***Dhaatri*** – *A Resource Centre for Women and Children’s Rights*

**Violation of Children's Rights in the Extractive Industries in India:**

**Introduction**

This is a submission on the serious human rights violations suffered by children, especially girls living and working in various mine sites in India. The submission is presented to the Committee on the Rights of the Child by Dhaatri Resource Centre for Women and Children,[[1]](#footnote-1) a civil society public charitable trust working for gender equality and protection of women and children’s rights in India. We wish to bring to the attention of the UN Committee on the Rights of the Child, the urgent and severe abuses on children in India affected by extractives and to request for a review of the situation of children living in the mining areas.

We work closely with communities and community-based organisations and workers’ unions located in different states of India where mining operations and ancillary industries are causing human rights abuses and exposing women and children to environmental hazards and toxicity. We help represent the problems faced by mining affected communities to government and international bodies in order to dialogue for sustainable economic development and environment policies.

India currently produces 89 minerals out of which 4 are fuel minerals, 11 metallic, 52 non-metallic and 22 minor minerals (such as building stones). While largescale mining is undertaken both by public and private sectors, the small scale mines and minor minerals are mostly leased to private contractors. As pointed out in the inquiry report of Justice M.B. Shah Committee (2014) which was set up to enquire into the extent of illegal mining in India, ‘there is enormous and large scale multi-state illegal mining’ in the country of various minerals. Therefore, not only are the rich minerals being looted, the mining takes place through hiring of cheap labour that engages large populations of women and children. Yet, as the mines do not officially exist, so are the children and women-invisible and no-where.

As most of the mining operations and the ancillary industries of processing and trade in India are illegal, women and children are invisible sufferers. The weak governance in mining regions and the lack of cohesion between Ministries especially with respect to women, children, commerce and environment fail to recognize the connections between environmental hazards created by mining to the deterioration in children’s health, education, social security and development. The mining industry in India is pushing children into greater risk of child labour, child marriages,

malnutrition and environmental health. It is making children vulnerable to the exploitation of mining mafia, sex trade, drug abuses and exposing them to domestic and public violence.

**Direct and Indirect Impacts of Mining on Children in India**

The Dhaatri Resource Centre, in collaboration with several community groups and mining communities, undertook a national level study on the impacts of mining on children in India.[[2]](#footnote-2) The study found a number of direct and indirect impacts of mining on children, including the following:

1. **Increased morbidity and illnesses**: Mining children are faced with increased morbidity. Children are prone to illness because they live in mining areas and work in mines.

2. **Increased food insecurity and malnutrition:** While almost 50 per cent of children in many states across the country are malnourished, mining areas are even more vulnerable to child malnutrition, hunger and food insecurity.

**3. Increased vulnerability to exploitation and abuse:** Displaced, homeless or living in inadequate housing conditions, forced to drop out of schools, children become vulnerable to abuse, exploitation and being recruited for illegal activities by mafia and even trafficking.

**4. Violation of Right to Education:** India is walking backwards in the mining affected areas with respect to its goal of education for all. Mining children are unable to access schools or are forced to drop out of schools because of circumstances arising from mining.

**5. Increase in child labour:** Mining regions have large numbers of children working in the most hazardous activities.

**6. Further marginalisation of adivasi and dalit children:** Large-scale mining projects are mainly in adivasi areas and the adivasi child is fast losing his/her Constitutional rights under the Fifth Schedule, due to displacement, land alienation and migration by mining projects. As with adivasi children, it is the mining dalit children who are displaced, forced out of school and employed in the mines.

**7. Migrant children are the nowhere children:** The mining sector is largely dependent on migrant populations where children have no security of life and where children are also found to be working in the mines or other labour as a result of mining.

This submission therefore, wishes to bring to the attention of the Committee, some cases of existing abuses on children in different mines in India and which are common across mine sites in the country.

**Cases of environmental toxicity in India that are impacting children’s health and safety:**

* Affected villages have polluted air and water bodies-children are having respiratory and skin ailments due to inhalation of dust in coal, iron-ore, uranium, diamond, stone quarries and other mines (Surguja in Chattisgarh’s coal mines, Hospet in Karnataka iron ore mines, Kadapa in Andhra Pradesh’s uranium mines, Udaipur in Rajasthan’s stone quarries, Panna in Madhya Pradesh’s diamond mines).
* Bone deformities among children in the uranium mining and quarries due to accumulation of fluorosis in the water-children have yellow teeth, disability in the limbs, crippling of limbs, children born with physical and mental deformities due to radiation (ex, Kadapa, Andhra Pradesh, & Jaduguda, Jharkhand, India)
* Children are exposed to silicosis due to dust pollution where parents who are mine workers carry the disease to their children, or child labourers working in the diamond mines, asbestos mines, stone quarries are susceptible to silicosis and tuberculosis. In India, children are affected in large numbers
* Migrant Children are working till late in the night in the brick kilns in Nalgonda and Hyderabad in highly inhuman conditions for meagre wages
* Intestinal problems due to accumulation of ore dust in the intestines of children who are constantly inhaling and consuming food contaminated by mine dust
* Eye infections, injuries and accidents due to working in the mines or living around mines with severe air pollution, abandoned mine pits or tailings. Children get drowned in river beds where mining activities create underwater cavities.
* Largescale mining operations for coal, iron-ore, bauxite, diamond and other minerals have displaced large numbers of villages where children have dropped out of school and have become migrant workers. The coal mines in Chattisgarh and Jharkhand, bauxite mines in Odisha, iron-ore mines in Karnataka, diamond mines in Madhya Pradesh are living examples of these multiple impacts on children. In Meghalaya indigenous children and children from across the border of Bangladesh are brought by contractors to work in the illegal coal mines where the political nexus with the miners prevents any public action or complaints.
* Most mines in India are illegally operating (as admitted by the parliament and the Shah Commission of Inquiry) or engage mine labour who have no protection at the mine sites where they also bring their children and infants. Children are exposed to pollution, are vulnerable to accidents and deaths at the mine pits as work safety rules are blatantly violated. For example, the Mines Act of 1950 in India stipulates the setting up of creches for children of miners, rest rooms for women mine workers, safe working conditions and equipment. Yet, very few mines provide for any such facilities. On the contrary, most mining operations are outsourced to contractors where extraction, processing and ancillary industries operate. Children are left unattended at the mine sites often leading to accidents and being exposed to insanitary and polluting environment. Adults and children are forced to drink contaminated water from the mine pits.

**Girl Child-most vulnerable to mining abuses in India:**

In India, where girl children face more discrimination than boys, mining has aggravated the existing feudal and caste based violence on girls. Particularly, the situation of girls from Scheduled Castes and Scheduled Tribes[[3]](#footnote-3) is alarming as most mining operations take place in forest and adivasi (indigenous peoples’) lands where physical displacement and dispossession and indirect displacement due to impacts of loss of natural resources and entry of alien societies from the outside bring complex socio-economic pressures on women and girls. The indirect employment which the mining industry boasts of as its contribution to the spin-off of local economies, in reality, leads to large numbers of girls being hired in the ancillary industries and ‘hospitality’ and ‘entertainment’ sectors like hotels, tourism, transport, sex trade, domestic labour and other forms of child labour where monitoring and regulation are almost absent.

**Some glaring examples of abuse on children are:**

* The iron ore mines in Bellary have pushed girls from dalit and devadasi families into child marriages, prostitution and sex trade as the mining boom brought migrant workers and contractors to abuse the traditional practice of Devadasis (women forced into marriage to god). Girls from these marginalized communities are bought for a price by contractors and mine workers and are forced to provide sexual favours and later abandoned. Unwed mothers, HIV/AIDS, malnutrition and forced sexual labour are common in the iron ore mines in this region. The coal mines in Angul, Orissa have several cases of unwed mothers and single mothers who are minor girls, where the local organization Nari Surakhya Samithi has been representing their problems to the Ministry of Women and Child Welfare.
* Girls in the iron ore mines of Bellary and Keonjhar, in the coal mines of Hazaribagh and Khamman, in the stone quarries of Pune, Panna and Udaipur, and in the several other mines, are forced to leave school to take care of younger siblings, to walk long distances and fetch water for their families, to watch over their make shift tents while their mothers go for work and to do all the other household tasks of cooking and washing.
* Girls in Rajasthan marble and granite mines are made addicted to drugs in order to start working in the mines at a very early age in order to fend for their families as there are more widows than married couples in these mine workers’ families.
* ST girls from Sundargarh, Orissa are trafficked for mine labour in the lime kilns as well as for commercial sex work
* Adolescent girls are secretly hired in the diamond cutting and polishing units in Surat, Gujarat
* Adivasi (ST/indigenous) girls whose families face displacement and poverty from the coal mines of Jharkhand end up as domestic labour in the cities like Delhi
* Girls working in the diamond mines and stone quarries in Panna face severe malnutrition and potential threat of silicosis.
* Girls in Hospet are found to work at mid-night in the coal loading and unloading for the thermal power plants that are operated by the iron-ore industry.

**Major threats to children from the mining industry in India:**

* Illegal mining is rampant and has been officially admitted by most governments. Cost cutting at different levels includes the hiring of child labour and exposing them to the toxicity and hazardous methods of extraction and the resultant pollution and radiation impacts. Children work and live close to the mine sites in order to be available for work for long hours and due to the absence of any shelter or housing. They are continuously exposed to dust pollution, contaminated water, insanitary conditions of living, lack of basic food, water and other basic amenities and constantly face abuse and sexual exploitation. Women are forced to take their infants to the mine sites where they are found crawling in the mine pits and consuming the hazardous chemicals from the contaminated dust and water. Mine accidents, injuries, degenerative and fatal illnesses that leave them incapable of performing even basic functions like breathing and eating are common. Accidents or deaths are rarely compensated as most workers are not in the formal employment and even if they have some form of identity, they still find it difficult to medically prove their illnesses to the mining activities. This leaves the children with no choice but to enter the labour force in order to feed their families, a major example being children of silicosis victims in the stone quarries and mines around the world. Further, children’s deaths are unreported in the illegal mines.
* Yet, the recommendations and directions for action given by enquiry committees like that of the Justice M.B.Shah Committee which was constituted to enquire into the extent of illegal mining and the role of regulatory and monitoring bodies in India, are but mildly implemented. Stringent legal action and review of mine clearance processes, diversion of forest lands for non-forest purposes and punitive action have to be implemented to prevent illegal mining. Strict labour standards and compliance with laws is urgently required. Unless working conditions, wages and standards are substantially improved for adults, mine worker families will be forced to push their children, especially the girl child into the labour force to live and work in environmentally hazardous and illegal conditions. Unless the Mines Act is implemented in all mine sites with proper living and working facilities, creches and housing, girls will drop out of school to provide these services to their families.
* The formal sector outsources most of its extraction, processing and trade to sub- contractors and thereby, escape accountability to the exploitation of women and children in the mines. Therefore, formalisation of the informal sector is urgently required as the informal sector is not disconnected from the formal sector. In fact, the formal sector is responsible for the informalisation of most of the mining operations in order to escape accountability and thereby, enjoy the hugely subsidized costs it incurs as a result, with respect to environmental clean-up, employment guarantees and safeguards, social security and national and international human rights laws.
* Weak governance and weak monitoring and regulatory mechanisms provide opportunities for mining companies and contractors to blatantly hire child labour and abstain from providing any work safety equipment, standards of work or formal entitlements to workers as given in the several labour laws like the Mines Act, the Unorganised Sector Workers’ Act, the Inter-state Migrant Workers’ Act, the Mines and Minerals (Development and Regulation) Amendment Act, the Land Acquisition Bill, the Rehabilitation Bill and other legal safeguards. Both adult workers and child labourers have very short life span due to the hazardous nature of mine labour but as accountability through medical intervention or labour standards are not practiced, they continue to live and work in inhuman conditions. Budgetary allocations for monitoring and regulation have to be increased substantially-for example, the Ministry of Labour has very limited personnel to inspect mine sites for taking action on child labour and compliance on mine safety standards.
* Large mining projects are implemented in Scheduled Areas[[4]](#footnote-4) having indigenous people/adivasis whose source of sustenance is destroyed by these projects. The Land Acquisition Act is being proposed to be amended to remove the clause that contains social impact assessment and consultation with affected communities. Such legal safeguards further threaten the constitutional and human rights of communities where children are the lowest in the priority of development. Further, mine closure without any accountability is a practiced method of withdrawal leaving behind huge mine pits, destroyed agricultural lands, polluted water bodies and degraded forests. This degradation has direct impacts on the health and nutrition of children as communities find it difficult to forage for food or grow their crops. The compensation, if given, is too frugal to reinstate their livelihoods or employment, and most often mining displaced communities become landless migrant labour.
* Cash benefits and monetary compensation have proved to fail in rehabilitating these affected communities or reinstating their livelihoods. Indiscriminate and largescale mining operations by prioritizing mining economy over other forms of economy prove detrimental to children. Hence any relocation or rehabilitation should only be implemented through due diligence of taking responsibility for children’s safety, education, health and development and only if, as given in the Samatha Judgement [[5]](#footnote-5)with respect to Scheduled Areas, mining is the last resort for the economic development. The Panchayats (Extension to Scheduled Areas) Act should be strictly implemented to take the consent of Gram Sabhas/Village Councils which Act is in the lines of the UN Declaration on the Rights of Indigenous Peoples.
* The lacunae in the Child Labour (Prohibition and Regulation) Act, 1986 with respect to children working in mines must be addressed by amending the law to include all mining operations in Schedule A of Prohibited Occupations. Further, the recent moves of Government of India to amend the Act, bringing a clause of acceptance to child labour in the cases of ‘helping family and a family enterprise which are not hazardous occupations, after school hours or during vacations’ and home based work brings a grave risk to child labour being accepted legally, especially for children working in the mining sector.
* Given the extreme hazardous nature of the activity, the Mines Act, 1952 and the Mines (Amendment) Act, 1983 must be amended to ensure that children below 18 years of age are not working in the mines as trainees and apprentices from the age of sixteen.
* Given the additional vulnerability to exploitation and abuse that mining brings to children, the government must prioritise the implementation of its flagship scheme on child protection called the Integrated Child Protection Scheme on vulnerable areas such as the mining areas. The aim of the scheme is to reduce vulnerability as much as to provide protection to children who fall out of the social security and safety net.
* The National Child Labour Programme must be extended to all children working in mines, which means it must be upgraded substantially in terms of numbers, financial allocations and quality of delivery as well as monitoring and ensure mainstreaming of all children attending National Child Labour Programme schools into regular schools.

**Conclusions**

Mining is an industry that is intentionally developed as a male sphere of commerce and employment, and therefore the existence of children in the mine pits or around the mine pits is considered non-contextual. Unless nations and international governance institutions first agree to be conscious of the existence of the child at the mines in the various situations of mine extraction, processing and trade, the child will remain an invisible entity outside the sphere of law, policy, accountability and redress. Issues surrounding the child will continue to be addressed as welfare interventions unrelated to the severe environmental and social impacts on the health and safety of the child without addressing the critical rights endangered as a result of the very activity of extraction and its downstream chain at local and global levels. The multinational mining industry and business has to take accountability to the downstream chain of actors and stake holders involved in the business of mining. The mining industry has to admit to the environmental crimes against children and take accountability to environmental clean-up and prevention in order that protection and development of children becomes the fundamental goal of development and not a development residue or afterthought.

Accordingly, the Committee on the Rights of the Child should undertake a focused thematic study on the violation of the rights of the child in the extractives industries. This study should look in particular at the gender dimension of discrimination against children and the systematic abuses suffered by girls in the extractive industries.

Submitted in August 2016

**Dhaatri Resource Centre for Women and Children**

Plot No 10, Lotus Pond Colony

Tirumalgiri, Secunderabad-500015, Telangana, India

Email: [dhaatri@gmail.com](mailto:dhaatri@gmail.com)

URL: [www.dhaatri.org](http://www.dhaatri.org)

Telephone: +91-40-27277950/9491953070

1. [www.dhaatri.org](http://www.dhaatri.org) [↑](#footnote-ref-1)
2. http://dhaatri.org/publications.htm [↑](#footnote-ref-2)
3. The Scheduled Tribes (STs) are a social category in India recognized under the Fifth and Sixth Schedules of the Indian Constitution in order to provide positive discrimination to achieve socio-economic parity. [↑](#footnote-ref-3)
4. Scheduled Areas are designated by the Indian Constitution as special geographical areas in order to protect the rights of Indigenous peoples /Scheduled Tribes to their land and property [↑](#footnote-ref-4)
5. Samatha vs.The State of Andhra Pradesh & Others, 1997 8 SCC 191 ( https://indiankanoon.org/doc/1969682/ [↑](#footnote-ref-5)