



BLOOD IN YOUR BLUSH

PARTIES INVOLVED IN THE DISPUTE

M'ORÉAL

M'Oréal is the world's largest cosmetics company and is the market leader in hair colour, hair care, skincare, sun protection, make-up and perfume related products. It has been the leading cosmetic company for the past few decades that has been consistently delivering record profits. It is privately owned by the Cantilever group which is a family-owned enterprise. M'Oréal has a presence throughout the globe and is often hailed for its revolutionary approach to beauty, not only in innovation but also in activism. M'Oréal has successfully engaged in a campaign to redefine black as beautiful which tried to change the stereotypical notions of beauty. Though certain feminists have criticized M'Oréal for perpetuating the stereotypical notions of beauty in the first place, M'Oréal was still the first brand to come out with products for dark-skinned people. Such innovation and activism have contributed to M'Oréal's profits in part, but the main reason M'Oréal is one of the most profitable cosmetic companies is its business model.

While M'Oréal has a global presence, it is headquartered in Tonaco, which is a tax haven. Companies that are registered in Tonaco have to pay less tax as compared to other countries. Further, M'Oréal produces all its goods in France, which, while being a developed country, has an influx of immigrants that provide for cheap labour. Furthermore, all the raw materials for cosmetic products are mostly available in and around France. Certain raw materials that are not available are directly imported by the company to France. For distribution and sale, M'Oréal has authorised many exclusive retailers to sell their products across the globe. The M'Oréal authorised retailers exclusively sell M'Oréal cosmetic products under certain terms and conditions, but are not owned and operated by M'Oréal. This saves M'Oréal the expense of setting up retail stores across the globe and from many legal headaches as well.

GRINDIA GLOBAL MICA EXPORT COMPANY

Grindia Global Mica Export Company is located in Grindia which accounts for 70% of the Mica reserves of the world. Mica is a substance which is used for many things, ranging from cosmetics to semiconductors. Mica is described as one of the most important mineral ingredients in cosmetics, used widely to add shimmer and sparkle. It is also popular in skincare products designed to create a glow effect, particularly those marketed as brightening or illuminating. Hence mica is



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integral to the production of cosmetics. As mica is found 4 to 20 feet below the surface, it is predominantly mined for.

Grindia Global Mica Export Company is registered in Grindia and owned by Ashish Kumar Sharma, a resident of Grindia. Grindia Global Mica Export Company mainly operates in parts of rural Grindia, where legal oversight is almost always lacking and plenty of cheap labour is available. Further, many mines in Grindia are closed and abandoned due to safety reasons, but this is always reactionary to a major incident taking place. It is a well-known fact that the legal enforcement mechanisms in Grindia are lethargic and can very easily be subverted.

Grindia Global Mica Export Company is exclusively contracted with M'Oréal for the supply of mica. It is one of the many companies that M'Oréal buys mica from.

INTERNATIONAL JUSTICE ORGANIZATION

International Justice Organisation is an international, non-governmental, not-for-profit organization focused on human rights, law and law enforcement. IJO Grindia describes itself as working to eradicate two forms of human trafficking- bonded labour and sex trafficking of minors. Furthermore, they aim to work with grassroots organisations to rescue and rehabilitate victims as well.

NITISHA SINGH

Nitisha Singh is a school teacher in the district of Boollai in rural Grindia. She teaches at the only government school at Boollai. She is unmarried and childless but has a sister who is married and has two daughters aged 5 and 8. Nitisha Singh is a hardworking teacher who tries to spread awareness about various governmental aid programmes to the residents of Boollai to help them. Furthermore, she takes free extra classes for children who want to pursue higher studies. Nitisha, being from Boollai is much loved in Boollai for her efforts to help the residents of Boollai. She believes that education is the key to ending the cycle of poverty many of the residents of Boollai are stuck in. Due to her sustained efforts, the number of children attending school has tripled in the past few years.



THE INCIDENT

In the past few months leading to November 2020, Nitisha observed that the attendance in the school had drastically dropped. Further, some people in the village including Nitisha's sister and her family moved to the outskirts of Boollai some 20 kilometres away from the School. This perplexed Nitisha and after some enquiries, she learnt that a contractor had come to inquire about some workers for a project nearby. The villagers had temporarily relocated for the same purpose. Nitisha subsequently went to visit her sister and also wanted to convince the villagers to agree to weekly classes for their children where Nitisha would travel from Boollai to teach them.

On reaching, Nitisha observed that the settlement was eerily silent. Nitisha sneaked in and was met by her grieving sister. Nitisha's sister told her that the contractor had offered food and lodging for the project which he described as digging nearby. Little did they know that once they agreed to the terms set out by the contractor, they would have to pay to get out of the year-long contract before the year ended. Furthermore, the food and lodging expenses were deducted from their salary. An individual's salary would barely cover the food and lodging of that particular individual so therefore all individuals who were staying there including the children were inadvertently forced to work. Nitisha's sister lamented that they were stuck here and the children had to work as well. Further, they were not digging but rather working in narrow mines with no light or safety equipment to scrape off a shiny rock. Hence, they suffered many injuries such as deep gashes and bruising but regardless were made to work every day from sunrise to sunset and were supervised by intimidating armed guards.

On learning this, Nitisha was alarmed for two reasons. She knew that the land in and around Boollai was declared tribal land and no mining or any such activity was permitted. Further, the arrangement that existed was in breach of many laws of India such as laws against child labour and laws against bonded labour. Nitisha approached IJO who she had previously dealt with who subsequently approached the police. When IJO reached the site, the armed guards and the contractor were missing but all the villagers present were furiously working and digging around the mine. Upon inquiring, it was learnt that some villagers were mining when a shaft collapsed and were stuck in the mine for more than 15 hours without light, water, food or any safety equipment. Rescue services were called for but they were too late. 14 children perished stuck in the mine. One of the children was Nitisha's niece.



THE AFTERMATH

Subsequently, the story broke out and it was discovered that Grindia Global Mica Export Company was the company that contracted these workers. It was also discovered that Grindia Global Mica Export Company did not have permission to mine in the Boollai area but were doing so anyway. Furthermore, they were using child labour and bonded labour in the mines present. It was also discovered that Grindia Global Mica Export Company were exclusively supplying the mica mined to M'Oréal.

Ashish Kumar Sharma, the owner of Grindia Global Mica Export Company was absconding. It was also discovered that Grindia Global Mica Export Company had virtually no assets and illegally mined mica all across rural Grindia. They sold such illegally obtained mica to M'Oréal and stashed the profits made in an offshore account. Hence, claiming compensation for the victims from Grindia Global Mica Export Company was not a viable solution. This made Nitisha moot suing M'Oréal in Grindian courts and she approached IJO with such a proposal.

IJO in the meantime broke this story across various platforms including print and social media to spread awareness. This resulted in widespread outrage against M'Oréal. There were leading calls to boycott M'Oréal. M'Oréal cosmetic products were compared to blood diamonds and various M'Oréal brand ambassadors distanced themselves from the brand. The outrage intensified when a popular actress, Majeela Majil tweeted an article about how M'Oréal evaded taxes and made enormous profits while the victims of the Boollia mica mining tragedy were not even compensated a penny. Such outrage against M'Oréal was never observed before and was adversely affecting M'Oréal's profit and sales.

THE MEDIATION

M'Oréal subsequently approached IJO who directed M'Oréal to contact Nitisha for any discussion on remedying the wrong that had occurred. M'Oréal subsequently requested Nitisha to attend a mediation session to try and remediate that harm that had occurred. All the adversely affected villagers of Boollia consented to Nitisha representing them in the discussion on remediation. Nitisha requested IJO to assist her in any discussion which IJO agreed to. M'Oréal is being represented by its CFO and Head of Legal. Nitisha is being helped by the Head of Legal of IJO Grindia in the mediation.