

**DEATH IN MINES**  
**(A REPORT ON COAL MINES IN BALOCHISTAN)**



**NATIONAL COMMISSION FOR HUMAN RIGHTS-PAKISTAN**

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## **THE MESSAGE OF THE CHAIRMAN**

National Commission for Human Rights- NCHR is committed to protect the basic human rights of labours in coal mines in Pakistan, particularly in Balochistan, Because the coal mines are the only industry in Balochistan province, It needs more attention and protection to improve the economic lives of people of Balochistan who are engaged in this sector. It is believed that mining companies are violating human where labours work for underground coal and coal mines are particularly prone to safety lapses and poor working conditions.

During hearings before the Functional Committee on Human Rights Senate it was learnt that the main power of regularity bodies is totally inadequate. There are sub leases and the actual persons operating in mine areas are not lease holder of the provincial government. These persons exploit the labours, dodge taxation and do not take care of the safety of poor mining workers in Balochsitan. The Government of Balochistan has to develop a mechanism harnessing the lease holder. There is also need to increase the number of dedicated inspectors.

In short the provincial Government has to enforce its writ as early possible.

I acknowledge the efforts of Mr. Ghulam Muhammad for producing this report.

**Justice (R ) Ali Nawaz Chowan**

**Chairman National Commission for Human Rights-NCHR**

## **About NCHR**

National Commission for Human Rights-NCHR established in May 2015 under the National Commission for Human Rights Act 2012, is Pakistan's first National Human Rights Institution (NHRI). The Commission has an extensive mandate which includes powers to take Suo-Moto notice of human rights violations, carry out fact finding missions and investigate complaints of human rights abuses.

The NCHR is empowered to investigate Human Rights violations, spread Human Rights literacy, publish research on international law, raise awareness about Human Rights protections, make recommendations for the implementation of treaty obligations, and develop a national plan for the promotion and protection of Human Rights.

The commission has all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908). It may call for information or report in cases of Human Rights from government or its organizations.

For further information about NCHR visit our website [nchr.gov.pk](http://nchr.gov.pk)

## **ACKNOWLEDGEMENTS**

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## INTRODUCTION

Coal remains central to the global energy system. It is the world's largest source of electricity, accounting for around 40% of global electricity production. It is currently the world second largest source of primary energy. The coal reserves in all over the world are eight hundred and sixty nine billion tons.<sup>1</sup> After oil and gas coal is the most common and important element. It plays most significant role for producing primary energy to the world now and in future as well. Economic benefits of coal mining directly provide million jobs all over the world. Coal production is the main economic activity in many societies which supports the economy, at basic level and provides jobs to the local people. Mining often brings changes in infrastructure of the area, such as electricity, road, transportation, railway line. The mining companies also provide health and education services to local communities.

However, the situation of coal mining in Pakistan, particularly in Balochistan is very much different as equated to other countries. Pakistan is ranked 7th in the world, having around 186 billion tons of coal reserves after discovery of huge coal deposit of 175.5 billion tones at Tharparkar Sindh, in an area of 10,000 sq.km which provided quantum increase in the coal resources of Pakistan.<sup>2</sup> Sindh has total 184 million ton coal deposits while Balochistan has 217 million ton, Punjab 235 million ton, NWFP 91 million ton and AJK 9 million tons.<sup>3</sup> In Balochistan the coal has many big fields.<sup>4</sup> Which consider to be the richest coal fields in the country.<sup>5</sup> Like in Sor-Range/Degari which has 50 million ton coal deposits, Khost-Sharigh-Harnai-Ziarat 88 million ton, Mach 23 million ton and Duki 56 million ton.<sup>6</sup>

National Commission for Human Rights (NCHR) is committed to protect the basic human rights of labours in coal mines in Pakistan, particularly in Balochistan because the coal mines are the only industry in Balochistan province, which needs more attention and protection to improve the economic lives of people of Balochistan who are engaged in this sector. It is believed that mining companies are violating human rights more than other industries where labours work underground coal mines are particularly prone to safety lapses and poor working conditions and violate the human rights to food and water as well. Therefore NCHR

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<sup>1</sup> [https://www.worldenergy.org/wp-content/uploads/2013/10/WER\\_2013\\_1\\_Coal.pdf](https://www.worldenergy.org/wp-content/uploads/2013/10/WER_2013_1_Coal.pdf)

<sup>2</sup> <http://www.nepra.org.pk/Policies/Coal%20Potential%20in%20Pakistan.pdf>

<sup>3</sup> <http://www.nepra.org.pk/Policies/Coal%20Potential%20in%20Pakistan.pdf>

<sup>4</sup> <http://thebalochistanpoint.com/expensive-coal-and-the-plight-of-coal-miners-in-balochistan/>

<sup>5</sup> <http://newslinemagazine.com/magazine/death-in-the-mines/>

<sup>6</sup> <http://www.nepra.org.pk/Policies/Coal%20Potential%20in%20Pakistan.pdf>



highlights this issue on priority basis to stop the deaths of more precious lives and improve the livelihood of people related to coal mines, by giving recommendations to provincial and federal government.

### **SITUATION OF COAL MINES IN BALOCHISTAN**

In Balochistan the rising number of deaths in mining accidents highlights the low level of safety in the province's coal mines, it is estimated that eighty coal miners die in Balochistan every year.<sup>7</sup> The recently accidents in coal mines of Balochistan raised many questions about the mechanism of safety in coal mines of Balochistan. Where on 5<sup>th</sup> may 2018, two coal mines accidents occurred which took 23 lives and several other got injuries. First incident was in the Marwar area (45 km east of Quetta) due to accumulation of methane gas where mines collapsed, dumping the rubble at the exit point and trapping the workers inside. The second one was in Sur-range area (60km east of Quetta) due to a mudslide in a mine, owned by Pakistan Mineral Development Corporation (PMDC).<sup>8</sup>

After this news the member National Commission for Human Rights (NCHR) Fazila Aliani visited the Quetta and met the officials from Directorate of Mines & Minerals & Mine Owners regarding the recent incident of gas explosion in Marwar. She also met with chief Inspector of mines and discussed the issues of mines areas, health and safety issues also were discussed.

Ms.Fazila Aliani expressed her concern for the loss of the mine workers who were trapped and died in the sad incident and prayed for the early recovery of the rest of the mine workers who were rescued. The labours were mostly belong to Swat and Hazar division of Khyber Pakhtunhwa. Her visit is also to show solidarity with the families of the victims who lost their lives in this tragic incident.

Balochistan Mines and Mineral Development Department has been divided in three main wings. (1) Directorate of mines and minerals, which perform the function of grant of Mining Licenses, collection of Royalty and approval of Mine Development Scheme under Balochistan Mining Concessions Rules 1970. (2) Mine Labour Welfare Organization, which perform function for welfare of Mine Workers including Children Education and health of workers. (3) Inspectorate of mines which ensure the enforcement of the safety laws applicable to mines for the safety of workers which are Mines Act 1923, Coal Mines

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<sup>7</sup> <https://tribune.com.pk/story/1505879/coal-mines-balochistan-bounds-inspection-teams/>

<sup>8</sup> <https://www.dawn.com/news/1405907>

Regulation 1926, Matelliferous Mines Regulation 1926, Consolidated Mines Rules 1952 and electricity rules 1937 for mines. Furthermore, Inspectorate of mines has two wings i.e. "inspection wing" and "Mine Rescue and Safety wing" Inspection wing is responsible for the inspection of the mines periodically and to prosecute the defaulter for the safety provision of Mines Act 1923. The mine safety and rescue wing imparts training to the mine supervisor and technician in the mine safety and rescue work.

NCHR, found that the above departments are not working satisfactory and there is a political pressure which creates hurdles in the performing their duties as well, where government official cannot examine the safety situations in mines. In 2008, 510 million fund released for construction of roads to Marwarh area coal mines, but 330 million expended and still the remaining funds are with government of Balochistan and the roads are not in good conditions. In case of any accident they will brought to Quetta which takes 3-4 hours and causes more casualties due to Kacha roads. The living conditions of mine workers are very poor. Initially the coal mine areas of Marwarh were controlled by Baloch militants, then with the help of FC Balochistan this area become safe area. High officials even the chief inspector mines and inspector mines cannot visit the Marwarh area mine sites easily. As royalty the provincial government, takes 130 rupees per ton while FBR takes 475 rupees per ton from the mines owners. It is further noted that there is no good system of health and education provided by government. Anyhow, FC has constructed schools there, which is providing education. It is important to note that there is one chief inspector of mines for whole Balochistan province, which is difficult to check and control to all mines. The inspector of mine makes 10 visits per month so it will take 6 years to revisit the same mine. It is also found that government is not providing training to labours, only mines owners give them training in rare. In case they got training then that day pay will not provide to labours which creates unwillingness among labours to attend the training. In case of any accident the mine owner pays 2 lack to labours and government also pay half million to injured and deceased persons, after so long time. It is observed that those who are from Afghanistan are working in mines in Balochistan are not benefited from the government funds. In short we can say that, the unskilled Labours, non-availability of safety equipment in Balochistan is believed to be the main reasons of coal mines accidents.

It is important to note that Chairman NCHR, Mr. Justice Ali Nawaz Chowhan, while addressing on senate, regarding the Marwarh mines accident and told the senate that, "The government must cancel the contract of some mines, which is not providing good health and

safety measures to mine workers, by concealing lease contract it will be effective to minimize the incidents in future.”

It is also noted rescue crewman/staff were appointed politically and they do not attend the office due to political pressure. Most of the coal mining companies sublet or hire raising contractors for the coal production. The first one is Jori Sir who brings labours and deposes them in mine. The jori sir make a peace rate agreement with the raising contractor or mine owner for the coal production and the jor sir often make decision regarding the operation of the mine and by pass the management or mine sirdar. The raising contractor who makes an agreement with the mine owner and the mine owner will get the royalty without investing on mine or safety of workers. The raising contractors are responsible for everything even for the compensation of the deceased workers, most of the time the number of raising contractors are more than one and the raising contractors hire another raising contractors for operation of the mines. Almost all the raising contractors/ Jori sirs are uneducated and illiterate. The contractors/jori sirs have only practical experience of underground coal mining and do not know the actual knowledge of the coal mining therefore they put the life of themselves and miners in danger when spontaneous combustion occur by saving the long wall for the coal production. The workers are paid on piece rating system therefore they try to excavate as much coal as they can and most of the time they put their lives in danger by keeping the air ventilation behind the coal face that causes an unfortunate incident. The Mine owner hire only permit manager who do not regularly inspect the underground parts of the mine while the raising contractors hire mining sirdar for book keeping and the mining sirdar have to inspect seven or eight mine which is not possible.

The axial flow fan, switches, motors, cables used in underground coal mines are non-flame proof and often source of ignition/explosion. The explosives issued for development work is not permitted an explosive which is initiated by safety fuse or electric detonator is often source of ignition/explosions. The workers working in underground coal mines are illiterate and un-educated. Most of them are addict and they use cigarette/ smoke in underground parts of mines are often source of ignition or explosions.

It is reported that one of the reason could be that when contractors are handed over the affairs of the mines then during the contract period, the contractors try to get as much coal as possible without caring for the lives of miners. We can understand the lack of emergency services in mines areas from this example that the Marwarh area coal mine explosion took

place at 10:30am while rescue teams reached there by 3:30pm which may add to the casualties. <sup>9</sup>

It is reported that the workers work extra hours in mines. And the health hazardous also reported that Bronchitis, Asthma, Pneumoconiosis, lungs diseases. Chest diseases, dangerous and piousness gases, chest problems, the vulnerable mines, rain effects, micro dust, asthma and breathing problems in spite these all the workers are prone to many diseases and even not provided basic good health facilities such as emergency response and first aid tools, glasses, small practices mostly effect their eyes, that slowly damages their eye sight, the vibration of machines affects the nervous system. Mostly workers dig the whole with same shoes which is in their common use mostly they are not provided steel shoes or the specific shoes for mining in order to protect their foot. <sup>10</sup> Reports shows that miners are aware of the health hazards, but with financial compulsions and lack of job opportunities, mining is often the only option available in Balochistan.<sup>11</sup>

The Mines and Mineral Department has failed to convince the mine owners, responsible, to establish a Gas system particularly proper ventilation system and methane detectors. It is reported that still the caged bird is used to check the dangerous gases in coal mine that if the bird dies or faints it means the coal is not able for mining if it gets alive means the mine is able for production. <sup>12</sup> In spite of modernization and technological advancement, Pakistan and particularly Balochistan, coal mines use primitive methods of mining. The use of obsolete equipment by modern standards, leads to accidents and low production rates. <sup>13</sup>

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<sup>9</sup> <https://www.samaa.tv/pakistan/2018/05/balochistan-16-killed-in-coal-mine-collapse/>

<sup>10</sup> <http://thebalochistanpoint.com/expensive-coal-and-the-plight-of-coal-miners-in-balochistan/>

<sup>11</sup> <http://newslinemagazine.com/magazine/death-in-the-mines/>

<sup>12</sup> <http://thebalochistanpoint.com/expensive-coal-and-the-plight-of-coal-miners-in-balochistan/>

<sup>13</sup> <http://newslinemagazine.com/magazine/death-in-the-mines/>

## BALUCHISTAN MINES ACT 1923

- **(Section 4 to 6) of Baluchistan Mines Act 1923** deals with the appointment of chief inspector, inspectors of Mines, their functions and powers. These sections categorically elaborate that the qualified persons must be appointed as chief inspector and inspector and it also states that person can be appointed who has the direct or indirect interests in any mine or mining rights. Section 29 also give powers to make rules for prescribing the appointment, duties and powers of Chief inspectors and inspectors but the rules has not been made yet. There is only one chief inspector for the examination and to make inquiry, state and condition of any mine. The number of inspectors must be increased to enhance the supervision of the coal mines.
- **(Section 10 and section 11) deals with Mining board and Committees.** Section 10 states that for any group or class of mine there would be Mining Board ; chairman from the service of Pakistan the Chief inspector or inspector, a person other than chief inspector or an inspector, two persons nominated by owners of mines or their representative and two persons from the trade unions. **It is unfortunate to mention that there is no Mining Board for the Coal mines that is clear violation of law and it is strongly recommended by NCHR to constitute Mining Board on an emergency basis.** Section 11 deals with the committees. Any question relating to a mine is referred to a committee. The committee shall hear and record such information as the chief inspector or the inspector, or the owner, agent or manager of mine concerned may place before it and shall intimate its decisions to the chief inspector or the inspector and to the owner, agent or manager of the mine, and shall report its decision to the appropriate Government.
- **Powers of Mining Board or Committees.**

**Section 12** Mining Board and committees may exercise the powers of an inspector it thinks necessary or expedient for purpose of deciding and reporting upon any matter referred to it. They also have the powers of a civil court under code of civil procedure 1908 for the purpose of enforcing the attendance of witness and compelling the production documents and material objects. Every person required by any such Mining Board or Committee to furnish information before it shall be deemed to be legally bound to do so within the meaning of Section 176 off the PPC. Now it is

question that whether mining Board or committees are working efficiently under the said act. The mining boards and the committees must be strengthened for the efficient and timely decision makings and to tackle the questions relating to any Coal mine.

- **Poor Health ,Safety and Shelter Facilities for workers**

Section 17, to 18-A of the mines Act and Rule 3 to 10-B of Consolidated mines rules 1952 ensures the conservancy, canteens, shelters , medical appliances and First Aid Rooms at every mines where more than one hundred persons are ordinarily employed. However, all these facilities were not available, if they were available at any site they were in a poor condition that are the fundamental rights violations.

- **Working Hours and Limitation of employment**

Section 22-A to 26-A deal with the working hours and limitation of employment. But it evident that there are clear violations of these provisions. There is shortage of workforce and the workers work without weekly rest. **Section 22-c** set limit for working hours above the ground. A worker can work maximum 8 hour a day but they are working more than 8 hour in coal mines that is also violation of the said act and consolidated mines rules 1952.

- **25-A. Extra wages for overtime**

Where in a mine a person works for more than eight hours in any day or works for more than forty-eight hours in any week, whether above ground or below ground, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages, the period of overtime work being calculated on a daily basis or weekly basis, whichever is more favorable to him but the workers are not paid according to the relevant provisions.

- **REGULATIONS, RULES AND BYE-LAWS.**

**Section 29** of the said empowers the Govt. to make regulations , rules and by laws but there are not special rules for coal mines, coal mines are being regulated by the consolidated mines rules. It is very important to make rules to fulfill all the legal requirements envisaged in the section 29 of the said act.

- **Penalties**

Section 34, 35 and 36 elaborates the penalties. There are only 3 months imprisonment and one thousand rupees fines under the century old law that is too much less. It must

be revised in the law. Mines Act, 1923. Section 40 has only one year imprisonment for contravention of law.

**Baluchistan coal mines act 1923** and consolidated mines Rules 1952 are too old to confront the issues arising in the procedure and working at the coal mines. It is dire need to change the law so that the contravention of law must be end to save precious lives of workers at coal mines in Baluchistan. After 18<sup>th</sup>, amendment no improvement has made in the existing Coal Mines Laws.

The following provincial laws may be guiding laws for the coal mines in Baluchistan, although there is room for improvement in the following laws.

### **Punjab Mining Laws**

- Payment of Wages Act, 1936
- Mines Act,1948
- The Coal Mines (Fixation of Rates of Wages) Ordinance,1960
- The Excise Duty on Minerals (Labour Welfare) Act, 1967 and ,
- **Khyber Pakhtunkhwa Minerals Sector Governance Act, 2017**
- **Sind coal mines Act2013.**

## **RECOMMENDATIONS**

NCHR highly recommend the cancelling leases to mine owners for not ensuring health and safety standards. There should be concealing of some leases as warning to others mines owners to improve their health and safety standards immediately.

The government should take proper steps to improve the coal mines conditions in Balochistan which is the only industry in province and needs more protection being the source of income of thousands of people.

The government should take the necessary measures to stop contractual labours in the coal mining sector. Miners should be treated with dignity, respect and as human beings.

In case of death of mine worker, the deceased family should be compensated well and their children's education and health facilities should be free from government side.

NCHR also recommend that there should be special courts who deal only mine related cases and also labours can easily submit their complaint easily and get quick response, because it is noticed that the mines cases are pending in civil courts for a long period.

Labour should be registered in coal mines and while going to underground mining work there should be proper attendance of them.

Government o Balochistan should provide security to chief inspector and inspector while going to visits to mine sites, where they feel security issues.

There should be alternative method to visit the mines regularly because currently in Balochistan there is one chief inspector of mine if he makes 10 visits per month so it will take 6 years to revisit the same mine. The recruitment of mining engineer should be completed immediately and also Chief Commissioner Mines should be appointed urgently

Government must also commit to a more stringent and thorough implementation of the existing policies relating to mining in Pakistan,

It is recommended that the control of hazards should begin at the process, equipment, and plant design levels. When it is not always practical to provide and maintain totally effective engineering controls, appropriate individual respiratory protection equipment should be used for respiratory protection as necessary.



It is recommended that in mining sites there should be good roads so that in emergency they will reach easily to Quetta hospitals. And the remaining funds which released for roads of Marwarh area should be expend immediately for construction roads to same area. Because the issue is pending between BDA and CNW.

There should be training from government side to mine Labours and labours should provide salaries/ per day pay, during days of safety training.

The vacant posts should be filled immediately by the Balochistan Public Service Commission or Federal public Service commission, with ensuring that the candidate has practical training in coal mines.

The staffs & Rescue Crewman who are politically backed should be forced by higher authorities to attend and perform their duties and the department should conduct physical test whether they are fit for the rescue crewman or not?

The non-flame proof equipment should be banned completely in underground parts of the mines.

The smokers should be banned from underground parts of the mines completely.

It is recommended that a Safety Committee should be formed in every region consisting of labours union of that mine and inspectorate of mines where any dangerous problem arise in mines the labour union should inform the inspector for early action.

Government of Pakistan should commit and ratify the ILO's Safety and Health in Mines Convention 1995, as well as following the 2006 ILO Code on Safety and Health in underground Coal Mines.