

THE DARK SECRET BEHIND YOUR FAVORITE MAKEUP PRODUCT

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ABSTRACT

The shimmering substance often makes the products more attractive, especially makeup products, one of the leading industries worldwide. But how often do you know that substance like sparky breadcrumbs is Mica, which is the magic ingredient for making makeup products more attractive as well as for making electronics, optical fibres, and microscopy with its refractive and reflective properties have a very dark side? The documentary by Refinery29 titled “The Dark Secret Behind Your Favourite Makeup Products¹” highlighted the major issue of child labor (who is responsible for extracting mica from the ground) with the darkest secret of the beauty industries. The paper highlights the themes along with legal perspectives for labor laws and critical analysis and insight into the problems with measures to solve hazardous instances.

INTRODUCTION

The young population is an asset in our country but this part is growing in dark mines. Yes, this is the reality instead of having to play with dolls the children are collecting mica with bare hands. On one side you can see translucent minerals which is adding that sparkle element for beauty lovers. Due to extreme poverty, their parents had no option but to send their children for money, even though the government is trying to solve this taboo of child labor.

THEMES OF THE DOCUMENTARY

Child Enslavement - child enslavement is the major highlighted thing being observed in this documentary which is the sad reality of our country.

Child labor can also be said in simple terms as:

- Work that is harmful to children in a manner morally, physically, or mentally dangerous.

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¹ The Dark Secret behind Your Favourite Makeup Products (Refinery29, 2019).

- The work interferes with the schooling life of children and interferes with the child's ability to attend school either fully or partially, in the combination of his work and studies.

In the documentary, the children were being labored in small mines for mica mining, a product used as an ingredient for makeup products. This ingredient is used as a substitute for risking the life of minor illiterate children, who are compelled to work as there is no other source of earning in their family. As per the constitution of India child labor is given under article 24 of the Indian constitution² which says “Article 24 Prohibition of employment of children in factories, etc. No child below the age of 14 years shall be employed in work in any factory or mine or engaged in any other hazardous employment”.

The documentary has shown many stories starting with pooja who works in a mining area along with her friends some of the age five years, spending their day in very small tunnels with hand picks hammers along with baskets to collect the minerals which are composite formed underground, instead of going to school³.

Poverty in India – the phrase that comes to mind after seeing poor people from mining areas is they are “the poor people who live in rich areas”. The issue major seen was the displacement that the native peoples' land was taken by the government and a lease was being given as the land was rich in minerals and in very fewer cases substitutes is being given. The people of Jharkhand had reported to the media that the land was given to big dealers on lease and very big profit was earned by the government and even claimed that government does not take royalties and fees from dealers. Therefore, in the last people had no other substitute to live in temporarily made houses they made themselves. One more reason for poverty. In the documentary, one more thing which is shown was there was no other source of livelihood for the people living there as it is the only means of their livelihood. The reason why the poor people living in mining sites are buried under poverty is that the funds which companies give to the poor are via indirect medium and therefore corruption prevails in every section of society.

² INDIA CONST. art. 24

³ REUTERS, Blood Mica: Deaths of child workers in India's mica 'ghost' mines covered up to keep industry alive | Reuters, (last visited Aug 3, 2016).

LEGAL PERSPECTIVES/PROVISIONS

In the constitution of India labor is included in the concurrent list. Different sectors were governed by federal and state laws. The current labor provisions were being proposed by the National Commission and as the result of existing archaic and complex provisions **national commission** consolidated it into divisions such as –

i) Wages, ii) Social security iii) Industrial relations iv) Welfare and working conditions.

v) Safety and working conditions. As a result of that in September 2020 in order to simplify various provisions governing labour laws three labor codes were introduced and they are as followings: -

- Industrial Relations Code Bill, 2020
- Code on Social Security Bill, 2020 (SS code⁴)
- Occupational Safety, Health, and Working Conditions Code Bill, 2020 (OSHC code⁵)

CENTRAL GOVERNMENT POLICIES FOR THE MINING OF MICA

Various acts of the central government regulating mica mining in India are as follows—

- The MMDR amendment bill, 2021 which is the latest one which has not become the act its main objective is to bring more transparency to the auction in process of mining. It also aims to generate employment and enhance the country's GDP thereby.
- National mineral policy, 2019 - It encourages private players by promoting industrialization of the mining activities to enter this business. Also, transparency and effectiveness will be improved by following the track of mineral resources.
- Mines and Minerals (Development and Regulation) Act, 1957- the management of mining leases is governed with the help of this act. The objective of the lease must be followed and recorded so that the leaseholders be protected with the well-being of people living nearby mines being auctioned⁶.

⁴ Here SS code and OSHWC code deals with workers working in informal sector as well as non – industrial sector.

⁵ Ibid

⁶ 6 S.C. SRIVASTAVA, INDUSTRIAL RELATIONS AND LABOR LAWS 14 Vikas Publishing House; Sixth edition (1 January 2012).

- Mines Act, 1952 - this act defines the meaning of mines and the goal is for the betterment of workers being employed.

CRITICAL ANALYSIS

“All glitters are not gold” is the phrase very perfectly translated by looking at the Mica, whose demand is growing and fuelling the trade of deadly and dangerous mining. India accounts for 60 % of mica exports and its major exporting states are Andhra Pradesh, Jharkhand, and Rajasthan. The places are not good for agriculture therefore the only source of their livelihood is mica. Especially the focus is on children who are in search of glittering rocks searching with bare feet and hands scraping off the ceiling, which is unstable and can anytime fall is hell dangerous for these small kids or can become the cause of major diseases relating to lung cancer by inhaling the fumes.

The open secret of child labour- article 24 regulates child labor but in areas like Jharkhand the children as a result of extreme poverty and to add on their family earnings pick mica. As per the report of The Hindu in the year 2019, over 22000 children just abandoned their education for working in mica mining⁷.

These mines affect children negatively not only through the danger they possess but also respiratory or pneumonia as well as because inadequate equipment is prone to skin disease and wounds. In the documentary, the question was asked the girl who answered that if they do not work then they will stay hungry.

Why does child labour still occur in Jharkhand even though there are good laws – as per the laws regulating mica mining is banned but due to poor agricultural land there is no other source for villagers but to work as mining workers and in return, they could only earn that much which is able to afford one time meal a day. If strict action was taken then these villagers will have no income source and will die as a result of starvation⁸.

⁷ MANGLA, AKSHAY. “Understanding Child Labor in India.” Perspectives on Work, vol. 13, no. 1, 2009, pp. 13–16. JSTOR, <http://www.jstor.org/stable/41859835> . Accessed 14 Feb. 2023.

⁸ Basu, Kaushik. “Child Labor: Cause, Consequence, and Cure, with Remarks on International Labor Standards.” Journal of Economic Literature, vol. 37, no. 3, 1999, pp. 1083–119. JSTOR, <http://www.jstor.org/stable/2564873> . Accessed 14 Feb. 2023.

PERSONAL COMMENTS/OBSERVATIONS/CONCLUSION

Many sections of society can take noteworthy steps for improving the lives of the poor's living nearby the mining industry.

Role of Developmental Organisation and International NGOs- there was the finding by the international organization called Terre des Hommes, a Netherland-based NGO founded that in areas like Jharkhand and Bihar, it was estimated 25 % of production is illegal and in about 22000 children are engaged in it. After the finding what the legislation can do is frequent inspection and bureaucracy.

Role of Mass Media – media can play a huge role to highlight the issue of illegal mining which is the result of less awareness of their rights and not having adequate education can play a role in making other them updated as well as they can be able to find or can create job opportunities. Consumers' role- they had the right to know from where the ingredients of their products are coming and can raise the issue if an illegal source was found or child labor is used

Education also play a very big role in society. Due to inadequate education, there was no other source for parents either to send their children to mining. Here education can create job opportunities as well as problem of child labor can be solved simultaneously.