

TEARS OF DUST

A Study of Women Labour in the Mines of Makrana and Jodhpur



Gravis
Jodhpur

LATE SH. LAXMI CHAND TYAGI
1945-2005



May god give peace to the holy soul

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FOREWORD

It is well known that most women carry a double and even triple burden: house keeping, raising the children and work outside the home. While reproductive health concerns of women are recognised and addressed, women's occupational health has tended to be neglected. It is therefore very commendable that HEDCON has conducted this study on the impacts of working in the stone mines on women.

This is not just a research for research's sake, for it clearly points out which steps are required to change the desperate situation of the women mineworkers. The report shows how the women and girls are affected and it highlights the need of these workers to healthier working conditions also and easily accessible, affordable health care. It also clearly shows that the issue of compensation of those whose health has been destroyed needs to be addressed.

With the entry of large transnational corporations that are notorious for their violations of regulations, labour laws concerning occupational health and workers' rights have to be addressed more strongly. This study clearly shows that women are exploited most in terms of physical hardships, low wages and denial of maternity benefits, and that it is high time for the government to come up with the policies that secure the human rights of women mineworkers.

This study is also a clear reflection of the commitment of the HEDCON team to change the lot of the women mineworkers. I sincerely hope that they will find the strength to continue their efforts in addressing this issue. I wish the HEDCON team, especially Deepak Malik and Mahitosh Bagoria, all the best in their future endeavors.

Dr. Mira Shiva
VHAI

PREFACE

Much has been said and written about women and still it is not enough. Several issues centred on women's lives continue to haunt us. One such issue that demands attention is the problems women labourers have to confront in India. Constituting nearly forty eight percent of the population of the country, women form a significant percentage of the unrecognised labour force of the country. The woman is often the first to start the day's work, and her work continues until she goes to bed. When one takes her unpaid labour into consideration, she works longer than men. But still she remains miserably underpaid and unrecognised. Working in the factories, the laboratories, the agricultural fields, the construction works, the mines and numerous reputable organisations, women are contributing a great part to the economic progress of the country. Yet our women earn less than what men do, with a GDP per capita almost half than that of the masculine population. Women workers face serious problems and constraints related to work, such as lack of continuity, insecurity, wage discrimination, unhealthy job relationship, absence of medical and accident prevention and post accident care.

The present report studies the problems associated with women labourers in the sandstone mines of Jodhpur and marble mines of Makrana. The study documents the impact of poor working conditions on the social, psychological and physical well being of the women workers. It also identifies the existing laws related to women labour in mines and the extent of their implementation. This study aims to provide an insight to the problems of women mineworkers and sensitise people regarding the pathetic conditions of women mineworkers, and to initiate a process of improvement through various interventions.

Conducting such a study was not an easy task as an influential political and administrative lobby runs the mining business in a hidden manner. Moreover, labourers are not responsive due to fear of losing their jobs. Talking to a woman in front of her husband and/or the family about the family problems was a daunting task. Therefore it was decided to design a questionnaire, which involves more discussion instead of specific questions.

A questionnaire was designed using input given by social activists, union leaders, doctors, supporting NGOs and professionals. A pilot study was conducted to test the

questionnaire and identify the gaps, if any. The case study technique was employed to highlight the real picture in gestalt perspective. The sample consisted of women above the age of 18 years (irrespective of caste/religion), who were working in stone mines in any capacity (skilled/unskilled). The sample consisted of 200 women, 95 in Jodhpur and 105 in Makrana. Due to the fear of reprisal by the mine owner, the interviews were not conducted in the mine area but at home after work hours. The data were analysed in terms of percentages. Secondary sources such as census data, government statistics, and other related studies were used to gather relevant information.

The present study was of exploratory nature and revealed significant information about the condition of women working in the mines. It brought into light several problems and issues like wage discrimination, irregularity of work, poor health and malnutrition, safety arrangements, basic facilities, other facilities, addiction, education, violence etc. This study is not an end in itself. The findings of this study open a gold mine, so to speak, for further research in the field of health status, legal rights, interventions, strategies and other areas related to the condition of women in mines.

I, on behalf of GRAVIS, wish to express my gratitude to International Development Exchange (IDEX) for providing the financial assistance for the research and printing of this booklet. I am thankful to Kaluram of Jodhpur Zila Patthar Khan Mazdoor Union, Jodhpur and Yogesh Tripathi of Zila Gramin Vikas Sansthan, Makrana, Nagaur, for extending their help in conducting the survey. I am grateful to HEDCON family for conducting the study and for preparing this booklet in its present form. I extend my sympathy to those affected and poor women who expressed their real situation and have the courage to face such exploitation. We at GRAVIS hope that this booklet would be a useful tool for the readers to expand their horizons of thoughts about mining and women. We firmly believe that this study would act as an advocacy tool for NGOs, development agencies and activists to attain human rights for women in mines.

Shashi Tyagi
Secretary GRAVIS

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PART ONE

Getting Started

a. Introduction

Our rich traditions teach us to pray at the break of dawn, with folded hands and recite to Mother Earth :

***(Samudra vasane Devi, parvatstan mandite:
Vishnu patni namastubhyam, paada sparsham
kshamas-swamey)***

We salute thee, Mother Earth and seek your pardon for stepping on you with our feet

Symbolic of the Mother, Earth continues to nurture man and provide for his needs. Not only does she bear the burden of his weight, she allows him to fulfil his needs using the resources she preciously guards. Alas! The story only begins this way. As we move into the world of reality, several dark shadows emerge and the picture of both Mother and Earth changes.

Much has been written about the status of women in India. There is poetry and passion. There are fairy tales and gory stories real and disturbing. Times have changed and women have become an integral part of the total workforce like never before. There are women in the highest cadres of our executive machinery, judiciary and legislature.

Yet, there is a wide gap between women in the organized and those in the unorganised sector. The conditions of work, the problems they encounter in their work life and the consequences of working in the unorganised sector (such as mining), make these women a poor cousin of their counterparts in the organised sector.

We have set out on a voyage to discover the truth about how women cope with the challenges that mining as an occupation poses for them. We found the reality of the struggle for existence and deplorable conditions of the women working in the womb of Mother Earth more alarming than we had anticipated.

The sample of this study consists of women working in the mines of Jodhpur and Makrana who were considered as representative of the larger population. We used a methodology capable of bringing out the ground realities: we designed a questionnaire and administered it to women; consequently we interviewed 200 women who were willing to talk to us (not all were fearless enough to do that).

What emerged from this study is the critical condition that exists in the stone mines of Jodhpur and Makrana where large number of women toil in the dust to earn a few rupees. More than the statistics, the individual stories of these women are the highlights of this study. The study brought to light the following:

Women work in mines out of compulsion, never ever by choice.

The conditions of work are inhumane, not suitable for women to work in.

The impact of mining on the health of women in the mining industry is a cause for concern.

The financial position of these women remains poor. Unfair wages and lack of economic rights in using resources aggravates the deplorable situation.

The women are exposed to more physical and mental harassment when compelled to move out of the security of their homes to work in mines.

Lack of education and subsequent lack of awareness about their basic legal rights allows the mine owners to exploit the women in many ways.

Gender inequality is so predominant in the social fabric of Rajasthan that the birth of a son is celebrated for days, and the death of a

daughter not bemoaned even for a day. The poor status of women is a result of decades of social decay, wherein the denial, violation and abuse of the legal rights of women was so rampant that it became the norm. Poverty, injustice, suffering, discrimination, exploitation and abuse of their basic rights have been the burden of Rajasthan's womenfolk for decades. For instance, gender inequality is visible in the field of health and nutrition. Tradition in India requires that women eat last and least throughout their lives, even when pregnant and lactating. Malnourished women give birth to malnourished children, perpetuating the cycle. Females also receive less health care than males.

Furthermore, in education women are worse off. Families are far less likely to educate girls than boys, and far more likely to pull them out of school, either to help out at home or out of fear of violence. The poor conditions of the family also force them to start work at a tender age. Moreover, women generally have more risk of impoverishment, particularly in women-headed households. This is mainly the case when women are abandoned by their husbands or widowed.

Throughout the world, women work longer hours for less compensation than men employed at similar positions. In addition, women are grossly under-represented in private sector management and political positions. The story is no different in Rajasthan and the mines are a glaring example: women are still underpaid and are subjected to exploitation.

We have found that women in particular are adversely affected by mining activities and projects; yet there has been little discussion about their roles and rights in relation to the activities of the mining industry. It is important to note that local women experience the impacts of mining more acutely and in different ways in comparison with men. The impacts of mining operations are not gender neutral, and women experience the direct and indirect consequences of mining in different, and more pronounced, ways. There are myriad ways in which women bear the burden of the negative consequences of mining.

- **Paid and unpaid labour** : Women work longer hours than men, but their work is not recognized. Men say: "Women, like children, eat and do nothing." This is because women's unpaid labour is not seen as such. Primary value is placed on paid labour. When women are forced to work in the mines, they have to

perform this paid labour on top of their other, unpaid work. The workload of women increases. Work at home and at the same time working in the mines for a little money (never enough to provide minimum food), makes women more vulnerable. This workload can be further exacerbated if there is environmental pollution or contamination of land or water sources. It is the women who bear the responsibility of finding alternative food sources, walking far distances to access clean drinking water and caring for the sick children or family members.

- **Unskilled labour** : Most mining activities require skills and masculine power. Unlike men, women never receive training on mining. They are excluded and employed as unskilled labourers for removal of pebbles and debris.
- **Underpaid labour** : As women are considered as weak and are mostly engaged in unskilled work, they are always paid less than men. This does not reduce their work but only increases their drudgery.
- **Web of bondage and uncertain work** : In most cases women find it difficult to get regular work, though we may find men working regularly in the same mine for long periods. Most often, women whose parents are mineworkers, start working in mines at a very tender age. Others do because of bondage due to loans and advances taken during rituals and marriages, or are widows/dependents of mineworkers who have died during work.
- **Working conditions and safety arrangements** : Working under the scorching heat without water and any shed to take a breath is the scene at all the mines. In Rajasthan, it is a distant dream to see a miner to work with mask, helmet and proper shoes. Being the worse half in terms of nutrition and health, the existing conditions impact women even more adversely and aggravate their agony. There are no toilets/facilities that would be imperative to maintain the dignity of any women in the depth of the mine. Since there is no provision for drinking water, the only alternative is to drink the dirty ground water that gather in the gaps here and there. That in turn, gives rise to health problems.
- **Lack of empowerment and discrimination** : Women suffer from active and often brutal discrimination in the workplace. Employers mostly enter into negotiations with men, making women neither a party in negotiations, nor the beneficiaries of compensation payments. Also, women generally have little or no control over and access to any of the benefits of mining

developments, especially money and employment. Therefore they become more dependent on men who are more likely to be able to access and control these benefits.

- **Marginalization** : The traditional roles and responsibilities of women are marginalized as the community becomes more dependent on the cash based economy created by mine development.
- **Violence** : Women bear both the physical and mental strain of mine development; manifested in the increased levels of domestic violence. Women suffer from an increased risk of vulnerability to disease, family violence, and sexual abuse both domestically and at work. Alcohol abuse and/or a transient male workforce or the need to find money to feed their families often fuels the abuses.
- **Addiction** : Lack of any entertainment, hard work, psychological and emotional problems drag women into the trap of addiction. It gives them some time to relax but at the same time reduces their body resistance to illnesses. Addiction is also a problem amongst the male mineworkers. Often, the addiction of husbands is one of the causes that forces women to work in the mines.

These gender impacts represent the denial of the basic human rights of women from local communities affected by mining. This study has unveiled that mining can never bring benefits to women in local communities. Mining affects women through increased violence, poverty, health problems including increased vulnerability to diseases and environmental pollution. Gender inequality, marginalization, impoverishment and abuse of women are worse in the mining world. The little employment that mining offers to women does not even benefit them. Women have been excluded from the economic benefits of mining, and have borne the burden of many of its negative social and environmental impacts.

Much more research needs to be done. There is a pressing need for more research and action to address the different and often destructive impacts of mining operations on women. The worsening condition of women in mining compels us to think of better options for employment that could provide a better quality of life to the women. This is why also more research is required to provide healthier alternatives for the women to sustain themselves.

c. Profile of the sample

The profile of the respondents shows some very interesting facts. First of all, it is very rare to find women in mining areas of over 50 years. The majority is between 31 and 50 years old. Most of the women of over 30 years, whose men were working in mines, are widows. Furthermore, all the women working belong to lower castes. All of the women work as unskilled labourers, even after working in the mines for many years. They all started working at tender ages and about 90 percent of them are illiterate. Additionally, most of the women need to support big families. The women are landless; they have no proper housing and no livestock. They have no other option than to live near the mining areas, which are prone to number of diseases. All these facts clearly testify that women in mines work out of necessity and not by choice, and that mining affects their health very badly.

Personal Details

		Jodhpur	Makrana
Number of women labourers surveyed		95	105
Age	18-30	32	44
	31-50	55	56
	50+	8	5
Caste	SC	11	61
	ST	62	38
	OBC	22	6
Marital Status	Unmarried	0	0
	Married	64	83
	Widow	31	22
Age at Marriage	Below10	12	54
	10-15	30	36
	15-18	32	8
	18+	8	7
	Not remember	12	-
Work	Unskilled	95	105
	Semi-skilled	-	-
	Skilled	-	-
Start Working at Age	Below 15	3	16
	15-18	36	62
	18+	40	6
	Not remember	16	21
Educational Status	Illiterate	94	92
	Elementary	1	13

Family Background & Financial Status of the Family

		Jodhpur	Makrana
Husband's Occupation	Mine labour	45	57
	Agri. labour	7	9
	Other	12	17
	Not alive	31	22
Family Size	1-4	23	35
	5-8	45	64
	8+	27	6
Agricultural Land with the Family	Landless	89	105
	Marginal	6	-
Livestock with the Family	Cow	-	1
	Goat	35	
	Sheep	-	
	Camel	-	
House	Cement concrete house	2	0
	Half made	14	48
	Raw	68	13
	Small hut	13	44

d. Limitations of the survey

- The sample that was surveyed is small in comparison to the area covered in the study.
- For the purpose of data collection two mining areas, Jodhpur and Makrana, were targeted to represent the population of interest, i.e. women mineworkers in Rajasthan.

The data collection posed several handicaps. Women were not willing to respond in the mine premises and had to be contacted at home, in the evening. Preoccupied with cooking and other household chores, the women were often reluctant to spend time responding to the survey and had to be convinced of its importance, thus making it more time consuming.

PART TWO ***Hidden Truths***

The following case stands out as a striking example of agony and distress that is a part of the lives of the women workers in the mines.



"Billi Ka Jaya To Undra Hi Khave"(the kittens will also eat rats like the cat) is a local saying in Marwari language. It means "profession and work follows for generations". The

saying was quoted by Devi when our team first met her. At that time she was engaged in breaking and filling debris and stones in a tractor with her three daughters in a mine in Jodhpur. Devi's husband Mr. Devaram Bheel also worked in the mines as unskilled labourer.

Devi says, "my husband Devaram started working in these mines around the age of 12 and within two/three years he got married to me. His addictions (smoking and drinking alcohol), loans and our poor living conditions forced me to work in the mines with him. We started living temporarily near mines. Due to the poor working conditions, hard work and Devaram's addictions, Devaram got severely affected with Tuberculosis (TB). At the age of 30 he became totally incapable of working. Our household expenses of all 8 members and the expenditure of Devaram's disease forced me and my children to work in the mines".

It was shocking to note that even 8-year and 11-year-old girls were helping their mother Devi in mines to earn for their livelihood and father's treatment. Devi added that her daughters always dreamt of becoming educated but this education does not provide any employment or money. She says, "Nothing will change for poor people like us even after getting educated". She strongly believes that her children's early work experience would make their body adapted to heavy working conditions. "If children will go to school, they will not be able to do hard work in the future."

They all work together and fill debris in a tractor. Daily they load about 3 tractor trolleys. The tractor owner maintains the accounts for the amount of labour done in a day, as Devi's family is illiterate. But still, most of the times the family does not get paid all their money for their work. Devi told that after full days of hard work she gets so tired that she consumes sleeping pills to take a rest. All the family members are anaemic.

Now Devaram is totally bed ridden. Last year he married off his four daughters and took heavy loans (Rs. 60,000) from the mine owner and relatives. Increasing repayments due to heavy interest rates forced them to work hard. To earn more for repayment of loans, he called his married daughters to work with their mother. With the high interest rates and his young daughters working in the mines, the cycle of exploitation and bondage continues with the next generation...

2.1 Working Conditions

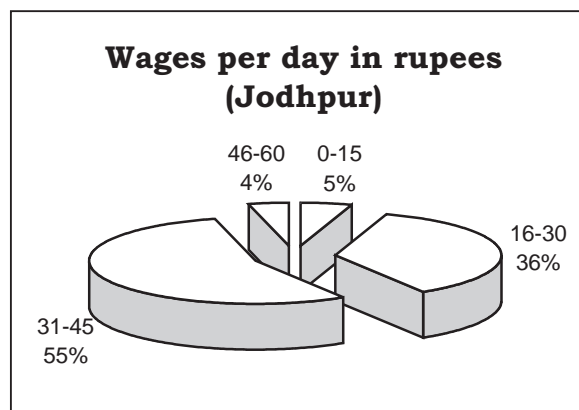
a. More unequal than others

Dhaka Devi (39) is an illiterate woman of the Bheel community (a tribal community in India). Sixteen years back her husband left the house to never return again. She breaks stones as an unskilled labourer in the mines from 10 in the morning till 5 in the evening, for a meagre twenty rupees. By law, she should get no less than 73 rupees, which is the minimum wage for a day's work. Ironically, she is not even given the unfair 60 rupees, the unskilled men labourers in the mine are getting !

More than 57 years after independence, even the male labourers are not getting the minimum wages as fixed by law. What makes things worse for the women is that they do not even get the men's "unfair wage"! Almost all women in the mines get fewer wages for the same unskilled work than their male counterparts. This is true for women labourers in almost all professions. The psychology behind such discrimination is that the work that women carry out is often regarded as something everybody can do or as being complementary to men's work. The significance of women's labour for the economy is consequently nowhere recognized. Such discrimination especially becomes evident from the analysis of the survey.

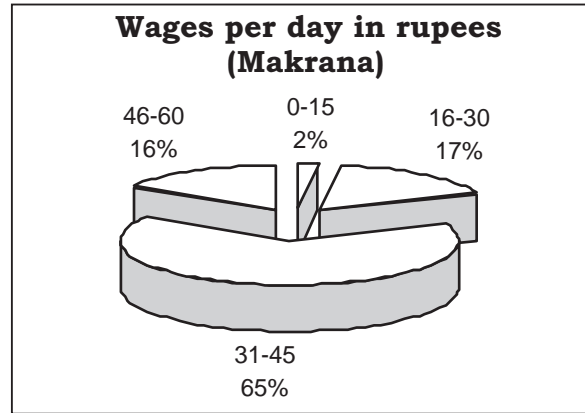
Jodhpur

Five percent of the women labourers surveyed receive wages below 15 rupees daily, 36 percent receive rupees 16 to 30, 55 percent receive rupees 31-45, only 4 percent receive rupees 46 to 60 per day, and none receives wages above sixty rupees.



Makrana

Two percent of the one hundred and five women labourers surveyed receive wages up to fifteen rupees, 17 percent receive wages between sixteen to thirty rupees, 65 percent receive wages between thirty one to forty five rupees, while 16 percent receive wages between forty six to sixty rupees. None receives a wage of sixty rupees or above.



The income drawn by women as mineworkers is economically and physically unsustainable, and at times it drags them into deeper indebtedness and bondage.

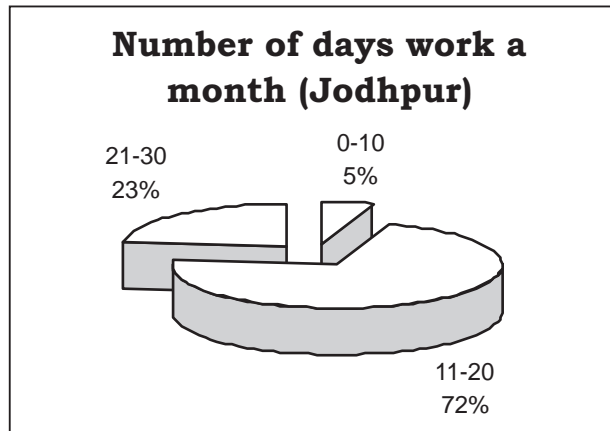
b. Today here, tomorrow nowhere

Santu Devi works in the mines to earn only 40 rupees a day, which is barely enough to take care of her children and husband, who is suffering from tuberculosis. On top of that, when she comes to the mine in the morning, she is not guaranteed work. Sometimes she has to wait all day for an opportunity that may not come.

Mining, by its very nature, has no room for women to be employed. Women lose their independence as they depend solely on the wages of the male members. In the cases where they are employed in the small private sector mines they are the first to be retrenched. Moreover, the women have no work safety measures and are susceptible to serious health hazards, which affect their health and ability to bear healthy children. Due to several exigencies, these women face a compulsion to work under dangerous and hazardous conditions in the mines. More than often, it is the financial crisis, which pushes them into it. But again, they also face irregularities of work. None of the women can or have work for full thirty days a month. Instead of bringing a solution to their problems, the irregularity aggravates them and increases the uncertainty in their lives.

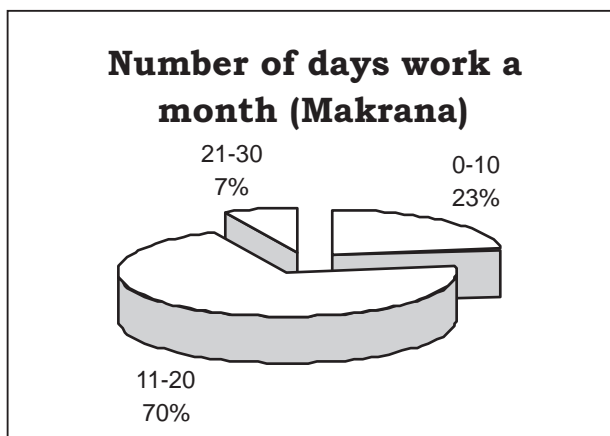
Jodhpur

Five percent of the ninety-five women labourers surveyed are finding work for up to ten days a month, 72 percent of the women labourers find work for ten to twenty days a month, and 23 percent find work for twenty to thirty days a month.



Makrana

Twenty-three percent of the hundred and five women labourers find work for only up to ten days a month, seventy percent of the



women find work for ten to twenty days a month and only seven percent are able to find work from twenty to thirty days.

The findings of the survey amply demonstrate that most of the women labourers are finding work for ten to twenty days a month.

Having no other skills, the women receive no money during the remaining days. This becomes a really difficult situation to handle once they are solely dependent on the mine-work for their living.

In both Jodhpur and Makrana none of the mineworkers get weekly holiday, accidental leave, annual leave, festival holidays, and extra wages for overtime or Employees State Insurance (ESI). Although very few women are found to be working beyond the stipulated time of 8 hrs. The problem is that most women labourers do not get work for even that amount of hours and thus are not able to get enough work to earn sufficiently. In the few cases where women are working more than 8 hrs, they are not being paid for the overtime.

Further, they get work through the "jimmedarni" (a woman sub contractor) in these mines. At one level, they are exploited by the mine-owner who pays fewer wages to them for a lot of work. Also, no registers are maintained keeping a record of the workers and this amounts to the irregularity of work. At a subsequent level, they are exploited by the "jimmedarni", who is the "link in the chain of exploitation". She takes her own commission out of the bare wages the women labourers get, in exchange for which she provides work to them in the mines. However, according to some others, the "jimmedarni" at least assures work to these women for certain days a month. In case the institution of "jimmedarni" would not have been there, the women labourers might have to seek work in the mines themselves.

c. Neither safe nor sorry

38 years old Jeta cannot see clearly. It was not always like that, it all happened after she had an accident while working in a mine in Makrana three years back. Jeta said, "I was breaking stones and collecting debris from the mine when a small piece of stone fell in my eye. I complained to the contractor in the mine, but nobody paid attention. I just rubbed my eyes and covered it with a piece of cloth. After few days when I tried to remove the cloth, it was extremely hurting and I met the doctor. Now I have lost my eye. I am also facing a problem in my other eye and I can see only hazily".

There is no point in denying the fact that working in the mines is unsafe. However, some minimum safety arrangements and medical care need to be ensured for mineworkers. The government has already made provisions for it, but the infrastructure for ensuring the rights still needs the attention of the policy makers. Unofficially mining in Makrana is the cause of 3-5 major accidents every week and hardly any of the victims receive proper medical care. Some safety arrangements laid down as mandatory under Mine Act 1952 (Chapter 5' section 21 to 27) for all the mines includes:

Provision for dust-masks, helmets, eyeglasses and shoes for all the mineworkers.

Provision for first-aid boxes in all the mines.

Provision for an early warning signal before explosion.

- Provision of Insurance for every mineworker.
- Provision of steps for entering the mines.
- Provision of a trained supervisor in the mines.

None of these provisions is found in any of the mines in Jodhpur or Makrana.

d. Basic facilities

The law states that there should be some basic facilities in the mines like safe drinking water, toilets and shade. But it has been observed that in general practice there are no arrangements at all for any of these provisions, in any of the mines.

Drinking Water

Mines Act, 1952 (Section 19) lays down that "In every mine effective arrangements 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..."

However, for drinking water, most of the times the mineworkers have to go to the hand pumps or tankas (an underground water tank) or ponds situated at a distance. Sometimes, in the mines of Makrana, where coming out of the mines every time is not always possible, the mineworkers are forced to drink the stagnant water stored in the mines. This water is of bad quality and is very unhygienic.

Toilets

Section 20 of Mines Act, 1952 not only makes it mandatory that separate toilets be provided in every mine for males and females, but also that they should be adequately lighted, ventilated and maintained in a clean condition. It also lays down that the number of the latrines and urinals can be specified by the central government in proportion to the number of males and females employed in the mine.

However, the law is completely neglected in all the mines. There are no provisions even for a single toilet. This poses a problem for the women labourers more than anybody else working in the mines.

Shade

Shades should be provided in the mines for mineworkers to take a small rest during their hard work. Under the Mines Act, it is mentioned that every mine should have a shade. There are also no provisions for shade in any of the mines.

We see that this is not merely a matter of law; in fact this is also a matter of basic human rights, which are refused to the mineworkers.

The women labourers working in the mines testified that none of these facilities were available.

e. Sexual harassment:

This is the story of the exploitation of a widow who belongs to the Bheel Bhakri area of Sursagar near Jodhpur city. Ramjilal and his wife Sitadevi were living with their four kids in Sur Sagar. Ramjilal was working in mines, and Sitadevi used to look after household work and the kids. Destiny had stored something very unfortunate for them. Slowly, Ramjilal became ill and lost his capacity to work. Sitadevi's dreams were shattered when she learned that her husband was suffering from Silicosis. Due to financial and social constraints she could not take him to the medical facilities. As a result, Ramjilal could not recover from his disease. The day came when he died and left his family without any of support.

30 years old Sitadevi barely had the time to overcome the trauma of the demise of her husband. She had to come out of the house, as now only she had to bear the responsibilities of her four kids. She started working in the mines of Jodhpur district.

Sitadevi's young age and family condition could not remain hidden with the mine owner, contractors and their relatives. They started exploiting her physically as there was nobody at her home to raise voice against them. On 8th March 2003 at 11p.m. a man (relative of the mine owner) came and forcibly took Sitadevi with him and raped her. Her 11-year-old daughter could not understand anything and started crying. The whole community gathered but no one could find out where he has taken her. After two hours the same person left Sita in the outskirts. Sitadevi was crying badly, her eyes were telling the whole story but she kept her mouth shut, as she knew that by not doing so she would have to face horrible consequences. She would lose her work and probably the police, siding with the mine owner, would not take her complaint seriously. Like Sitadevi there are many other women who are being exploited by their mine owners and their relatives.

*(*To maintain confidentiality names of the persons are changed.)*

The Supreme Court has acknowledged the fundamental human right of the working women regarding their life and liberty, and their right to work, carry out occupation, trade or business with dignity. Not only is the employer himself bounded by this law, he also has the duty to prevent or deter acts of sexual harassment.

A survey done by the National Commission for Women in July 1998 included 1200 women from the organised and unorganised sector. It was found in the survey that 50% of the women have experienced gender discrimination or physical and mental harassment at work. Yet 85% of the women had never heard about the Supreme Court order. Only 11% were aware that they could seek legal help and that sexual harassment is a crime and a violation of law.

During the survey women were hesitant to report incidents of sexual harassment on individual basis, but when the issue was addressed in groups, they admitted that this is a regular feature. A large number of women were facing sexual harassment of the hands of the contractors and were completely helpless. Due to lack of awareness of human rights, the women are victims of torture.

In India, when mining projects displace people, women are left even more unprotected. They have less possibilities of claiming rehabilitation or compensation, since they have no rights over lands or natural resources. Women become alienated from their traditional economic roles and lose their right to cultivate their traditional crops or gather forest produce for domestic consumption and medicinal purposes.

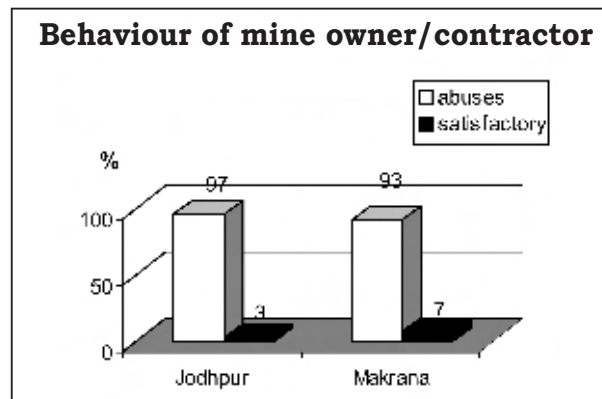
Women also have to face previously non-existent social evils, like alcoholism, indebtedness, physical and sexual harassment, which become commonplace among mining and mining-impacted communities. The conditions of work, in the event that they are employed in mining activities, expose the women to sexual exploitation. Significantly, the Supreme Court has brought sexual harassment within the purview of human rights violations

f. Slavery exists even today

Freedom and Respect are unknown to these women. The mine owners treat the women like slaves, even today. Most of them are threatened with dire consequences, or verbal abuse on a daily basis.

**Poverty, helplessness and fear
Buy their silence and tears.**

**If they were given a voice and the courage to speak,
A volcano would erupt and wash away the sins
Their inhuman contractors are wont to commit.**



As becomes clear in the findings above, the behavior of mine-owners is not satisfactory in about 95 percent of the cases.

2.2 Impact on Health

a. All work and no food

Dhapu Devi's husband left her when she was just 24 years old. She was forced to start working in the mines, as there was no other livelihood option available in the area. Now at the age of 40 years she takes her 19 years old daughter along to help her breaking stones. She and her daughter earn Rs. 40 per day which does not suffice even for the minimum need of food. They face regular headache, body ache and giddiness.

The daily diet of a female labourer in the mines comprises of chapattis, with pulses and onion or chillies and a few would also take milk and vegetables. However, most of them remain devoid of a balanced diet since they are not able to include fruits and other nutritious food in their daily diet.

According to the National Sample Survey Organisation (NSSO) a person living in rural areas should obtain 2400 Kcal a day, which would correspond to Rs. 567 a year on food expenditure. People, like the female mine labourers, living on less than 2400 Kcal a day fall below the rural poverty line.

The lack of enough calories and a balanced diet in combination with other factors, like hard work under hazardous conditions in mines and social factors like traditional reluctance of women themselves and ignorance of other people regarding their health and nutrition, early motherhood etc., has lead to several health related problems among the women labourers. Most of them suffer from problems like headache, fever, and breathing problems. Some have even fallen prey to hazardous diseases like Silicosis.

Though it was not possible due to certain limitations to get the diseases diagnosed accurately, the symptoms indicate that the women must be suffering from several health problems like anaemia etc.

Jodhpur

About 59 percent of the 95 women labourers surveyed complained of constant headache, 33 percent about fever, 59 percent have eye related problems, 37 percent complained of backache, 46 percent face frequent stomach pain, 47 percent have cough, while 31 percent are suffering from hazardous diseases like Silicosis. 52 percent of the women labourers face other health related problems.

Health problems (Jodhpur)

Complaint	Persons	Percentage
Head ache	56	59
Fever	31	33
Eye problems	56	59
Silicosis	29	31
Cough	45	47
Leucorrhoea	74	78
Back ache	35	37
Stomach pain	44	46
Weakness	85	89
Other problems	50	53

Makrana

41 percent of the women labourers surveyed complained of constant headache, 4 percent about fever, 23 percent had eye related problems, 65 percent complained of backache, 70 percent suffering from frequent stomach pain, 8 percent had cough, 42 percent had complained of feeling giddy, 9 percent were asthmatic, 81 percent were suffering from weakness, 25 percent had chest pain, while 14 were suffering from other problems.

Health problems (Makrana)

Complaint	Persons	Percentage
Head ache	43	41
Fever	4	4
Eye problems	25	24
Back ache	69	66
Stomach pain	74	70
Leucorrhoea	52	50
Cough	8	8
Feeling giddy	45	43
Asthma	9	9
Weakness	85	81
Chest pain	26	25
Other problems	15	14

b. Addiction

Tijudi Devi is addicted to gutkha (a readymade chewing tobacco preparation) and smoking bidi (a local cigarette). She said, "I spend about eight rupees daily on these things. I know that it is wrong but I am helpless and cannot leave them. Initially when I started smoking, it was just to take a small rest while working. Whenever I felt hungry, I consumed gutkha to kill my hunger. Now I am addicted to it."

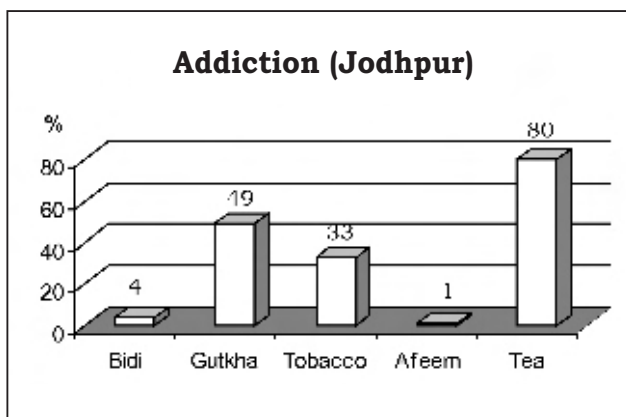
An issue, which evokes serious concern regarding all the mine labourers, is addiction. This becomes even more serious with the

women labourers falling prey to the habits, which are sure to affect not only their personal health, but also of the children, particularly in the case of pregnant women and lactating mothers. Also in a psychological and emotional manner, since the mother is close to the children and acts as a role model to them, it is more likely that the children of addicted mothers will also develop such habits in a later stage of their lives. Furthermore, long-term addiction results in health hazards like breathing related problems etc. Also, it is observed that women go on spending money on addiction even when they have no money left for medical treatment. Most of all women labourers are spending around five to ten rupees daily on consuming bidi, gutkha etc. This forms a significant part of their income. Addiction is a problem affecting the whole fabric of the society, loosening the moral and ethical threads beyond repair.

The reasons behind falling prey to addiction seem to be the long and tedious working hours, unhealthy and frustrating working conditions, lack of any enjoyment, entertainment, hope and motivation to work in life, as well as the precedent set up by other co-workers. In case of women labourers, their lives are more frustrating because they have to bear the violence and abuse from drunken husbands. However, in many cases, it has been found that the mine owners promote addiction among the workers to get a greater degree of control over their lives and to use their habit as a means to lure them, and in lieu of it, get more work done.

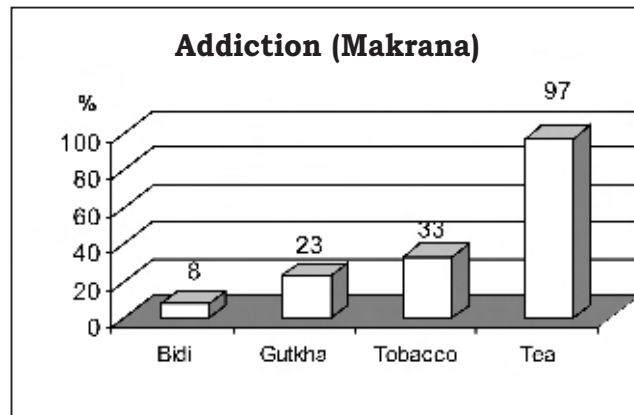
Jodhpur

4 percent of the women smoke bidi, 49 percent are addicted to gutkha, 33 percent are addicted to chewing tobacco, and one percent is found addicted to afeem (opium).



Makrana

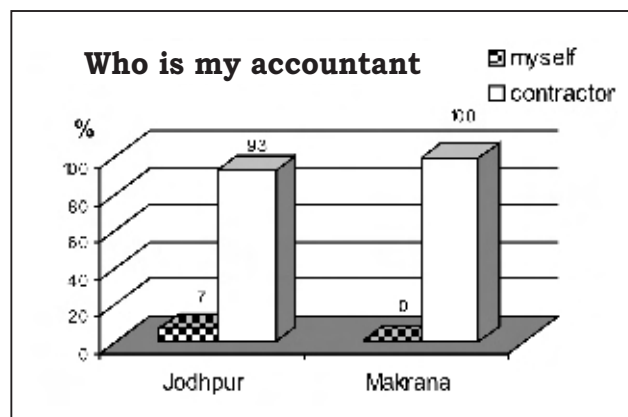
8 percent of the women in Makrana are smoking bidi, 23 percent are addicted to chewing gutkha, and 33 percent chew tobacco.



2.3 Where do I Stand?

a. Ignorance is no bliss

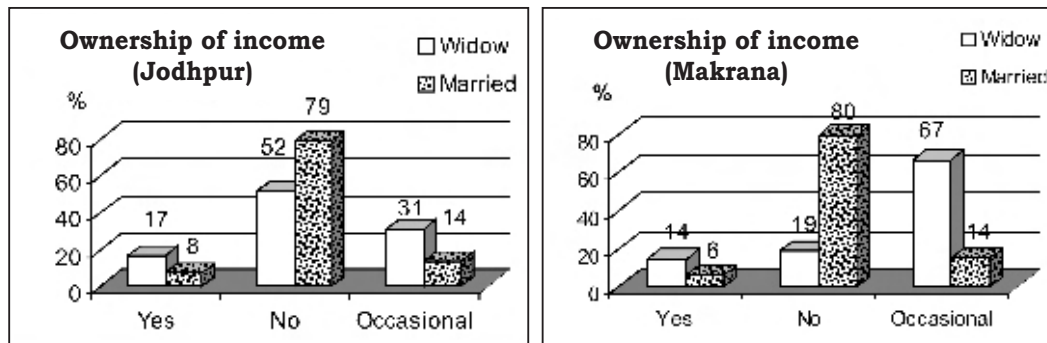
The uneducated, ignorant women are not even aware of how they earn less after working for the whole day! The contractors play the villain and cheat the hapless women by paying less than their due. Many a times, despite knowing they are being cheated, the women do not raise a voice because that would mean losing whatever opportunity they get to earn. The insecurity makes them an easy prey.



b. Ownership of income

Though discrimination prevails against women at the point of payment, the women in the study are even worse off when it comes to the ownership of their income. The majority does not decide what is to be done with their earnings. They cannot spend or save

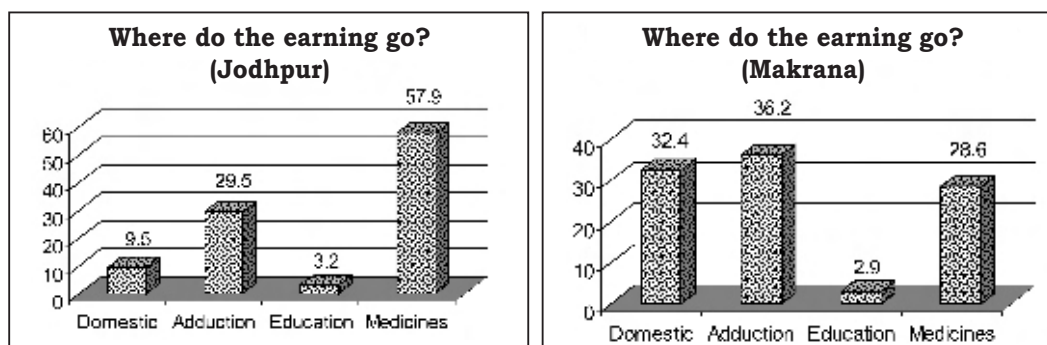
as they please. The male members of the family hijack their earnings and the women are left with what they had at the start-



no financial/economic freedom.

c. Where do the earnings go?

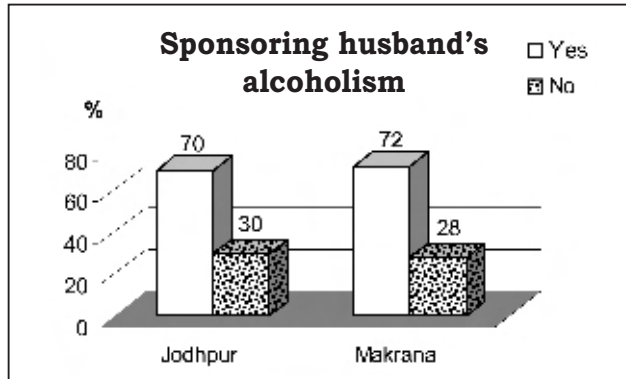
The women were asked how they spend their earnings. The responses show that women hardly ever spend any money on their own needs. They contribute their entire earnings to the family. Unfortunately, often the male members waste a large part of it consuming alcohol and other addictive substances. A large chunk



of their income goes for treatment of their husbands also. In total only 16 percent of the women spend some money on their personal needs and as per their wishes.

d. Alcoholic husbands drain away resources

Even though being married was expected to enhance the status of women, brought disturbing percent in and 70 Jodhpur of women that their take their earned drink

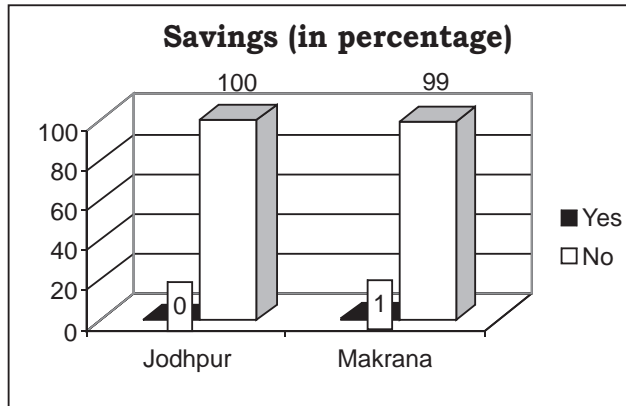


the survey out a fact. 72 Makrana percent in the married reported husbands hard money to alcohol.

Being married to an alcoholic husband thus becomes more a bane than a boon

**e .
A distant**

The wages women are it is them to their



Savings - dream

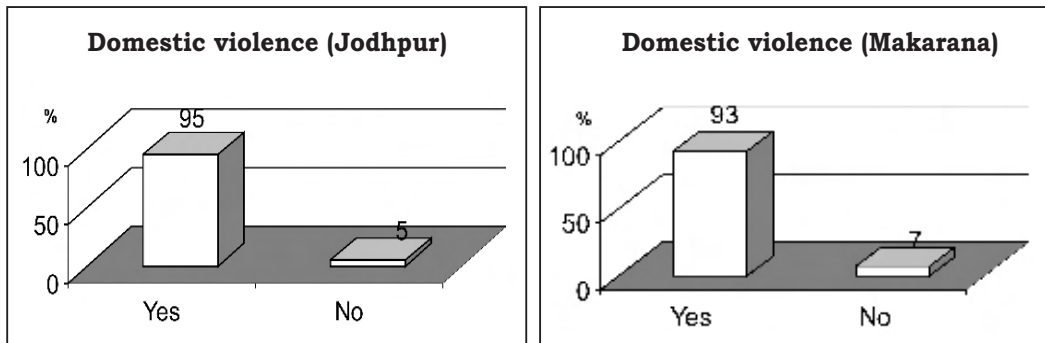
of the so low that difficult for take care of minimum

food need as described above. Most of the married women have husbands either alcoholic or affected of mine related disease like silicosis. That leaves no scope for savings. Only a negligible section of the women ever saved any money. With no social security and savings women become easy pray to exploitation.

f. Domestic violence

Sohini starts her daily toll with preparing food for the family and then she leaves for work. She remains in mines till 6.30 pm. The worst time of her day is when she reaches home after work where her husband beats her and takes her earning for his alcohol. Cursing her fate she again starts cooking for the family.

Domestic violence can be described as when one adult in a relationship misuses power to control another. It is the establishment of control and fear in a relationship through



violence and other forms of abuse. The violence may involve physical abuse, sexual assault and threats. Sometimes it is more subtle, like making someone feel worthless, not letting them have any money, or not allowing them to leave the home. Social isolation and emotional abuse can have long-lasting effects.

Domestic violence isn't just hitting, or fighting, or an occasional argument. It's abuse of power. The abuser tortures and controls the victim by calculated threats. Domestic violence can be psychological abuse, social abuse, financial abuse, physical

2.4 Legal Perspective-vs - Reality- The "Rights" are all Wrong

<i>Issue</i>	<i>Problem</i>	<i>Legal perspective</i>
Wage	<p>Women receive less than the minimum wage and less than their male counterparts</p> <p>Women are not able to earn enough to provide for their minimum needs</p>	<ul style="list-style-type: none"> ▪ Constitution, Preamble¹ ▪ Constitution, Art. 38² ▪ Constitution, Art. 39³ ▪ Minimum Wages Act, 1948⁴ ▪ Equal Remuneration Act, 1976⁵ ▪ Constitution, Art. 39⁶ ▪ Constitution, Art. 43⁷
Regularity of work	<p>Irregular work, less regular than men</p> <p>No holidays, no annual leave</p> <p>No pay for working overtime</p> <p>No annual leave, no relief in case of sickness, old age etc.</p>	<ul style="list-style-type: none"> ▪ Mines Act 1952, Section 36⁸ ▪ Mines Act, 1952, Section 46⁹ ▪ Mines Act, 1952, Section 48¹⁰ ▪ Contract Labour (Regulation and abolition) Act, 1970¹¹ ▪ Mines Act, 1952, Section 28¹² ▪ Mines Act, 1952, Section 29¹³ ▪ Mines Act, 1952, Chapter VII¹⁴ ▪ Mines Rules, 1955, Section 47-49¹⁵ ▪ Mines Act, 1952, Section 33¹⁶ ▪ Constitution, Art. 41¹⁷ ▪ Workman's Compensation Act, 1923¹⁸
Working conditions	<p>Unsafe working conditions</p>	<ul style="list-style-type: none"> ▪ Constitution, Art. 42¹⁹ ▪ Mines Act, 1952, Section 30²⁰ ▪ Mines Act, 1952, Section 22 and 22A²¹ ▪ Mines Act, 1952, Section 23²² ▪ Mines Act, 1952, Section 24²³

	<p>No basic facilities</p> <p>(Threat of) Abuses and sexual harassment</p> <p>Discrimination</p> <p>Women are not able to participate in decision making processes in the mines on issues that concern them</p> <p>No compensation in case of work related diseases or accidents</p>	<ul style="list-style-type: none"> ▪ Mines Act, 1952, Section 19²⁴ ▪ Mines Act, 1952, Section 20²⁵ ▪ Mines Act, 1952, Section 21²⁶ ▪ Mine Rules, 1955, Chapter IX²⁷ ▪ Mine Rules, 1955, Chapter V²⁸ ▪ Mine Rules, 1955, Chapter VI²⁹ ▪ Constitution, Art. 51A³⁰ ▪ Supreme Court Ruling³¹ ▪ Constitution, Preamble ▪ Constitution, Article 19³² ▪ Convention on the Elimination of all forms of Discrimination against Women (CEDAW), 1979³³ ▪ Constitution, Art. 43A³⁴ ▪ Compensation Act
Education	<p>Women receive less education than men</p> <p>At the mines, women do not receive training, forcing them to do unskilled work for the rest of their lives.</p>	<ul style="list-style-type: none"> ▪ Constitution Art. 45³⁵
Health	<p>Undernourishment / malnourishment</p>	<ul style="list-style-type: none"> ▪ Constitution, Article 47³⁶

	No maternity benefits	<ul style="list-style-type: none"> ▪ Maternity Benefit Act, 1961³⁷ ▪ Employees' State Insurance General Regulation, 1950³⁸ ▪ Constitution, Art. 39³⁹
	Working conditions unsuited for women to work in	<ul style="list-style-type: none"> ▪ Constitution, Article 47 ▪ Mines Act, 1952, Section 9A⁴⁰ ▪ Mine Rules, 1955, Chapter IV⁴¹ ▪ Mine Rules, 1955, Chapter IVA⁴²
	Lack of health care facilities in the vicinity of the mines, no medical check ups	<ul style="list-style-type: none"> ▪ Mines Act, 1952, Section 25⁴³ ▪ Mines Act, 1952, Section 26⁴⁴
	Prevalence of diseases connected with mining operations	<ul style="list-style-type: none"> ▪ Mines Act, 1952, Section 25⁴³ ▪ Mines Act, 1952, Section 26⁴⁴
	Additions	<ul style="list-style-type: none"> ▪ Constitution, Article 47
Impact of mining development	Displacement and no compensation or rehabilitation	
Bonded Labour	Loans taken by husbands force women to perform bonded labour for indefinite periods of time	<ul style="list-style-type: none"> ▪ Bonded labour Act

- 1 Constitution Preamble: The people of India resolved to secure all its citizens "[...]EQUALITY of status and of opportunity [...]."
- 2 Constitution Art. 38: "[...] The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities [...]."
- 3 Constitution Art. 39: "The State shall, in particular, direct its policy towards securing [...] that there is equal pay for equal work for both men and women [...]."
- 4 This act sets minimum wage for certain enumerated occupations and requires that overtime be paid to all who work beyond a normal working day.

- 5 This act requires employers to pay all workers remuneration (whether in cash or kind) which is not less than that paid to workers of the opposite sex employed to perform the same or similar work. It also stipulates that employers must not discriminate on the basis of sex in the recruitment of workers for the same or similar work, or in any terms or conditions of employment.
- 6 Constitution Art. 39: "The State shall, in particular, direct its policy towards securing [...] that the citizen, men and women equally, have the right to an adequate means of livelihood [...]."
- 7 Constitution Art. 43: "The State shall endeavor to secure [...] to all workers [...] work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities."
- 8 Mines Act 1952, Section 36: Notices regarding hours of work.
- 9 Mines Act 1952, Section 46: Employment of women.
- 10 Mines Act, 1952, Section 48: Registers of persons employed.
- 11 According to this law women workers should not be required to work beyond 9 hours between 6 a.m. and 7 p.m..
- 12 Mines Act 1952, Section 28: Weekly day of rest.
- 13 Mines Act 1952, Section 29: Compensatory day of rest.
- 14 Mines Act, 1952, Chapter VII (Section 49-56): Leave with wages.
- 15 Mines Rules, 1955, Section 47: Weekly day of rest; Section 48: Notice regarding hours of work; Section 49: Compensatory days of rest.
- 16 Mines Act 1952, Section 33: Extra wage for overtime.
- 17 Constitution Art. 41: "The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."
- 18 According to this law workers and/or their dependants are provided with relief in the event of accidents arising out of or in the course of employment, causing death or disability.
- 19 Constitution Art. 42: "The State shall make provision for securing just and humane conditions of work and for maternity relief."
- 20 Mines Act 1952, Section 30: Hours of work above ground.
- 21 Mines Act, 1952, Section 22: Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous; 22A: Power to prohibit employment in certain cases.
- 22 Mines Act, 1952, Section 23: Notice to be given of accidents.
- 23 Mines Act, 1952, Section 24: Power of Government to appoint court of inquiry in case of accidents.
- 24 Mines Act, 1952, Section 19: Drinking water.
- 25 Mines Act, 1952, Section 20: Conservancy.
- 26 Mines Act, 1952, Section 21: Medical appliances.
- 27 Mine Rules, 1955, Chapter IX (Section 62-73): Welfare amenities (Section 62: Provision of shelters; Section 63: Standards of shelters; Section 64: Provision of canteens; Section 65: Standards of canteen).

- 28 Mine Rules, 1955, Chapter V (Section 30-39): Health and sanitary provisions.
- 29 Mine Rules, 1955, Chapter VI (Section 40-45): First-aid and medical appliances.
- 30 Constitution, Art. 51 A: "It shall be the duty of every citizen of India [...] to renounce practices derogatory to the dignity of women."
- 31 Supreme Court Ruling, *Vishaka vs. the State of Rajasthan* (1997). This ruling provides a definition and a prohibition of sexual harassment of working women. This prohibition is legally binding and must be enforced. It also lays down guidelines to prevent and deal with sexual harassment. One of the guidelines makes it incumbent upon the employer to include a prohibition against sexual harassment in their rules of conduct and discipline for employees.
- 32 Constitution, Art. 19: "All citizens shall have the right [...] to practice any profession, or to carry on any occupation, trade or business."
- 33 This Convention was adopted by the General Assembly of the United Nations and ratified by India in 1993.
- 34 Constitution Art. 43A: "The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry."
- 35 Constitution: Art 45: "The State shall endeavor to provide [...] for free and compulsory education for all children until they complete the age of fourteen years."
- 36 Constitution Art. 47: "The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purpose of intoxicating drinks and of drugs which are injurious to health."
- 37 This law provides for paid maternity leave for a period of one month before the delivery and six weeks after the delivery.. It also provides for maternity benefit.
- 38 Employees' State Insurance General Regulation, 1950 stipulates that the claim for maternity benefit becomes due on the date the medical certificate is issued for miscarriage, sickness arriving out of pregnancy, confinement or premature birth of child.
- 39 Constitution Art. 39: "The State shall, in particular, direct its policy towards securing [...] that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength [...]."
- 40 Mines Act, 1952, Section 9A: Facilities to be provided for occupational health survey.
- 41 Mine Rules, 1955, Chapter IV (Section 23-29): Certifying surgeons
- 42 Mine Rules, 1955, Chapter IVA (Section 29A-P-): Examination of persons employed or to be employed in mines.
- 43 Mines Act, 1952, Section 25: Notice of certain diseases.
- 44 Mines Act, 1952, Section 26, Power to direct investigation of causes of disease.

assault and/or sexual assault. It can take many forms and variations and can happen once in a while or all the time.

Although both men and women can be abused, in most cases, the victims are women. Children in homes where there is domestic violence are also abused and/or neglected. Although the woman is usually the primary target, violence is sometimes directed toward children, and sometimes toward family members and friends. Most of the women in this study were the victims of domestic abuse.

A glance at the situation of mineworkers from a legal perspective offers a completely different picture. Over the years, many laws have been produced, both on State, national and international level, to safeguard the rights of mineworkers. There are rules for minimum wages and provisions for holidays, working overtime, annual leave and so on. As pointed out earlier, different rules exist for a minimum of safety arrangements in the mines, as well as provisions for basic facilities such as water and toilets.

Our legal system also has several laws to protect women and girls. Our Constitution ensures gender equality as a fundamental right, and forbids discrimination on grounds of sex. It empowers the state to adopt measures of positive discrimination in favour of women. The Constitution also states that men and women must receive equal pay, and that the state should ensure that the health and strength of workers, men and women alike, are not abused. Furthermore, equality of opportunity in matters of public employment is provided for and no discrimination in respect of any employment or office on grounds including sex is allowed. At

state level, several laws have been issued to protect women working in mines. An overview of state, national and international provisions and laws that are of interest from a gender perspective can be found in appendix of this study.

Looking at the body of legal provisions on the one hand and the real situation of women mineworkers on the other is like looking at two different worlds, seemingly unconnected to each other. The gap

PART THREE ***Shared Concerns***

between the reality of regulations and the reality on the ground could not be wider. If only this gap would be removed, making these two worlds converge (as should be the case in a democracy), the fate of the women that are forced to work in the mines would be so much better.

Therefore, enforcement of the laws is required. Different government bodies have not succeeded in ensuring the rights they have given to the mineworkers. Enforcement of the existing legislation is essential to improve the situation of women mineworkers.

Of course, this is only one aspect of a whole range of steps that needs to be taken. The next part of this study contains measures and recommendations to improve the faith of women mineworkers. However, the proper functioning of our legal system is an essential condition, without which most other measures cannot be implemented effectively. Additionally, more legal provisions are needed, for instance to protect the rights of women whose villages are displaced as a result of the opening of new mines.

Mining is a very patriarchal industry and the most hostile sector

towards women. The historical global myth that the presence of women in the mine pits leads to collapse of mines and death of miners itself resonates with the hostility and contempt towards women in the mining sector. If mining were to be defined as a development activity, as our governments and the mining industry are reiterating, we also have to analyse the economics of mining from the perspective of gender. Given our country's experience with extensive mining operations, ranging from rat hole mining to large open-cast and underground mines across different states, one has to examine closely what have been the benefits in the form of incomes, livelihoods and food security that women enjoy - whether rural or urban, dalit or tribal. In India, tribal and dalit women have experienced the greatest negative impact of mining as most large-scale mining activities have taken place in the tribal and forest regions. As a result, the changes in the economic lives of these two segments of women have been fatal. Where dalit women are concerned, their already marginalized status in the Hindu mainstream society became further degraded, while the status of tribal women has been completely transformed from a life of dignity to one of humiliation and deprivation.

Women are working in the mines with no **safety provisions**, under **unhealthy conditions** hazardous for health and with **no basic facilities**. They are risking all this only to earn amounts barely sufficient to provide a secured level of subsistence. The picture is bleak, rather surprising. It is an eye-opener in the sense that women are forced to work under circumstances considered hazardous and hard even to men.

What forces these women to work in the mines? Is it only economic necessity? Though there is no denying the fact that **economic compulsion** forces these women into such work, other factors cannot be ignored. In most of the cases, it is found that the women are **either widows**, or their **husbands are ill**, or they are not earning sufficiently to be able to cater to the needs of the whole family. At times, the **men are addicted** and spend most of what they earn in boozing, smoking and tobacco chewing. It is also found that most of the women **lost husbands at a young or**

middle age. Again, the husbands died due to illnesses incurred as a result of work in the mines. In other cases, men are ill having incurred diseases like Silicosis, TB, asthma etc. In turn, the women are forced to work under the same hazardous conditions in order to sustain their lives, as they are able to find no other livelihood options.

At work, they face **gender discrimination** as a result of which they are paid less for the same work as compared to their male counterparts. Women are also found to have incurred several health problems like weakness, cough, backaches, headaches etc. These are symptoms indicative of further grave diseases. Working in the mines throws the lives of these women into a vicious circle of economic compulsion, disease, death and poverty.

For a Better Tomorrow

Now that we have identified the problems and issues that are at stake, what should be done to free these women of their woes? In the long run, the answer to this question would be alleviating the rural population from poverty. But in practice, such answers do not help us much further. So what kind of concrete and realistic improvements can be made, to truly improve the lives of the women working in the mines?

- **First relief**

No improvement in the lives of the women can be achieved without improving their nutritional and health status. The first step should be to improve the access to food for women through different government schemes. A system for regular health check-up of mineworkers should be adopted and it should be ensured that they receive medical facilities in proximity. Again, as per law, the medical facilities and regular check-ups are compulsory, but infrastructure and enforcement of the laws is very weak. This gap between regulation and practice needs immediate attention of the policy makers.

- **Attacking the cause**

A direct solution to keep the women from working in the mines should be aimed at attacking the causes that force women to work in the mines under vulnerable conditions. This study has clearly indicated that family survival is the most important reason for

women to work in the mines. But what has happened that has put the survival of the family in jeopardy?

Accident prevention : In most of the cases the mine related illness of the husband or the death of the husband due to accidents in mines, was the reason for the women to start working in the mines. The women have no other option than working in the mines to provide food for their families. Besides the money for their life-support, the women are taking loans for the treatment of her husband and for the rituals.

A direct solution for this problem is preventing the male mineworkers from getting sick and from dying. If mine owners would take proper preliminary measures to prevent accidents and ensure better health care, illness amongst mineworkers would significantly reduced.

First aid trainings : Accidents in mines are a very common feature and medical facilities are not available in proximity of mines. Due to non-availability and lack of knowledge of first aid, accidents can even result in the death of the worker. The training of first aid of the male and female mineworkers will strengthen their knowledge and empower them to provide the first aid in the case of accident.

Compensation : In case of death of the male counter part, the woman gets a very little or no compensation and that too is decided by the mine-owner. Lack of faith in the judicial system, due to non-implementation of the laws in the mines, hampers the registration of accidents or casualties. Compensation should be paid to the deceased's family. With the money, the widow can support her family and try to find or set up another type of livelihood.

To ensure this, the government must set up a committee of medical and legal experts in each district. These committees should be empowered to examine the cases and certify medical disability or death, in order to claim compensation from the mine-owner.

Working conditions : The working conditions in the

mines affect mineworkers physically and mentally. No basic facilities, exploitation, low wages, over work, harsh working conditions, etc. affects the mineworkers, both males and females. A down-to-earth step in improving the lives of the women would be to improve the working conditions for both the men and women in the mines. Not only should the government ensure a safe working environment, it should also ensure that the minimum wages for both male and female workers are obeyed. If working conditions related to safety, basic facilities and minimum wages are improved, the mineworkers will become healthier and that will also improve their capacities for better work.

Debt and bondage : One major cause of exploitation of women mineworkers is their debt. Mineworker or their spouse must be considered redeemed from any debt if the mineworker has worked for more than one year. This measure is also mentioned in the law enacted regarding bonded labour.

Sensitising the mine owners : It is the mine-owners who are supposed to ensure the rights of the mineworkers on the ground. If they are convinced, half of the battle for ensuring rights of mineworkers is over. Besides imposing the rules on the mine owners the government or other third parties can educate and create more responsiveness among the mine owners, concerning the rights of the women, basic facilities and safety measures in the mines. Public hearings and awareness programmes need to be organised for better communication between labourers and owners, and for better understanding of laws and rights at both ends.

- **Enforcing laws**

This is a matter, which at first lies in the hands of the government. Not only should the government ensure a safe working environment, it should also ensure that the human rights of the labourers are not violated. Over the years, it has become apparent that the government alone has not succeeded in ensuring the rights of the labourers; and intervention of all the stakeholders is needed.

District level monitoring committee : In each district, a

district monitoring committee must be developed to monitor and create awareness among the mine-owners and workers of the existing laws and recent amendments. The district level committee should include members from government mining department, labour department, judiciary, mine-owners' associations, voluntary organisations, welfare labour unions etc. Proper roles and responsibilities of each of the members must be defined. An animator to ensure the system delivery must be appointed.

Renewal of mining leases : For the renewal of mining allotment leases, mandatory qualification of labour welfare with indicators as granting of overtime, Employees State Insurance (ESI), Provident Fund (PF), Bonus, weekly off, earned and casual leaves, periodical health check up, drinking water, first aid kit etc. must be strictly adhered to.

Amendments in laws for better enforcement and monitoring : As already discussed in this report, a lot of regulations and guidelines exist for women labourers in mines. Nonetheless, none of the mines that have been visited had any of the provisions. To improve the conditions, the government should make sure the mines comply with the regulations. The respect and recognition of the rights of the women has been a step in the right direction, but the enforcement of the rules has been lacking dramatically. From the side of the government there has hardly been any effort to verify the provisions for the mines. Besides the fact that there exist literally thousands of mines, some of which are really hard to locate, the fines for violating the rules are so low (in some cases as low as Rs. 50) that even if the mine owners are caught, the penalty is painless for them. Not only should the government raise the fines, mines should also be closed when the mine owners are not willing to improve the working environment.

- **Empowerment of women**

Self Help Group (SHG) creation : An effective development programme is the social mobilization of disadvantaged women in the form of Self Help Groups

(SHGs). The concept of SHGs is based on community participation and women's social and economic empowerment through trainings, exposure visits, savings, etc.

Legal literacy : The women should be made aware of their fundamental rights, so that they can speak up for their rights. They must also be made aware of the mining and labour laws, who ensures it and to whom they should complain in the case of violation of their rights.

Fund building for women : The government should constitute a fund for women labourers for which money can be collected by way of increase of the rates of mine-leases and monthly or quarterly money collection from mine-owners as per the number of labourers in their mines. The fund should be administered by the labour department and a set guidelines for its allocation to women in mines should be determined. The funds should be used for matters such as health and compensation for women.

Training for social and economic empowerment : Women can be educated by means of workshops, trainings and courses or more effectively by means of non-formal and practical education, like stitching, carpet making, operating small kitchen, livestock management etc. Not only should the education address new capacity building, it should also address issues like malnutrition and family control of fertility. They should also be given training on laws, policies and schemes specifically made for women. Training women new skills and building capacity can create new sustainable and remunerative economic activities. These kinds of projects can give women knowledge and confidence in improving their lives and becoming self-reliant. Besides the extra income that could be generated, education gives hope to the women, that maybe their children will have a better life.

Financial institutional loans : Financial institutions should be encouraged to help such women by providing them with loans for their small-scale projects. NGOs and other development agencies should help in establishing a link between women and the financial institutions.

Welfare labour unions : Labour unions would be a strong vehicle for the women to fight for their rights. The voices of the millions of women working in the mines would be pulled together by the formation of labour unions, to stand up to the mine owners.

Welfare schemes for women labourers : The government can play a big role in stimulating sustainable development by framing and enforcing new policies and development programmes for women. Many such programmes can be framed for their housing, employment, nutrition, rehabilitation, compensation, rights, etc.

- **Health and nutrition**

As discussed earlier, the first step should be the provision of sufficient food to the women mineworkers. Next to improve the nutritional and health status of the women, the following programmes can help in making them healthier:

Trainings on low cost nutrition and its need : There are many local food varieties available in every region which are low cost and can fulfil the body's nutritional demand. For example bajra, matira, gwar are some of the local food varieties and shrubs, which are highly nutritious and are available to people in Thar region. Training programmes for women should be organised on low cost nutrition.

Awareness on negative impacts of addictions : Women in mines also have an inclination towards addiction of tobacco and opium. They use them to relieve them from hunger and to make their heavy schedule more bearable, but it affects their health badly. They should be taught about the negative impacts of their habits and how they can recover from these addictions.

- **Rehabilitation of displaced from mining areas**

As discussed in the report, often people are displaced from their land of origin and lose their capacities to survive in a normal manner due to mining projects. Their main occupation i.e. agriculture and livestock management is abandoned and consequently people are bound to work in mines for their livelihood. They lose their houses and are forced to live near

mines in unhealthy conditions. Water storing bodies lose their capacities and it becomes difficult to take care of minimum water needs.

The mining projects also have impacts on women directly. Both rural and tribal women are alienated from the access and rights of natural resources when mines are opened. Testimonies of women show that displacement and loss of land were the most serious problems affecting their lives, as their link to livelihood, economic and social status, health and security all depended on land and forests. Whenever villages have been displaced or affected, women have been forced out of their land based work and pushed into menial and marginalised forms of labour, which are highly unorganised and socially humiliating. Women displaced by mining have lost the rights to cultivate their traditional crops. When forests are cut down for mining, they are unable to collect forest produce for consumption (food, fodder, medicines or ceremonial needs) or for sale. The cash flow that tribal and rural women had access to, by sale of forest produce and by breeding livestock disappears.

The country, to this day, does not have any relief and rehabilitation policy as a constitutional safeguard for people. There is no basis on which communities can fight for compensation of their losses either of land or common properties or of livelihoods. Also, rehabilitation has never addressed the need for women's livelihoods.

To secure the rights of its people it is the duty of the government to look into their basic needs. While supporting mining projects, the government must keep in mind that displaced people should not be detached from the land, but that they should be allotted another plot of land. There must be a clear policy on rehabilitation that should have a mention of the needs of women. Again, being in a welfare state, we all have full faith in the government and urge the government to secure the rights of the women in mines. The suggestions detailed above also call for action mainly from the government, through enforcement of the laws and framing and enforcing policies and programmes for the betterment of women. We all pray that this study is able to sensitize the people, development agencies, NGOs and the government, so that we can make a concerted effort to ameliorate the situation of women in mines.

Appendix

National and International provisions and laws

There are a number of (international) laws and constitutional provisions dealing with the issues associated with women labourers. However, again enforcement of these laws and provisions remains a problem. One aspect of the problem is that the women labourers are themselves unaware of their rights that are assured by the law. Another aspect is that a strict enforcement of laws is found to be wanting.

Constitutional Provisions

The Constitution of India ensures gender equality in its Preamble as a fundamental right and also empowers the state to adopt measures of positive discrimination in favour of women by way of legislation and policies.

The Constitution sets out a number of fundamental rights, generally enforceable in the courts, which include equality before the law and equal protection under the law, and prohibition on discrimination by the State on a number of grounds, including sex. In addition, the Constitution states that no citizen shall, on grounds including sex, be subject to any disability, liability, restriction or condition with regard to access to certain public facilities. There are provisions to invalidate or prevent the making of laws that are inconsistent with these rights, however the State may make special provision for women and for the advancement of any socially and educationally 'backward' classes of citizens.

Article 15(1) of the Indian Constitution lays down the following: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth or any of them."

Clause (3) of the same article states: "Nothing in this article shall prevent the State from making any special provisions for women and children."

Article 16(2) says: "No citizen shall, on grounds only of [...] sex [...] be ineligible for, or discriminated against in respect of, any employment or office under the State."

Article 19 states furthermore : "All citizens shall have the right [...] to practise any profession, or to carry on any occupation, trade or business."

Articles 38 and 39 : Article 38(1) says : " The State shall strive to promote the welfare of its people by securing and protecting [...] a social order in which justice, social, economic and political, shall inform all the institutions of the national life." Article 38(2) continues: "The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations." Article 39 states: "The State shall, in particular, direct its policy towards securing [...] that the citizens, men and women equally, have the right to an adequate means of livelihood; [and] that there is equal pay for equal work for both men and women; [and] that the health and strength of workers, men and women, and the tender age of children, are not abused and that citizens are not forced by economic necessity to enter a vocations unsuited to their age or strength."

Article 42 lays down the following: "The State shall make provision for securing just and humane conditions of work and for maternity relief."

Article 43 states : "The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas."

Article 51A(e) states that it is the fundamental duty of every citizen of India "to renounce practices derogatory to the dignity of women."

Article 243D : Panchayati Raj Institutions are local government bodies established under the Constitution. Under article 243D, one-third of seats reserved for Scheduled Castes Tribes are reserved for women, and one-third (including the number of seats reserved for women belonging to the Scheduled Castes and

the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat are reserved for women.

Article 340 provides for the appointment of Commissions to investigate the conditions of socially and educationally backward classes and the difficulties under which they work.

Under the National Commission for Women Act, 1990 (Act No. 20 of 1990), the National Commission for Women was set up as a statutory body in January 1992, to review the Constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate the redress of grievances and advise the Government on all policy matters affecting women.

Domestic Laws for women labourers

Among the gender sensitive legislation in India, the ones that are relevant from the point of view of women mine labourers are as follows:

Minimum Wages Act, 1948

The Minimum Wages Act, sets the minimum wage for certain enumerated occupations and requires that overtime be paid to all workers who work beyond a "normal working day".

Equal Remuneration Act, 1976

This Act applies to an extensive range of classes of employment listed in the Schedule, which includes the informal sector. It requires employers to pay all workers remuneration (whether in cash or kind) which is not less than that paid to workers of the opposite sex employed to perform the same or similar work. In order to provide equality of remuneration, employers may not reduce the remuneration of any worker.

Employers must also not discriminate on the basis of sex in the recruitment of workers for the same or similar work, or in any terms or conditions of employment, such as promotion, training or transfer. However, priority reservation in recruitment is allowed in relation to any "class or category of persons". Employers are also subject to record-keeping requirements.

Remuneration is defined as the basic wage or salary and includes payments in kind. "Same work or work of a similar nature " is defined as work in respect of which the skill, effort and responsibility are the same when performed under similar working conditions or where any differences are not of practical importance in relation to the conditions of employment.

The Act is supported by penal provisions and inspectors may be appointed with powers of entry, examination of workers and inspection of registers. Advisory Committees are also established by the Act.

Mines Act, 1952

The Mines Act, 1952 is an Act to amend and consolidate the law relating to the regulation of labour and safety in mines.

Among other things, the Act lays down certain provisions to ensure the health and safety of the mineworkers under Chapter-V. These include provisions for:

- Drinking water
- Conservancy (separately for males and females)
- Medical Appliances (first-aid boxes or cupboards equipped with such contents as may be prescribed; in case of a mine wherein more than one hundred and fifty persons are employed, there shall be provided and maintained a first-aid room of such size with such equipment and the charge of such medical and nursing staff as may be prescribed).

Chapter-VI of the Mines Act lays down the rules regarding the hours and limitation of employment of the mineworkers. It includes provisions regarding the following:

- Weekly day of rest
- Compensatory days of rest
- Hours of work above ground (not more than forty eight hours a week and not more than eight hours in any day)
- Night Shift
- Extra wages for overtime

Note: For the employment of women, the following rules are laid down-

1. No woman shall, notwithstanding anything contained in any other law, be employed in any part of a mine which is below ground; in any mine above ground except between the hours of 6 A.M. and 7 P.M.
2. Every woman employed in a mine above ground shall be allowed an interval of no less than eleven 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 of 10 p.m. and 5 a.m. is permitted thereby.

Besides the above said, **The Mines Rules, 1955**, in its Chapter IX, also lays down rules regarding the provision of certain welfare amenities, which include:

- Provision of Shelters
- Provision of Canteens
- Welfare Officers

Employees' State Insurance (Gen.) Regulation, 1950

Claim for maternity benefit becomes due on the date the medical certificate is issued for miscarriage, sickness arriving out of pregnancy, confinement or premature birth of child.

Maternity Benefit Act, 1961

- Maternity benefits to be provided on the completion of 80 days working.
- Not required to work during six weeks immediately following the day of delivery or miscarriage.
- 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. A paid maternity leave to be given for a period of one month before delivery proceeding a period of six weeks after delivery.
- On medical certificate, advance maternity benefit is 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.

The Contract Labour (Regulation & Abolition) Act, 1970

According to this act, the women workers should not be required to work beyond 9 hours between 6 a.m. and 7 p.m., with the exception of mid-wives and nurses in plantations.

Workman's Compensation Act, 1923

According to this Act workers and/or their dependants are provided with relief in the event of accidents arising out of or in the course of employment, causing death or disability. This Act extends to the whole of India.

Supreme Court Ruling: Vishaka vs. the State of Rajasthan (1997)

This ruling provides a definition and a prohibition of sexual harassment of working women. This prohibition is legally binding and must be enforced. The ruling defines sexual harassment as "such unwelcome sexually determined behaviour (whether directly or by implication) as physical contact and advances; a demand or request for sexual favours; sexually coloured remarks; showing pornography; and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature." It also lays down guidelines to prevent and deal with sexual harassment. One of the guidelines makes it incumbent upon the employer to include a prohibition against sexual harassment in their rules of conduct and discipline for employees.

Besides the above-cited laws, the Indian Government has recently announced the National Policy for Empowerment of Women in 2001, which, among other objectives, also lays down for the provision of equal remuneration, occupational health and safety, social security etc.

International efforts

India has ratified various international conventions and human rights instruments committing to secure equal rights. Among the first International Labor Standards are the Convention No. 3 on Maternity Protection Convention and Convention No. 4 on Night Work (women).

According to **article 3 of the Convention No. 4 on Night Work (Women)**, women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

In 1944, another instrument related to women rights at work emerged: the Declaration of Philadelphia which reaffirms the basic principles upon which the ILO is based, and resumes the key elements for a socio-economic development based on the development of individuals.

"All human beings irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development, in conditions of freedom and dignity, of economic security and equal opportunity".

In 1979 the **Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)** was adopted by the UN General Assembly. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms. India has ratified this Convention in 1993.