BACKGROUND

Oxfam India (OIN) is a rights-based organisation that fights poverty and injustice by linking grassroots programming (through partner non-governmental organisations (NGOs)) to local, national and global advocacy and policy-making. OIN’s vision is to create a more equal, just, and sustainable world. The vision of OIN is ‘right to life with dignity for all’. OIN will fulfill its vision by empowering the poor and marginalized to demand their rights, engaging the non-poor to become active and supportive citizens, advocating for an effective and accountable state and making markets work for poor and marginalized people.

‘Mines Labour Protection Campaign’ (MLPC), grass-root level partner of Oxfam Australia initially and after merging of all Oxfam’s working in India, it was through OIN, has been working to empower the mine workers in Rajasthan since 1999. In fact, the inception of MLPC is credited to Oxfam as it supported the initial idea of an organised set up which invests itself entirely to this issue. Oxfam’s support to this campaign culminated in June 2015 after which an end term impact assessment was conducted to assess the outcomes and achievements.

In Rajasthan, the lives of mine workers have been forfeited at the cost of mining activities which is otherwise a major source of income for the State. Due to the informal nature work, long on-site working hours and complete lack of use of safety equipment has lead to occupational diseases (OD) like silicosis and asbestosis among these workers. These workers are mostly illiterate and hence succumb to these life threatening conditions without fighting for improvement of these conditions.

MLPC which is working as a movement to fight for the rights of mineworkers aims ‘to promote environmental justice through organizing the unorganized mine workers in the state of Rajasthan and building their capacities to protect their rights and environment’. It strives to protect the interests and rights of mineworkers through meaningful dialogue with mine owners, mineworkers and the State to provide them health care, occupational safety and fair wages. The campaign also believes in empowering mineworkers by identifying and capacitating the local leaders to fight for their rights.

OBJECTIVES OF THE IMPACT ASSESSMENT

The objectives of the study are as follows:

- Document the work of MLPC along with case studies including the policy impacts - including media engagement
- Prepare notes on key learning from MLPC, relationship with other national and international networks/alliance on mining
- Documentation of MLPC’s impact on women members of the mining labour community and environmental sustainability- include press clippings.
- Challenges and gap areas in MLPCs policy advocacy and work with mine labours.

METHODOLOGY

The primary data collection was carried out using qualitative tools like key person interviews (KPI), focus group discussions (FGD) and case studies, corroborated with secondary research like in depth review of programme documents and logical framework analysis (LFA). The study respondents for KPIs included State and district level members and officials of Director General Mines Safety (DGMS), Labour department, State Human Rights Commission, Mines and Geology department, government medical colleges and media. FGDs were conducted with asbestosis-affected workers in Udaipur (both male and female groups), silicosis affected workers and widows in Kaleberi, Jodhpur and trade union members in Jodhpur. The study also developed case studies derived out of these in depth discussions at the level of the community.
KEY FINDINGS

RELIEF TO SILICOSIS AND ASBESTOSIS AFFECTED WORKERS

Silicosis and asbestosis are two ODs rampant in Rajasthan because of the widely spread mines work. It has prevailed rampanty across all mining regions of India. For a long time both these ODs were often mistaken for tuberculosis, a respiratory disease with similar symptoms. Due to this negligence and lack of medical expertise to exactly diagnose, these ODs often went undetected while the number of those inflicted with these diseases kept soaring. Therefore, MLPC worked on the following to improve the situation of these workers through following measures:

- It started with medical tests to diagnose the disease, survey of mine workers, negotiating with State bodies to provide monetary aid and putting a system in place to redress the rights for silicosis and asbestosis affected workers and their families. Silicosis, an OD, has legally been recognized as ‘notified disease’ in India as per the Mines Act 1952 and any incidence of these diseases or suspected cases must be reported to the government. Evidence from public offices suggested that the government bodies were at odds amongst themselves in terms of the statistics. Further research conducted by MLPC identified 48 workers suffering from silicosis, 22 cases of mine workers dead due to silicosis and 1,099 suspected workers. Identification of occurrences of ODs and maintaining its record in itself is a challenging task which requires resources and patience primarily because workers lack of proof of identification.

- The National Human Rights Commission (NHRC) team which visited Rajasthan in 2010 held the State government accountable for its workers. The state was directed to pay sum of rupees one lakh each to the next of kin of the 21 workers who died due to silicosis. It also ordered “medication and rehabilitation of 44 persons who contracted silicosis while working in sand stone mines in Jodhpur”.

- While the Rajasthan Government was ordered to provide financial support of rupees one lakh to kin of workers who died of silicosis, the same agency ordered a financial aid of INR 3 lakh to deceased of quartz crushing workers in Gujarat. MLPC took this order into account and rallied the Rajasthan mines workers to demand for standardization of justice from the State government. Currently, the relief amount by the state

1 Only 21 out of the 22 next of kins were given the relief fund because one of the women could not be traced at the time of disbursement. Later her name was added in the subsequent list of beneficiary who were awarded relief by the State.
to each deceased worker is INR 3 lakh and those who have been detected by these OD are eligible to get INR 1 lakh.

**Reinvigorating Pneumoconiosis Board:**
Pneumoconiosis Board, reconstituted by amending the Rajasthan Workmen’s Compensation Rules, 1965, is responsible to conduct medical examinations, submit medical reports, and grant medical certificates to workmen employed in mines. Rajasthan government had set up a Pneumoconiosis Board but it was practically defunct for a long time because of vacant posts of Board members. As a part of seeking prevention and rehabilitation for the mine workers, it was essential to revive this Board and also expand its presence so that it can be widely accessible by mine workers. Therefore, the Board was set up in 6 other districts. It also necessitated the practice of standard operating procedures so that the doctors are trained as per International Labour Organisation (ILO) guidelines to diagnose ODs. Simultaneously, MLPC has been responsible for educating the mine organisations and mine workers such that they attend the health camps and go to the hospitals to avail these benefits.

**APPROACHING LEGAL MECHANISM**

MLPC practiced judicial activism as granted by the Indian legal system to individuals even though they are not the aggrieved party on behalf of the atrocities inflicted by private players and the State on mine workers. MLPC has used Right to Information (RTI) Act to develop and update its knowledge base and used the same to file Public Interest Litigation (PILs). Some of these legal interventions are as follows:

- **MLPC filed a PIL in 2003 with a request to direct authorities at the State and Central Government levels to take necessary steps to apply scientific mining operations in Makrana marble mines.** MLPC further pleaded to protect the rights of mine workers and provide them relief for occupational health and safety along with constitution of a common platform for resolving the problems in between the mine operators and the mine workers. In 2008, the court ordered that a committee will be constituted and lead by the District Magistrate of Nagaur on safety measures and for interest of the miners.

- **MLPC was appointed an Intervener in Rajasthan High Court on a case of Silicosis as per the High Court orders in August 2015 to provide technical assistance to the High Court for its proceedings.** The case is currently pending in the Court.

- **MLPC filed 25 RTIs between 2012 - 2015 at various public offices in Rajasthan and India.** They were successful in receiving responses for few of the RTIs while some were left unanswered by the state. These RTIs helped them to track the steps taken by the state to provide relief to the workers.

**RAJASTHAN ENVIRONMENT AND HEALTH ADMINISTRATION BOARD (REHAB)**

REHAB is a body comprising of five departments of the state government and was created for management of the environment and healthcare in mining areas after the enactment of REHAB Act, 2008. The members are principal secretaries of the departments of finance, environment, health, mines and forest besides three professionals as non-officio members. The first meeting of the Board was convened on January 28, 2010 in Jaipur. MLPC’s role has been quite crucial in resurrecting the latent Board and in improving its functioning. The Board is currently involved in the following roles:

- **REHAB is mandated to collect a cess to be contributed by all mines (both minor and major) in the State to be able to execute its mandate.** Currently, only the State owned mines are contributing to this fund while the privately owned mines have requested for exemption arguing over the legitimacy of this cess on legal grounds. MLPC has over the period maintained a record of utilization of this fund through government record and RTIs. It has time and again criticized the classifications of expenditure or huge amount of unexpended corpus lying with the State. MLPC has also been consulted by the SHRC on the functioning of the Board. The quantum of fund collected over the year is as follows:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>REVENUES (Rs in INR crore)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-2009</td>
<td>53.77</td>
</tr>
<tr>
<td>2009-2010</td>
<td>47.08</td>
</tr>
<tr>
<td>2010-2011</td>
<td>61.85</td>
</tr>
<tr>
<td>2011-2012</td>
<td>66.84</td>
</tr>
<tr>
<td>2012-2013</td>
<td>47.30</td>
</tr>
<tr>
<td>2013-2014</td>
<td>58.60</td>
</tr>
<tr>
<td>2014-2015 (up to December 2014)</td>
<td>46.10</td>
</tr>
</tbody>
</table>
The REHAB Fund is used to provide safety equipment to the mine workers, improve on-site working conditions and other welfare measures. It is also used to grant state's compensation to the mine workers inflicted with asbestosis or silicosis. The disbursement over the years is as follows:

**TABLE 2: DISBURSEMENT OF COMPENSATION TO MINE WORKERS**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>DISTRICTS</th>
<th>FUND DISBURSED (in INR lakh)</th>
<th>NUMBER OF BENEFICIARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-2013</td>
<td>Jodhpur</td>
<td>21</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Karauli</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2013-2014</td>
<td>Jodhpur</td>
<td>31</td>
<td>178</td>
</tr>
<tr>
<td></td>
<td>Karauli</td>
<td>153</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Udaipur</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>2014-2015</td>
<td>Jodhpur</td>
<td>66</td>
<td>126</td>
</tr>
<tr>
<td></td>
<td>Karauli</td>
<td>80</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>382</td>
<td>317</td>
</tr>
</tbody>
</table>

**ADVOCACY AND POLICY CHANGE**

MLPC has been lobbying for policy change at the National, State and District levels. This has led to successful enactment of or change in certain provisions. Some of the successfully promulgated legislations can be a basis or model for emulation in other mine rich states of India. Some examples of such changes are:

**AT NATIONAL LEVEL**

- MLPC has represented mine workers in committee on Occupational Health of National Advisory Council (NAC) in which most of its recommendations were accepted. MLPC held a position of a knowledge expert on Occupational Health and Safety which made it adept enough to present its recommendation to a national level team of specialists.
- MLPC organized a national seminar called, ‘Unorganized Sector in India: Extending the Debate to Mining and Quarrying’. The seminar witnessed participation from social work practitioners, activists, NGO representatives, trade union representatives (NTUI), and representatives of funding organisations (Oxfam and ANU), government officials (representatives from SHRC, DGMS, Building and Other Construction Worker Welfare Board (BoCWWB), Mining Department), and social work & social science educators and researchers. There were series of paper presentations by scholars detailing out current, existing problems in the sector and suggesting ways to breakthrough some of those.

**AT STATE LEVEL**

- MLPC requested for an additional provision of Preferential Rights of Widows and Differently-abled to the State government. The State Mining Department approved for this inclusion appeal and amendments were made in the Rajasthan Minor Mineral Concession Rules 1986 in April 2013.
- Inter-departmental consultation of all departments and stakeholders as Principal Secretary, Mines and Geology, representatives from Department of Health, State Labour Department and representative of Ministry of Labour, Government of India– from DGMS and Regional Labour Commissioners; civil society organisations working on the issue of mining, distinguished doctors, representatives from Trade Unions, lawyers and senior advocates, mine workers and mine owners were conducted to address gaps revealed through a document prepared by MLPC which brought out the high negligence of the government as well as fissures in the system. Follow up meetings to redress the problems and devise mechanisms continue even today. It is visible that the State government has taken cognizance of MLPC’s findings and evidence.

**AT DISTRICT LEVEL**

- MLPC has encouraged creation of employment through the national livelihood act of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) after the closure of asbestos mines in Udaipur with assistance from Principal Secretary, MGNREGA in the State and the concerned District Collector and Ministry of Rural Development. To supplement this, 300 mine workers were trained to apply for job cards and demanded work under MGNREGA.
- MLPC is endeavoring to be a part of the system by participating as a member of District Mineral Foundation Trust (DMFT), a non-profit body that would be funded by an additional levy on extraction of stone as per new District Mineral Trust Fund Rules, 2015 of the Department of Geology and Minerals, Rajasthan. The team composition has a seat for any one NGO working on mines issues as nominated by the Government.
- MLPC has been instrumental in holding workshops with mine owners and mines workers, so as to act as a channel between the two.
WORKING WITH GRASS-ROOT COMMUNITY UNIONS

MLPC has been working closely with the community as facilitators with a participatory approach. It has also had an important role in organizing people and reaching out to them by notifying them about various schemes and legal provisions. Support to cooperatives and unions is a common format although it refrains from representing the community organisations or unions since MLPC does not associate itself with any political party or party member (unions often liaison with political parties).

- MLPC supports Rajasthan State Mine Workers Union (RSMWU), which is a State level union currently operating in 12 districts of Rajasthan and was registered in 2009 in Jaipur. The symbiotic relationship between the two organisations has helped the RSMWU in streamlining its work towards matters related to ODs (silicosis and asbestosis) and disability resulting from occupational hazards/ work place negligence. These are the tenets of their work along with efforts directed towards formalization of mine labour force in Jodhpur and Nagaur. The Union has tried to take well-informed decisions and is made acquainted with laws and regulations of the state before putting forward demands and maintains cordial relations with the state and yet it is different in its approach. Therefore, the two are separate entities working towards the same goals, deriving momentum from each other.

- Similarly, MLPC helped in setting up of 10 labour cooperatives between 2000- 2005 by supporting them with the registration process and providing seed capital. These cooperatives began as an enterprise to replace the mine owners.

KNOWLEDGE CREATION AND DISSEMINATION

MLPC as a campaign does not adopt an antagonistic approach of working with the state bodies to achieve its goal. Instead it materializes the proverb ‘Knowledge is power’. Its approach has been more fact driven, backed up with hard facts and figures. Besides reports, articles, studies and seminars they have used other mediums like cartoons and documentaries deploying humour and emotion as a channel of evoking awareness.

ROLE OF MEDIA

MLPC has been successful in bringing media into the loop of its operations. They enabled media to sense the urgency of the matter and sensitized them enough to report on this subject. MLPC, as a part of its approach to influence and compel the State to give ODs the due attention, conducted dialogues with media persons in different parts of the state. MLPC included media point persons in their meetings, seminars, consultations and circulated their (MLPC’s) reports amongst these groups so as to create ownership of the issue. The reporters who perceived the seriousness of the cause as legitimate and fair, began to report the problem and follow-it up over the years. MLPC has roped in various vernacular media like regional eTV Rajasthan,
Dainik Bhaskar, national media houses (Times of India and Hindustan Times) and online magazines and news aggregators (Down to Earth). Some of the reporters and media houses have developed strong sense of ownership and continuously report about the issue.

RECOMMENDATIONS

The following recommendations and suggestions were made as a way forward for MLPC so as to achieve greater success:

- **MLPC must focus on organisation of labour force and make enrollment of workers on mine owner’s muster roll indispensable.**
- **The mine labour cooperatives need to evolve further. MLPC needs to strengthen its organisational structure so that it can work closely with community, cooperatives and trade-unions and carve the same niche as in the arena of advocacy.**
- **MLPC need to empower the grass-root level trade unions further. It is important that trade unions must not be reduced to ‘crisis response’ mechanism to apply pressure on government and state. Their role needs to be much more vibrant.**
- **MLPC can also supplement the role of DGMS in mines sector. While DGMS can be responsible for education organisations about rights and approach, it cannot train community to practice. MLPC can be a catalyst here to fasten this process and be more effective.**
Sevi Bai, a tribal woman, is the resident of ‘Netaji ka Bara’ who worked in asbestos mines with her husband before the mines closed. Her husband passed away 10-12 years ago. Her husband worked in cutting and blasting. It can be suggested that he died due to asbestosis given the duration of his work and early death but there is no medical report or x-ray to prove it. She worked in the mine for nearly 7 years. Her role was that of sifting and waste disposal. She practically inhaled dust particles during 10-12 hours of her daily work because she didn’t use any safety equipment back then. She is one of the workers who was diagnosed positive with asbestosis in 2007 National Institute of Occupational Health (NIOH) health check up camp but due to missing reports, same as other victims, she had to go through the process of re-examination later. She along with other workers in Jahdol block of Udaipur district were congregated by MLPC under the leadership of its field staff, Mr. Ramlal who facilitated their check up. She was certified as an asbestosis patient by Pneumoconiosis Board, RNT Medical college, Udaipur.

The reason she still hasn’t received the relief is because the state demands a cross verification of these cases so as to eliminate any case of forgery. The supervisor of Primary Health Center (PHC) of Jahdol has been given this job of verification. The name of the beneficiary, along with name of his/her village, spouse’s name, medical report, death certificate and proof of duration of their work in asbestos mines. Given the informal/ unorganized nature of these mines, reproducing any proof of employment in a mine is impractical. Therefore, trapped in these lengthy procedure and negligence of departments like NIOH, former workers like Sevi Bai who have contracted the disease long ago continue to suffer with no medical treatment in the interim period.

Sevi Bai is an illiterate woman with two children. Besides the agricultural land which provides for her subsistence, her additional source of income is MGNREGA job, mostly in the summer months when she works 4-5 hazari [i.e 48-60 days] for INR 70-80 per day depending on work done. In addition to this, MLPC has helped her and other widows get linked with the widow pension scheme of INR 500 per month. She currently receives some treatments in form of ‘golis’ (pills) from ANM but has never been admitted in a hospital.

Sevi Bai, as other women and men, does not know of asbestosis or what caused her husband’s demise. With repeated attempts by Ramlal to conduct meetings, organize these workers, ignite awareness of their rights and some successful cases of workers receiving relief, Sevi Bai has a gleam of hope and fragile courage to fight for what is rightfully hers. The exploitation ended with the closure of mines but the environmental and health related repercussions are lethal.
This learning note is prepared based on an impact assessment for 'Empowering Mine Workers implemented by Mine Labour Protection Campaign Trust (MLPC) in Rajasthan' for wider sharing. This study was conducted by a team of 'Kaarak Enterprises Development Services Private Limited' during July 2015 to October 2015. This project was supported by Oxfam Australia to Oxfam India. We would like to thank Sharmistha Bose and Vijendra Aznabi for their inputs given during the process of impact assessment.

The first draft of this learning note was prepared by a team of Kaarak Enterprises Development Services Private Limited.

Edited by: Aniruddha Brahmachari, Ritesh Laddha and Shaliesh Acharya

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