



# **Beneath the surface**

**Rights violations in  
Balochistan's coalmines**

# **Beneath the surface: Rights violations in Balochistan's coal mines**

An HRCP fact-finding report



Human Rights Commission of Pakistan

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## Introduction

Pakistan has some of the largest coal reserves in the world, with coal used to power everything from brick kilns and cement factories to electricity power plants.<sup>1</sup> Although it is an important source of employment in Balochistan, it is taxing, perilous work. Archaic methods of mining, outdated technology, and inadequate safety equipment and protocols mean that the inherent hazards of working in this sector are compounded for coal miners in the province. Lack of oxygen, the collapse of mine roofs or walls while working deep in a mine, and the risk of methane build-up and explosions mean that some 100–200 miners die in avoidable accidents every year, with many more accidents going unreported. In Balochistan, miners face the added risk of attacks by non-state actors. Regrettably, the government’s continuing apathy towards workers in this sector has left them vulnerable to exploitation and persistent labour rights violations.

It was against this backdrop that the Human Rights Commission of Pakistan (HRCP) organized a fact-finding mission during 16–19 November 2021 to investigate the working and living conditions of coalminers in Balochistan. The fact-finding team comprised Husain Naqi (HRCP Council treasurer), Habib Tahir (vice-chair, HRCP Balochistan), Sadia Baloch (HRCP Council member), Akbar Notezai (journalist, *Dawn*), Fareed Shahwani (regional coordinator, HRCP Quetta), and Maheen Pracha (senior manager communications and research, HRCP Lahore) as well as HRCP members Shams ul Mulk and Syed Ahad Agha.

HRCP’s fact-finding team visited two mining sites in Machh (both privately run) and three sites in the Soranj coalmines near Quetta, including two privately operated mines and one site run by the Pakistan Mineral Development Corporation (PMDC). While this is by no means a representative sample of coal mines, the broad concerns raised by respondents appear to extend across the sector.

The team held meetings and consultations with labour unions,<sup>2</sup> contractors, mine owners, local activists, and workers onsite, including labourers, safety engineers and mine inspectors. The team could meet only one government representative—a senior inspector from the mines and labour development

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<sup>1</sup> <https://www.bp.com/content/dam/bp/business-sites/en/global/corporate/pdfs/energy-economics/statistical-review/bp-stats-review-2020-full-report.pdf>

<sup>2</sup> These included the Pakistan Central Mines Labour Federation, All Pakistan Labour Foundation, Workers Federation, Mines Labour Central Union, Pakistan Mines Workers Federation, Pakistan Workers Federation, Pakistan Mine Workers Federation, National Labour Federation, and Mines Labourers Union (Machh).

department. Despite efforts to contact the provincial chief minister, the secretary of the Home and Tribal Affairs Department and the inspector general of the Frontier Corps, HRCP received no response to its request for interviews.

The key themes and areas of concern that emerged from this mission are described below.

### **Contractor-based labour system**

Coal mining in much of Balochistan is carried out under a *thekedari nizam* or contractor-based labour system under which private mining companies sublease their mines to independent contractors, who then hire labourers to mine the coal seams on the site. Union representatives allege that companies do not vet their contractors or ascertain whether they will fulfil their obligations towards the miners in terms of health, safety and compensation.



*A labourer carries a sack full of coal for loading onto a truck*

The miners themselves have no interface with the mine owners: their contractor or *jori sir* is responsible for engaging them, paying their wages (determined as a piece rate pay system), ensuring they are equipped with safety gear, and overseeing mining operations, including safety and rescue protocols. However, miners allege that contractors are driven solely by profit and have little stake in ensuring that their teams work in safer conditions or

receive timely compensation in case of injury or death. The coalmines in Dukki are reportedly notorious for poor working conditions, where almost all labour is provided by contractors.

The Mines Act 1923 accommodates the role of contractors only to the extent that, under Section 3(g), they are subject to the provisions of the act ‘as if [they] were an owner, but not so as to exempt the owner from any liability.’ While the onus of liability is on mine owners to ensure occupational health and safety, there appears to be significant resentment among miners who claim that their contractors, too, are not held accountable for poor working conditions and safety standards, and inadequate access to medical and emergency services. They hold that mine owners should be held responsible for meeting mine safety standards. As one union representative pointed out, if a contractor can choose to leave a particular mine after a year or two, this diminishes the extent to which he can be held accountable for safety standard violations in the long term.



*Miners at a Soranj coal mine take a break*

Union representatives claim that earlier generations of employers tended to run their mines themselves; most were settled in Balochistan. Much of the present generation of mine owners, however, have settled in Karachi or abroad and are not interested in taking control of their business—leaving these to their contractors instead.

## **Labour demographics and EOBI registration**

Estimates of the number of coal miners in the province vary widely from 50,000 (according to one union representative) up to 106,000 (according to another). However, only 7,000–8,000 workers are thought to be registered with the EOBI. Even in the larger coal mining companies, union representatives say that only half the workforce is registered. In more remote areas, almost no workers are registered.

A Senate standing committee has reportedly directed that the law be amended to cancel mining leases in cases where workers remain unregistered. Mine owners, however, contend that one problem with registering their workforce is that irregular or seasonal workers shift between companies and that only those workers who have worked for at least two years should be eligible for EOBI registration. However, union representatives demand that workers should receive social security benefits based on the tonnage they extract, not on where they work or how long they have worked there.

Although child labour in mines is strictly prohibited under the law, there are some reports of children being inducted into informal work at or around mining sites (although not underground). HRCP's fact-finding team observed two cases in which minors were sweeping a campsite or sifting through rubble, although it is not clear whether they were receiving any wages for such work. The formal labour data, according to a government representative, indicates that no child labour is officially employed at coal mines. However, he admitted that it was not possible to determine whether the Afghan labour employed in mines included under-age workers, given their lack of identity cards.

Press reports have underscored the presence of informal child labour from KP (and even Afghanistan) in mining colonies, with children as young as 13 being sent to coal mines out of sheer desperation by impoverished families. There, they engage in either low-paid domestic work, such as food preparation for miners, or higher-paid work (but hazardous) such as coal cutting. Many are vulnerable to sexual abuse, which goes unreported.<sup>3</sup>

## **Labour unions**

In Quetta as well as other areas of Balochistan, coal miners appear to lack effective union representation. Larger mining companies tend to have 'pocket unions' created by their management and comprising people of their own choosing, not elected by the labourers they are supposed to represent. A union representative claimed this was because the management was reluctant to allow a labourers' union to assert its rights. In many cases, HRCP's team

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<sup>3</sup> <https://www.dawn.com/news/1463990>

found that contractors themselves function as the heads of labour unions, which represents a potential conflict of interest, given the resentment against the *theke-dari* system described above.

One labour representative alleged that mine owners had attempted to suppress unionisation other than the pocket unions by prohibiting miners from working in an area if they chose to form their own union, threatening them with unemployment or eviction. Although this claim could not be verified independently, what is clear is that the level of unionisation is too low to be effective. A representative of the National Labour Federation, who claimed he had lost his job as a result of his efforts to unionise co-workers at a mine in Quetta, said that ‘the majority of federations that speak on behalf of coal miners comprise people who are not even remotely related to the coal mining sector.’

### **Hazardous working conditions**

Coal mining is deemed ‘hazardous work’ by international standards.<sup>4</sup> Miners say they work 10–14 hours a day and earn between PKR 30,000 and 60,000 a month, according to union representatives.

Respondents at the mining sites visited by HRCP explained that ‘fox-hole’ mining in Balochistan, given its rocky terrain, is more hazardous (with mines up to 4,000 feet deep, on average) than in Sindh, which is relatively flat. Regular repair and maintenance work is, therefore, critical, although labourers involved in such work reportedly earn less than those who extract coal, making extraction more attractive work despite the hazards involved.

Part of the reason that coalmining is considered hazardous work is that mines can be subject to the build-up of deadly gases such as methane, leading to suffocation in tunnels that are not properly ventilated. Methane is also highly flammable and can explode in the presence of an electricity spark—with deadly results. In addition, stress-related fracturing of the coal seam, called ‘coal bumps’, can cause the release of additional gas.

According to the Pakistan Central Mines Labour Federation, at least 176 miners were killed and 180 injured in mining accidents in 2021. Of these deaths, at least 100 were reported from Balochistan alone. In Machh and Dara Adam Khel in particular, accidents reportedly occur with alarming frequency.

Union representatives say that most labourers are unaware of the safety standards to which they are entitled under the law, which increases the risk of fatal accidents. Although miners are supposed to be equipped with sensors to

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<sup>4</sup> [https://www.ilo.org/global/topics/safety-and-health-at-work/areasofwork/hazardous-work/WCMS\\_356567/lang--en/index.htm](https://www.ilo.org/global/topics/safety-and-health-at-work/areasofwork/hazardous-work/WCMS_356567/lang--en/index.htm)

detect methane, it is not always possible to detect it on the other side of the mine wall. Nonetheless, a mining inspector that HRCP spoke to said that there had been some improvement in the technology used to detect hazardous gas build-up, although primarily in mines in the Quetta region—far less so in more remote sites.



*The HRCP mission inspects the entrance to an underground mine*

Another reason for mining accidents in Balochistan is the increase in use of *safayda* (eucalyptus) wood to construct the *tumber* (poles) that support mine walls and ceilings. Traditionally, these poles were constructed of stronger—albeit more expensive—*keekar* wood. An increase in local production of *safayda* (usually used to make sports goods) has meant that many private contractors and mine owners have gravitated towards this cheaper option to increase their profits. This has meant that such sites are more prone to cave-ins, leaving miners buried under the rubble in the case of an accident.

### **Compensation in case of accidental death**

Under the Workmen's Compensation Act 1923, a miner's family is entitled to compensation in the event of his death due to a mining accident. However, a constant concern voiced by union representatives, local activists and labourers is that the compensation rate for death and injury is lower in Balochistan (PKR 300,000) than in other provinces (PKR 500,000), even though Balochistan-based miners face a comparable level of risk.

The compensation cheque is supposed to be issued to the family through a bank and not by hand. However, union representatives claim that bureaucrats from the Workers' Welfare Board and labour department functionaries have begun to distribute such cheques in person to take advantage of travel perks, with entourages—that may even include several trade union leaders—reportedly travelling to Karachi from Quetta to distribute cheques amid great fanfare and 'photo opportunities.' For families who have lost a loved one, this is in poor taste. 'If the total value of the cheques to be disbursed is PKR 5,000,000, then government officials will spend as much on their own travel and other expenses,' alleged a union representative in Quetta.



*The HRCP mission interviews miners at a site in Machh*

### **Safety training for coal miners**

Union representatives say that workers need to be trained regularly in safety protocols, which is the responsibility of the mines inspectorate. However, very few such training sessions are conducted, if at all, despite the fact that the state collects taxes intended for this purpose (to the tune of PKR 10 per ton of coal extracted). However, a government mines inspector disagreed, saying that there were training programmes in place that trained workers at various centres to identify hazardous gases and take precautionary measures when working at lower depths. Additionally, the inspectorate had offered to pay workers PKR 1,000 as incentive to attend these training sessions.

Although this was successful until 2018, accounts objections were then raised to paying training participants in cash. Since few miners own bank accounts, they stopped receiving this incentive and, as a result, participation fizzled out.

From a worker's point of view, the opportunity cost of missing ten days' work to attend a training session, is too high when the incentive offered is lower than the daily wage he would otherwise earn. Although the matter has been communicated to the government, say union representatives, it has not been resolved.

### **Mine inspections and accountability**

One union representative claims that, when a mining accident occurs, the authorities constitute a committee of retired engineers and add one union member. However, they do not necessarily visit the site of the accident. 'In a recent accident in which 16 Swati miners were killed in an explosion, the local commissioner and I reached the site immediately to inspect the scene of the accident and carry out a rescue mission. We carried out the dead and injured. But the inquiry committee made no real effort to conduct a proper investigation and ascertain the cause of the blast,' he said. Members of these inquiry committees are appointed by the mines secretary and are not necessarily aware of ground realities.

Union representatives say that the small number of mine inspectors means that one inspector may be responsible for hundreds of sites and thus unable to inspect sites as frequently as they should be. According to a government mines inspector, there are only 27 mine inspectors for over 6,500 mining sites in the province. Ironically, this is an improvement in the number of inspectors from previous years, with new recruitments for mine inspectors, mine safety engineers and rescue inspectors having occurred in the last four years. However, it remains the responsibility of mine managers to appoint supervisory staff under the Mines Act 1923 to carry out daily, weekly and monthly inspections, given that government-appointed inspectors cannot inspect every mine.

### **Security threats faced by workers**

Miners in Balochistan are doubly vulnerable—not only to the risk of injury and accidental death onsite, but also to kidnapping and murder at the hands of militants, most commonly associated with far-right nationalist or religious extremist groups. Most recently, three coal miners were shot dead by unidentified assailants in the district of Harnai in November 2021. Indeed, several of the mine owners that HRCF met said they had shut down operations for the time being for security reasons.

Union representatives and mine owners alike were particularly bitter about the role of the paramilitary Frontier Corps, which they claim 'collects millions

of rupees in the name of security, but has failed to maintain peace in the area.’ The Frontier Corps allegedly collects PKR 280 per ton of coal extracted to provide security to miners onsite. This is an ‘informal’ arrangement and is not covered under any law. At the same time, mine owners say that some militant groups extort additional ‘protection’ money from them.<sup>5</sup> Neither arrangement is any guarantee that miners will remain safe from the threat of abduction or murder.

### **Terror in Machh**

On 3 January 2021, a group of armed men ambushed a coal mine in Machh and abducted 11 miners from the Shia-Hazara community. They were forcibly removed to the nearby mountains, where the gunmen opened fire on them, killing six miners on the spot. Another five were fatally injured. The incident caused an outcry among the local Shia-Hazara community in Quetta, which took to the streets with the miners’ coffins and refused to bury them until they had received justice. HRCP spoke to a group of Shia-Hazara miners in Machh, who recalled the incident:

‘There were about 20–23 people working in two shifts that day. We were all together till 10 pm. Then, they went to their rooms: six in one room, four in the other room, and three in the side room. The ones in the side room survived. The rest of us didn’t find out what had happened until the morning... There was no reason [for the murders]. They killed us simply because we are Hazara. Some 200 miners’ families, including my father, used to live and work in this area, but when the killings started, most families moved away. The four or five families left are those who could not afford to move.’

The miners showed the team an intercom system that connected them to the nearest Frontier Corps post as well as a siren they could set off in case of an emergency. However, as one miner pointed out, ‘By the time they get here, it may be too late.’

### **Workers’ access to healthcare and emergency services**

Union representatives report that miners are especially vulnerable to lung and skin diseases in the long term, including asthma, lung cancer and tuberculosis as a result of inhaling coal dust. In the absence of good diagnostic facilities unless they go to the nearest city (Quetta), many workers say they do not know what illness they are suffering from until it is advanced. ‘Injections’, the contents of which they do not question, are a common stop-gap arrangement. The two dispensaries that the HRCP team visited near the

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<sup>5</sup> Mine owners and managers report receiving phone calls from ‘unknown persons’ who then direct them to deposit the sum demanded in a bank account in Quetta. One respondent said that, like the Frontier Corps, these ‘other entities’ also demanded payment by tonnage, claiming the latter must be aware of how much output was generated because they had ‘very systematic demands.’

Quetta Soranj mines were equipped with only basic facilities, serviced by one doctor, and subject to long power outages.

Based on the sample of mines the team visited, onsite healthcare is the exception rather than the norm. The miners that HRCF spoke to in Machh at a privately run mine said that it was necessary to travel to Quetta to access healthcare services in the case of serious accidents or illness. Although some mining sites reportedly have dispensaries nearby, set up in collaboration with the Workers' Welfare Fund, dispensers and medical supplies are less than adequate and, critically, onsite ambulance services are rare.

### **Rescue down below**

Ordinary ambulance services are not equipped to carry out search-and-rescue efforts in the case of a mining accident, say union representatives and miners. Consequently, it is usually miners themselves who respond better in such situations and carry out rescue efforts—many of their co-workers are often friends and relatives.

One former miner recalled an instance in 2018, when eight miners were killed in a cave-in at a privately run mine. Another five miners who attempted to rescue their co-workers met a similar fate because they did not have the correct safety and rescue gear. 'I believe that miners should be trained to carry out rescue missions because they are more comfortable entering mines and are more willing to risk their safety for their co-workers,' he said.

Mixed reports emerged as to the efficacy of emergency rescue services, with mine owners claiming that onsite ambulance services exist and workers saying the reverse, although the latter generally report that PMDC-run mines provide far better healthcare services. The PMDC supervisor that the HRCF team met said the site had two ambulances on the premises.

According to one respondent at a mining site, the sheer toll that mining work takes on their physical health means that 'a 50-year-old could be mistaken for a man of 80.' There also appear to be some cases of miners above 60 who have continued to work onsite out of poverty even though, under the Mines Act 1923, they should have retired.<sup>6</sup>

### **Legislation governing the mining sector**

A representative of the mines department explained that the various provincial departments—the mines department, mines and minerals directorate, and welfare department—currently operate under different laws. The mines department operates under the Mines Act 1923, while the directorate functions under the Regulation of Mines and Oil Fields and

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<sup>6</sup> Based on respondents' reports, not verified independently by HRCF.

Mineral Development Act 1948. While there has been some effort to draft legislation that would bring the various departments under one ambit, this has not been successful thus far. In general, however, most respondents were satisfied with the contents of the Mines Act 1923 and subsequent amendments, saying that, were the act implemented in letter and spirit, this in itself would improve working conditions for miners substantially.



*Barbed wire lines a miners' shared hut but is little protection from militants*

Of particular concern is the fact that very few miners are registered with the Employees Old-Age Benefits Institution (EOBI), leaving thousands of labourers deprived of social security benefits after they are too old to work. The mines department claims that legislation making it mandatory for workers to be registered with the EOBI is currently being drafted. However, there appears to be no provision for registering the hundreds of Afghan labourers working in Pakistani mines, who lack identity documents.

### **Mining as a provincial versus federal subject**

Following the passage of the 18th constitutional amendment, labour was devolved to the provinces. However, under the Industrial Relations Act 2011, mining companies that have been established in two or more provinces may be recognized as trans-provincial. As a result, say union representatives, the provincial courts cannot now entertain their cases, estimating that labour

court cases have fallen from 40% to a mere 5%, thereby muffling the voices of what is considered a vulnerable labour group.

The mine owners that HRCP spoke to claim to pay 20 different types of taxes, which are supposed to cover the cost of medical facilities and health centres, security, equipment, mine safety, labour training, and schools for miners' children. The average taxation rate is reportedly PKR 190 per ton of coal, although this tax structure is lower than global standards.

### **The future of the coal mining sector**

Mine owners say that the coal mining sector provides much-needed local jobs in Balochistan, from mining and transportation to loading, unloading and the procurement of mining materials. They contend that the fact coal mining is not classified as an industry—with attendant advantages and facilities—is a key reason that the sector has not developed and, by extension, that working conditions remain poor. Union representatives also say that, so long as mining is not classified as an industry, the necessary industrial regulations concerning safety and social security will not be applied to this sector.

Interestingly, when asked what future they saw for the coal mining sector—and for its workforce—in Pakistan in view of the climate crisis, mine owners were adamant that coal did not contribute to environmental pollution, pointing to crop-burning and urban transport instead. Any question of retraining coal miners in different occupations to phase out the use of coal did not arise during the discussion.

### **Recommendations**

As mentioned earlier, at least 176 miners were killed and 180 injured in mining accidents in 2021 alone, according to the Pakistan Central Mines Labour Federation. HRCP continues to monitor the number of mining-related deaths and injuries, and believes that such high numbers represent an emergency situation, calling for immediate action by the federal and provincial governments.

- Both the number of trained government safety inspectors and the frequency of their inspections must be increased to maintain safety standards and reduce the number of mining accidents. Respondents recommended that weekly inspections be instituted and the number of trained inspectors increased to accommodate this.
- Given that coal mining is classified internationally as a hazardous occupation, mine owners and contractors must ensure that every mining site has a functioning ambulance service and onsite emergency health worker, and that regular internal safety inspections are carried out.

- Mine owners must ensure that all mining tunnels are at least 6 feet high and wide in accordance with the law. Tunnels must be well ventilated to allow both the entry of clean air and the exit of hazardous gases to avoid methane build-ups. The use of cheaper wood in place of *keekar* to construct supporting poles must be documented in all mines and stopped.
- Mine owners and contractors who fail to maintain adequate safety standards must be prosecuted for criminal negligence under the Mines Act 1923.
- The media should closely monitor the incidence of mining-related accidents and report on such events more frequently to raise awareness of occupational health and safety and hold mine owners accountable in the public eye.
- The amount of compensation awarded to miners' families in cases of accidental death in Balochistan must be brought at par with the other provinces immediately. Death grants must also be paid out within three months or less.
- It is imperative that the federal government ratify ILO Convention C-176 as soon as possible to set minimum standards of occupational safety and health in mines, including the maximum depth for coal mines.
- All coal miners must be registered and made eligible for EOBI social security and Workers' Welfare Fund benefits, including access to schooling for their children, old-age pensions, healthcare and life insurance.
- The Frontier Corps should provide round-the-clock security on the premises for mines, especially in remote areas or areas known to be vulnerable to militant attacks.
- Unions need to be strengthened by encouraging workers to join labour unions and elect representatives from among workers rather than contractors to lobby for the right to collective bargaining and better working conditions. Mine owners and contractors who attempt to intimidate workers into not joining a union must be reported and prosecuted in the labour courts.
- The Workers' Welfare Board, Labour Department and Mines Department should ensure representation from all labour federations and coal mine unions at all consultations for input based on field experience.

- Schools set up for miners’ children must be run and monitored by the Education Department to ensure that qualified teachers are available to instruct classes.
- The mines department must institute monitoring teams to ensure that no child labour is engaged at mining sites or in mining colonies.
- The precarity of migrant mine workers, especially those from Khyber Pakhtunkhwa or Afghanistan, must be addressed—they must be registered to ensure that they are not underpaid or denied access to healthcare and the rights to which they are entitled as citizens and residents, respectively.
- The government should upgrade the status of the coal mining sector to an industry and hold mine owners as well as contractors accountable for running their sites in line with the provisions of the Mines Act 1923 and subsequent amendments.
- The government should also pay closer attention to technological advancement in mining and give coal mine operators and owners incentive to upgrade from archaic and dangerous methods of mining.
- The federal government should invest in international support for the safety of mine workers, including training programmes and investors to establish the industry-wide availability of health and safety equipment such as gas detectors, self-rescuers and breathing apparatus.
- The state must invest in health, education and infrastructure in and around coal mining areas specifically and across the province in general.