

HUMAN RIGHTS COMMISSION OF PAKISTAN

DEADLY LABOUR

MINE WORKERS IN BALOCHISTAN AND GILGIT-BALTISTAN

ZEESHAN NOEL

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MINE WORKERS IN Balochistan and Gilgit-Baltistan

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Human Rights Commission of Pakistan

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EXECUTIVE SUMMARY

The mining sector in Balochistan and Gilgit-Baltistan significantly contributes to the two regions' economic activity. At the same time, it is marred by labour rights violations that seldom make it to the mainstream discourse and are hardly regarded as a national priority. While the sector in both regions is regulated by a comprehensive set of laws, including the Mines Act 1923 and province-specific mining concession rules, their implementation remains weak.

The dismal labour rights situation is partly caused by the ownership structure that relies on subcontracting, thereby hampering enforcement. In Balochistan, the owners of mines usually lease the mine out to a thaikaidar [subcontractor], who in turn hires a jamadar [labour contractor] for arranging and contracting workers.

Driven solely by a profit motive and operating in a poorly regulated work environment, actors involved have little to no incentive to cater for a safe and healthy working environment for mine workers. These contracts significantly differ in Gilgit-Baltistan, with the community emerging as a major stakeholder in the acquisition and contracting of labour.

Labour contracts are informal, and average monthly wages in both regions hover around PKR 50,000. Instances of debt bondage, child labour and abuse are not uncommon. Given the informal nature of contracting, compensation for death, injury or accidents is rare.

Since most mine workers in Balochistan are non-locals (usually from Swat, Dir and Shangla, though there are Afghan, Bengali, Nepalese and Maldivian labourers as well), their desperation for employment leads them to exploitative work arrangements and low wages. In Gilgit-Baltistan, however, most mine workers are local to the region, primarily due to the community's role in decision-making—from the lease award to the hiring of mine workers.

Equipment provision and health and safety standards maintenance suffer primarily because of sporadic and irregular mine inspections. Balochistan was reported to have about only twenty inspectors of mines, severely limiting the capacity of the chief inspector. This is further exacerbated by political will and departmental inertia: a tacit understanding between major players ensuring that the abysmal status quo endures. Things were reported to be marginally better in Gilgit-Baltistan, where inspections are conducted informally and randomly, without set protocols.

This results in using low-cost, primitive methods that cause frequent accidents and put mine workers' lives at severe risk. Major causes of accidents include lack of a proper ventilation system, the collapsing of mines due to the use of substandard and weak wood, elevator crashes, and the unexpected release of poisonous gases and consequent spontaneous combustion and explosion.

Warning signal systems, attendance records, and protocols in case of accidents are non-existent. These and other factors associated with substandard mining practices continue to pose a serious risk to mine workers' medium and longterm health, which is why various respiratory diseases are prevalent. Mining areas in both regions also suffer from a serious dearth of provision of essential emergency services, thereby failing to minimise the loss of life from otherwise avoidable accidents.

In the case of Balochistan, the unionisation of mine workers is a considerable challenge in both government and privately owned mines. While over 25 unions exist in the province, these are headed by labour contractors or others with a severe conflict of interest.

Federations, too, are known to cut deals with government entities and mine owners (or their designated contractors) that go against the benefit of mine workers; issues here include the inaction on timely registration of workers with the Employees' Old-Age Benefits Institution (EOBI), nepotism in educational scholarships, embezzlement in allotment of quarters in labour colonies and marriage grants. In Gilgit-Baltistan, formal unions of mine workers do not exist, given that an organisation of the local community supervises the work, seeks input from the workers and negotiates with the owner, contractor or company.

The conflict of interest starts right at the top. People with strong political lineages and tribal leaders have the most share of mines, especially in the case of Balochistan, followed by retired bureaucrats and judges. Security agencies, especially the Frontier Corps (FC), have also emerged as major players in

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providing security and earning rents from the sector. In Gilgit-Baltistan, the arrangement is quite different as the ownership of mines is shared by the local community that manages affairs through local committees. The Frontier Works Organization (FWO) is also active in this region.

Formal and informal actors earn money in two ways: through formal and informal taxation and through the significant margins that a handful of individuals make. The role of bureaucracy, judiciary and law enforcement agencies in ensuring enforcement and accountability in the mining sector is rendered powerless due to these conflicts of interest. The economic benefits remain concentrated in the hands of a few, with little to no proof of community development or spillover effect.

All corrective measures must begin with the country ratifying International Labour Organization (ILO) Convention C176, which ensures the safety and health of mine workers. Also, a policy framework and plan of action—explicitly spelling out the definition of conflict of interests—is needed to ensure the effective implementation of the Mines Act 1923 and provincial laws made in this regard. The capacity of Mines Departments needs to be enhanced to increase the quality and frequency of inspections.

Registration of mine workers, their access to the EOBI and other welfare schemes, and the use of formal contracting procedures must be ensured for the protection of their rights and to guarantee enforcement. They must also be trained on safety measures and emergency protocols and provided with industry-standard safety equipment. The menace of child labour must be abolished, with a holistic strategy to protect the lives and rights of children. Penalties must be imposed against the mine owners and contractors involved in such practices. Finally, there is a need for continuous advocacy for timely court verdicts and ensuring the security of mine workers.

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INTRODUCTION

The human rights violations in Balochistan and Gilgit-Baltistan (GB) region in Pakistan seldom make it to the mainstream discourse, and their redressal is hardly regarded as a national priority. The complex political history, role of formal and informal governance institutions, peculiar terrain, abject poverty, and politics of natural resources in these regions hinder amplifying the voices of vulnerable groups who are often on the receiving end of oppression by the ruling elite—be it the state institutions or local landlords.¹

The mining sector is a significant contributor to the economy of Balochistan and Gilgit-Baltistan. While directly contributing to the income and economic development of the two regions, the industry also spurs activity in a range of ancillary and associated industries, including transportation, construction and logistics, to name a few.² The province of Balochistan accounts for almost 10 percent of Pakistan's total mineral production,³ making it an important hub of the mining industry in the country. There are both large-scale and smallscale mining operations in the province, which primarily focus on extracting coal, copper, gold, and iron ore. This sector contributed around 6 percent to the provincial GDP between 2007 and 2016.⁴ Compared to the mining industry in Balochistan, the mining industry in GB is relatively smaller, albeit home to significant mineral deposits, especially precious stones, copper, gold, and silver.

Mine workers in Pakistan present a deplorable account of exploitation and denial of rights. Although limited literature is available on mine workers in Gilgit-Baltistan, their state in both regions becomes more vulnerable for the abovementioned reasons. Mining operations in Pakistan are regulated by the Mines Act 1923, with mining concession rules enacted in the provinces. While these laws provide a solid framework for ensuring the safety and welfare of mine workers, their implementation remains weak at best. Thus, mine workers in the two regions—especially coal miners in Balochistan and gemstone miners in GB—remain vulnerable to exploitative practices and work in hazardous conditions that often directly threaten their lives.⁵

Multiple reports by the Human Rights Commission of Pakistan⁶ and IndustriALL⁷ established that Pakistan coal mines, primarily located in

Balochistan, are some of the most dangerous workplaces globally. Besides frequent fatal accidents, coal miners suffer from severe ailments and lifetime morbidities in the absence of adequate safety measures and modern equipment in mines. Mine workers usually do not use the proper gear and enter the mines in their routine wear. This has resulted in hundreds of mine workers losing their lives in accidents that could have been averted if basic safety standards were in place. These reports and other news reports inform that more than 300 coal miners were killed and dozens injured between 2005 and 2012.

In 2011 alone, 92 workers lost their lives in 33 separate incidents. Another news report informs that from 2010 to 2018, at least 318 coal mine workers died in Balochistan while working in the mines.⁸ Another report by IndustriAll mentioned more than 300 coal miners dead and 100 severely injured in mine accidents in Balochistan since 2021.⁹ Till March this year alone, around 30 mine workers had lost their lives in accidents that routinely happen in coal mines in Balochistan. These reports also indicated that besides accidents occurring due to a lack of safety standards and required equipment, coal miners are now threatened by the local militia and proscribed organisations that pose severe challenges to their lives.

In his seminal work on mine workers in Balochistan, Salim (2001) also criticised the labour arrangements, lack of unionisation and labour inspection that led to the awful state of miners and eventually loss of their lives. He pointed out the exploitative labour arrangement using the traditional method of hiring poor workers—away from their homes—through *jamadars* and *jorisars* [local contractors] without any job security, decent wages and required medical assistance.

These workers rely on their physical strength and, with minimal training, work in unsafe conditions and fall prey to fatal accidents. Since they are hired through payment of an advance amount, they also become bonded labour in many cases and end up working in these mines for years. The lack of political will and capacity of the mines department, responsible for inspecting mines and making mine owners accountable, worsens the situation. He also highlighted the significance of unionisation and its lack of capacity as the factors that could have helped improve the state of these workers.

The literature cited above repeatedly calls for the effective implementation

of the Mines Act 1923 and the ratification of ILO Convention C176¹⁰ and considers it a step forward to improve the working conditions of mine workers. In contrast to the rich data and literature available for Balochistan, the miseries of mine workers in Gilgit-Baltistan have not been documented as such. Also, there is a data gap on the political economy of mining sectors and the formal and informal institutions that govern this sector. With new anecdotal evidence available on newer actors and arrangements gaining prominence, it is imperative to study the politics of the mining sector and how it impacts the working conditions of mine workers. Another area still missing in the literature is the capacity and internal politics of unions that could play a decisive role in improving the living conditions of miners in both regions.

In addition to documenting the current state of miners in Balochistan and GB, this study also endeavours to explore these themes and analyse the root causes and external factors that lead to such inhuman work conditions for miners in Pakistan. The next section of this report deals with the overall state of mine workers in both regions vis-à-vis their labour arrangements, health and safety, compensation and wages, and right to unionisation.

Section 3 briefly explains the political economy of the mining industry, the formal and informal institutions that govern it, the politics of accountability mechanisms and aspirations for the development of local communities. The last section provides conclusions of this research and recommendations that government authorities, civil society organisations and labour bodies should implement to ameliorate the condition of poor mine workers.

STATE OF MINE WORKERS IN BALOCHISTAN AND GILGIT-BALTISTAN

Laws regulating the mining industry

The foremost legislation governing the operations of mines in Pakistan is the Mines Act, originally enacted in 1923 by the British to regulate mining and the welfare of mine workers.¹¹ It applies to all mineral-extracting operations, including coal, metal and oil. The legislation targets mine workers' safety, health and welfare and provides a comprehensive framework to prevent accidents and occupational diseases.

Towards this purpose, the law stipulates specific safety requirements which mine owners and contractors must meet. These include the provision of adequate ventilation, lighting and drainage systems, first aid facilities, proper equipment and clothing for mine workers, and the use of requisite machinery. The law also includes provisions for appointing inspectors of mines to ensure compliance.

Additionally, it regulates the employment of children and women as mine workers: it sets a minimum age limit of 16 years for working in mines; and prohibits the employment of women to work below ground. Through its provisions, the Mines Act holds mine owners and managers responsible for the welfare and safety of mine workers. If they fail to do so, the Act stipulates non-compliance penalties, including monetary fines and imprisonment terms.

A Miners Welfare Board funded by excise duty on minerals was created in 1967 to create a healthy living environment for mine workers and their families, and fund housing, medical care, education, and recreational facilities.¹²

In addition to the Mines Act of 1923, provincial concession rules also regulate the mining sector in respective provinces. The Balochistan Mineral Rules 2002 and the Gilgit-Baltistan Mining Concession Rules 2016 govern the awarding of the lease for the exploration and extraction of mines in Balochistan and GB, respectively. In addition to stipulating rules for the lease award, these

rules provide for the renewal, transfer and cancellation of mining leases, the payment of royalties, taxes and other fees, and prescribe compliance with safety and environmental standards. Additionally, the Balochistan Mines Safety and Inspection Act of 2017 provides for establishing a Mines Safety and Inspection Authority to conduct inspections of mines to ensure compliance with safety regulations. The GBMCR 2016 likewise covers aspects of mining operations, including safety measures, environmental protection, and rehabilitation of affected communities.

Contractual arrangements

Ownership contracts

In Balochistan, the government owns the majority of the mines and associated land, while some may also fall under the ownership of private individuals or heads of local tribes. Private parties—primarily local elites and persons of influence—are provided with the mine and associated land on a lease agreement. From here on, it becomes the responsibility of the private party to conduct initial assessments, exploration and eventual mining. Private companies—some of which may be international companies—also acquire mines and associated land on lease agreements.

Private individuals and companies who acquire mines on lease agreements subcontract these to *thaikaidars* [contractors]. According to a respondent interviewed for the study, while in the past, most private companies and individuals would run mining operations themselves, the majority of coal mines in the province are now subcontracted to *thaikaidars*. These contractors then run all mining operations and are only liable to pay a fixed fee to the private company or individual, usually based on the mine output and calculated on each ton of coal mined.

The contractors are also responsible for making any required investments, bringing in machinery, paying formal and informal taxes, transporting the coal to the market, and all direct and sundry operations associated with mining coal. According to an official of HRCP Balochistan, 'Mine owners in Balochistan are usually local Baloch or Brahvi, but there are some Punjabi Sheikhs and businessmen from the Hazara community as well.'

The Pakistan Mineral Development Corporation (PMDC) also operates

and subcontracts coal mines to *thaikaidars* in Balochistan. The PMDC is an independent corporation under the administrative control of the Ministry of Petroleum and Natural Resources of the Government of Pakistan. The company explores and evaluates mineral deposits, mining, extraction, and marketing and operates a handful of coal mines in Balochistan. While the PMDC subcontracts mines to *thaikaidars*, it retains a supervisory role. Their mines are therefore known to be better in regulatory compliance.

Ownership structures of gemstone mines in Gilgit-Baltistan are relatively different, owing to the territory's special status under the country's laws. Mountains that may contain mines of precious minerals and gemstones are under the ownership of local communities. However, the government leases these mountains with the local community's support, participation and consent. A formal agreement is signed with the government, stipulating the percentage of revenue awarded to the local community.

Most mines are contracted to investors and private companies outside the GB region. While some international mining companies in the past were contracted to operate mines, most investors and companies operating in the GB region are from within the country. Military-run engineering corporations, such as the FWO, are also known to operate mines in the region.

Awarding the lease

As discussed earlier, the Balochistan Mineral Rules 2002 and the Gilgit-Baltistan Mining Concession Rules 2016 govern the procedure of awarding the lease for the exploration and extraction of mines in Balochistan and Gilgit-Baltistan, respectively. The initial application for a lease is prepared and submitted to the Directorate of Industries and Mineral Development by the interested party, upon which the directorate verifies the set of requisite documents, which include a feasibility study, a mining plan and an environmental assessment.

An inspection is then conducted to validate compliance, following which a public notice is issued by the Office of the Deputy Commissioner (DC), inviting objections or comments from the public. The DC office and environment and forestry departments also issue no-objection certificates after the applicant has followed the requisite procedures. Finally, a decision is made to grant the lease in case of no objections, and an agreement is

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signed between the applicant and the government, laying down the terms and conditions in detail. Two types of licenses—small and large scale are issued pertaining to the various stages of the mining process, which include prospective license, explorative license, and a mining lease in case of confirmation of mineral ore.

Labour contracts

The *thaikaidars* [contractors], as the mines' default operators, are responsible for every aspect of its running, including hiring *jamadars* or *jorisars* [labour contractors] to recruit mine workers. The labour contractors identify and engage mine workers from various communities, pay their wages, make compensation in case of death or injury, and ensure that they have all requisite equipment.

Key informants interviewed for this study reported that the labour contracts were invariably made informally and not documented, hence putting mine workers at a disadvantage from the start.

Wages are often set on the daily output of a mine worker (per ton of coal, for example) or the number of feet dug in the case of mining tunnels or passages. Most mine workers prefer such output-based contracts since they allow them to earn more with higher effort. According to a key informant:

Labour does have a say in setting the wage rate—depending on the difficulty of mining terrain—but the decision is mainly in the control of the *jamadar*. Most mine workers work 8- to 9-hour shifts, although longer work hours going up to 12 hours are also common. Mine workers usually take Fridays off, with the weekly payment made the preceding Thursday. In other contracts, a three-day leave is granted after two weeks of work.

Driven solely by a profit motive and operating in a poorly regulated work environment, the labour contractor has little or no incentive to provide a safe and healthy working environment for mine workers. The labour contractor's only concern is to maximise the output produced by mine workers accomplished through exploitative labour practices—and minimise wage and compensatory costs—accomplished through paying low wages, shirking on

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the provision of safety equipment and training, indulging in debt bondage, and avoiding paying compensations in case of injury and death. In the words of a mine worker in Mach:

> Mine workers work very long hours—going into the mine at sunrise and returning at night, often working around 16 hours daily. Depending on the output, an average mine worker makes between PKR 7,000 and PKR 12,000 weekly. Compensation in cases of injury or death is occasionally paid, depending mainly on the decision of the *jamadar*. If compensation for death is made, the disbursement is very late, ranging from PKR 300,000 to PKR 500,000.

Labour contracts significantly differ in Gilgit-Baltistan, with the community emerging as a significant stakeholder in acquiring and contracting labour. Most of the mine workers are hired by a local committee set up by the community. The committee forms different subcommittees for different work areas and nominates a person from within to lead the group. Payments are made on a seasonal basis, and in the case of exploration work, the total payment is divided equally among the mine workers. Furthermore, labour contracting is done based on two kinds of wage systems: the first, where a contractor-labour arrangement pays daily according to the volume of digging conducted (mostly measured per foot) and the second, where labour is hired on a daily charge as per the market rate—which is usually between PKR 1,500 to 2,000 per day.

Major sources of labour supply

In Balochistan, locals comprise a minimal share of active mine workers, and most of the labour contracted comes from outside the region. There are villages of the ethnic Pashtun population in Khyber Pakhtunkhwa—mostly in Swat, Dir and Shangla districts—that have come to be known as hubs of manual miners. Mine workers from Swat and Upper Dir were reportedly very skilful, especially in their expertise in working in small tunnels. A human rights lawyer with experience in dealing with mining industry cases said that the *jamadars* bring all able-bodied menfolk from their villages as labourers. "These are usually poor people willing to work in dangerous conditions and make only a substandard wage.'

Some nationals of other countries are also known to work in coal mines in Balochistan. Of these, Afghans made up the vast majority and were reported to be almost one-fifth of the total mine workers in the province. Other nationals include Bengalis, Nepalese and Maldivians. Afghan mine workers are preferred since they are not registered and can be let go and sent back by the labour contractor on any pretext. In other words, given almost little or no economic activity in their home country and no legal status in Pakistan, Afghan mine workers are cheaper and easier to exploit for the labour-contractor. Given that they have no legal status in the host country and the lack of law enforcement in the province, Afghans prefer to work in Balochistan since crossing into other provinces usually requires documentation.

In Gilgit-Baltistan, most mine workers are local to the region. In addition to being local, most mine workers also belong to the same valley where the mine is located. This is mainly due to the community's role in decision-making—from the lease award to the hiring of mine workers.

Working conditions

Wages and compensation

The existing literature on wages and compensation informs that mine workers in Pakistan lag behind their global counterparts. According to a study, monthly wages paid to coal miners in Balochistan are just 20 percent of what miners earn in India and China, in addition to the absence of most allied benefits, including payments against total or partial disability, pension, health and educational facilities.

Respondents of interviews conducted for this study suggest that even within Balochistan and GB, mine workers' wages vary in different regions and depend upon the level of effort and required physical labour. Since labour arrangements are mostly informal except in the PMDC mines in Balochistan, the wage rates are usually not fixed in either region. According to the information provided by respondents, the average monthly wage for Balochistan comes to PKR 54,000. In the case of GB, it is a little less than PKR 50,000. Aware of these numbers, some key informants and mine workers commented that this seems like a lucrative monthly package, but it always ends up being insufficient and never permanent or regular.

During the small group interviews in Balochistan, a mine worker conceded that some miners working in more arduous conditions earned up to PKR 60,000 but cautioned that there was no job security.

Determining wage and paying it to miners is also a complex issue. In GB, payments are made using two different methods. One is the contractor-mine worker arrangement through community organisation, wherein money is charged per foot mine digging rates. The second arrangement is mainly used by companies when they hire mine workers on a daily-wage basis. The daily wage rate is determined by the market rate, which varies from PKR 1,000 to PKR 2,000. A Chinese company in Nagar Valley, whose mine workers were interviewed for this study, would hire labour at PKR 1,000 per day, while some key informants reported daily rates of PKR 1,500 and PKR 2,000 for other mines. In Balochistan, mine workers are paid through a jamadar or jorisar, who pays per foot of mine digging or ton of coal mined. How this system also undercounts the labour of mine workers is discussed in other parts of this report manifesting yet another exploitative aspect of determining wages. Payments are usually made weekly, but it is not a standard practice and varies across the province. The practice of hiring people on daily wages was not reported in Balochistan.

Like wages, the work hours of mine workers vary within both regions. While mine owners or contractors argue that the eight-hour work rule is applied, most union representatives have complained of at least ten workday hours. Strangely, mine workers, at least those not part of formal unions, did not bother much about work hours and were informed that they would work till the job was done, whether it took them 10 or 12 hours. However, it is challenging to work in the mines beyond ten hours a day, as per most accounts. As mentioned earlier, there is no system in place that can track the work hours in real-time. Likewise, periodic mine inspection remains insufficient to apply the eight-hour work rule. Representatives from the PMDC mines confirmed that the eight-hour work rule is strictly applied, and miners work in shifts.

The Workmen Compensation Act of 1923 governs the compensation package for miners' injuries and deaths. Previously, the compensation for death in Balochistan was PKR 300,000 compared with PKR 500,000 in other provinces. It has recently been made equivalent to other provinces, for

which labour unions and federations have claimed credit. However, payment of this package was not smooth as it involved a lot of red tape and was delayed by years. Additionally, the workers or their families often cannot file compensation claims for death or injury because of the lack of attendance records and social security scheme registrations. According to a study, the average injury rate in the coalmines of Balochistan is 25 percent, one of the highest in the world.¹³ The number of fatalities in the province is over 150 percent higher than in the United States and Australia. In comparison, the financial support provided to coal workers in the event of death is only 50 percent of what is given in India and China. Since the mining industry in GB is at its nascent stage and the applicability of Pakistani laws is still contested, not much information was available about the scale and process of compensation packages.

Mine inspections

While the law requires mine inspectors to visit mines to ensure compliance with various regulations regarding labour arrangements, safety and health, and environmental effects, inspections were reportedly abysmally low in Balochistan. This results in a lack of compliance and affects the working conditions for mine workers. The entire province was reported to have about 20 mine inspectors posted across the mining regions in the province, with four (including a Deputy Inspector of Mines) dedicated to Quetta. The Chief Inspector of Mines is tasked with training staff, providing certifications, and conducting inspections and risk assessments of mines. Most respondents interviewed for this study highlighted the low number of mine inspectors and their lack of technical capacity as the most important reasons for sporadic and irregular inspections. Political will and departmental inertia were also reported to be reasons behind the low number of inspections: a tacit understanding between federal, provincial and PMDC counterparts allegedly exists that ensures that the status quo endures.

Things were reported to be only marginally better in Gilgit-Baltistan. Inspections in the province were said to be conducted informally and randomly, without any set protocols. Labour inspection was also weak, given the lack of training in the labour department and financial resource constraints. According to a government official:

Labour inspection is also compromised because of actors involved in the

mining sector. It is difficult to get contracts without the support of both civil administration and the security establishment. The FWO has become a direct stakeholder. In many cases, the chief minister and chief secretary back investors. Some people say the military establishment also backs them.

Workers' registration

Most mine workers are not registered and are hired on informal contracts as temporary workers. This is why they are not enrolled in any medical, pension or employee benefit programmes, including the government-run Employees' Old-Age Benefits Institution (EOBI). According to a respondent interviewed for this study, only about 8,000 to 9,000 mine workers are registered in EOBI from Balochistan, from about 100,000 mine workers. In cases where they get EOBI benefits, their years of working experience are reduced in documents.

Mine workers are not given permanent employee status, despite having worked in the industry for decades. Minimum wage enforcement or other safety rights also elude their working experience. A participant at the roundtable dialogue said that workers' registration was almost negligible in the province, especially in the case of informal mines. In the coal mines of Dukki and Chamalang, thousands of mine workers have been working there for years. Almost no one is registered.'

Equipment provision

While the mining industry has evolved in many parts of the world with new technological advancements and training, coal miners in Balochistan and gemstone miners in Gilgit-Baltistan use basic equipment. Multiple interviews for this study informed that miners wore their everyday attire and used simple scarves to cover their heads.

This finding is consistent with conditions in the PMDC mines. In most cases, proper gear (safety helmet with headtorch, mining work boot, mask, etc.) was unavailable. Medical practitioners reported that the miners did not use the safety gear because it made them uncomfortable. The miners confirmed their reluctance in interviews.

Almost all equipment was reported to be outdated, from detecting the mineral, digging and carrying it out of the mine to establishing communication channels. Oftentimes, ammunition used to clear the passage led to a more

intense explosion than estimated. Miners were said to enter the mines a few hours after the explosion to clear the rubble with hands, brooms or spades. No communication channel existed in most cases between the people outside the mines and those working inside. Some key informants opined that many accidents could have been avoided if communication lines had been established.

The findings also suggest that miners—who are usually not trained—are casual about the use of equipment and not aware of the benefits of modern equipment. In GB, miners were astonished when they learned how masks could avert lung diseases that they afflict after a few years of work in mines. A medical doctor in GB who treats mine workers shared his experience:

These poor people did not know the reasons for lung ailments or coughing. They were utterly shocked when I told them this was because of the dust and smoke they inhaled and how it would worsen in a few years. This could be avoided by providing them essential gear—a proper gas mask, at least—but nobody knew.

Since most miners are young or early middle-aged and physically fit—as the nature of this work demands—their feeling of invincibility also becomes a hurdle to adopting safe practices. They feel elated when they work without safety equipment and without knowing the risks to their physical health.

Mine infrastructure and health and safety standards

Pakistan is still not a signatory to the ILO Convention C176 on Safety and Health in Mines. This is reflected in the poor state of health and safety standards in the mines throughout the country. Mining in Balochistan and Gilgit-Baltistan, like mining across the country, is done using primitive methods and suffers from a severe technological and infrastructure deficiency.

For coal, the major production is obtained by using traditional methods like longwall and room-and-pillar methods, with little to no mechanisation. In addition to the constraints in equipment provision, the general infrastructure of mines and techniques used during the mining process adds to the list of hazards for mine workers. This has resulted in frequent accidents in mines in both regions, causing injuries and fatalities among ill-equipped mine workers.

A significant cause of accidents that results from primitive methods includes the lack of a proper ventilation system, especially in coal mines. Almost all mines lack mechanical ventilators, an industry norm worldwide; instead, mines in Balochistan and Gilgit-Baltistan continue to rely on natural ventilation methods. No proper equipment is used to identify the presence and gauge the level of hazardous gases in mines before sending in mine workers for mineral extraction.

Instead, an archaic method, whereby caged birds are introduced into mines, is used. The presence of poisonous gases is known if the bird faints or dies. However, in the case of PMDC and public sector mines, an inspection visit by a *mining sardar* [senior miner] precedes mining activities. The *mining sardar* determines the presence of poisonous gases using requisite equipment, and the workers enter the mine only upon clearance.

In addition to the risk of inhaling poisonous gases, mine workers also face the frequent risk of mine collapses, gas explosions, or a combination of both in a single event. Respondents reported that weak and poor quality (and hence low-cost) wood—usually from the local Eucalyptus—is used to build mining tunnels, causing frequent mines collapsing. Cases of elevators collapsing due to rusting or breaking of the rope and electric shocks from elevators and lighting equipment were also reported, which in the past caused mine workers' deaths.

While some mines—primarily those in the public sector—have mechanised surface transportation to some extent, most mines continue to operate using a traditional manual haulage system. Additionally, explosions are common due to the use of flame oil lamps. With naturally ventilated underground mines, open-flame oil lamps pose a considerable risk of explosions, spontaneous combustion and suffocation due to the accumulation of smoke.

Warning signal systems, and protocols in case of accidents, were reported to be non-existent. This increases mortality, which can be reduced by adopting safety protocols and standard operating procedures in case of accidents. Most mines do not maintain a daily attendance; therefore, in the case of accidents, they are unaware of how many miners are stuck in a mine. This hampers rescue efforts and causes otherwise avoidable spikes in death tolls in various accidents.

Besides sudden accidents, other factors associated with substandard mining practices continue to pose a serious risk to the long-term health of mine workers. Injuries that result in the loss of limbs are common. Furthermore, excessive dust exposure is a major hazard and causes various respiratory diseases. Consistent exposure to dust has been known to cause tuberculosis, bronchitis, and occupational asthma among mine workers. In addition to dust, exposure to gases found in mines—which lay undetected due to lack of mechanisation and technology—also causes various respiratory illnesses. A medical officer from Gilgit-Baltistan had this to share:

> Last year, six boys were brought to me from a mine. They had fainted and were transported on wheelchairs. We observed snowstorm patterns in the x-ray results of their lungs. It was a textbook case of silicosis. Cases of anthracosis have also been reported. Every second person who works in the mining sector would have that. They would have headaches and pneumonia-like symptoms.

The process of mineral exploration—done through the dynamite explosion was also reported to have caused minor to severe injuries among mine workers. Furthermore, the excessive noise generated during the process and the lack of proper equipment such as earplugs—was also reported to have been a cause of eardrum damage and migraines among mine workers.

Tendency towards bonded labour

Instances of debt bondage are not uncommon among mine workers and are also deeply rooted in a feudal system that has thrived on exploitative practices. Widespread poverty, the lack of access to economic opportunities, and an overall security environment far from conducive to inclusive economic growth contribute to people making desperate choices. Such a situation proves ideal for exploitative practices like debt bondage to survive.

In most cases, individuals borrowed money to pay the *jamadar* a bribe so they could start work at a mine. Given that the amount was borrowed on unfavourable terms, often from the same labour contractor, they gradually but surely slipped into bonded labour.

Additionally, the practice of obtaining advance payment is prevalent, as explained by a mine worker from Quetta:

When hired, mine workers are given a few thousand rupees for meeting day-to-day expenses as *paishgi* [advance payment]. They are thus obligated to work at mines. Then money is adjusted, or an advance from weekly or monthly earnings is given again. This way, a mild form of bonded labour is practised.

Child labour and sexual abuse

Children are also frequently the victim of bonded labour among mine workers. In addition to the reasons discussed above, bonded child labour is also a result of cases in which a family member takes a loan or an advance payment from the contractor and pledges a child from the family to work until the loan is paid off. This leaves children ultimately at the mercy of the creditor or contractor, putting the child in an environment vulnerable to verbal and physical abuse amidst unsafe and harmful working conditions. According to a participant at the roundtable dialogue:

> A significant number of children work in mines, either inside or outside, for ancillary work. They usually come from Afghanistan or border districts such as Bajaur. Child labour is a significant issue but does not get much attention. When these children return to their houses, their hands are completely black from all the work.

Children working in coal mines, especially in Balochistan, were reported to be frequently subjected to physical, sexual and psychological abuse by labour contractors, transporters, as well as other mine workers. Because of their work in mines, these already malnourished children are more susceptible to diseases and health complications, including infectious and respiratory diseases. Respondents interviewed for this study also reported that children are often employed in unregistered, informal mines to work in tinier mining tunnels and passages, which may not be accessible by adult bodies. The experience of such hazardous and inhumane working conditions at an early age leads these children to experience mental breakdowns and harms their well-being.

Public services and infrastructure bottlenecks

While the situation may be relatively better in Gilgit-Baltistan compared to Balochistan, mining areas in both regions suffer from a serious dearth of essential emergency services, thereby failing to minimise the loss of life from otherwise avoidable accidents.

The training of mine workers in health and safety was reported to be an important issue. Till recently, the mine owners used to organise training programmes—covering a wide range of topics, including health and safety guidelines, information on hazardous materials and gases, emergency protocols, and first-aid—that were attended by workers without hesitation. With the prevalence of the labour-contractor system, the number of training events and attendance has decreased significantly. In the words of a roundtable dialogue participant, 'No one is interested in training since mine workers are asked by their contractors to finish work first and then attend these training sessions in their own time'.

Given the lack of training in first aid or rescue services and the complete absence of specialists, mine workers are forced to conduct rescue missions themselves in case of accidents, posing a risk to their own lives. Additionally, there was complete consensus among respondents that mining areas did not have proper, fully equipped ambulances, let alone a functioning clinic or dispensary. The unavailability of medicines and basic first-aid kits is the norm and, in some cases, has resulted in the loss of lives. A mine worker, who happened to be a qualified pharmacist, shared a revealing incident:

> A woman from the labour colony (set up for the families of the mine workers) got electrocuted while working at home. I was the only pharmacist among the mine workers and was asked to help. I felt utterly helpless, given that no medicine or first-aid materials were available there. Eventually, we had to take her to the city on a pickup truck used to transport machinery.

The situation is better in mines run by the PMDC, where dispensaries are set up close to the mine for basic medical services. Depending on the seriousness of the injuries, transportation services to hospitals are also provided.

Life in labour colonies and temporary settlements

Temporary settlements and colonies are set up near the mines that house mine workers and their families. Almost half of the residents of these colonies were reported to be women. These colonies suffer from the same absence of essential services as do the mining areas.

In addition to the lack of basic medical facilities and medicines, facilities like clean drinking water are also lacking in these colonies. There is almost no development spillover, even though the government collects various fees and applicable taxes at multiple levels from mining.

A respondent from Balochistan reported that the Worker Welfare Board, funded through taxes, has failed to provide basic services in these colonies, and the infrastructure is in shambles. There are no schools for children, and any entertainment opportunities are a distant dream. Some colonies were reported to have electricity through the setting up of a small-scale local powerhouse.

The recent flash floods wreaked havoc in these colonies, where rescue services and food distribution were almost non-existent. Women and children were reportedly stuck in large numbers and were rescued by the mine workers. According to a respondent who survived the disaster:

> The floods badly affected mining ways and roads. Some mine workers and their families drowned, and their bodies could not be found. People were on their own and rescued whoever they could. The government's flood response did not cover mining areas, and survivors had to walk long hours to obtain *ration* [food].

Right to unionisation

Unionisation of mine workers

The promotion of social dialogue with representatives of workers and employers is one of the core pillars of ILO's decent work agenda. A representative union that can negotiate the interests of workers is pivotal in advancing the bargaining capacity of workers. In the case of Balochistan, the previous studies on the subject and the findings of this study suggest

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that the unionisation of mine workers was a considerable challenge in both government and privately owned mines. While government-owned mines did have active unions, they did not seem to be pursuing workers' interests in any extraordinary manner that could be replicated in privately owned mines.

Primary research conducted for this study informed that around 25 mine workers' unions were part of different workers' federations, including the National Workers Federation, All Pakistan Mine Workers Federation, Muttahida Labour Federation and the Pakistan Workers Federation. In most privately owned mines, unions did not exist or were initiated and controlled by the owners or contractors. In some cases, the *jamadar*-headed unions did not view this arrangement as a conflict of interest but instead insisted that they could better negotiate workers' claims. Some participants of these discussions termed the overwhelming majority of trade unions as 'pocket' unions which did not truly represent workers. However, representatives of different federations were reluctant to corroborate these claims.

The role of federations was also severely criticised by mine workers who were part of different unions. Federations were accused of cutting deals with government entities and mine owners (or their designated contractors). Issues reported in this regard were the inaction on timely registration of workers with the EOBI, nepotism in educational scholarships and embezzlement in allotment of residence in labour colonies and marriage grants.

A small group interview respondent in Balochistan alleged that a notable person, unrelated to mining, got a marriage grant of PKR 400,000 for two of his daughters. "He applied for this grant using a federation's portfolio, which confirmed his eligibility on their official letterhead. They favour their own." A participant in the roundtable dialogue shared his discontentment:

I have a diploma in pharmacy that I completed using my meagre resources. As a mine worker, I have tried everywhere for scholarships to continue my education. I was discouraged and ridiculed at every step. Nobody heard me at government offices, and then we learned that these educational grants were awarded to the children of the federation's office bearers.

On the other hand, federation representatives termed these allegations as

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isolated incidents. They also counted the increase in compensation packages (death, accident and marriage grants) in Balochistan in recent years as their success that directly benefitted mine workers. However, labour rights activists supported mine workers' position on the role of federations and considered increasing compensation packages a self-serving initiative. They argued that the representative bodies should advocate for making workspaces safer and technologically advanced rather than investing their energies in getting compensation for the injured and the dead.

The main challenges of unionisation of mine workers in privately owned mines are two-fold. One is the temporary nature of employment in mines. While some people had been mine workers for decades, they were not necessarily working for a single owner or company. With the diminishing role of companies and increasing control of contractors, this situation has worsened further.

The second challenge is the intimidation of workers by contractors in case they decide to unionise. Their employment is threatened, so they are forced to work under the same circumstances without support from government bodies or federations. The representatives of CBA unions also quoted some instances where security forces and proscribed militant organisations threatened them.

The representative of unions from the PMDC mines reported to have compliance with all legal and safety provisions. When asked about accidents in their mines, they responded that the last incident involving multiple casualties occurred a decade ago, after which safety measures were improved. Their version of the state of mine workers and the unions' independence seemed too good to be true, as there are questions about the legitimacy of unions in public sector mines.

The case of Gilgit-Baltistan, where mining is an emerging industry, is somewhat different for the unionisation of mine workers. Interviewees informed that formal unions of mine workers do not exist in the province, given that an organisation of the local community supervises the work, seeks input from the workers and negotiates with the owner, contractor or company. Contrary to the claims of effectiveness of this organisation, the state of mine workers is as abysmal as in the case of coal miners in Balochistan.

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A medical practitioner interviewed for this study reported that after visiting a mine at a very high altitude, he pleaded with the community organisation to provide safety gear and medical assistance for miners. However, the community organisation led by a local influential person turned a deaf ear to this demand.

One common feature observed in both regions was that miners think unions or community organisations should take the lead on the lack of training and awareness of laws and safety measures for workers. Thus, the already poor state of miners deteriorates further in the absence of effective unions and their role as collective bargaining agents.

POLITICAL ECONOMY OF THE MINING SECTOR

Existing literature and findings of this research inform that political economy plays a vital role in shaping formal and informal institutions that decide the rules of the game and decisively influence most functions associated with the mining sector in Balochistan and GB.

Leasing mines is a political and informal process in both regions, albeit formal, legal procedures exist. Most mines are leased to people who command political influence and have strong linkages with powers that be. In the case of Balochistan, people with strong political and tribal backgrounds are the ones with most share of these mines, followed by retired bureaucrats and judges. Frontier Corps (FC) is also considered an important player in the mining sector as the lead security agency of the entire province. In GB, the arrangement is quite different, where the ownership of mines is shared by the local community that manages affairs through local committees. Some foreign companies, especially Chinese, have also leased mines in some areas. However, these committees are often rendered powerless, as local elites and people of high political influence manage them indirectly.

The Frontier Work Organization (FWO) is also quite active and enjoys special privileges given the region's disputed status. There are reportedly some areas in the region where only FWO can work; however, the implicit understanding here is that the local community must be brought on board—even if it is just for appearances. The Chief Minister and his cabinet members also play a role in leasing mines, backing certain companies and individuals, and managing conflict.

Who gets the money?

As mentioned above, the mining industry is profitable for all involved except the mine workers. Formal and informal actors earn money in two ways. One is through formal and informal taxation, and the second is through illegal means involving a handful of individuals. The respondents interviewed for this study informed that the mine owners pay royalties and taxes due under applicable federal and provincial laws, including taxes charged for

transportation and security. They complained that the FC informally demands money to provide security, yet the security situation has deteriorated. In a small group interview, a respondent said that when a proscribed organisation abducted four miners of a large coal company, the FC showed reluctance in their recovery and instead asked the company 'to hire four new people.'

Mine workers reported harassment at security checkpoints, including when transporting injured colleagues to hospitals. Some participants also reported cases where local contractors, security agencies and proscribed organisations demanded bribes. Labour leaders who raise concerns are pressurised to avoid confrontation.

Labour leaders and retired government officers too were reported to be involved in extortion as they fully knew the loopholes in the laws and regulations related to mining. In the case of GB, the community committee signs an agreement and gets money from the contractor or the company. As mentioned earlier, it is difficult for these committees to work independently as local elites control them.

Participants of the roundtable dialogue also informed that coal per ton is sold ten times higher in the market—without much value addition—than the actual cost shown against which taxes are levied. This is how few people, including contractors, mine owners, intermediaries and government officials make money. On the other hand, the accounting system within mines is traditional and fails to pay miners their full dues. The informal nature of labour contracts makes measuring compliance difficult.

Is anyone accountable?

As mentioned above, mine inspection is compromised in both regions because of a lack of trained human resources and political will. A participant in the roundtable dialogue was very candid:

> Inspection is substandard and poor. Mine inspectors also take kickbacks. There are hundreds of mines under only one inspector, so how can he cover all of them? Companies and *thaikaidars* also come to an arrangement with inspectors through the payment of bribes and kickbacks. Sometimes, inspectors inform the contractors to get the mines in order before inspections. It is all a sham.

In the case of GB, the situation is slightly better since the local community deals with the contractor or company. Still, the mine owners and operators are not always pursuing the agenda of workers' welfare either.

The judiciary's role in dispensing justice for mine workers is also very weak. The courts treat violations and worker rights cases as criminal charges and demand evidence. The respondents of the roundtable dialogue complained that courts simply do not fine mine owners or contractors and delay cases for months. Lack of capacity of judges, conflict of interest, and direct or indirect stake in mines were the critical issues.

Given that the political, bureaucratic, judicial, and military elite have direct economic interests in the mining industry, the cause of accountability will remain compromised. The controversial role of labour unions—their reputation as 'pocket' unions and the fact that contractors themselves run them—renders any hopes of accountability far-fetched.

Is community development a priority?

Although a portion of the money earned from mining must be used for community development in GB, no concrete examples were found during this study. On the other hand, there were examples where the local committees ignored the needs of mine workers.

In the case of Balochistan, this was not even part of any discussion at any level. Medical or educational facilities meant for miners' welfare were reportedly understaffed, located at a considerable distance and lacked proper infrastructure. There were no considerations for climate action, provision of safe drinking water or clean air to the mine workers and their families. Instances were reported where entire workers' settlements were destroyed with no compensation for workers' families. Similarly, during last year's floods, little to no support was provided to mine workers, who suffered considerable losses in the wake of the catastrophe.

CONCLUSIONS AND RECOMMENDATIONS

The overall state of mine workers in Balochistan and Gilgit-Baltistan reflects the state's poor governance, manipulation of few powerholders and lack of organisation and training of workers. All four strategic pillars of ILO's decent work agenda, which include productive employment, rights at work, social protection, and promotion of social dialogue, are compromised and marginally implemented in both regions.

Mine workers in Balochistan and GB live and work in miserable conditions, without formal safety measures, and are prone to short- and long-term ailments. Workers lack awareness of the long-term medical complications caused by unsafe work in mines. Their casual behaviour towards safety measures—nurtured through a lack of training and hyper-masculine narratives—has made them susceptible to injuries and lifelong morbidities.

The contracting system is not strictly followed according to the mining sector laws, as the owners hand over the entire business to private contractors in Balochistan. The local community owns and manages the mining work in GB through a committee. The local political elite, FWO, FC, and some members of the judiciary are amongst the most influential actors who play a key role in leasing—and, often, creating a financial stake in the mine ownership. With such heavyweights at the helm of affairs, it is difficult for poor miners to unionise and raise their voices against injustice effectively.

In both regions, private contractors hire labour through informal arrangements with varied wages and working hours. The equipment used in mines is outdated, and safety measures are not adequately adopted because of an unchecked and unregulated profit motive.

There are instances of debt bondage among mine workers, especially in the case of Balochistan. The traditional advance payment is used to engage labour, and once the miners are trapped in this system, there is hardly a way out. Children who work in coal mines are often subjected to physical, sexual and psychological abuse by labour contractors, transporters, and other mine workers. Because of their age and already fragile health conditions, they are more vulnerable to infectious and respiratory diseases.

Mine worker unions in both regions are either non-existent or very weak. In many cases, these unions are led by contractors, making them a perfect case of 'pocket' unions. Due to conflict of interest, the role of federations (in which these unions have membership) is unsatisfactory. On the other hand, the federations reported success in raising the compensation package rates and improving health and education facilities for mine workers.

There are increasing trends of lapse in security for mine workers in Balochistan amidst the formal and informal taxation and the heavy presence of FC. There are claims of a nexus between owners and contractors, the FC and the proscribed organisations, which threaten workers who try to unionise or raise voices for their rights. The judiciary is not active in penalising the violators either because of a lack of awareness of particular laws or a conflict of interest.

The facilities provided for mine workers and their families are abysmal and do not cater to their needs. Although the local committees are meant to offer development opportunities to communities through the revenue they generate in GB, their performance is also not up to the mark.

The hundred-year-old Mines Act can still help ensure the safety and rights of mine workers, but it is not implemented in full spirit except in the case of some PMDC mines. The inspection from mines departments is also substandard and compromised because of a lack of strength, training and growing political influence.

The lack of implementation of applicable laws, the poor state of unionisation, and the nexus of power elites against workers' rights have left miners in a miserable state. Their incomes are insufficient, jobs are uncertain, they suffer from multiple ailments, and their families do not have access to quality education or health facilities. Lack of inspection and work with outdated equipment worsens the situation. Above all, the state's incapacity and inaction to tackle this menace do not provide any hope for the betterment of these workers anytime soon.

Recommendations

- Pakistan needs to ratify ILO Convention C176 to ensure the safety and health of mine workers. Also, a policy framework and plan of action explicitly spelling out the definition of conflict of interests—is needed to ensure the implementation of the Mines Act 1923 and all provincial laws made in this regard.
- The capacity of mines departments needs to be enhanced by increasing the number of trained staff, especially in the area of mine inspection. Increasing the frequency of inspection visits and pursuing cases of violations in the courts will also help rectify harmful practices against miners. The presence of mine engineers must be ensured, and their absence must be liable to a penalty. Mine workers should also be given mandatory training before working at mines.
- Mine workers' registration and access to EOBI and other welfare schemes must be ensured. It should be brought within the ambit of inspection and vigorously pursued by all stakeholders involved. Afghan refugees and nationals of other countries working in these mines must be registered, as they are more susceptible to becoming bonded labour and being expelled from work without any notice.
- Awareness and training on safety measures are essential features while inducting mine workers. This responsibility lies with the mines department, and its compliance must be enforced and regularly monitored. Unions and federations must ensure that training is held periodically and attended by all workers. Civil society organisations working on labour rights should also design training and awareness sessions and reach out directly to mine workers.
- Child labour is against national and international law. Child labour in mines is acutely hazardous and must be abolished. Penalties must be levelled against the mine owners involved in such practices.
- There is a need for continuous advocacy for timely court verdicts and ensuring the security of mine workers. Along with civil society organisations, trade unions and federations must play a pivotal role in this regard.

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