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# ETHICAL STONES

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Standard for Natural  
Stone Industry  
Rajasthan (India)

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### INTRODUCTION

Natural stone: the world's oldest building material, is today experiencing unprecedented growth due to the demands of both commercial and residential sectors. Commentators have regarded it as 'green' since as the name suggests, it is natural. Truly a product that comes from Mother Earth herself with little or no added man-made content or alteration. However, how green any product is depends on how you want to define green.

Further, specially in a country like India although the final product may be non toxic and eco friendly compared to say plastics, the process of production itself may involve processes which do not comply with either the social, environmental and legal regimes which are supposed to be in place.

Increasingly, purchasers of natural stones from emerging economies have to demand that these products are complying with social and environmental standards and are willing to pay a higher price. This is a sign of their global responsibility. At the same time it is crucial to ensure that the arbitrary and unrealistic stipulation of standards can be seen as a deliberate attempt to curtail export from developing countries under Non Tariff barriers to exports.

It should be seen that the need for standards is essential to export purposes. Stipulation standards and having a credible compliance mechanisms ensures that the negative impact of mining on local communities and the environment can be atleast minimized.

It is thus essential that the standards prescribed must be socially and legally acceptable as well as implementable in the country.

Some of the most important standards which have to be followed are:

1. Organisation of Safety and Health
2. Risk Assessment
3. Training and Instruction
4. Maintenance and Inspections
5. First Aid and Fire Prevention
6. Personal Protective Equipment (PPE)

7. Workers wage and related benefits specially for women
8. Child Labour
9. Workplace Safety
10. Hazardous Substances
11. Environmental Damage
12. Restoration of damaged ecosystem

Existing legal and policy framework in India does provide opportunity to enforce the social and environmental standards. However, there is lax enforcement by the State and unwillingness on the part of the miners to implement the same either due to sheer ignorance (of both owner or worker) or intentional violations. These poor standards in turn leads to artificially lower cost for natural stone and thereby leading to unsustainable mining on the one hand and extremely poor working conditions including low wages to the extent of engaging child labour and forced labour. The aim of the present work is to locate those provisions within the plethora of laws and policies in India in a manner in which a simplified enforceable standards for the natural stone industry can be developed

### STRUCTURE OF THE REPORT

The present work identifies firstly some of the critical issues facing the Natural Stone Industry from the perspective of labour and Environment. It therefore starts by referring to existing studies which have identified the issues facing the mine workers and their families and then locates the existing legal and policy provisions which deal with this aspect. In order to locate the problem, the report relies on a short study done Rekha Wazir in 2001 practices in the sandstone quarries of Jodhpur and Bundi district of Rajasthan and on provisions of the National Mineral Policy.

After identifying the legal provisions, the Study in a tabular form stipulates the basic minimum standards which should form the basis of any system of recognition of either what called as “Sustainable Stone, Green Stone or Eco Stone Ethical stones” or any such term.

The present report does not call for enactment of any new law or policy but merely effective enforcement and a system of recognition of stones which meet the provisions of existing laws.

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### LAWS AND POLICIES RELATING TO MINING AND QUARRYING

There are a plethora of laws which regulate the Natural Stone Industry in India. A simple listing of the same itself which is applicable to the State of Rajasthan will provide the diversity and extent of laws.

- (i) National Mineral Policy, 2008
- (ii) Rajasthan Marble Policy, 2002
- (iii) Rajasthan Granite Policy, 2002
- (iv) Rajasthan Minor Mineral Concession Rule, 1986
- (v) Marble Development & Conservation Rules, 2002
- (vi) Granite Development & Conservation Rules, 1999
- (vii) The Mines Act, 1952
- (viii) The Metalliferous Mines Regulations, 1961
- (ix) Mines Rules, 1955
- (x) Mines Vocational Rules, 1966;
- (xi) Payment of Wages Act, 1936;
- (xii) The Minimum Wages Act, 1948;
- (xiii) The Payment of Gratuity Act, 1972
- (xiv) Workmen's Compensation Act, 1923
- (xv) The Public Liability Insurance Act, 1991
- (xvi) Contract Labour (Regulation and Abolition) Act, 1970;
- (xvii) The Equal Remuneration Act, 1976;

- (xviii) The Maternity Benefit Act, 1963;
- (xix) Bonded Labour System (Abolition) Act, 1976;
- (xx) Child Labour (Prohibition and Regulation) Act, 1986;
- (xxi) The Children (Pledging of Labour) Act, 1933;
- (xxii) Inter-State Migrant Workman (Regulation of Employment and Condition of Service) Act, 1979.

## ON SAFETY AND WORKING CONDITIONS IN MINES

“Working conditions in the mines are very primitive with no provision for shelter, shade, water, toilets, or medical emergencies. The mine owners do not maintain any records nor is there a register of attendance or compensation for overtime, earned leave, accidents or work related injuries. When accidents occur – and they do quite frequently as the natural stone is extracted manually with the use of primitive tools – it is considered to be a private matter and the worker is not compensated for medical bills nor for lost wages”. [Wazir, 2001]

The minimal legal provisions which are important in this respect and which needs to be complied are the following

### Mine Safety

Mining operations are hazardous in nature. Accidents happen and often result in the loss of life or limb of persons engaged in it. **Efforts must be directed towards the development and adoption of mining methods which would increase the safety of workers and reduce the accidents.** Towards this end, participation and cooperation of mine workers shall be secured. Steps will also be taken to minimise the adverse impact of mining on the health of workers and the surrounding population. [7.13 of the National Mineral Policy, 2008]

### FIRST AID, HEALTH AND HEALTH, SANITATION, FIRST-AID, MEDICAL APPLIANCES WELFARE

Rajasthan Marble Policy, 2002, further, provides in detail at point 16 as conditions of mining lease

The longer-term health hazards from exposure to natural stone dust are considerable. The prevalence of Tuberculosis and Silicosis and other respiratory diseases is high among mineworkers. A sample survey of mineworkers in Jodhpur district conducted by Mohnot et al (1994) found that 71.6 percent were suffering from respiratory problems. They also note the startling number of young widows of mine workers in some villages!...Wazir, 2001

The provisions relating to the health, sanitation, first-aid, medical appliances, welfare amenities and the conditions of labour employment as provided in the Mines Rules, 1955 and provisions of any other law applicable to the labour employed in mines shall be complied with. **[Para 16 of the Rajasthan Marble Policy, 2002]**

### Medical Examination

These provisions are not applicable to those employed as casual or temporary workers for a period of less than 6 months.

**Initial and periodical medical examinations.** This provides for medical examination of one fifth of the workers every year. **[Rule 29B of the Mines Rules, 1955]**

### DRINKING WATER

There are mandatory rules requiring the availability of drinking water at the mining sites and especially at conveniently accessible points during whole of the working shifts. There are further provisions that in mines employing more than 100 persons availability of cold water can be ordered by the inspector of mines. **[Rule 30 and 31 of the Mines Rules, 1955]**

### TOILET FACILITIES

Requirement for toilets facilities for mine workers. It is mandated that on the surface of the every mines adequate toilet facility shall be provided at conveniently accessible places separately for males and females employed for the mines. **[Rule 33 of the Mines Rules, 1955]**

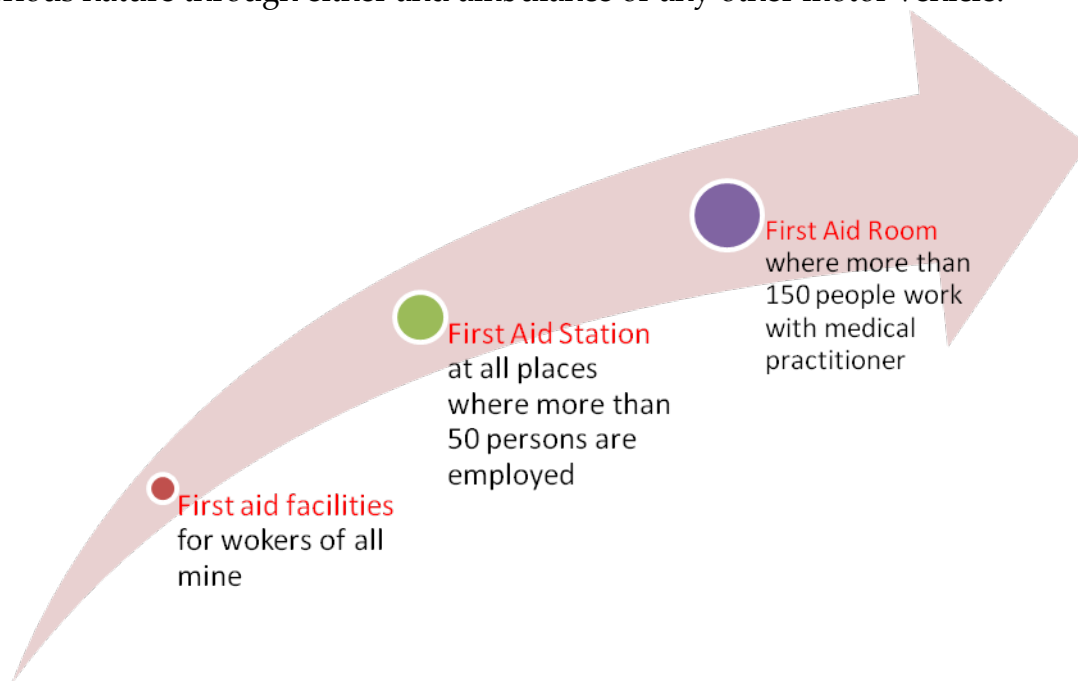
The constructions of toilets have to comply with the standards of constructions stipulated in Section 34 of the Mines Rules, 1955

All underground working places and pathways shall be kept clean and free from excreta.

### MEDICAL FACILITIES

It is mandatory on the part of the owner, agent or manager of the mine to ensure that there is adequate and suitable arrangements for providing first aid to the workers of the mine as well as training of persons in first aid.

There is further requirement that there is adequate and suitable arrangement for the speedy removal of any person who suffers from serious bodily injuries or illness of serious nature through either an ambulance or any other motor vehicle.



### FIRST AID STATION

At every mine there shall be first aid station where injured person may be placed for receiving first aid treatment. It is required that there must be a first aid station at the following places among others ; above the ground, at the top of every shafts, below the ground, at every other place when more than 50 persons are employed at any one point [Rule 44 of the Mines Rules, 1955]

### FIRST AID ROOMS

At every mine employing more than 150 persons there shall be a first aid room having an area of not less than 10 square meters and should be in charge of a registered medical practitioner.



### WEEKLY DAYS AND HOURS OF REST

There shall be a weekly days of rest of at least 24 consecutive hours of rest at least these weekly days need not be for every workers of the mines [**Rule 47 of the Mines Rules, 1955**]

### PROVISIONS OF SHELTER

Every mine where more than 25 or more persons are employed there shall be provided an adequate and suitable shelter for the workers for taking food and rest [**Rule 62 of the Mines Rules, 1955**]

The shelters have to comply with the conditions for the standards as provided in Rule 63 of the Mines Rules, 1955. The conditions mentioned specifies that the floor area of the room shall not be less than 14 square meters and is so constructed as to afford effective protection from the weather and is provided with adequate supply of drinking water. [**Rule 63 of the Mines Rules, 1955**]

### WEEKLY DAYS AND HOURS OF REST

There shall be a weekly days of rest of at least 24 consecutive hours of rest at least these weekly days need not be same for every workers of the mines [**Rule 47 of the Mines Rules, 1955**] And [**Section 13 & 23 of the Minimum Wages Act, 1948**]

As per reports, with respect to Natural Stone industry, the number of workers per mine is generally around 10. In such situation many of the provisions of the Mines Rule, 1955 are not directly applicable. Yet it is a fact that a large number of mines are located in clusters and therefore it is possible to ensure that First Aid Stations are set up in all mines areas where the total number of workers in the cluster adds up to those stipulated in the Mines Rules, 1955.

Quarrying is back breaking and strenuous work and the average working span is between the ages of 16 to 40. After 40, most are too ill or too feeble to work in the mines. Most mineworkers – male and female – use some form of palliative to ease the aches and fatigue they suffer from. Opium, country liquor, tobacco and *zarda* are commonly used, though women appear to stick mainly to opium. Consequently, addiction levels are high.

### **RAJASTHAN MARBLE POLICY, 2002**

Rajasthan Marble Policy, 2002 provides for the provisions of wages at point 4 (vii) which reads that “The licensee shall not pay a wage less than the minimum wage prescribed by the Central or the State Government from time to time under the Minimum Wages Act, 1948;” and also at point 9 (1) (xx) as Conditions of prospecting license .

Minimum Wages are renewed two times in every year, they are from April to September and 2<sup>nd</sup> from October to March.

### **CURRENT MINIMUM WAGES FOR THE MINING INDUSTRY**

Minimum Wages w.e.f. 1<sup>st</sup> October, 2009

Total Minimum Wages (In Rupees Per Day)

Category of worker(all)

	Un-Skilled	Semi-Skilled	Skilled	Highly Skilled
Below Ground	169.00	203.00	237.00	270.00
Above Ground	135.00	169.00	203.00	237.00

Source: Labour Department, Govt of India.

Mining is an unregulated industry ..... This is made possible by the fact that leases are given to individuals who extract the natural stone from small plots of land, each employing no more than 5 to 8 workers – men, women and children. The mine owners parcel off their land into small units largely to avoid coming under the purview of industrial legislation. The wages paid and the conditions of work are exploitative in the extreme. The average wage for men is 30-50 Rupees, and for women and children is 15- 30 Rupees per day. The mines close down for four months during the rainy season from July – October so employment is available for only 8 months of the year. The average monthly income of a mineworker is estimated to be in the range of Rs. 456 during the working months. The average wage from agriculture is approximately Rs. 825 per month but this work is available for only a few months in the year and opportunities in this sector have been steadily declining. [Wazir, 2001]

### **MINIMUM TIME RATE WAGES FOR PIECE WORK**

There is a regulation with the piece rate employment. It says that where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed under this Act, the employer shall pay to such employee wages at not less than the minimum time rate. [**Section 17 of the Minimum Wages Act, 1948**]

### **Bonded Labour**

The law provides that no person is allowed to make an advance under, or in pursuance of the bonded labour system. No one can compel any person to render any bonded labour or other form of forced labour. [**Section 4 of the Bonded Labour System (Abolition) Act, 1976**]

Indebtedness is also high and many workers are bonded to their employers on account of their inability to pay off the loan. According to the same survey, as many as 65 percent of workers had taken loans from their employers and many were working to pay off their debts. Mining tends to be a family occupation, passed on from father to son. So is bondage, with sons frequently inheriting the father's debt. Interestingly, the mine owners give loans and advance payments very readily, but only for unproductive purposes like marriage and funeral expenses, which guarantee that the worker remains bonded to them. Almost never is a loan given for an activity that could generate an alternative source of income for the mineworker's family.

## ON WORKING AND SERVICE CONDITIONS

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### MAINTENANCE OF REGISTERS AND RECORDS

(1) Every employer shall maintain all the registers and records giving particulars of employees employed by him, the work performed by them, the wages paid to them, the receipts given by them and such other particulars.

(2) These registers and records shall be kept exhibited at the premises of office.

**[Section 18 of the Minimum Wages Act, 1948]**

### INSPECTORS

(1) There is provision for appointment of Inspectors for the purposes of the application of Minimum Wages Act, 1948 by the Government and (2) the inspector shall have the power to (a) enter any place where employees are employed for the purpose of examining any register, record of wages or notices required to be kept or exhibited under this Act, and require the production of these records for inspection. **[Section 19 of the Minimum Wages Act, 1948]**

### REGISTER OF LEAVE WITH WAGES

The owner, agent or manager of every mine shall maintain in respect of every employee a record of leave with wages in Form G and H or muster roll **[Rule 53(1) of Mines Rules, 1955]**

### OVERTIME REGISTER

The Over time register has to be maintained. **[ Rule 59 of Mines Rules, 1955]**

### MAINTENANCE AND PRODUCTION OF REPORTS, REGISTERS AND OTHER RECORDS

All reports, registers and other records maintained as has been prescribed shall (a) be kept at an office or the nearest convenient building within the precincts of the mine and

(b) be legibly entered in ink in English, Hindi or in the language understood by a majority of the persons employed in the mine [Rule 75 of the Mines Rules, 1955]

### REGISTER OF EMPLOYEES

The register of employees is to be maintained, keeping separate page for each person employed in the mine. [Rule 77 of the Mines Rules, 1955]

### REGISTER AND IDENTITY TOKENS OF EMPLOYEES

A metal token bearing a number and other particulars by which every person employed in the mine may be identified, shall be issued [Rule 77 & 77-A of the Mines Rules, 1955]

### REGISTER OF DAILY ATTENDANCE

The registers of daily attendance of persons employed in the mine (a) belowground, (b) in open-cast workings and (c) above ground has to be maintained. [Rule 78(1) of the Mines Rules, 1955]

### POSTING OF ABSTRACTS, BYE-LAWS AND NOTICES

The abstracts of the Act (as given in the Fifth Schedule of the Mines Rules, 1955) has to be posted up outside the office of every mine in English, Hindi and either the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine. The posting of this abstract of law is for every one to read and be aware of the rights and provisions available to the workmen working in the mine. [Rule 78(j) of the Mines Rules, 1955]

### LIABILITY FOR COMPENSATION

If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation [Section 3 of the Workman's Compensation Act, 1923]

### EMPLOYMENT OF CONTRACT LABOUR

The Contract labourer shall be regularized in case of any work which is in nature necessary, perennial, requires regular and full-time workmen for the industry, trade,

business, manufacture or occupation. [Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970]

**NOTE:** The provision of Contract Labour shall apply to every establishment in which twenty or more workmen, are employed or were employed on any day of the preceding twelve months as contract labour

### **'PIECE WAGERS'**

Sub-contractors or 'piece wagers' are equally responsible for obtaining licence and implementing the provisions of the Act and the Rules. Execution of a work in a government project by piece wagers through workers employed by them either directly or through khatedars must be in accordance with the licence. [Section 12 of the Contract Labour (Regulation and Abolition) Act, 1970]

### **LICENSING OF CONTRACTORS**

All contractor executing any work through contract labour has to be in accordance with a licence. Sub-contractors or 'piece wagers' are equally responsible for obtaining licence and implementing the provisions of the Act and the Rules. [Section 12 of the Contract Labour (Regulation and Abolition) Act, 1970]

*Failure to obtain licence will amount to criminal offence punishable under Ss. 16 to 21 read with Rules 41 to 62 of the Rules. [Labourers Working on Salal Hydro Project v. State of J & K, (1983) 2 SCC 181: (1983) 1 LLJ 494.]*

### **REGISTERS AND OTHER RECORDS TO BE MAINTAINED**

It is mandatory on the part of every principal employer and every contractor to maintain registers and records giving particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour and such other particulars. [Section 29(1) of the Contract Labour (Regulation and Abolition) Act, 1970]

## WOMEN AND CHILDREN

...Frequently, whole families work together in the mines. The women and children do the most unskilled tasks of clearing rubble and are paid lower wages. Children start working around the age of 10/12 – before that they are just not strong enough to carry heavy loads.

They work as helpers at first, removing scrap and rubble, and gradually learn the tasks of making holes, and breaking and removing big slabs and rocks. There are no mechanisms for training them in what are considered the more skilled and better-paid tasks like handling the pneumatic drill and breaking slabs. The only method of picking up skills is through observation and practice.

### **HOURS OF WORK**

The time period in which any woman will work is only in the day time between the hours 6 am and 7 pm in any mine above ground. [**Section 46 of the Mines Act, 1952**]

### **MATERNITY BENEFIT**

There is a provision of maternity benefit to every woman which says that every woman is entitled to the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day.

The maximum period for which any woman is entitled to maternity benefit is twelve weeks and of which not more than six weeks shall precede the date of her expected delivery. So a woman can seek maternity leave six weeks before the date of her expected delivery. [**Section 5 of the Maternity Benefit Act, 1961**]

This provision also applies in case of miscarriage or medical termination of pregnancy. [**Section 9 of the Maternity Benefit Act, 1961**]

### CONSTRUCTION AND MAINTENANCE OF CRECHES

Where 20 or more women are ordinarily employed as contract labour a Creche should be constructed of heat resistant and rain-proof material within 50 metres of every establishment.[**Rule 1 of the Contract Labour (Regulation and Abolition) Central Rules, 1971**]

### EQUAL REMUNERATION

It is the duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature. [**Section 4 of the Equal Remuneration Act, 1976**]

*Many women bring their infant children with them to the work site if they have no other childcare arrangement..... it is not uncommon for mothers to give their babies opium to keep them quiet while they are working. Thus addiction starts early and becomes a way of life. Children also get socialised into the working culture at an early age and by the time they are old enough to start working they are ready to make the transition....*

### COMMENTS

In section 2(h) the expression "same work or work of similar nature" lays stress upon the similarity of skill, effort and responsibility when performed under similar working conditions. The equality of work may vary from institution to institution. It is a matter of proof and not of assumption; *State of Madhya Pradesh v. Pramod Bhartiya*, 1992 (65) FLR 1991 (SC).

The question of equal work depends on various factors like responsibility, skill, effort and condition of work; *Ashok Kumar Garg v. State of Rajasthan*, (1994) 3 SCC 357: 1994 SC (L& S) 768: (1994) 27 ATC 200.

A broad approach should be taken in deciding whether the work is the same or of a similar nature. In doing so the duties actually and generally performed by men and women and not those theoretically possible, should be looked at; *Mackinnon Mackenzie and Co. v. Audrey D' Costa*, (1987) 2 SCC 469.



A settlement arrived at between the management and the employees cannot be a valid ground for effecting discrimination in payment of remuneration between male and female employees performing the same work or work of a similar nature; Mackinnon Mackenzie and Co. v. Audrey D 'Costa, (1987) 2 SCC 46

### CHILD LABOUR

The term 'child labor' means 'working child' or 'employed child'. 'Child labor' is any work done by child for profit. 'Child labor' is a derogatory term which translates into child exploitation and inhumanity according to sociologists, development workers, medical professionals and educationists. They have identified child labor as harmful and hazardous to the child's development needs, both mental and physical.

Child labor is done by any working child who is under the age specified by law. The word, "work" means full time commercial work to sustain self or add to the family income. Child labor is a hazard to a Child's mental, physical, social, educational, emotional and spiritual development. Broadly any child who is employed in activities to feed self and family is being subjected to "child labor".

It has been researched and proved that the brain of a child develops till the age of ten, muscles till the age of seventeen and his lungs till the age of fourteen. To be more specific, any activity which acts as a hazard for the natural growth and enhancement of these vital organs, can be considered harmful for natural human growth and development and termed – 'child labor'.

It was impossible to get an accurate account of the number of children working in the mines but some estimates put the figure at 15 percent of the total mining work force in Rajasthan State (Mohnot et al 1995). Many of these children are between the ages of 10- 12 and receive a meagre 10-15 Rupees per day. Both boys and girls work in the mines, but more boys as girls are usually kept at home to take over domestic chores like cooking, fetching water and firewood and to look after the younger siblings. Boys over 3 will be found loitering around the village till they reach the age where they can start working in the mines.<sup>1</sup>

The Indian constitution categorically states that child labor is a wrong practice, and standards should be set by law to eliminate it. The child labor act of 1986 implemented

by the government of India makes child labor illegal in many regions and sets the minimum age of employment at fourteen years.

### **CHILD LABOUR IN MINES**

The employment of child labour in the mine or any part thereof has gone through a remarkable change as far as enactment of law provisions regarding it is concerned.

The law prescribes that a person below eighteen years of age are not allowed to work in any mine or part thereof. [**Section 40 of the Mines (Amendment) Act, 1983**]

Further it made an exception to the effect that no person below eighteen years of age except apprentices and other trainees (not below sixteen years of age) are allowed to be present in any part of a mine above ground where any operation connected with or incidental to any mining operation is being carried on. [**Section 45 of the Mines (Amendment) Act, 1983**]

### **CHILD LABOUR IN STONE INDUSTRY**

As far as stone industry is concerned child (below 14 years of age) shall not be employed or permitted to work in Stone breaking and stone crushing. So, we have very clear cut law on the aspect of child labour in the mining. [**Item No. (47) of PART B Processes of the Schedule as referred in section 3 of the Child Labour (Prohibition and Regulation) Act, 1986**]

In *Bandhua Mukti Morcha v. Union of India*, AIR 1997 SC 2218 on Article 24 of the constitution it was held by the Court that:-

**“Article 24 of the Constitution prohibits employment of the child below the age of 14 years in any factory or mine or in any other hazardous employment, but it is hard reality that due to poverty child is driven to be employed in a factory, mine or hazardous employment. Pragmatic, realistic and constructive steps are required to be taken to enable the child belonging to poor, weaker sections, dalit and tribes and minorities, enjoy the childhood and develop it's full blossomed personality-educationally, intellectually and culturally-with a spirit of inquiry, reform and enjoyment of leisure”.**

### **EMPLOYMENT OF INTER-STATE MIGRANT WORKMEN**

The law with Inter State migrant workmen is that principal employer of an establishment will not employ inter-State migrant workmen in the establishment unless a certificate of registration in respect of such establishment issued under this Act is obtained. [Section 6 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979]

### **DUTIES OF CONTRACTORS**

It shall be the duty of every contractor to issue to every inter-State migrant workmen, a pass book affixed with a passport size photograph of the workman and indicating in Hindi and English languages, and where the language of the workman is not Hindi or English, also in the language of the workman,-

- (i) the name and place of the establishment wherein the workman is employed;
- (ii) the period of employment;
- (iii) the proposed rates and modes of payment of wages;
- (iv) the displacement allowance payable;
- (v) the return fare payable to the workman on the expiry of the period of his employment and in such contingencies as may be prescribed and in such other contingencies as may be specified in the contract of employment;
- (vi) deductions made; and
- (vii) such other particulars as may be prescribed;

[Section 12(1) of the Inter-State Migrant Workmen (Regulation of Employment And Conditions Of Service) Act, 1979]

### **WAGES WELFARE AND OTHER FACILITIES TO BE PROVIDED TO INTER-STATE MIGRANT WORKMEN**

#### **WAGE RATES**

The wage rates, holidays, hours of work and other conditions of service of an inter-State migrant workman shall be the same as is being performed by any other workman in that establishment. [Section 13(1) of the Inter-State Migrant Workmen (Regulation of Employment And Conditions Of Service) Act, 1979]

#### **DISPLACEMENT ALLOWANCE**

Every inter-State migrant workman is entitled to a displacement allowance at the time of recruitment, which may be either half of the monthly wages payable to him or seventy-five rupees, whichever is higher. The amount paid to a workman as displacement allowance shall be in addition to the wages. [Section 14(1) of the Inter-State Migrant Workmen (Regulation of Employment And Conditions Of Service) Act, 1979]

#### **JOURNEY ALLOWANCE ETC.**

Every inter-State migrant workman is entitled to payment of wages during the period of journey and is also entitled to 'journey allowance' for outward and return journeys from the place of residence in his State to the place of work in the other State and such workman shall be entitled to payment of wages during the period of such journeys as if he were on duty. [Section 15 of the Inter-State Migrant Workmen (Regulation of Employment And Conditions Of Service) Act, 1979]

#### **OTHER FACILITIES**

It shall be the duty of every contractor employing inter-State migrant workmen,-

- (a) to ensure regular payment of wages to such workmen;
- (b) to ensure equal pay for equal work irrespective of sex;
- (c) to ensure suitable conditions of work to such workmen having regard to the fact that they are required to work in a State different from their own State;
- (d) to provide and maintain suitable residential accommodation to such workmen during the period of their employment;
- (e) to provide the prescribed medical facilities to the workmen, free of charge;

- (f) to provide such protective clothing to the workmen as may be prescribed; and
- (g) in case of fatal accident or serious bodily injury to any such workman, to report to the specified authorities of both the States and also the next of kin of the workman.

**[Section 16 of the Inter-State Migrant Workmen (Regulation of Employment And Conditions Of Service) Act, 1979]**

### **LIABILITY OF PRINCIPAL EMPLOYER IN CERTAIN CASES**

If any allowance as required to be paid to the inter-State migrant workman employed in an establishment is not paid by the contractor or if any facility specified in section 16 is not provided for the benefit of such workman, such allowance shall be paid, or, the facility shall be provided, by the principal employer. **[Section 18(1) of the Inter-State Migrant Workmen (Regulation of Employment And Conditions Of Service) Act, 1979]**

As per the report of Press Information Bureau, Government of India dated Thursday, January 04, 2007 Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

As per census 2001, 314.54 million persons moved for various reasons within the country. Out of these, 29.90 million migrated for reasons of employment. In order to safeguard the economic and other interests of the migrant labourers, the Government has already enacted the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. This act provides for:

- Ø Registration of all principal employers/contractors employing migrant labour.
- Ø Licensing of contractors – no contractor can recruit any migrant labour without obtaining license from the appropriate government.
- Ø Issue of passbook affixed with a passport-sized photograph of the workman indicating the name and the place of the establishment where the workman is employed. The period of employment, rates of wages, etc. to every inter-state migrant workman.
- Ø Payment of minimum wages fixed under the Minimum Wages Act, 1948.
- Ø Payment of equal wages for inter-state migrant workmen performing similar nature of work along with the local labourers.

- Ø Payment of journey allowance including payment of wages during the period of journey.
- Ø Payment of displacement allowance.
- Ø Providing for suitable residential accommodation.
- Ø Providing for medical facilities free of charge.
- Ø Providing for protective clothing.

### **COMPULSORY INSURANCE**

Every employer shall obtain an insurance in the manner prescribed, for his liability for payment towards the gratuity under this Act, from the Life Insurance Corporation of India established under the Life Insurance Corporation of India Act, 1956 (31 of 1956) or any other prescribed insurer. **[Section 4 A(1) of the Payment of Gratuity Act, 1972]**

### **LIABILITY TO GIVE RELIEF IN CERTAIN CASES ON PRINCIPLE OF NO FAULT BY OWNER**

There is a provision for public insurance which says that (1) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to give such relief as is specified in Schedule for such death, injury or damage.

(2) And in any claim for relief as mentioned under the above provision, the claimant shall not be required to plead and establish that the death, injury or damage in respect of which the claim has been made was due to any wrongful act, neglect or default of any person. **[Section 3 of the Public Liability Insurance Act, 1991]**

### **DUTY OF OWNER TO TAKE OUT INSURANCE POLICY**

In order to effectively and immediately carry out the objective of public insurance act

Every owner shall take out, before he starts handling any hazardous substance, one or more insurance policies providing for contracts of insurance thereby he is insured against liability to give relief under sub-section (1) of section 3;

Every owner shall keep renewing from time to time before the expiry of the period of validity thereof so that the insurance policies may remain in force throughout the period during which such handling is continued.

**[Section 4 of the Public Liability Insurance Act, 1991]**

### **VERIFICATION AND PUBLICATION OF ACCIDENT BY COLLECTOR**

Whenever it comes to the notice of the Collector that an accident has occurred at any place within his jurisdiction, he shall verify the occurrence of such accident and cause publicity to be given in such manner as he deems fit for inviting applications under subsection (1) of section 6. **[Section 5 of the Public Liability Insurance Act, 1991]**

### **APPLICATION FOR CLAIM FOR RELIEF**

An application for claim {or relief may be made-

- a) by the person who has sustained the injury;
- (b) by the owner of the property to which the damage has been caused;
- (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or
- (d) by any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be:

All these applications has to be made to the Collector of the area.

**[Section 6 of the Public Liability Insurance Act, 1991]**

### **AWARD OF RELIEF**

The procedure of claim is that as soon as an application under public insurance act is received, the Collector will after giving notice of the application to the owner and after giving the parties an opportunity of being heard, hold an inquiry into the claim, and make an award determining the amount of relief which appears to him to be just and specifying the person or persons to whom such amount of relief shall be paid.

The Collector will arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award. **[Section 7 of the Public Liability Insurance Act, 1991]**

### **ESTABLISHMENT OF ENVIRONMENT RELIEF FUND**

There is a provision for the establishment of the Environment Relief Fund.

This Relief Fund will be utilised for paying, in accordance with the provisions of this Act and the scheme, relief under the award made by the Collector under section 7.

**[Section 7A of the Public Liability Insurance Act, 1991]**

### **PROVISION AS TO OTHER RIGHT TO CLAIM COMPENSATION FOR DEATH, ETC**

The right to claim relief under public insurance act in respect of death of, or injury to, any person or damage to any property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force. **[Section 8 of the Public Liability Insurance Act, 1991]**



## ON MINING METHOD

According to the Marble Development and Conservation Rules, 2002

### AREA OF THE LEASE

- The minimum area that may be granted under a lease for ensuring mining activities to optimum depth **shall not be less than four hectares** with the restriction that the dimension on any one side of such area shall not be less than 200 metres.
- The maximum area that may be granted under a mining lease **shall not exceed fifty hectares;**
- Exception: that the State Government, if it is satisfied on the basis of proposed production level, geological, topographical or other conditions, may for the reasons to be recorded in writing, grant a lease over an area more than the maximum area or less than the minimum area specified under this rule.

### MINING PLAN

- No lease shall be granted by the State Government unless there is a mining plan duly approved by the State Government or any person authorized in this behalf by that Government for the development of marble deposit in the area concerned.
- In case of renewal of mining leases of more than one hectre, a mining plan is essential.
- In case of renewal of up to one hectare a simplified mining plan approved by the State Government

### LENGTH AND BREADTH OF AREA UNDER A MINING LEASE

As far as possible area applied under mining lease shall be rectangular in shape and length shall not exceed four times of its width.[**Rule 12 of the Rajasthan Minor Mineral Concession Rules 1986**]

### BOUNDARIES BELOW THE SURFACE

Boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth. [**Rule 13 of the Rajasthan Minor Mineral Concession Rules 1986**]

### AREA UNDER QUARRY LICENCE

Dimension of plots shall not be smaller than 60 meters x 30 meters and the dimension of one plot under such licence shall not exceed 400 m x 200 m for the marble and its associated minerals. **[Rule 25 of the Rajasthan Minor Mineral Concession Rules 1986]**

### EMPLOYMENT OF MINING ENGINEER AND QUALIFIED BLASTER

Every holder of a marble quarry and mine lease shall employ a whole time mining engineer and a well qualified blaster. **[Regulation 34 and 18 of the Metalliferous Mines Regulations, 1961]**

### NOTICE OF ACCIDENT AND DISEASE

Where any person employed in a mine suffer any accident or contracts any disease notified by the Central Government in the Official Gazette, the owner, agent or manager shall send notice to the District Magistrate, the Chief Inspector, the Regional Inspector and the Inspector of Mines (Medial). **[Regulations 9 and 10 of the Metalliferous Mines Regulations, 1961]**

### PROVISION OF LADDERWAYS

(1) Every shaft or winze, including shaft or winze in the course of being sunk, which has an inclination exceeding 25 degrees from the horizontal, shall be provided with a ladderway from the top to the bottom :

(2) Every working place shall be provided with platforms or other means of keeping a foothold, and where necessary, with ladders from climbing.

**[Regulations 73 of the Metalliferous Mines Regulations, 1961]**

### LADDERS

(1) Every ladder used in a mine shall –

(a) be of strong construction;

- (b) subject to the provision of sub-regulation (2), be securely fixed in the shaft, winze or stope at an inclination of not more than 80 degrees from the horizontal;
- (c) be made continuous or without perceptible overlapping or break except at a platform or sollar;
- (d) project at least one metre above the mouth of the shaft, winze rise of stope and above every platform, except where strong holdfasts or hand-rails are provided;
- (e) have rungs equally spaced and at a sufficient distance from the wall or from any timber to ensure proper foothold; and
- (f) be maintained in good repair.

(2) Except in respect of the lowest 10 metres or a sinking shaft or winze, no ladder shall be placed at an inclination of more than 80 degrees from the horizontal.

**[Regulations 74 of the Metalliferous Mines Regulations, 1961]**

### **PROVISION OF SOLLARS ETC**

(1) If a ladderway provided under regulation 73(1) exceeds 20 metres in depth and has an inclination of more than 30 degrees with the horizontal, platforms or sollars shall be provided at intervals of not more than 15 metres along the underlie or slope of the shaft or winze. Where the inclination is more than 60 degrees from the horizontal, the platforms or sollars shall be provided at intervals of not more than 10 metres.

(2) If a manhole is provided at any platform in any shaft or winze, it shall be placed behind the ladder leading up from the platform.

(3) Every opening in a platform provided for the handing of timber or other materials shall be effectively closed off from the rest of the platform.

**[Regulations 75 of the Metalliferous Mines Regulations, 1961]**

### **PRECAUTIONS AGAINST DUST**

Every steps must be taken by the mine owner to minimise the emissions of dust and for ensuring that the exposure of workers to respirable dust is limited to an extent that is reasonably practicable but in any cast not exceeding the limits that are harmful to the health of persons. **[Regulations 124(1) of the Metalliferous Mines Regulations, 1961]**

### **TYPE OF EXPLOSIVES TO BE USED IN MINES**

No explosive shall be used in a mine except that provided by the owner, agent or manager. The explosives provided for use shall be of good quality and in good condition. **[Regulations 153 of the Metalliferous Mines Regulations, 1961]**

### **BLASTERS**

The preparation of charges and the charging and stemming of holes shall be carried out by or under the personal supervision of a competent person, in these regulations referred to as a 'blaster'. The blaster shall fire the shots himself. And no person shall be appointed to be a blaster unless he is the holder of Manager's, Foreman's Mate's or Blaster's certificate. **[Regulations 160(1) of the Metalliferous Mines Regulations, 1961]**

### **USE, SUPPLY MAINTENANCE OF PROTECTIVE FOOTWEAR**

(1) No person shall go into, or work in, or be allowed to go into, or work in, a mine, unless he wears a protective footwear of such type as may be approved by the Chief Inspector by a general or special order in writing.

(2) The protective footwear referred to in sub-regulation(1) shall be supplied free of charge, at intervals not exceeding six months, by the owner, agent or manager of a mine, who shall at all times maintain a sufficient stock thereof in order to ensure immediate supply as and when need for the same arises. Where a protective footwear is provided otherwise than as aforesaid, the supply shall be made on payment of full cost.

(3) The owner, agent of manager of a mine shall provide at suitable places in the mine dubbing and revolving brushes or make other suitable alternative arrangements for the cleaning of protective footwear by the persons using them. It shall however be the responsibility of the person supplied with the protective footwear to arrange the repair of the same at his own cost.

**[Regulations 182 of the Metalliferous Mines Regulations, 1961]**

### **USE AND SUPPLY OF HELMET**

(1) No person shall go into, or work, in or be allowed to go into or work in, a mine, other than the precincts of a mine occupied by an office building, canteen, creche, rest shelter, first aid room or any other building of a similar type, unless he wears a helmet of such type as may be approved by the Chief Inspector by a general or special order in writing.

(2) The helmet referred to in sub-regulation(1) shall be supplied free of charge, at intervals not exceeding three years or such other interval as the Chief Inspector may specify by a general or special order in writing by the owner, agent or manager of a mine. And in case when a helmet is accidentally damaged during legitimate use, the owner, agent or manager shall immediately replace the damaged helmet free of cost.

**[Regulations 182A of the Metalliferous Mines Regulations, 1961]**

### **SUPPLY OF OTHER PROTECTIVE EQUIPMENT**

(1) Where it appears to the Regional Inspector or the Chief Inspector that any person or class of persons employed in a mine is exposed to undue hazard by reason of the nature of his employment, he may order to the owner to supply to such person or class of persons, free of charge, gloves, goggles, shinguards, or such other protective equipment as may be specified in the order.

(2) The protective equipment provided under sub-regulation(1) shall be replaced free of charge by the owner, agent or manager whenever it is rendered unserviceable by legitimate use.

**[Regulations 182B of the Metalliferous Mines Regulations, 1961]**

## ENVIRONMENTAL SAFEGUARDS

Extraction of minerals closely impacts other natural resources like land, water, air and forest. The areas in which minerals occur often have other resources presenting a choice of utilisation of the resources. Some such areas are ecologically fragile and some are biologically rich. It is necessary to take a comprehensive view to facilitate the choice or order of land use keeping in view the needs of development as well as needs of protecting the forests, environment and ecology. Both aspects have to be properly coordinated to facilitate and ensure a sustainable development of mineral resources in harmony with environment.

Mining activity often leads to environmental problems like land degradation in opencast mining, deforestation, atmospheric pollution, pollution of rivers and streams, soil erosion due disposal of solid wastes like overburden and so on, all affecting the ecological balance of the area. Open-cast mining in areas with actual forest cover leads to deforestation. Prevention and mitigation of adverse environmental effects due to mining of minerals and repairing and re-vegetation of the affected forest area and land covered by trees in accordance with the latest internationally acceptable norms and modern afforestation practices shall form integral part of mine development strategy in every instance. All mining shall be undertaken within the parameters of a comprehensive Sustainable Development Framework. The guiding principle shall be that a miner shall leave the mining area in better ecological shape than he found it.

No mining lease would be granted to any party, private or public, without a proper mining plan including the environmental management plan approved and enforced by statutory authorities. The environmental management plan should adequately provide for controlling the environmental damage, restoration of mined areas and for planting of trees according to the prescribed norms. As far as possible, reclamation and afforestation will proceed concurrently with mineral extraction.[**Para 7.10 of National Mineral Policy, 2008**]

### **PUBLIC PLACE**

The mine owner shall not erect, set-up or place any building or thing and shall also not carry on surface operations in or upon any public pleasure ground, burning or burial ground or place held sacred by any class of persons or any house or village site, public road or other place which the Government may determine as public ground or in such a manner as to injure or prejudicially affect any building, works, property or rights of other persons.[**Rule 18(7) of the Rajasthan Minor Mineral Concession Rule, 1986**]

### **RESTORATION OF FLORA**

(i) The mine owner shall take immediate measures for planting in the same area or any other area selected by the State Government not less than twice the number of trees destroyed by reasons of any mining operations; (ii) Look after them during the subsistence of the lease after which these trees shall be handed over to the Mining Engineer / Assistant Mining Engineer concerned. (iii) Restore to the extent possible the mined out areas and other flora destroyed by the mining operations; (iv) Properly stack the topsoil recovered during surface operations and use the same for plantation. **[Rule 18(8)(b) of the Rajasthan Minor Mineral Concession Rule, 1986]**

### **REMOVAL AND UTILISATION OF TOP SOIL:**

(1) Wherever top soil exists and is to be excavated for prospecting or mining operations, it shall be kept separately. (2) The top soil shall be utilised for restoration or rehabilitation of the land which is no longer required for prospecting or mining operations or for stabilising or landscaping the external dumps. (3) Whenever the top soil cannot be utilized concurrently, it shall be stored separately for future use. **[Rule 32 of the Mineral Conservation & Development Rules, 1988; & Rule 26 of Marble Development & Conservation Rules, 2002]**

### **STORAGE OF OVERBURDEN, WASTE ROCK, ETC.**

(1) The overburden, waste rock, rejects and fines generated during prospecting and mining operations or tailings, slimes and fines produced during sizing, sorting and beneficiation or metallurgical operations shall be stored in separate dumps.

(2) The dumps shall be properly secured to prevent escape of material therefrom in harmful quantities which may cause degradation of environment and to prevent causation of floods.

(3) The site for dumps, tailings or slimes shall be selected as far as possible on impervious ground to ensure minimum leaching effects due to precipitations.

(4) Wherever possible, the waste rock, overburden etc. shall be back-filled into the mine excavations with a view to restoring the land to its original use as far as possible.

(5) Wherever back-filling of waste rock in the area excavated during mining operations is not feasible, the waste dumps shall be suitably terraced and stabilised through vegetation or otherwise.

(6) The fines, rejects or tailings from mine, beneficiation or metallurgical plants shall be deposited and disposed in a specially prepared tailings disposal area such that they are not allowed to flow away and cause land degradation or damage to agricultural field, pollution of surface water bodies and ground water or cause floods.

**[Rule 33 of the Mineral Conservation & Development Rules, 1988; & Rule 27 of Marble Development & Conservation Rules, 2002]**

### **RECLAMATION AND REHABILITATION OF LANDS**

Every holder of prospecting licence or mining lease shall undertake the phased restoration, reclamation and rehabilitation of lands affected by prospecting or mining operations and shall complete this work before the conclusion of such operations and the abandonment of prospect or mine. **[Rule 34 of the Mineral Conservation & Development Rules, 1988; & Rule 28 of Marble Development & Conservation Rules, 2002]**

### **PRECAUTION AGAINST AIR POLLUTION**

Air pollution due to dust, exhaust emissions or fumes during prospecting, mining or processing operations for marble and related activities shall be controlled and kept within permissible limits specified under any environmental laws for the time being in force. **[Rule 29 of Marble Development & Conservation Rules, 2002]**

### **DISCHARGE OF EFFLUENTS**

Every holder of a prospecting licence or a lease shall take all possible precautions to prevent or reduce to a minimum the discharge of toxic and objectionable liquid effluents from marble quarry or mine, workshop or processing plant, into surface or ground water bodies, and usable lands. These effluents shall conform to the standards laid down in this regard **[Rule 30 of Marble Development & Conservation Rules, 2002]**

### **PRECAUTION AGAINST NOISE**



Noise arising out of prospecting, mining and processing operations for marble shall be abated or controlled by the holder of prospecting licence or a lease at the source so as to keep it within the permissible limit. **[Rule 31 of Marble Development & Conservation Rules, 2002]**

### **PERMISSIBLE LIMITS AND STANDARDS**

The standards and permissible limits of all pollutants, toxins and noise referred to in rule 29, 30 and 31 shall be those notified by the concerned authorities under the provisions of the relevant statutes from time to time. **[Rule 32 of Marble Development & Conservation Rules, 2002]**

These provisions should be followed strictly by all the leaseholders otherwise action will be initiated against defaulting leaseholders as per rules.

For implementing the provisions of various laws related with Environment Protection and Eco-Friendly mining in an effective manner, every mining lease holder is required to prepare and submit Eco-Friendly mining plan to concerned Assistant Mining Engineer/Mining Engineer. Eco-friendly mining plan would be different and in addition to the mining plan/mining scheme as required under law.

In all leases that are located adjacent to forest areas, a safe distance as provided in the rules should be left by leaseholders between the actual mining area and the forest boundary. The lessees of such leases should plant a specific number of trees to create a green buffer zone between the mining area and the forest. Such lessees may also construct loose stone/Pakka stone wall showing their working boundaries between the forest and the lease so that there is no possibility of even unintentionally movement towards the forest areas.

Whenever mining reaches to the water table, the leaseholder should dig a separate well in the lease area itself in which water from the mining pit is disposed with the objective of recharging the water table. By doing so there would be no wastage of ground water due to mining operations close to the water table.

Water pollution and air pollution clearances, wherever required are duly obtained by the lessees from the State Pollution Control Board.

### SPECIFIC PROVISIONS WITH RESPECT TO GRANITE

#### THE MINIMUM AND MAXIMUM AREA

The minimum size of plot/area shall be 3.00 hectares but it may be changed by the Director for reasons to be recorded in writing. And the maximum area has been fixed as 9.00 hectares in the entire State

Provided further that where any person has installed in the State one or more diamond gangsaw capable of sawing granite block of 2.5m x 1.5m x 1.5m or diamond circular saw having main motor capacity of 100 HP or more may be granted area upto limits specified below:-

No. of diamond gangsaws/ Circular saw	Area (Hectares)
One	15.00
Two	21.00
Three	27.00
Four or more	33.00

An area upto 50.00 hectares may be granted by State Government to a person who has made an investment exceeding Rs. 10.00 crores in mine mechanization and/or installation of processing plant(s) in the State.

#### REPORT OF ACCIDENT

The licensee shall within 24 hours of any accident send a report where death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which have occurred in the course of the operations to the Director, Mines & Geology, Additional Director (Mines), Superintending Mining Engineer, Mining Engineer, Assistant Mining Engineer of the area concerned. **[Para 10 of FORM – D, Model form of Prospecting Licence, of PART- I of the Rajasthan Granite Policy, 2002]**

#### MINING PLAN

##### MINING PLAN AS A PRE-REQUISITE TO THE GRANT OF LEASE

Lease shall be granted or renewed by the State Government only when there is a mining plan duly approved by the person authorized in this behalf by the State Government. [Rule 12 of the Conservation and Development Rules, 1999]

#### MINING PLAN TO BE PREPARED BY A RECOGNISED PERSON:

All mining plan has be prepared by a qualified person recognised in this behalf by the State Government. **[Rule 13(1) of the Granite Conservation and Development Rules, 1999]**

### **SYSTEM OF WORKING**

(1) System of working in granite quarries in sheet rock is to be performed by formation of benches.

(2) Such benches in granite and overburden including weathered granite have to be formed separately and the benches in overburden or weathered granite shall be kept sufficiently in advance so that their working does not interfere with the working of granite.

**[Rule 21 of the Granite Conservation and Development Rules, 1999]**

### **SEPARATE STACKING OF NON-SALEABLE GRANITE**

The quarry floor has to be kept reasonably clear of debris by removing the non-saleable granite rejects at quarry bottom regularly and transported to the surface.

The ground selected for dumping of top soil, overburden, waste material or non-saleable granite shall be away from working quarry.

**[Rule 22 of the Granite Conservation and Development Rules, 1999]**

### **SYSTEMATIC AND SCIENTIFIC MINING**

#### **PROTECTION OF ENVIRONMENT**

All possible precautions for the protection of environment and control of pollution must be taken while conducting, prospecting, mining or processing of granite in the area.

**[Rule 29 of the Granite Conservation and Development Rules, 1999]**

### **NOT TO ENTER AND CUT OR INJURE TREES IN FOREST LAND**

For the purpose of mining, entering and cutting or injuring any timber or tree on any forest land is strictly prohibited except in accordance with the provisions of the Forest (Conservation) Act, 1980 and guidelines issued by the Central Government from time to time. **[Para 6 of FORM – D, Model form of Prospecting Licence, of PART- I of the Rajasthan Granite Policy, 2002]**

### **NO MINING OPERATIONS WITHIN 50 METRE FROM PUBLIC WORK, ETC.**

No mining is allowed within a distance of 50 metres from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission of the Collector or any other Officer authorised by the State Government in this behalf.

In the case of village roads no workings shall be carried on within a distance of 10 metres of the outer edge of the cutting except with the previous written permission of the Collector or any other officer duly authorised by the State Government in this behalf. **[Para 5 of FORM – D, Model form of Prospecting Licence, of PART- I of the Rajasthan Granite Policy, 2002]**

### **REMOVAL AND UTILISATION OF TOP SOIL**

- (1) Where top soil exists, it will be kept separately when excavated for prospecting or mining operations for granite.
- (2) The top soil which has been removed shall be utilised for restoration and rehabilitation of the land which is no longer required for mining operations or for stabilising or landscaping the external dumps.
- (3) In case the soil cannot be used immediately, it shall be stored separately for future use.

**[Rule 30 of the Granite Conservation and Development Rules, 1999]**

### **STORAGE OF OVERBURDEN, WASTE ROCK ETC**

- (1) The overburden, waste rock and non-saleable granite generated during prospecting or mining operations for granite shall be stored separately in properly formed dumps on grounds earmarked.
- (2) Such dumps must be properly secured to prevent the escape of material in harmful quantities which may cause degradation of the surrounding land or silting of water courses.
- (3) Such dump has to be backfilled into the worked out granite quarry, with a view to restore the land to its original use, as far as possible.
- (4) And where the backfilling is not feasible, the waste dumps shall be suitable terraced and stabilised by planting vegetation or otherwise.

**[Rule 31 of the Granite Conservation and Development Rules, 1999]**

### **RECLAMATION AND REHABILITATION OF LANDS**

Restoration, reclamation and rehabilitation of lands affected by prospecting or mining operations has to be completed by every lease holder in a phased manner before the conclusion of such operations and the abandonment of the granite quarry. **[Rule 32 of the Granite Conservation and Development Rules, 1999]**

### **PRECAUTION AGAINST AIR POLLUTION**

Air pollution due to dust, exhaust emissions or fumes during prospecting, mining or processing operations for granite and related activities has to be kept within permissible limits as specified in any environmental laws for the time being in force. **[Rule 33 of the Granite Conservation and Development Rules, 1999]**

### **DISCHARGE OF EFFLUENTS**

Every holder of a prospecting licence or a lease shall take all possible precautions to prevent or reduce to a minimum the discharge of toxic and objectionable liquid effluents from granite quarry, workshop or processing plant, into surface or ground water bodies, and usable lands. These effluents shall conform to the standards laid down in this regard. **[Rule 34 of the Granite Conservation and Development Rules, 1999]**

### **PRECAUTION AGAINST NOISE**

Noise arising out of prospecting, mining and processing operations for granite has to be controlled by the holder at the source so as to keep it within the permissible limit. **[Rule 35 of the Granite Conservation and Development Rules, 1999]**

### **PERMISSIBLE LIMITS AND STANDARDS**

The standards and permissible limits of all pollutants, toxins and noise referred to in Rule 33, 34 and 35 shall be those notified by the concerned authorities under the provisions of the relevant statutes from time to time. **[Rule 36 of the Granite Conservation and Development Rules, 1999]**

### **RESTORATION OF FLORA**

Immediate measures must be taken by the lease holder for planting in the area held under the lease or any other area selected by the State Government for this purpose,

The objective of plantation of trees is to improve the environment and to minimise effects of land degradation during the entire period of such lease and so sufficient number of trees must be planted. The concerned lease holder will look after such tree plantations during the subsistence of the lease. **[Rule 37 of the Granite Conservation and Development Rules, 1999]**

### **EMPLOYMENT OF QUALIFIED PERSONS**

#### **EMPLOYMENT OF MINING ENGINEER**

In order to meet these objectives of the Granite Conservation and Development Rules while carrying out prospecting and mining operations, in every mechanised granite quarry a whole time mining engineer must be employed. **[Rule 38 of the Granite Conservation and Development Rules, 1999]**

#### **OBLIGATION TO SUPPLY OTHER INFORMATION**

The owner, agent, mining engineer, geologist or manager of every granite quarry shall furnish the relevant information regarding the concerned quarry or any matter connected therewith and the information shall be furnished within such time as has been specified. **[Rule 50 of the Granite Conservation and Development Rules, 1999]**

#### **ABSTRACT OF ALL THE ACTS AND RULES**

Thus, it is very relevant to mention here that an abstract of all the Acts and Rules as has been mentioned in that Acts and Rules with regard to labour has to be posted at every mining sites.

## STANDARDS FOR NATURAL STONE

Based on the analysis of the legal and policy regime, it is suggested that the following standards are enforceable so far as the natural stone industry in India is concerned and can be the basis of terming stones obtained through such a process as either 'green stone or sustainable stone'. These are not mere recommendations or suggestions but rather already existing legal provisions in India which ought to have been implemented on its own. This should however not mean that the Natural Stone Industry need not comply with other legal and policy, rather this is the basic minimum which it needs to comply so as to be called 'Green Stone". This is similar to the Guidelines prescribed under the 'Fairstone Standards'. However, unlike 'Fairstone' standard, the present standards are not mere guidelines but rather select provisions of existing laws and rules regulating the mining sector in the Country and legally enforceable.

### SAFETY AND HEALTH

CHECKLIST OF QUERIES	LEGAL AND POLICY BASIS
<p>Whether there is development and adoption of mining methods which increases the safety of workers and reduce the accidents ?</p> <p>Any proof of recent innovation and adoption of new technology ?</p> <p>Whether any steps are be taken to minimise the adverse impact of mining on the health of workers and the surrounding population?</p>	<p>7.13 of the National Mineral Policy, 2008</p>

## STANDARDS FOR NATURAL STONE

<b>Whether there is regular medical examination of one fifth of the workers every year?</b>	[Rule 29B of the Mines Rules, 1955]
<b>Whether there is Provisions of first Aid, First Aid Stations and First Aid rooms in accordance with number of workers employed. [Mines Rules, 1955]</b>	Mines Rules, 1955
<b>Whether Workers are provided Weekly Rest [which need not be the same day for all workers ?</b>	[Mines Rules, 1955]

## WAGES

<b>Whether the is paying a wage less than the minimum wage prescribed by the Central or the State Government from time to time under the Minimum Wages Act, 1948</b>	[Rajasthan Mineral Policy, 2002]
<b>Whether the employer is maintaining all the registers and records giving particulars of employees employed by him, the work performed by them, the wages paid to them, the receipts given by them and such other particulars ?</b>	
<b>Whether any system of Bonded Labourer exists in the mine ?</b>	[Section 4 of the Bonded Labour System (Abolition)]



## STANDARDS FOR NATURAL STONE

	Act, 1976]
<b>Whether the registers of daily attendance of persons employed in the mine (a) belowground, (b) in open-cast workings and (c) above ground is being maintained.</b>	[Rule 78(1) of the Mines Rules, 1955]
<b>Whether any system exists in the mine wherein if a personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation ?</b>	Section 3 of the Workman's Compensation Act, 1923
<b>Whether the employer and every contractor is maintaining registers and records giving particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour and such other particulars ?</b>	[Section 29(1) of the Contract Labour (Regulation and Abolition) Act, 1970]

## WOMEN AND CHILDREN

<b>Whether the mine follows the mandatory time period in which any woman will work is only in the day time i.e between the hours 6 am and 7 pm in any mine above ground ?</b>	Section 46 of the Mines Act, 1952
<b>Whether there are provision of maternity benefit i.e every woman is entitled to the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day ?</b>	Maternity Benefit Act, 1961
<b>Whether there are Creche where 20 or more women</b>	The Contract Labour

## STANDARDS FOR NATURAL STONE

are ordinarily employed ?	(Regulation and Abolition) Act, 1970]
Whether the employer is paying equal remuneration to men and women workers for same work or work of a similar nature ?	Section 4 of the Equal Remuneration Act, 1976
Whether any child (below 14 years of age) is be employed or permitted to work in Stone breaking and stone crushing ?	[Item No. (47) of PART B Processes of the Schedule as referred in section 3 of the Child Labour (Prohibition and Regulation) Act, 1986]

## RISK INSURANCE AND COMPENSATION

Whether there is a system for for public insurance which provides that where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall-be liable to give such relief as is specified in Schedule for such death, injury or damage ?	Public Liability Insurance Act, 1991
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## MINING METHOD AND RELATED ACTIVITIES

Whether there is a duly approved Mining Plan ?	Marble Development and Conservation Rules, 2002
Whether the mining plan has be prepared by a qualified person recognised in this behalf by the State Government ?	Rule 13(1) of the Granite Conservation and

## STANDARDS FOR NATURAL STONE

	Development Rules, 1999
Whether the area of the mining or quarry lease is in accordance with the area stipulated under the law ?	Dimension of plots shall not be smaller than 60 meters x 30 meters and the dimension of one plot under such licence shall not exceed 400 m x 200 m for the marble and its associated minerals. [Rule 25 of the Rajasthan Minor Mineral Concession Rules 1986]
Whether the holder of a marble quarry and mine lease has employed a whole time mining engineer and a well qualified blaster ?	Regulation 34 and 18 of the Metalliferous Mines Regulations, 1961
Whether there is provisions for Ladders, Platform and helmets, footwear, Gloves and other protective equipments for workers in Mines ?	Regulations 182A of the Metalliferous Mines Regulations, 1961  Regulations 182B of the Metalliferous Mines Regulations, 1961
Whether the mining of Marble and Granite is done in the form of Benches ?	Rule 21 of the Granite Conservation and Development Rules, 1999.  Rule 21 of the Rajasthan Minor Mineral Concession Rules 1986

**ENVIRONMENT**

<b>Whether the mining and related activities involve an area which is used by the public or regarded as sacred by the Public ?</b>	<b>Rule 18(7) of the Rajasthan Minor Mineral Concession Rule, 1986</b>
<b>Whether approval has been obtained with respect to any mining in Forest Area ?</b>	Forest (Conservation) Act,1980 and [Para 6 of FORM – D, Model form of Prospecting Licence, of PART- I of the Rajasthan Granite Policy, 2002]
<b>Whether reclamation and afforestation will proceed concurrently with mineral extraction ?</b>	Para 7.10 of National Mineral Policy, 2008
<b>Whether all possible precautions are taken prevent or reduce to a minimum the discharge of toxic and objectionable liquid effluents from marble quarry or mine, workshop or processing plant, into surface or ground water bodies, and usable lands ?</b>	Rule 30 of Marble Development & Conservation Rules, 2002
<b>Whether concrete measures have taken by the lease holder for planting in the area held under the lease or any other area selected by the State Government for this purpose ?</b>	Rule 37 of the Granite Conservation and Development Rules, 1999
<b>Whether Restoration, reclamation and rehabilitation of lands affected by prospecting or mining operations has been completed by every lease holder in a phased manner before the conclusion of such operations and the abandonment of the quarry ?</b>	Rule 32 of the Granite Conservation and Development Rules, 1999