

InFocus Programme on Promoting the
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and Rights at Work



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A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector

Ahmad Saleem

Special Action Programme to
Combat Forced Labour

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Working Paper

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**A Rapid Assessment of Bonded Labour in
Pakistan's Mining Sector**

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**International Labour Office
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March 2004

Foreword

In June 1998 the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work and its Follow-up that obligates member States to respect, promote and realize freedom of association and the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.¹ The *InFocus Programme on Promoting the Declaration* is responsible for the reporting processes and technical cooperation activities associated with the Declaration; and it carries out awareness raising, advocacy and research – of which this Working Paper is an example. Working Papers are meant to stimulate discussion of the questions covered by the Declaration. They express the views of the author, which are not necessarily those of the ILO.

This Working Paper is one of a series of Rapid Assessments of bonded labour in Pakistan, each of which examines a different economic sector. The aim of these studies is to inform the implementation of the Government of Pakistan's National Policy and Plan of Action for the Abolition of Bonded Labour, adopted in 2001. The research was conducted under the guidance of the Bonded Labour Research Forum (BLRF), a distinguished group of Pakistani research and development specialists, convened by the Ministry of Labour, Manpower and Overseas Pakistanis with the support of the ILO. The Rapid Assessments were undertaken by independent Pakistani researchers, who were selected by the BLRF for their competence and experience in the different sectors. Mr Ahmad Salim, of the Sustainable Development Policy Institute in Islamabad, is the author of this paper on bonded labour in Pakistan's mining sector.²

The research programme was overseen by Caroline O'Reilly of the *Special Action Programme to combat Forced Labour (SAP-FL)* of the Declaration Programme in Geneva. Ali Khan worked as Research Coordinator for the duration of the research process, based at the ILO in Islamabad.

SAP-FL is providing on-going technical assistance to support the Ministry of Labour and its partners to implement the National Policy and Plan of Action, so as to bring about the effective eradication of bonded labour in Pakistan.

March 2004

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¹The text of the Declaration is available on the following web site: <http://www.ilo.org/declaration>

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1. INTRODUCTION

This rapid assessment examines the incidence of bonded labour in the mining industry of Pakistan. The study is unique in several ways. It is the first study to examine specifically the incidence of bonded labour in the mining industry. Of all the sectors where bonded labour is suspected, mining appears to be the one that has received least exposure - despite the fact that conditions in the mining sector must be regarded as amongst the most hazardous. The study attempts to document, as objectively as possible and on the basis of fieldwork, the factors responsible for the emergence of labour arrangements in the sector, the nature of these labour arrangements and the implications of these arrangements for those involved.

This report not only covers the main issue of labour arrangements but also takes into account the external factors that have influenced the emergence, nature and repercussions of these arrangements. It thus includes a section on the historical foundations of the mining industry in Pakistan. This background has a direct bearing on the structure of the mining industry, and its working and living conditions which, in turn, have influenced the labour arrangements and relations within the industry.

The body of the report focuses on the issue of the labour 'contract' between the various involved parties as a result of the provision of advances, or *peshgi*, to workers. The roles of and relations between the various 'actors' involved in the recruitment system are examined in detail. In the final section, some brief recommendations, focusing on the need for more in-depth research, are made.

We hope that this research will contribute to knowledge of the situation of workers in the mining industry of Pakistan. More importantly, we hope that this research will become operational, as part of a wider process to alleviate the plight of these workers.

2. METHODOLOGY

The mining sector is spread throughout Pakistan's four provinces. This rapid assessment covered all four of these regions. Over 35 days in late 2002, some 50 mines were visited and over a hundred workers and more than a dozen mine-owners and their agents were interviewed. Moreover, family members of miners, residing in the regions of Swat and Shangla in the North-West Frontier Province from where most miners migrate, were also interviewed. In addition, meetings were held with federal and provincial government officials concerned with the mining sector, representatives of trade unions, knowledgeable people from civil society and social scientists.

Having identified the various groups to be targeted in the rapid assessment (i.e., mine-owners, middlemen, workers, key government officials including retired officials - who were more willing to speak candidly, and NGO representatives) interviews were initially conducted with the help of checklists developed specifically for this purpose.

Prior to going into the field, intensive sessions were held with the ILO Research Coordinator to elucidate the aims of the rapid assessment, to clarify definitional issues, and discuss methodology and scheduling. Finally, an extensive review of published and unpublished literature on the mining sector was undertaken. A list of the secondary sources consulted is given in Annex I.

2.1. Fieldwork

Site selection

A countrywide list of important mine sites was drawn up and sites for fieldwork were chosen. Given the sensitive nature of the research and the short time period allocated, the choice of sites was based on familiarity of the researcher with some of the selected mines from past experience and personal contacts in these areas. These sites are believed to represent a typical cross-section of mining sites throughout the country.

Punjab: Lahore, Makarwal (Mianwali), Khushab, Katas, Choa Saidan Shah, Padhrar, Pail

Sindh : Karachi, Lakhra, Jhimpir

NWFP: Peshawar, Kohat, Mingora (Swat), Sherwan (Hazara)

Balochistan: Quetta, Soar Range, Digari, Sharigh

In addition, the study identified regions from where the majority of migrant miners originate (Swat and Shangla) and villages in both these districts were included in the research.

Problems encountered in field-work

The use of questionnaires was deemed unsuitable due to the sensitive nature of this rapid assessment and even checklists proved restrictive. Mine workers found the large number of sensitive questions intimidating, particularly in the presence of government officials and/or member(s) of the mine administration.

Covering all questions in the checklist also proved too time-consuming, both in terms of the schedule for the rapid assessment and because respondents, fearful of being seen by employers or officials, often requested that interviews be brief. As a result, a completely informal approach was adopted: meeting with miners after working hours, away from the immediate mine environs, often over dinner or a cup of tea.

This approach engendered a degree of trust between researcher and respondent and also helped establish a more relaxed, less threatening atmosphere. Respondents no longer felt the pressure of hectic questioning and appeared much more amenable to airing their views openly on a range of topics. The responses of workers in the presence of government officials or member(s) of the mine administration were quite different from the views they aired later in informal meetings. At one site, a mine manager started the engine of a truck in order to disrupt an ongoing interview. The engine was ‘coincidentally’ switched off as soon as the interview concluded.

A few other problems encountered in the field were:

- Government officials and the mine administration treated researchers with suspicion and in most cases discouraged visits to mines.
- A combination of veiled threats and ‘incentives’ usually ensured that trade union and government officials were also unwilling to speak out or take action against powerful mine owners. On one occasion witnessed by the researcher, a mine owner intercepted a government official who had confiscated a mine register that showed some irregularity in the working of the mine. Following an exchange of ‘pleasantries’, the register was returned forthwith. In most cases, collusion between mine-owners, police and government officials was evident.
- The fieldwork was further complicated by the hazards involved in physically visiting the mines. On many occasions, the researcher descended several hundred feet into a mine to get first-hand information on conditions. The majority of these mines lack even the most basic safety measures.
- The mines are usually in remote areas, from city centres and even from towns and villages. Some of the mining companies do not even have signs and, in general, maintain a low profile making them difficult to locate and even more difficult to visit.

3. THE MINING SECTOR IN PAKISTAN

Pakistan, with more than 600,000 sq. kms of outcrop area, is endowed with significant mineral resources. In addition to the world's second largest reservoir of salt in Khewra (Punjab), there are significant deposits of coal and other industrial and construction minerals. Furthermore, over 50 minerals, including marble, chromites, magnetite, fluorite, sulphur and basalt, are under exploitation, albeit on a small scale. The current contribution of the mineral sector to the GDP is approximately 0.5%, although this share has the potential to increase considerably in the light of recent discoveries of copper, zinc, lead and most notably coal (over 175 billion tonnes of reserves in the deserts of Tharparkar in Sindh). Geologists have also indicated the presence of deposits of precious and semi-precious stones and minerals including gold and silver.

The regional production of principal minerals in 1998-99 is given below:

Table 1 Mineral and Gas Production in Pakistan (1998-99)

Mineral	Unit	Production	Major regions
Coal	Million tonnes	3.3	Dandot, Pindh (eastern salt Ranges), Makarwal (near Kalabagh), Khort, Nakus, Zardalu, Sor rang, Singidi-Les, Mach Balan, Jhimper-Meting (Sindh, Cherat hills, Surgarh range (frontier region), Kotil.
Natural gas	000m.Cu.Mtr	20.9	Zin, Uch, Khairpur, Mazarani, Dhunal, Pirkoh, Marri, Sui (largest gas field), Kandkot, Dhulian and Taunsa.
Crude oil	Million barrels	2.0	Kohaur, Blakassar, Phulian, Chakwal, Joya Mair, Kerral, Kakhani
Marble	Thousand tonnes	403.0	Mardan, Swat, Chagai and other places
Chromite	Thousand tonnes	16.0	Hindubagh, Chagai, Kharan and Waziristan
Dolomite	Thousand tonnes	198.8	-
Gypsum	Thousand tonnes	242.0	Khewra, Dandot, Daud Khel, Kohat, Jhelum, Rohri and Loralai
Limestone	Thousand tonnes	9.5	Northern and Western mountains of Pakistan.
Magnetite	Thousand tonnes	3.5	Quetta, Kalat, Peshawar Division and Nasai (Zhob district)
Rock Salt	Thousand tonnes	1190.0	Khewra (largest reserves), Warchha (Sargodha) and Kalabagh (Mianwali)
Sulphur	Million tonnes	18.9	Chagai, Sanni (Kalat) and Jiwani (Makran).
Baryte	Thousand tonnes	18.0	Hazara, Lesbela and Khuzdar.

Source: Pakistan Economic Survey, 1999-2000.

In spite of Pakistan's mining potential, the sector has remained underdeveloped with little investment or technological development. Mine owners continue to depend on primitive techniques of mining based on non-capital intensive methods. To understand why, it is necessary to briefly examine the historical development of the mining sector in Pakistan.

3.1 The historical development of mining in Pakistan

Mining in the sub-continent has a long history. For centuries, minerals such as iron, rock salt, coal, gold and various precious and semi-precious gem stones were a source of trade with other regions. Legend has it that the salt reservoirs of Khewra (Punjab) were discovered in 327 B.C. by the army of Alexander the Great, which halted in the area of Jhelum. Due to the summer heat, the horses were suffering from dehydration and Alexander ordered them to be rested in a cold cave in the hills. To everyone's astonishment, the horses made a remarkable recovery; the cave was carved out of salt and by licking its walls, the horses recovered from their salt deficiency. Ramzan Khokhar, an indigenous chronicler, notes that the Khewra salt mines are mentioned in Mughal accounts such as the *Tuzek-e-Babari*, *Ain-e-Akbari*

and the history of Ranjeet Singh. In the Mughal era, these mines were under the control of government and in the Sikh regime in the early 19th century, they were the biggest source of government income. The first recorded history of mining in India dates back to 1774, when an English company was granted permission by the East India Company to mine coal in Raniganj (Bengal).

The colonial period

In the colonial period, coal, manganese, mica, iron ore, lead, silver, rock salt and petroleum were excavated in the sub-continent. According to the Royal Commission on Labour in India (1931), between 1896-1900 coal-mining accounted for two-thirds of all employees in mining and yielded an annual average production of around four million tonnes involving more than sixty thousand workers. By 1929, these figures exceeded 22 million and 165 thousand respectively.

In 1849, when the British conquered Punjab, they took complete control over the Khewra mines and started mining more scientifically. The Khewra mine was developed between 1853 – 1856 and, in addition to providing drinking water for workers, another opening to the mine was made, all the tunnels were renovated and a system of ventilation was set up. The older method of cutting salt rock was replaced by mechanized techniques and a five-mile road from Khewra to Pind Daden Khan was built. During 1886-1887, the construction of the Victoria Bridge (Chak Nizam) over the river Jhelum connected Khewra with the main railway lines of India, thus making Khewra salt accessible to a much wider domestic market.

During this phase, mining commenced in areas now part of Pakistan, such as the Potohar area of Punjab, several sites around Mianwali (Punjab) and the tribal belt of the North-West Frontier of Pakistan. However, most industrial development in pre-partition India was concentrated in the areas that came to constitute present-day India. The mining industry was no exception. Pakistan inherited far fewer mining and even in these, the industry had not been fully developed.

Post- partition

At partition, Pakistan inherited instability, absence of an established indigenous industrial class, and poorly developed industry. This situation greatly affected industrial development, including that of mines. The sector was not initially even recognized as a separate entity; rather, in the government's first five-year plan, the policy on mines was discussed cursorily with most of the detail subsumed under the general heading of 'industry'. Only in the second plan were 'Fuels and Minerals' discussed separately in terms of policy and planning.

The failure to promote the mining sector in any structured manner led to the government leasing out sites to petty contractors, usually on a short-term basis. Most of the lessees lacked the resources, scientific knowledge or technical skill to develop the sector. The short duration of the lease also gave little incentive for long-term development of the mines. The focus was on short-term profit maximization. Mines were operated by hundreds of small and medium-scale mining groups. As a result, little investment in modern equipment and machinery was made and methods remained primitive. Furthermore, this myriad of small mining and processing units had no proper legal, financial, commercial, technological and social support from the government. In fact, recommendations made by a nine member panel on Mines and Oil Fields in 1948 stated strongly that the policy of leasing small areas of coal-bearing land to petty contractors should be discontinued and the industry be nationalized. The report also noted the continued use of primitive methods and the need to enforce the use of modern machinery and equipment. Neither of these recommendations was heeded. Today, almost 90% of mines are in the hands of private owners.

The unsystematic development of mines, the lack of investment of adequate physical infrastructure including elementary mining machinery such as haulages, fans and pumps, and the unsatisfactory terms and conditions for labour became major stumbling blocks in the way of expanding mining in Pakistan. In the 1960s, in the face of demand for energy sources to support industrialization, some industrialists, who had been involved in the mining industry before partition, established a limited number of large, well-administered mines. Rather than handing the mines over to contractors, the owners became themselves involved the day-to-day operation of the mines. However, these mines remained the

exceptions and, on the whole, the mining sector was characterized by low investment and little development.

4. WORKING AND LIVING CONDITIONS IN THE MINING SECTOR

The failure to invest in the mining sector has meant that energy-deficient Pakistan has not been able to utilize its existing, untapped deposits of coal. The rising cost of oil imports has become an increasing burden on foreign exchange reserves and continues to fuel inflation. Mineral resources also remain largely untapped. The general neglect of this sector has meant that working conditions in mines remain amongst the worst of all industrial sectors. In fact, the condition of miners appears actually to have deteriorated since the British introduced some improvements back in the 1850s.

4.1 The role of legislation and implementing government agencies

Mining is, by its nature, a hazardous sector. The safety risks in mines are:

- Weak strata
- Inadequate ventilation
- Underground fires and spontaneous heating
- Gas and dust explosions
- Rock falls
- Inhalation of poisonous gases
- Transportation of men and material on haulage
- Use of high-voltage electricity
- Use of explosives
- Mine inundation

Under the Constitution of Pakistan, minerals, except uranium, oil, and natural gas, fall under the ambit of the provincial governments. Uranium, oil, and natural gas come under the jurisdiction of the federal government. The Central Inspectorate of Mines, a subordinate office of the Ministry of Labour, Manpower and Overseas Pakistanis, was created in 1966 to look after matters relating to the safety, health and welfare of workers engaged in federally-controlled mines. Similarly, Provincial Inspectorates of Mines were established under the respective provincial labour departments for the administration and implementation of the Mines Act of 1923 in mines under their jurisdiction. This institutional structure has only recently begun to change with the merger of the Inspectorate of Mines and the Directorate of Mines into the Directorate General of Mines.

The first Indian Mines Act, passed in 1901, contained provisions on safety and health, but it was not until the Mines Act of 1923 that any restrictions were imposed on the employment of labour. The 1923 Act, contains *inter alia* provision for the exclusion of children under 13-years, the grant of a weekly holiday and the limitation of weekly hours to 60 above ground and 54 below ground. The Act was supplemented by two elaborate series of regulations; one relating to coal mines and one to other mines. In addition, rules were framed by provincial governments. After 1923, two important changes were made in the law. The amending Act of 1928 provided that no mine shall be open more than 12 hours in 24, unless on a system of shifts and that shifts must not exceed 12 hours and must not overlap. The regulations of March 1929 prohibited the employment of women underground. The different legislation (see table below) relating to mines empowers the federal and provincial governments to make regulations for providing for the safety of persons employed in mines, their means of entrance and exit, the number of shaft out-lets to be furnished, the fencing of shafts, pits, outlets and pathways, safety of roads and work place; the ventilation of mines and the action to be taken in respect of dust and gases; and the regulation of the use of all machinery.

Name	Remarks
The Mines Act, 1923.	Administered by the Central and Provincial Inspectorates in the mines of their respective jurisdiction.
The Coal Mines Regulations, 1926.	Administered by the Provincial Inspectorates only in the coal mines of their respective jurisdiction.
The Mining Board Rules, 1951.	As above
The consolidated Mines Rules, 1952.	As above
The Metalliferous Mines Regulations, 1926.	Administered by the Central and Provincial Inspectorates in every mine of whatever description other than Coal or Oil/Gas in the areas of their respective jurisdiction.
Sindh Coal and Metalliferous Mines (supplementary) Regulations, 1986.	By the Inspectorate of Mines Sindh in every mine falling in Sindh other than oil, gas and uranium mines.

But while elaborate provisions exist in the law for making mining operations safe, these laws are flouted with impunity. Furthermore, the penalties for infringements are so low that mine-owners prefer to pay them rather than invest in complying with the safety regulations. For example, in case of loss of life, the prescribed penalty is imprisonment for up to one year and/or a fine of four thousand rupees (US\$70). In case of serious bodily injury, the penalty may be limited to imprisonment for up to six months and/or a fine of two thousand rupees (US\$35) (see Annex II for relevant clauses of Mines Act).

4.2 Hazards in the mining industry

The coalmines in the province of Punjab introduced mechanical ventilators from 1970 onwards. Other mines, however, have continued to rely on natural means of ventilation. Rock salt mines, despite their increasing depth, still rely on natural means of ventilation, although they use auxiliary fans and booster fans at some of the blind headings.

The use of electric safety lamps is mandatory for mines that have been declared gassy. Non-gassy mines, however, still rely on flame lamps for underground illumination. The use of open-flame oil lamps in the naturally ventilated underground mines is hazardous and injurious to the health of workers⁴.

In gassy mines, equipment to detect the presence of poisonous gases is rare. Instead, caged birds are taken into mines and the death or fainting of the bird signals the presence of poisonous gas. In the event of miners fainting as a result of inhaling poisonous gas, vinegar is forced down their throat in order to revive them.

Most private coalmines still use the conventional manual system of haulage. Mines in the public sector, which constitute no more than 5% of the total number of mines, have to some extent mechanized transportation of coal underground as well as on the surface.

Workers are rarely provided even the most basic safety equipment, such as face-masks or goggles.

The resulting statistics on occupational accidents in the mining sector in Pakistan are alarming. On average more than 100 people lose their lives annually and a similar number are disabled. In 1999 in Punjab, out of a mining labour force of approximately 40,000, 32 people were killed and 20 were seriously injured. In Sindh, the corresponding figures from a labour force of 10,000 were 25 killed and 10 seriously injured. In Balochistan, 61 were killed and 16 seriously injured out of a labour force of 32,000. In NWFP, 19 were killed and four seriously injured out of a labour force of 32,000.

⁴ One informant stated that the carbon from the lamps is constantly inhaled to the extent that prolonged exposure leads to the saliva of the miner turning black.

The vast majority of miners are uneducated, untrained and over-worked. These factors, and pitifully low piece-rate wages that lead to malnutrition and poor health and necessitate long working hours, further increase the chances of accidents at work. A list of the principal hazardous conditions in the mining industry of Pakistan and suggested improvements is given in Annex III.

The prevalence of diseases amongst miners is also very high. The Inspectorate of Mines Punjab has identified more than half a dozen diseases⁵ caused by the conditions in mines. Although dispensaries were seen near mines in Choa Saiden Shah, Dandot Khushab and Makerwal, doctors are a rarity and there are apparently no regular medical check-ups of the workers, in any of the four provinces. A doctor in Peshawar (NWFP) informed us that an alarming number of miners regularly come to hospital suffering from occupational lung diseases (*Pneumoconiosis*). A number of miner respondents confirmed the prevalence of this disease. Furthermore, a number of workers stated that they had spent considerable sums⁶ of money on the treatment of this occupational disease. For individuals whose wage levels are already so low, the additional 'shock' of medical expenditure invariably leads to indebtedness.

Living conditions

The life of miners is equally miserable outside the mine; their dilapidated living quarters barely meet the basic needs of life. We noted the accommodation of miners during field visits and interviews. By far, the best accommodation was found in the government-owned mines or the larger, established mines. Here 'pukka' rooms or barracks were provided to workers and washrooms were also provided. On average, five to seven miners shared a room. However, this type of accommodation was found in no more than 25% of mines. Far more common were huts constructed from 'katcha' material. These structures of approximately 20 foot by 10 foot had *charpais* (string beds) on either side with just enough room in between for individuals to pass single file. Two miners occupied a single *charpai*, meaning that as many as 20 workers lived in one hut. Miners were also frequently 'housed' in tents. In this case, miners slept on the floor and, on average, four to five individuals shared one tent. Water and electricity were rarely available in either the huts or the tent accommodation. Workers also pointed out that, while employers provided a minimal amount to construct the huts and put up the tents, the actual construction was left to the workers. Only occasionally do owners provide bedding for the miners.

The hazardous nature of the mining sector and the working and living conditions are such that the sector tends to attract only the hardest and most disadvantaged workers. The means by which these workers are attracted and retained is the subject of the following section on labour arrangements.

5. LABOUR ARRANGEMENTS

This section examines the key area of labour arrangements in the mining sector, including modes of recruitment, wages and the practice of offering *peshgis* (advances) to workers and the roles of the various actors involved (i.e., employers, middlemen and workers). The fact that the majority of miners are migrants necessitates also an analysis of 'push' factors that contribute to workers taking up employment in distant mines. How these workers are subsequently attracted and retained is inextricably linked to the practice of *peshgis*. Finally, the issue of child labour in mines is touched upon.

5.1 Migratory labour

⁵Amongst the major occupational diseases are: *Pneumoconiosis* – caused by inhalation of dust; *Carcinoma* of lung – exact cause not known but certain Carcinogens like fumes are held responsible; *Nystagmus* – cause being dim light and abnormal posture; *Dermatitis* – cause being contact of allergens, *Heat Stroke* – cause being vigorous working in hot and humid conditions; *Carbon Dioxide Poisoning* – cause being incomplete combustion and spontaneous heating in mine; *Tuberculosis* – cause being poor living conditions; *loss of hearing* caused by noise; and *damage to the eyes* due to exposure to gases and splintering of minerals during excavation.

⁶ Three informants stated that they had borrowed Rs. 37,000, Rs. 45,000 and Rs. 58,000 in order to pay for treatment of illnesses.

The rapid assessment confirmed that the vast majority of miners working in the provinces of Balochistan, Sindh and Punjab are migrants. An estimated two-thirds come from the North-West Frontier Province, with 50% of them coming from the regions of Swat and Shangla and a further 10-15% from the districts of Dir and Kohistan (See Map 2). A further 10-15% trace their roots to Azad Kashmir. The only region where there are fewer migrants is NWFP - not surprisingly, considering that almost 70% of all miners come from this province. However, even in mines in NWFP, the majority of workers are migrants from the same areas mentioned above. A few local miners were interviewed but their relative strength was never estimated at more than five-10%. An ex-miner interviewed in Shangla, pointed out that, during his tenure in a mine in Sindh, over half the workers were from his own village and many others were from neighbouring villages.

A report of the Royal Labour Commission of British India (1931) indicates that mining has traditionally relied on migrant labour.

“...for the most part, perennial factories have now passed the stage at which it is necessary to go beyond the factory gate to secure labour. Conditions in the coalfields, however, are very different. Although, in respect of the demand of the labour, the position has become easier in recent years, many of the workers have still to be engaged away from the colliery. In consequence colliery proprietors still find it necessary to spend, directly or indirectly, substantial sums in recruiting. Most collieries recruit through a contractor. Some make a special contract for the supply of labour, which is then employed and paid by the mine management; but the more usual method is to employ a raising contractor to whom are assigned other important functions which we discuss later. Two other systems exist: under one, a miner Sardar brings a gang to the mine and is responsible to the manager for the work undertaken by the gang; under the other, the management sends out its own recruiters. Whichever the system adopted, the actual procedure of securing recruits is much the same. The recruiter or his agent visits the village – which is generally the one with which he has a steady connection – makes advances, pays railway fares and brings the workers to the coalfield. An increasing number of miners find their way to the coalfields from outside without the assistance of a recruiter.”

This passage highlights a number of important issues, most notably the role of the middleman and the pattern of recruitment. Much of this system remains unchanged to this day and will be discussed in some detail below.

Push factors in the areas of origin

Much of the following information is based on field visits made to the villages in the districts of Swat and Shangla⁷. In addition, use has been made of existing studies⁸ analyzing geographical and economic factors that promote out-migration.

Rahim and Viaro (2002) argue that workers from the mountainous regions of Shangla and Swat traditionally migrated for work in the coalmines of Punjab, Balochistan and Sindh on a seasonal basis. Gradually, this migration became formalized through both chain migration and the emergence of middlemen who actively recruited workers from these regions. Shangla became the centre of mine workers and recruiting agents, giving rise to a whole network of individuals and groups connected with the mining industry. This development is reflected in the fact that, today, buses run directly from Shangla to Karachi and Quetta for the convenience of local mine labour working in Sindh and Balochistan.

But there are other factors intrinsic to Swat, Shangla and the neighbouring Hazara Division (including Mansehra, the Kaghan Valley and Kohistan that promote out-migration. First, the area is mountainous with extremes of climate. Cultivation is only undertaken in the summer months. During the freezing winter, individuals search for opportunities in other areas. Some are able to find work in the closest urban centre (Mingora) and may even be able to commute on a daily basis. The less fortunate have to

⁷ Mingora, Khwaza Khela, Alpuri, Leelonai and Shahpur were visited.

⁸ See Viaro and Inam-ur-Rahim (2002): Swat: An Afghan Society in Pakistan.

look further a-field, lead them towards mining which, because of its ‘institutionalization’, remains the most accessible employment.

A leader of the All Pakistan Federation of Labour based in Punjab, stated that:

“Anyone who cannot get some other job goes in for mining. In the Swat and Azad Kashmir areas no labour is to be had during the winter months, while in the mines it is the working season”.

Second, these areas are particularly poor regions where opportunities for employment remain limited. The high rate of population growth has also put further pressure on natural resources and has adversely affected agricultural output as land holdings are increasingly divided. Employment opportunities have diminished further because of the decreasing number and size of public sector projects, due to the paucity of development funds allocated to the provincial government.

The consequence of these conditions is acute desperation among most members of the lower economic group (which represents the majority of the population of these areas). Mines, especially underground ones in Balochistan, Punjab, Hazara and Swat have provided the main avenue for employment for poor labourers from the upper hill tracts of Swat and Shangla for generations and this ‘tradition’ has continued to the present day.

In addition to these ‘push’ factors, certain ‘pull’ factors make labourers from these areas attractive to labour-recruiters and mine owners.

Mining work is extremely physically demanding work. According to one informant, a Chief Engineer, men from these areas are tough and hardy and, therefore, physically able to handle the arduous work of mining. He added that he had tried local labour on two occasions but found them unable to work at the same level as the migrant workers. Similarly, a representative of the Mine Owners’ Association, stated:

“Mining takes a heavy toll of health and physique, that is why hardened labour has to be imported from Swat and other mountainous places. Those people are very poor and have to take advances for their families to live on”.

5.2 Mode of recruitment – middlemen and peshgis

Workers who accept work in mines do so on the basis of securing an advance, or *peshgi*, from a labour agent or middleman. The middleman, known as a *mate* in Punjab and *jorisar* in Sindh and Balochistan, is dispatched by mine-owners to recruit labour from selected villages. The middleman is armed with advances of money known as *peshgis*, as enticements for employment in mines. A *jorisar* interviewed during the fieldwork, stated:

“Shangla is a backward area. The majority of people are poor. Those that we recruit often owe about seven or eight thousand rupees to shopkeepers. This individual then seeks an advance from the jorisar in order to arrange provisions for his family while he is absent from home”.

Recruitment, therefore, is done by the *mate* or *jorisar*. The mine-owner has no direct dealing with the worker. By giving the advance to the middleman, the mine-owner ensures that the middleman will be responsible for giving and reclaiming the advance, meaning that the latter, in turn, is likely to give advances only to those workers he trusts and/or is confident of ‘controlling’. Labour-agents are therefore most likely to recruit workers from their own localities. In order to protect his own interests, it is also common practice for the middleman to receive the workers’ wages and then disburse them. Another *jorisar* stated:

“As a jorisar, I bring labour from the villages. I go there at least once a year. Men also come by themselves in search of work but most are recruited by jorisars. The advance payment to a worker is through us. If a worker runs away, we have to compensate the company for the loss of the advance”.

Advances vary between Rs. 5,000 and Rs. 50,000. For mines in Punjab, the average *peshgi* ranges from Rs. 5000 to Rs. 20,000. In Sindh, the equivalent range is Rs. 10,000 – Rs. 25,000. *Peshgis* are highest for mines in Balochistan, ranging from Rs. 15,000 to Rs. 50,000 reflecting the greater depth of the mines, the more difficult working conditions and the need to retain an experienced labour force for work in mines where the coal is of relatively high quality. The larger advances in Balochistan and Sindh are also linked to the practice of withholding wages until coal is sold. In Punjab, the tendency is to pay miners as soon as the coal is excavated. Advances for mining activities in NWFP are rare, possibly reflecting the fact that workers are more local than migrant. Furthermore, the quality of the coal in Punjab and NWFP is lower than in Sindh and Balochistan. As such, the market price is correspondingly lower and mine-owners have less cash to offer miners.

From the point of view of the employer, the *peshgi* (and the indebtedness that usually follows) serve several purposes. Most importantly, it secures a permanent, suitable and cheap labour force at a time when demand is high. Much mine work is seasonal – winter being the busy period. However, the ‘fallow’ period in summer means that a considerable amount of effort is needed to make the mine operational again for the winter season. As such, mine-owners prefer to retain a work-force year-round. *Peshgis* assure a labour supply for the busy winter season and also keep this labour in place during summer. While workers may initially have planned to migrate for only a season, their increasing indebtedness often means that they are obliged to continue working year-round.

5.3 Implications of taking *peshgis*

Of the more than 100 workers interviewed, only a small minority had not taken *peshgis* and the majority of these were based in NWFP or were local miners. The section above has detailed the reasons why miners take *peshgis* as well as why owners, through their middlemen, offer them. But what are the implications for the worker once an advance has been taken?

The number of workers who take *peshgi* and manage to pay it back in full appears to be small. Part of the reason is the relatively large amount given as an advance. Furthermore, this initial advance tends to grow rather than decline.

Once an advance is secured from a *jorisar* or *mate*, repayment usually takes the shape of deductions from fortnightly or monthly wages. Generally, the larger the advance the more money is deducted from wages. There is little evidence of interest being charged. But, once *peshgi* is taken, the worker cannot move from the current employer without repaying the advance in full. This means that availing of better wages in another mine or in some other employment is forfeited, unless another advance is taken to pay off the original loan. As a mine manager informed us:

“Workers always want advances, amounting to Rs. 10-15,000. If they want to go and join some other mine, this advance has to be returned. We give the advance amount to the mate, not directly to the worker.”

The importance of the *peshgi* for the employer, therefore, lies in retaining labour. *Peshgis* are rarely fully reclaimed by owners nor is interest earned. Rather, *peshgi* gives the employer considerable leverage over his middlemen and, through the middlemen, his labour.

Moreover, not only are mine-owners assured of a labour supply, they are also provided with a compliant labour force. The fact that migrant workers are keen for advances makes them even more attractive to potential employers. It was revealed by a number of labour leaders that local workers are far less likely to ask for or receive advances and do not represent the ideal labour force for mine-owners. Local workers tend to have stronger links within the community and are, therefore, more likely to take collective action or join trade unions. As a social activist and the producer of *Sang Zad*, a TV serial revolving around the poor state of miners, stated:

“Being poor and lonely and far from home, and away from the labour movement, the migrant worker is far more likely to become bonded. On the other hand, the local worker is close to home, is organized

and in contact with the labour movement and is not obliged to get bonded. He is less in need of advance and does not get entrapped in this relationship”.

Thus, apart from surrendering the right to freedom of employment, migrant miners are under pressure not to join trade unions. At several sites, informants mentioned instances of mine-owners insisting on *peshgis* being returned or refusing further advances in the event of trade union activity. The result is that trade union activity in the mining industry is minimal and where it does exist is so feeble as to have no noticeable impact. In several mines, we found ‘trade unions’ actually being run by labour-contractors or even mine-owners!

5.4 Evidence of forced labour

Unlike the agriculture sector, the mining sector does not appear to have a system whereby workers are expected to contribute free labour as part of their ‘contract’ with the employer. Mines tend to be located in extremely remote areas where there is little other work available and where mine-owners are rarely based. Forced labour in the mining sector takes on a more flagrant form. Indebted miners are pressured to continue to work for low wages for the same employer without complaint about working or living conditions. Those who try to escape are tracked down by the *jorisar* or *mate* and forced to continue to work at the mine. Miners interviewed gave accounts of fellow miners being severely beaten and chained following an attempted escape. Here, the linkage between the labour agent and the worker proves crucial, as most labour agents are from the same region as the miners and, therefore, usually personally know the ‘errant’ miner and his family. As one *jorisar* remarked when asked what would happen if one of his workers decamped with the advance “*Where will he hide from us? We know him and his family. He will have to move to a different province*”. Furthermore, *jorisars* have taken to giving out *peshgis* to more than one member of a family. For the workers, the incentive is that it allows a much larger total advance to be received. For the *jorisar*, it means that in the event of one family member escaping, the others are held as collateral. This phenomenon is, in fact, common in the mining sector. Miners who wish to take some leave to visit their home village normally do so by ensuring that a family member remains in the mine during their absence.

In worst-case scenarios, *peshgis* may pass from one generation to the next, with middlemen insisting that, upon the death of a worker, a son or other relative must take on the advance. It was pointed out that some labour agents deduct the *peshgi* amount from a worker’s death-compensation amount. However, there was also mention of *peshgis* being waived in the event of occupational disease or accident.

More common than physical chaining of workers is the collusion of the mine-owner or middleman with local police officials when workers attempt to leave a particular employer. Workers may be threatened with jail and, in some cases, be locked up. But not only the worker risks intimidation at the hands of the local police and mine owners. Better off *jorisars* occasionally offer advances to workers from their own funds and then reclaim this advance from mine-owners. However, as a labour leader stated, mine administration and the police may plot in conjunction against both workers and middlemen.

“Sometimes the worker decamps with the advanced amount. Only five percent of the blame in such cases falls on the worker. The owners are at fault in 95 percent of cases. This is because they try to withhold the dues, not only of the worker but also of the mate. Often the owner owes more than a lakh of rupees (Rs. 100,000) to the mate, but tries to avoid payment through various excuses. If the mate presses too much, the owner seeks the help of the police. He bribes the police and gets the mate arrested. The usual ruse of the police is to accuse the mate of possessing charas⁹. Not knowing who is responsible for the police action, the worker or the mate appeals to the owner or contractor for assistance. The owner/contractor ‘recommends’ lenience, and the police promise to let him off if he leaves the area. The mate accepts the conditions and, forfeiting his money, he leaves the area. There have been dozens of cases of this nature. In Choa Saidan Shah and Chakwal, the owner’s hand is always behind police victimization.”

⁹ Charas = hashish

The collusion with police and district government officials further strengthens the hand of the already-dominant party in this unwritten contract, initiated through the advance of pay.

5.5 The never ending debt

The initial *peshgi* is only the first step in a cycle of indebtedness that continues to grow over time. It is the combination of *peshgi* and low wages that together make this a long-term phenomenon.

Wage rates

In almost all mines in Pakistan the system of piece-rate work is prevalent. At hiring, piece-rates are set by the labour agent and the agent's own commission is settled. During the digging of the mine, payment is made on a per square-foot basis. When mineral excavation begins, wages are given on a per ton basis.

The older and larger mines, mainly located in Sindh and Balochistan, tend to offer better wages. These mines are amongst the small number that were taken on by industrialists before partition. The smaller and newer mines are almost entirely controlled by short-term leaseholders or petty contractors who invest as little as possible in their operations. This obviously affects wage rates. A comparative observation of coalmines reveals that the highest wages per ton excavated are Rs. 400-500 while the lowest are Rs. 100-120. The higher rates are found in the mines of Balochistan, reflecting the higher quality of the coal excavated and the more difficult working conditions (deeper mines). The lowest rates are found in NWFP where coal quality is low and the need to attract migrant workers less important. In these mines, the rate ranges between Rs. 100-150 per ton excavated. In the mines of Punjab, wages are around Rs. 200-250 per ton. Similarly, in Sindh, wages are around Rs. 200 per ton up to Rs. 300, in rare instances. In terms of earnings per month, the range is between Rs. 3000-4000 in Balochistan, Rs. 2500 – 3000 in Sindh and Punjab and Rs. 2000 in NWFP.

Despite the relatively high wages in the coalmines of Balochistan, the most exploitative wage system encountered is found there, in the onyx mines of Chaghi. This belt of mines runs along the Afghan border and enters Iran after passing through Pakistan. Somewhat surprisingly, the miners are mostly local, explained by the fact that excavation work is relatively easy. In the past, miners here worked on a daily wage basis, but this system is being replaced by a 'more work-more income' system. More shocking is the practice of not paying wages to miners if the excavated material is not of a certain quality. In coalmines, the size and shape of the coal excavated is immaterial. But in onyx mining, the size of the block has to be of prescribed dimensions. It takes three people a whole day to dig out a 3x3 foot block and if the output is not acceptable to the owner, the entire effort of three workers is wasted. This is known as the *Gulla* system.

By far, the best wage rates (and working and living conditions) are found in government-owned mines. Miners working for the Pakistan Mineral Development Corporation (PMDC) receive better wages distributed in a timely manner. The federal government established PMDC, with the concurrence of the provincial governments, in 1974 as a private limited company. It was the first time that a specialized agency had been set up at federal level to undertake the tasks of mineral exploration, development, exploitation and utilization. PMDC took control of five salt mines/quarries, four coalmines and four mineral exploration projects. Unfortunately, in the last few years, the emphasis on privatization has seen PMDC contracting/leasing its mines to private contractors, invariably leading to job and wage cuts. Similarly in NWFP, the emerald mines run by the government-sponsored Gem Corporation of Pakistan have a better record in terms of labour management.

Timely provision of wages

Apart from the problem of low wages further reduced by *peshgi* deductions, there is also the problem of late payment. This is connected to the continued recourse to advances. Labour leaders and workers interviewed stated that it is common practice for wages to be paid only when material is sold. This delay appears to be more common in the mines of Sindh and Balochistan. Some informants stated that payment tends to be regular in those mines where business is regular. But as one informant stated:

“In many mines, wages are paid after loading the coal, i.e., after its sale. But loading itself has many hazards: much of the coal dust is blown away by wind, or rain washes it away. The loss is ultimately that of the worker. Moreover, the coal is weighed in the factory which buys it where the miner, who is most concerned with its weight, is not present. Here, too, the worker sometimes suffers as some of the coal is rejected for allegedly low quality.”

The system devised for the payment of wages by one of the old-established (and, therefore, better run) private mines involves no direct contact between worker and mine administration. According to the chief engineer of the mine:

“We have a regular system for all kinds of payment. The owner hands over the money to the jorisar, while the workers jointly nominate a clerk to look after their accounts. The wage rate is announced on the notice board, therefore the jorisar cannot do any underhand business. Also the jorisar is paid per ton separately. If there are 20 workers their total wage is divided into 21 parts and he is paid that as commission.”

Delays in distributing wages mean that workers are forced into a situation where, in order to meet daily expenses, they must accept more *peshgis* from the labour agents. This additional amount is added to their previous balance. The importance of the provision of timely wages is summed up in the words of a Kashmiri miner working in Sindh:

“One sure way of bringing about improvement is through enforcing timely payment of wages. The consensus is that if wages are paid punctually and regularly there will be no need for advances. In most of the mines in Pakistan, wages are paid after the sale of the coal. The fortnightly compensation gets deposited with the mate and is given to the worker only when he goes back home. In both the cases, the worker has to rely on advances for his immediate needs.”

Potential for ‘fraud’

An advance is always part of an unwritten agreement in itself leaving ample scope for the ‘fiddling’ of accounts, particularly as miners are overwhelmingly illiterate. Workers often complained that their original *peshgi* amount had been inflated by the *jorisar* or *mate*. During a field interview, a labour leader in a mine in Punjab related an incident that occurred:

*“A worker from Poonch in Azad Kashmir had borrowed Rs 20,000 as advance from a mate in order to buy a donkey for use in the mine. For several months he managed to repay the *peshgi* from his wages, despite the hardship that this caused. When he had paid back all but Rs. 4000 of the original Rs. 20,000 he asked the mate whether he could look for work offering better wages. The mate, though, had invested all his capital in the mine and did not have enough money to hire another donkey-owner. So, to ensure that the worker would not leave, he falsely claimed that the worker owed him Rs. 40,000 and not just Rs 4,000. The mate was a man of influence and I saw this donkey-owner being brought to the mine in chains. He was made to work in the mine in this fashion, while the mate’s son kept watch outside armed with a revolver. After working for hours he was escorted to his room and kept imprisoned in chains. After about twelve days, the man somehow managed to escape, only for the mate to arrange a search party of jeeps and armed men. Two days later, the unfortunate worker was apprehended, severely beaten and put to work again. When this came to the knowledge of some good people of the locality, they arranged a settlement by paying the mate some money and begging him to let the prisoner go.”*

Admittedly, the above account is extreme but the occurrence of such cases in the mining sector reflects the degree to which labour is forced to forfeit the freedom of employment due to *peshgi* and the cycle of debt.

More common than blatant use of force and deception, though, are more surreptitious ways of inflating the outstanding debt.

One of the most common ways is through the common kitchen, or *langar*, system practiced in most of the mines of Sindh, Punjab and Balochistan. An agent of the mine administration (not himself a mine

worker) brings in monthly rations and the amount is divided amongst the mineworkers and added to their advance accordingly. As there are no written accounts, the amount added to the existing *peshgi* is easily fiddled. In NWFP, the *langar* expenses are simply deducted from the wages, given that far fewer miners take advances.

In some cases, rations the miner arranges rations for his family with the shopkeeper through the *jorisar*. Occasionally, the *jorisar* himself is responsible for providing rations to the miner's family. But a number of workers stated that the collusion of shopkeeper and *jorisar* often means that the full value of rations does not reach their families and the amount added on to the initial *peshgi* is arbitrarily increased.

These complaints and the fact that the *jorisar* is often seen as responsible for the worker's increasing indebtedness say much about the relationship between recruiter and labour. Despite the fact that the agent is usually from the same locality, caste and, occasionally, the same extended kinship group as the labour he recruits, the labour agent does not appear to favour his labourers beyond offering them employment. Workers hold the *jorisar* responsible for exploiting them and cheating them out of their meager wages. It is worth remembering that wages are given to the labour agent and not directly to the worker.

5.6 Peshgi and working conditions

The earlier part of this report touched on the appalling working and living conditions of labour in the mining industry. There is a direct link between these conditions and the increasing reliance on *peshgis*.

Occupational accidents and the burden of disease related to working conditions in the mining industry are extremely high. Miners are often forced to take on new advances in order to treat health problems that arise directly from their working conditions. While compensation is usually paid for accidental death and for on-site accidents, most workers complain of the lack of compensation for sicknesses acquired as a result of conditions in the mines. Two provincial governments have categorized certain diseases as occupational diseases linked to mining (see Annex IV) and the former Minister of Labour, Omar Asghar Khan, took up the issue seriously. But since his untimely death, no further progress has been made.

Workers in most mines complained that, in case of illness, they have to pay for their own treatment. One miner interviewed in Lakhra related how he had been forced to take an advance of Rs. 37,000 after falling ill:

“Although I initially took no advance, I owe the [...] Coal Co. a sum of Rs. 37,000. I had fallen ill and the jorisar of that company sent money to me in the village. The illness cost me quite a lot. I have now talked to the jorisar of [...] Coal Co. in Lakhra to arrange for another advance so that I am able to pay off the [...] Coal Co. whose jorisar is pressing me to clear the loan or start working with them. Now I cannot go home till I have paid this amount. I can't even take leave.”

5.7 Peshgi and child labour

The increasing burden of *peshgis* coupled with low, piece-rate wages leads to another phenomenon – the use of child labour in mines. To lighten the burden of *peshgis*, some workers have taken to involving their children in mining. These boys can be as young as 10 but the majority are closer to 15. They either migrate with their father or are sent to join their father or elder brothers.

In Punjab and NWFP, boys are usually assigned the job of taking donkeys underground and bringing them out laden with coal. They are known as *tapali* and, on average, make Rs. 80-100 per day. Apart from working as *tapalis*, the boys are also found working in the *langar*, or common kitchen. Additionally, they may be assigned tasks such as carrying goods to and from the mine.

In Sindh and Balochistan, children were not seen working as *tapalis*, although there were children going in and out of the underground mines. More children were found working in the common kitchen. A chief engineer at one mine stated:

“Boys work with us as support staff. No one below 18 years of age is allowed to go down into the mine. Actually, we are opposed to having juvenile labour. But sometimes we are obliged to engage a boy when we are told that he is the only breadwinner in the family. In Punjab, boys are employed to drive the donkeys because the mines are smaller and it is not feasible for an adult to drive a donkey in them.”

Apart from children working as part of a family group, a sub-set of children has no relatives in the mines. Often these children are the eldest able male child and *de facto* breadwinners – usually the result of death or incapacity of fathers and/or elder brother(s). These children represent the most vulnerable subset of workers.

Children have also to face the added menace of sexual abuse. The appalling living and working conditions, in conjunction with the complete absence of a family life, promote the incidence of child sexual abuse by miners, *jorisars* and other workers, such as donkey-owners and cooks. This abuse is compounded by the relatively recent but increasing incidence of drug-use amongst miners. Miners stated that drug-peddling is a profitable profession and peddlers often buy opium, heroin and *charas* from areas in NWFP and sell it to miners.

5.8 Nature of bondage in mining

In the mining sector, bonded labour as an instituted system of recruitment clearly exists, apparently conforming to the ‘classic’ stereotype of debt bondage. Other social mechanisms that might lead to bondage are not clearly in evidence, for instance such as social linkages involving mutual obligations between groups. Social linkages play a role in the initial recruitment through middlemen, But there is no traditional bond between employer and employee as is the case between landlord and tenant in agriculture. The relationship is only established once a *peshgi* is offered and accepted.

Neither is there evidence of extra work being extracted without remuneration. This is largely a reflection of the fact that family labour is not involved in mining and that other work opportunities at the mining site are severely restricted. Forced labour in the mining sector is characterized by physical force, the threat of violence and a relationship between unequals. There is no question of equal bargaining power between the ‘partners’ in this unwritten contract. Furthermore, the active collusion of powerful mine owners with the state machinery further unbalances this relationship in favour of the employers.

It is appropriate to finish this section with a quote from a government official interviewed during the fieldwork:

“Peshgi and loans are absolutely simple notions, unobjectionable to all – in no case do they cause any public censure or contempt; but when the same notions of peshgi and loans are linked to the mine worker or brick kiln worker, there is much public outcry against it. Why? Whoever gets an advance or a loan has to pledge something in return. What has the mineworker got that he can pledge? He has only himself. So when he comes to work in the mines he has to pledge himself. What is wrong with that?”

6. RECOMMENDATIONS

6.1 Need for in-depth study

The rapid assessment clearly shows that bonded labour is present in the mining sector of Pakistan. However, the nature of the research meant that a detailed analysis of the sector was not feasible, nor was it attempted or expected. As a result, it is dangerous to extrapolate results or to view the current findings as definitive. A follow-up study should be based upon in-depth qualitative research to examine

in far greater detail many of the issues that the current research has simply identified. The nature of labour arrangements requires intensive study. Much has been written about the contract system in the context of labour employment and welfare but this system appears to be particularly complex in the field of mining. The rapid assessment has introduced the roles of owners, contractor and middlemen. But their respective roles and responsibilities and the inter-relations between them require greater analysis. In particular, the following issues require further study:

1. The relationship of the contractor with workers.
2. The relationship between the contractor and the owner and its effect on the running of the mine and the welfare of the workers.
3. The contacts between mine officials and officials of the government labour department, their collusion and exchange of favours, the workers' problems resulting from these connections, and how contractors are sometimes able to combine the roles of owner, *joridar* and even trade union leader.
4. Is the contract system prevalent in the coalmines akin to the contract system in other sectors, for example in the brick kiln industry?
5. Does this system always work against the interests of workers?

6.2 Focus on areas of origin of migratory labour

This rapid assessment has established that the majority of labour in mines is migratory, originating from the Malakand region (including the districts of Shangla, Swat and Dir) of the North-West Frontier Province. Any future study on mining needs to examine the effects of the migration of miners on their regions of origin. The study would need to cover the geography of these areas, the opportunities for employment, the life-styles of shepherds and agricultural tenants, the tendency towards taking up work in the mines, the division of labour and chores among family members, the high dropout rate in primary schools in favour of mining, mortality rates among mothers and infants, prevalence of TB among the wives of miners, non-availability of family-planning counseling, neglect of cultivation among miners' families and accent on rearing cattle, etc.

6.3 Examining the distribution of family labour

The distribution of labour in the families of miners needs special attention as it has deep relevance to their financial condition and the practice of taking advances from mine-owners. With the head of the family and other adult male members, including adolescent boys, having departed for the mines, there is a need to examine how women left behind cope with the workload. Not only do women have to undertake domestic tasks but, in the absence of men and boys, they shoulder a much larger burden in cultivation and in tending to family-owned cattle. Psychological and social issues also arise when women have to make decisions normally taken by men.

6.4 Studying miners' working and living conditions

The issue of working and living conditions in the mining industry has been covered to some extent in the report. But the researchers had no accompanying medical expert to more accurately assess the health risks associated with working in the mines. Living conditions also need to be examined in detail, as do the health and medical services available to miners, the frequency of accidents and the violation of the laws and rules governing the operation of mines.

6.5 Assessing the role of government functionaries

The performance of the Directorate General of Mines needs careful assessment. There should be a detailed examination of the whole institutional framework responsible for the twin functions of issuing mine leases and giving effect to provisions of the Mines Act, 1923, and other laws and regulations.

Violations of the Mines Act and other rules are so common that they have become established practice, unsurprisingly, considering that the budget allotted to the Inspectorate of Mines is usually only

sufficient for a single officer to be responsible for inspecting over 50 mines. Extremely hazardous working conditions and almost non-existent safety precautions lead to a high rate of accidents and prevalence of disease. Sick workers are not properly treated nor are they or their families awarded compensation in the event of occupational illness. No reliable records are kept of miners' deaths due to accidents or diseases. There is an urgent need to prepare comprehensive data on all these aspects for all the four provinces.

6.6 Need for a database of mines

The Inspectorates of Mines have been preparing their annual reports since 1948. Among other things, these reports carry figures about the numbers of mine-workers, official measures adopted for ensuring safety in mines and facts about accidents taking place at the workplace. This information should be used to build up a reliable database at provincial level. This database should be supplemented by hospital records, clippings from local newspapers and by studies on the mining industry and the working and living conditions of workers.

6.7 Strengthening trade unions

The report highlights the fact that miners' trade unions either do not exist or, where they do exist, function nominally and have been largely ineffective and, on occasion, even detrimental to the interests of the miners. The mines visited showed little sign of genuine trade unionism, with a few exceptions, namely the Kohistan Mine Workers Federation (Punjab) and United Labour Federation (Sindh). Urgent work is needed to strengthen the role of trade unions in promoting and depending the rights of workers in the mining industry.

Annex I: SECONDARY SOURCES CONSULTED FOR RAPID ASSESSMENT

Official records and reports

A. Reports:

a. Unpublished

1. Report on the Working Operations of Mines.
2. Report respecting Occupational Safety and Health, Central Inspectorate of Mines, Islamabad.

b. Published

1. Report of the Royal Commission on Labour in India (1931).
2. Report of the Penal Commission on Mines and Oil Fields, 1949.
3. Annual Reports of the Chief Inspector of Mines - Punjab, Sindh, NWFP and Balochistan (1948, 1960s, 1970s, 1980s, 1990s).
4. Pakistan Labour Year Book, 1952.
5. Annual Consolidation Reports on the Working of Labour Laws in Pakistan (1990s).
6. Census Reports of Punjab, Sindh, NWFP and Balochistan, Islamabad, 1998-2000.

B. Gazetteers/Gazettes:

1. Imperial Gazetteer of India – Punjab.
2. Imperial Gazetteer of India – NWFP.
3. Imperial Gazetteer of India – Balochistan.
4. Pakistan Labour Gazette, 1990s.

C. Acts/Laws

1. Mines Act, 1923.
2. Consolidated Mines Rules, 1952.
3. Mining Board Rules, 1951.
4. The West Pakistan Mining Concession Rules, 1958.
5. The West Pakistan Mining Concession Rules, 1958.

Unofficial records and reports/documents

A. Reports

- a. Yameema Mitha, Nighat Saeed Khan, Masood Anwar, Asmaa Javed Pal: *Patterns of Female Employment in Mining and Construction Industries*, Ministry of Women Dev., Islamabad, 1988.
- b. International Labour Organization (ILO): Social and labour issues in small scale mines. Report for discussion at the tripartite meeting on social and labour issues, Geneva, May 1999.
- c. Child Labour in NWFP mines: Human Rights Commission of Pakistan (HRCP) Report, 1994.

B. Press clippings

Personal prejudices and variances in the statements of different journalists and the people in their columns/stories, were avoided.

C. Published/unpublished trade unions' records

Handbills; press releases; booklets; correspondence etc.

D. Publications

- a. Inaam-ur-Rahim, Alain Viaro
Swat: An Afghan Society in Pakistan, Karachi, 2002.
- b. Ahmad Salim
Mine Workers: Working and Living Conditions, SDPI, 2001, Islamabad.
- c. Ahmad Salim (Editor) Monthly *Jafakash*
Special Issue on Mine Workers, Karachi, Jan-Feb, 1985.
- d. Monthly *Jafakash*
Special Issue on Mine Workers, Karachi, 2002.
- e. Prof. Dr. Khan Gul Jadoon, Dr. Noor Muhammad and Engr. Siddique Akbar:
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Annex II: PENALTIES AND PROCEDURES, MINES ACT

Chapter 8

PENALTIES AND PROCEDURES

40. Contravention of law with dangerous results:-

1. Notwithstanding anything herein before contained, whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made there under, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to one year, or with fine which may extend to [four] thousand rupees, or with both; or, if such contravention results in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to [two thousand] rupees, or with both; or, if such contravention otherwise causes injury, or danger to workers or other persons in or about the mine with imprisonment which may extend to one month, or with fine which may extend to [one thousand] rupees or with both.
2. Where a person having been convicted under this section is again convicted there under, he shall be punishable with double the punishment provided by sub-section (1).
3. Any Court imposing, confirming in appeal, revision or otherwise, a sentence of fine passed under this section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or, in case of his death, to his legal representative:

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.

Annex III: HAZARDOUS CONDITIONS IN THE MINING INDUSTRY OF PAKISTAN

1. Poor ventilation:

The majority of underground mines still rely on natural ventilation. This is highly unreliable especially in the deep mines of Punjab and Balochistan. Mechanical ventilation, therefore, is essential under the prevailing circumstances.

2. Low illumination and smoke inhalation:

It is customary to use an open flame lamp in underground mines. This has low illumination and is a major source of smoke in the mines, and causes lung diseases and tuberculosis among workers. Its use must be discouraged at all levels and should be replaced with other means of lighting, i.e., safety lamp and/or fixed electric lighting, as conditions permit.

3. Strata control:

Supports installed in mines are insufficient in size and number leading to roof and side-wall subsidence. As a result of rapid de-forestation in the country, poor quality timber is being used in mines. To overcome these problems, the following steps should be initiated:

- Timber growth - especially Kikar for mining areas;
- Use of cost-effective RCC rafter in main tunnels and inclines;
- Roof bolting where possible and
- The use of Popular and Ecliptics timber in main drives.

4. Lack of mechanization:

All operations, i.e., coal extraction, loading and transportation, are done manually in most of the mines in the private sector. This is a major cause of low production and leads to a low return on investment. Mechanical means of loading and transportation of minerals in mines need to be adopted.

5. Gas explosions:

Methane gas invariably present in coal seams, especially in Balochistan, is highly explosive. This gas should be drained under controlled conditions or diluted to limits lower than 1%. Its layering should be avoided, a constant check-measurement should be kept, flameproof equipment used and adequate training should be given to supervisory staff. Adequate ventilation systems are essential.

6. Spontaneous combustion:

High-sulphur content coal is liable to self-heating and catches fire by oxidation without an external source of fire. Fire control and precautionary steps need to be implemented effectively.

7. Ineffective supervision:

Ineffective supervision is a major cause of mine accidents. Pre-shift and during-shift inspections reports by the mine supervisors to declare the workplace safe in all respects for human beings are often incorrect or are laxly recorded and fail to depict the actual underground conditions. Adequate training of mine supervisory staff is recommended.

8. Sub-letting of mining leases:

It is a common practice in Pakistan to sub-let coalmines to petty contractors for coal/salt production. These short-term lease-holders have little incentive to invest in the safety and development of mines. The Directorate of Mineral Development Department must play pivotal role in vetting applications.

9. Mode of payment:

Payment is linked to output per ton of mineral. This promotes maximum excavation at the price of safety and health.

10. Legislation respecting occupational safety and health in mines:

Existing legislation to regulate matters of occupational safety and health in mines was framed in 1923 and 1926. Mine-owners prefer to pay the meagre penalties imposed by the court of law under various sections of the Act rather to invest on safety. The Mines Act, 1923 and all rules and regulations framed there under need to be revised.

11. Use of personal protective and safety equipment:

This equipment is not manufactured locally and is expensive. As a result mine-owners are reluctant to purchase it. Furthermore, small mine-owners do not know how to import the safety equipment. A warehouse should be established at the federal or provincial level, with the help of Workers Welfare Fund, to provide personal protective equipment such as gas detectors to mine-owners on no-profit or loss basis.

Annex IV: NOTICE OF OCCUPATIONAL DISEASES

The Sindh Government, via Notification No. Lab. (I)26-72/79.—Karachi, the 28th September 1986, using provisions of Section 20-A of the Mines Act, 1923, notified the following diseases as occupational diseases for the workers employed in the mines of Sindh Province:

1. Pneumoconiosis
2. Carcinoma of the lung
3. Nystagmus
4. Dermatitis
5. Heat Stroke
6. Carbon monoxide Ppoisoning
7. Loss of hearing acuity
8. Tuberculosis verrucosa
9. Tunnel Workers Anaemia

[Souce: S. 20-A—Notification of Occupational Diseases, Sindh Govt. Gaz., Pt. I, Feb. 12, 1985, p. 191]

The NWFP Government, exercising powers of section 20-A(1) of the Mines Act, 1923, via Noti. No. SO(L)/1-15/95/894 dt. Aug. 20, 1995, also notified the following diseases as occupational diseases for the workers employed in the mines of NWFP Province:

1. Pneumoconiosis
2. Carcinoma of the lung
3. Nystagmus
4. Dermatitis
5. Heat stroke
6. Carbon monoxide poisoning
7. Loss of hearing acuity
8. Tuberculosis verrucosa
9. Tunnel workers anaemia
10. Tetanus

Annex V. PHOTOGRAPHS



List of Working Papers of the InFocus Programme on Promoting the Declaration

- No. 1 Bonded Labour in Pakistan, by Aly Ercelawn and Muhammad Nauman, June 2001.
- No. 2 A Perspective Plan to Eliminate Forced Labour in India, by L. Mishra, July 2001.
- No. 3 Défis et opportunités pour la Déclaration au Bénin, by Bertin C. Amoussou, August 2001.
- No. 4 Défis et opportunités pour la Déclaration au Niger : Identification des obstacles à la mise en œuvre des principes et droits fondamentaux au travail et propositions et solutions au Niger, by Moussa Oumanou, August 2001.
- No. 5 Égalité de rémunération au Mali, by Dominique Meurs, August 2001.
- No. 6 Défis et opportunités pour la Déclaration au Burkina Faso, by Seydou Konate, September 2001.
- No. 7 Child Labour in the Russian Federation, by Svetlana Stephenson, June 2002.
- No. 8 Intersecting risks: HIV/AIDS and Child Labour, by Bill Rau, June 2002.
- No. 9 Los principios y derechos fundamentales en el trabajo: su valor, su viabilidad, su incidencia y su importancia como elementos de progreso económico y de justicia social, de María Luz Vega Ruiz y Daniel Martínez, Julio 2002.
- No. 10 The Links between Collective Bargaining and Equality, by Adelle Blackett and Colleen Sheppard, September 2002.
- No. 11 Annotated bibliography on forced/bonded labour in India, by Mr. L. Mishra, December 2002.
- No. 12 Minimum wages and pay equity in Latin America, by Damian Grimshaw and Marcela Miozzo, March 2003
- No. 13 Gaps in basic workers' rights: Measuring international adherence to and implementation of the Organization's values with public ILO data, by W. R. Böhning, May 2003.
- No. 14 Equal Opportunities Practices and Enterprises Performance: An investigation on Australian and British Data, by Prof. V. Pérotin, Dr. A. Robinson and Dr. J. Loundes, July 2003
- No. 15 Freedom of Association and Collective Bargaining, a study of Indonesian experience 1998-2003, by Patrick Quinn, September 2003
- No. 16 Gender-based occupational segregation in the 1990s, by Richard Anker, Helinä Melkas and Ailsa Korten, September 2003.
- No. 17 Normalised and Disaggregated Gaps in Basic Workers' Rights, by W.R. Böhning, November 2003
- No. 18 Forced Labour: Definition, Indicators and Measurement, by Kanchana Ruwanpura & Pallavi Rai, March 2004.
- No. 19 Pay equity, minimum wage and equality at work: theoretical framework and empirical evidence, by Jill Rubery, November 2003

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- No. 20 A rapid assessment of bonded labour in Pakistan's mining sector, by Ahmad Salim, March 2004.
- No. 21 A rapid assessment of bonded labour in hazardous industries in Pakistan: glass bangles, tanneries and construction, by the Collective for Social Science Research in Karachi, March 2004.
- No. 22 A rapid assessment of bonded labour in domestic work and begging in Pakistan, by the Collective for Social Science Research in Karachi, March 2004.
- No. 23 A rapid assessment of bonded labour in the carpet industry of Pakistan, by Zafar Mueen Nasir, March 2004.
- No. 24 Unfree labour in Pakistan – work, debt and bondage in brick kilns in Pakistan, by the Pakistan Institute of Labour Education & Research, March 2004.
- No. 25 Bonded labour in agriculture: a rapid assessment in Punjab and North West Frontier Province, Pakistan, by G.M. Arif, March 2004.
- No. 26 Bonded labour in agriculture: a rapid assessment in Sindh and Balochistan, Pakistan, by Maliha H. Hussein, Abdul Razzaq Saleemi, Saira Malik and Shazreh Hussain, March 2004.