

“Competent Persons” in small scale mining

A competent person in an industry is an adult who has sufficient education, training and experience or knowledge and other qualities that allow him to assist, particularly in crisis situations when a decision and subsequent action(s) are to be taken up, essentially and urgently. In most of the cases, such persons are responsible for safe work and to protect health, safety and asset of an organisation. Only competent persons can be given the role of manager. The level of competence required will depend on the complexity of the situation, and is a subject of discussion under the regulations of a country. Importantly, in any operation, only a competent person can only be held responsible for actions.

Aggregates for construction purposes, like sand and gravel, are the world's most commonly mined raw materials with 11 billion tonnes mined in 2010 (World Economic Forum 2017). The Asia-Pacific region was the largest producer, followed by Europe and North America. Small scale mining of sand, stone and other minerals is not only practiced by the private parties but many state government entities. There is no regulation however, about employing competent persons at the workplace. It is no wonder, even being a great revenue earner for many Indian federal states, the small scale mining has been thoughtfully neglected, remained largely unsophisticated and left to the hands of crony officials, politicians and shoddy undertakers.

Every state of India must bring in regulation to make it mandatory, the appointment of a competent person whenever there is any form of mining being carried on, during the operation, to look after the safety, health and welfare of the workers in addition to the production responsibilities.

Even the countries, less economically powerful, like Ecuador have adopted specific regulatory frameworks for artisanal small mining (ASM) but have also integrated ASM as part of the overall mining sector regulation in the Mining Law, General Mining Regulations and Environmental Mining Regulations (UNEP 2012). Generally, and considering Ecuador as an exception in terms of ASM, this informal sector is not regulated, and safety, health and environmental standards and regulations are often ignored. Usually, no aftercare is considered: reclamation, renaturation or a remediation of abandoned mining sites is often missing. For that reason, lately, on a global scale, there are strong governmental intentions for the formalisation of these informal mining sectors. Every country must consider doing these changes.

Globally, informal small-scale mining is labour-intensive and depending on the price of raw materials, it employs between 20 and 35 million people worldwide. Considering family members and downstream supply chains, 100-300 million people globally depend on small-scale mining. In India, not less than 7 million people are employed in this sector and not less than 30 million depend on it. Nominally, this would be about 7% of the total number of employed persons in the country. Neglecting the means and life of these people is nothing less than national shame and crime. Appointment of competent persons has the promise to change it.

Jayanta Bhattacharya