years</td>
<td>Rice, vegetables</td>
</tr>
<tr>
<td>0.25 litres of milk</td>
<td>0.5 litres of milk</td>
</tr>
<tr>
<td>with suji or porridge</td>
<td>0.25 litres of milk with chappati and gur or kheer with gur</td>
</tr>
<tr>
<td>2.5 years–6 years</td>
<td>60 gm minimum rice with vegetables or meat curry</td>
</tr>
<tr>
<td>0.25 litres of milk</td>
<td>0.25 litres of milk with chappati</td>
</tr>
<tr>
<td>with muri and gur</td>
<td></td>
</tr>
</tbody>
</table>

Note: 1) Children who are underweight and unhealthy or who are found to be suffering from marasmus and rickets should be given one quarter boiled egg in addition to the prescribed diet for supplying the vitamins needed.
2) If milk is not available then the competent authority can allow substitution of the same using Nespray or Glaxo powdered milk or germinated grain for the age group 2.5–6 years (0.1 kg of grain in place of 0.25 litre of milk).
GLOSSARY OF TERMS

Adda leaves: Or leaves of Bauhinia vahili, a species of climber used to make leaf plates.

Adivasi: The term used to refer to the indigenous or tribal population of India (Sanskrit language adi=beginning; vasi=dweller).

Anganwadi: A government sponsored child care and mother care centre in India. It caters to children in the 0–6 age group. The word means ‘courtyard shelter’ in the Hindi language. These were started by the Indian government as a part of the ICDS programme to combat child hunger and malnutrition.

Bajra: Pearl millet

Basti: Village/slum

Beedi: A thin cigarette filled with tobacco, wrapped in a tendu (Diospyros melanoxylon) leaf and tied with a string at one end.

Below Poverty Line (BPL): An economic benchmark and poverty threshold used by the government of India to indicate economic disadvantage and to identify individuals and households in need of government assistance and aid. It is determined using various parameters which vary from state to state and within states.

Benami: Benami purchases are purchases in false name of another person, who does not pay the consideration but merely lends his name, while the real title vests in another person who actually purchased the property and he is the beneficial owner.

Block: District sub-division in India.

Brownfield: These are areas under use, available for reuse, under used or abandoned.

Chappatis: Unleavened flat bread made from wheat flour.

Crore: Unit in Indian numbering (1 crore=10 million).

Dal: Dal (also spelled dahl, dhal, or daal) is a dish made of lentils commonly eaten in several parts of India.

Dalit: This is a self-designation for a group of people traditionally regarded as low caste. Dalits are a mixed population of numerous caste groups all over South Asia, and speak various languages. The word ‘dalit’ comes from the Marathi language, and means ‘ground’, ‘suppressed’, ‘crushed’, or ‘broken to pieces’.

Devadasi: Devadasi is originally described as a Hindu religious practice in which girls were ‘married’ and dedicated to a deity. In addition to taking care of the temple, and performing rituals they learned and practiced Bharatanatyam (a dance form) and other classical Indian arts traditions, and enjoyed a high social status. In modern India the tradition has become associated with commercial sexual exploitation.

Displaced Person (DP): A person forced to leave his or her home/native place.

District: Local administrative unit that generally form the tier of local government immediately below that of India’s sub-national states and territories.

Diwali: Also spelt divali or deepavali is an important festival for Hindus in India.

Environmental Impact Assessment (EIA): In India a major legislative measures for the purpose of environmental clearance was in 1994 when specific notification was issued under the Environment (Protection) Act 1986 called the ‘Environment Impact Assessment Notification 1994’. The legislation called for the assessment of long-term and short-term impacts of major projects undertaken and to evaluate beneficial and adverse impacts on the environment.

Fifth Schedule: The Fifth Schedule [under Article 244 (1) of the Constitution of India] essentially provides a historic guarantee to the adivasi people in the country on the right over their lands. The Fifth Schedule deals with the administration and control of specified areas (termed Scheduled Areas) and the adivasis living in these areas.

Forest Rights Act 2006: Or the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 is a key legislation passed in India and is concerned with the rights of forest-dwelling communities to land and other resources, denied to them over decades.

Free Prior Informed Consent (FPIC): Exercise of the right to FPIC derives from indigenous peoples’ (tribals/ adivasis) right to self-determination and is closely linked to peoples’ rights to their lands and territories based on the customary and historical connections with them. As most commonly interpreted, the right to FPIC is meant to allow for indigenous peoples to reach consensus and make decisions according to their customary systems of decision-making.

Gender Development Index (GDI): An indication of the standard of living in a country developed by the UN aimed to show the inequalities between men and women in the following areas: long and healthy life,
knowledge and a decent standard of living.

Gram Sabha: All men and women above 18 years of age in a village constitute a Gram Sabha.

Greenfield area: Term used to describe a piece of previously undeveloped land, in a city or rural area, either currently used for agriculture or landscape design, or just left to nature.

Gross Domestic Product (GDP): Basic measure of a country’s overall economic output. It is the market value of all final goods and services made within the borders of a country in a year.

Gutka: Also spelled gutkha, guttkha, guthka it is a preparation of crushed betel nut, tobacco, catechu, lime and sweet or savory flavorings. It is consumed much like chewing tobacco, and like chewing tobacco it is considered responsible for oral cancer and other severe negative health effects.

Hectare (ha): A unit of area commonly used for measuring land area (1 ha=10,000 sq m).

Human Development Index (HDI): Composite statistic used as an index to rank countries by level of ‘human development’ combining three dimensions of health, literacy and standard of living.

Infant Mortality Rate (IMR): Number of newborns dying under a year of age divided by the number of live births during the year times 1,000.

Integrated Child Development Scheme (ICDS): The scheme was launched with the primary objective of improving the nutritional and health status of children in the age group 0–6 years.

Juvenile sex ratio: Defined as the number of females in age group 0–6 years per 1,000 males in the same age group in the population.

Lakh: Unit in Indian numbering [10 lakh (1,000,000)=1 million].

Lathi: Stick

Literacy rate: Defined as the percentage of literates to the total population aged seven years and above.

Lok Sabha: House of the People or Lower House in the Parliament of India

Mahatma Gandhi National Rural Employment Guarantee Act 2005 (MGNREGA): Earlier known as the National Rural Employment Guarantee Act 2005 it aims at enhancing the livelihood security of people in rural areas by guaranteeing 100 days of wage employment in a financial year to a rural household whose adult members volunteer to do unskilled manual work.

Mahua: Or Madhuca longifoila is an Indian tropical tree of great importance in the life of adivasis. Different parts of the tree have different uses—as food, for medicine and for the preparation of an alcoholic drink.

Main workers: Those workers who had worked for the major part of the reference period (i.e. six months or more).

Mandal: Mandal, taluk or tehsil is an administrative level in India below states and districts.

Maoists: Also known as Naxals are an extremist group operating in different states in the country.

Marginal workers: Those workers who had not worked for the major part of the reference period (i.e. less than six months).
Maternal Mortality Ratio: Defined as the ratio of the number of maternal deaths per 100,000 live births.

Millennium Development Goals (MDGs): These are eight international development goals that all 192 UN member states and at least 23 international organisations have agreed to achieve by the year 2015. They include reducing extreme poverty, reducing child mortality rates, fighting disease epidemics such as AIDS, and developing a global partnership for development.

National AIDS Control Organisation (NACO): National organisation that comes under the Ministry of Health and Family Welfare, government of India, and is concerned with the prevention, care and support on the issue of HIV/AIDS in India.


Other Backward Classes (OBC): In the Indian Constitution, OBCs are described as ‘socially and educationally backward classes’, and the government is enjoined to ensure their social and educational development.

Panchayat Raj (Extension to Scheduled Areas) Act 1996: Progressive legislation passed through the 73 Amendment of the Indian Constitution that paved the way for a separate and progressive legal and administrative regime for genuine adivasi self-rule in Scheduled Areas.

Panchayat: Literally means assembly (yat) of five (panch) wise and respected elders chosen and accepted by the village community. Traditionally, these assemblies settled disputes between individuals and villages.

Pattas: Title deeds for lands or houses in India

Podu: Term used for shifting/slash and burn cultivation by the tribal people of Andhra Pradesh.

Primary Health Centre (PHC): These are the cornerstone of rural healthcare in India that supposed to meet the health care needs of rural populations. Each PHC covers a population of 100,000 and is spread over about 100 villages.

Public Distribution System (PDS): Facilitates the supply of food grains to the poor at a subsidised price.

Pucca: Refers to permanent and strong structures.

Purdah: Literally means curtain and is the practice of veiling women preventing them from being seen.

Rajya Sabha: Council of States or the Upper House of the Parliament of India.

Rat-hole mining: Mining done in the form of a long narrow tunnel.

Ration cards: An important part of the PDS in India. On the basis of their economic condition, people can buy goods like food grains, sugar, kerosene, etc., at varying prices, with the help of their ration cards.


Rupees (Rs.): Official unit of currency in India.

Samatha Judgement: The judgment given by the Supreme
Court of India was the result of Samata’s, a grassroots organisation’s, decade long struggle against mining and protection of adivasis land rights.

Sari: Also written as saree is traditionally worn by women in India and involves draping a wide strip of cloth—between four and six metres in length—in various styles.

Sarpanch: The Sarpanch or Chairperson is the head of the Gram panchayat.

Scheduled Area: Those regions with a predominantly adivasi population. Scheduled Areas are spread across nine states in India.

Scheduled Caste (SC): Any of the historically disadvantaged Indian castes of low rank, now under government protection. Some Scheduled Castes are also known as dalits.

Scheduled Tribe (ST): Specific indigenous peoples whose status is acknowledged to some formal degree by national legislation in India.

Sex ratio: Defined as the number of females per 1,000 males in the population. It is expressed as ‘number of females per 1,000 males’.

Silicosis: This is a form of occupational health disease caused by inhalation of crystalline silica dust.

Special Economic Zone (SEZ): A geographical region that has economic laws that are more liberal than a country’s typical economic laws.

Taluka: see mandal

Tendu leaves: Leaves of Diospyros melanoxylon, the collection and sale of which is an important source of income and livelihood for adivasis in central India. Used in the making of beedis.

Work Participation Rate (WPR): This is defined as the percentage of total workers (main and marginal) to total population.

Zilla Parishad: A local government body at the district level in India.
Dhaatri Resource Centre for Women and Children
307, Manasarovar Heights, Phase I, Tirumalagiri
Secunderabad 500 009, Andhra Pradesh, India
Telephone: +91-40-40121365
&
Samata
D. No.: 14-37-9, First Floor, Krishna Nagar, Maharanipet
Visakhapatnam 530 002, Andhra Pradesh, India
Telefax: +91-891-2737662/2737653

Email: dhaatri@gmail.com, samataindia@gmail.com
Website: www.dhaatri.org, www.samataindia.org