

**Women Mine Workers' in India:  
A Handbook for Defenders of Mine Workers' Rights**



**Dhaatri Resource Centre for Women and Children  
&  
Samata**

*Women Mine Workers' In India: A Handbook for Defenders of Mine Workers' Rights*

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# **Women Mine Workers’ in India: A Handbook for Defenders of Mine Workers’ Rights**

## **Introduction**

The exclusion and exploitation of women in the employment and economy of the mining sector is glaring, yet invisible. From a gender lens, the mining industry holds huge paradoxes between reality and what is acknowledged. Women as a workforce in the mining industry are mainly outside the formal employment, yet form a large section of mine workers. The industry is considered to be masculine and unsuitable for women, yet in India women are found to be working in a wide range of mineral extraction and processing activities. However, protecting and safeguarding the rights of women mine workers is cosmetically and negligibly addressed either through the law or economic benefits. Therefore, human rights violations against women working in the mining sector rampantly exist in most mine sites.

This handbook is intended to be a tool for women mine workers and defenders of mine workers and their families. It is meant to help bring a focus on the gendered disparities of the mining sector and to help build a consciousness on the need for addressing the rights of women mine workers within the several campaign and advocacy strategies of such groups.

The handbook is a summary of the section on women mine workers from the national report, ‘Contesting Women’s Rights in the Political Economy of Mining in India’. It provides a brief overview of the working and living conditions of women in mines across the country. It looks at what the primary legislation—the Mines Act

1952—has to say with regard to workers’ rights including those of women, and also specific provisions for women workers under other legislations. The social security schemes accessible to unorganised workers including women workers and the primary governance mechanism in the country for women’s development and empowerment are also mentioned. However, as it would be impossible to provide a list of all the schemes in different states, we have mainly provided a list of schemes at the national level. Finally, a number of recommendations for protecting the rights of women mine workers are provided. It is hoped that these can be used effectively in bringing a gender focus to the lobbying and campaigning actions of civil society groups working on mine workers’ issues.

## **Some Facts About Women in the Mining Sector in India**

### **Who are the women working in mines?**

- Majority of women mine workers are dalit and *adivasi* women
- Women alienated from their lands and livelihoods due to mining projects
- Migrant and landless labour
- Traditional communities doing specific mining activities; for example ,the Vaddars involved in stone breaking
- A large section of women mine workers are adolescent girls as life span of women mine workers is short

## **What kind of employment is the mining sector currently offering women?**

- Women comprise only 4% of entire labour force in the mining sector in India
- Women enter mine labour mostly as child labour due to poverty, indebtedness, death in family, lack of work in other sectors like agriculture, or because of traditional compulsions.
- In some communities mining (quarrying) is a traditional occupation where women work with groups of families or groups of women and children.
- Women workers are mainly in unorganised sector/informal sector/illegal mining activities.
- Barely 1% women working in the mining sector have permanent /formal employment in mining companies.
- Privatisation and mechanisation have led to women working as daily wage/casual/contract labour in the mines.
- An increasing number of women mine workers are today migrants.
- Illiteracy and lack of technical skills means women mine workers are involved in mostly menial yet hazardous mining work.
- Women are mostly found working in quarries, small-scale mines, artisanal mines, or in contractual works in large mines like coal, iron ore, chromite, manganese, etc.
- Women (and children) are engaged in lowest end jobs like cleaning, breaking stones,

sieving, sifting, loading, processing, picking and other forms of cheap labour.

- Women often do not know who their employer or contractor is.
- Women are not permitted to work underground as per Mines Act 1952.
- Women are permitted in night shift in some mines.

## **What about the wage situation of women mine workers?**

- Women are often not in the muster rolls of the mine owners or companies.
- Most women mine workers do not receive wages according to the Minimum Wages Act 1948.
- Work hours are long and wages are cut even if small delays occur in reporting for work.
- Women are normally paid less than men for the same amount of work.
- Women are paid either as a group by the contractor or on a daily wage basis at the end of a week/month.
- Women workers receive wages only for the days of work they put in.
- They have no paid holidays even once a week or in the entire month.
- There is no maternity leave or wages given for the days taken off for delivery of child.
- There is no work certainty or standard wages. They are the first to be thrown out of work or when the owners find it unprofitable.

### **What are the working conditions of women mine workers?**

- Women work in very hazardous conditions with their bare hands and feet, and with no protective clothing or equipment.
- Women, especially the adolescent girls, face physical, verbal and sexual abuse at the mine sites from male workers and contractors.
- Normally mine sites in India have no toilets, washing areas, drinking water facilities or shelters for women at the work site.
- Crèches for infants are non-existent.
- Accidents and small injuries occur frequently but no medical help or compensation is provided.
- Women are often lowered to the mine pit with ropes or have to climb down without any support and stay at the mine site for 8–12 hours where there are no toilets or shelter.
- Few trade unions present to represent women's rights in mine sites.

### **What are the health problems and hazards women mine workers are exposed to?**

- Women are constantly exposed to dust and noise pollution, injuries and mine accidents, and have to expose their children and infants to these hazards due to lack of shelter.
- Tuberculosis, silicosis, respiratory illness, skin infections, reproductive health problems, chronic body pains, fevers, diarrhoea, malaria, jaundice, and other long-term diseases are common.

- Women also suffer from extreme stress, mood swings and depression that affect their overall health.
- Domestic violence and abuse in the hands of alcoholic husbands adds to this. Alcohol and addiction to other substances like chewing *gutka* to survive the hard work further weakens their health.
- Indebtedness and loans are a major problem in mine workers' lives due to constant ill-health of women workers, or their husbands and children.
- Low and irregular wages means they cannot access proper medical care. They turn to home remedies or quacks which provides no real cure.
- Women workers are vulnerable to sexual exploitation, HIV/AIDS and other sexually transmitted diseases at the work place and home as mining regions have a high rate of migrant and floating population, heavy traffic of trucks and outsiders temporarily settling down around the mines.

### **What are the living conditions of women mine workers?**

- Mine workers' colonies rarely have *pucca* houses as they stay in colonies near mine sites which are often temporary shelters—there is no proper housing facility.
- Drinking water is the biggest problem. As water is not adequate, women have to walk long distances and it is mostly contaminated by mine dust and toxic substances thereby increasing the health and physical risks on women.

- The Public Distribution System is not accessible to many mine workers. They often do not have ration cards as they are migrant workers and do not have a stable habitation.
- Schools are far from mine workers colonies so children find it difficult to regularly attend school and often end up as child labour.
- Primary Health Centres are also far away from these colonies making it hard to access in times of illness or emergencies.

## **Protecting the Rights of Women Mine Workers and Wives of Mine Workers**

### **Existing rights and legal safeguards: What does the law say?**

#### *The Mines Act 1952*

The Act is the main law that lays down the regulations with regard to labour, health and safety of mine workers in India. The law comes under the Ministry of Labour.

#### *Who is a mine worker in India?*

Chapter I of the Act says that a person is said to be 'employed' in a mine if he/she works

- (i) in any mining operation (including the related works of handling and transport of minerals up to the point of despatch and of gathering sand and transport to the mine);
- (iii) in operating, servicing, maintaining or repairing any part or any machinery used in or about the mine;
- (iv) in operations, within the premises of the

- mine of loading for despatch of minerals;
- (v) in any office of the mine;
- (vii) in any kind of work which is preparatory or incidental to, or connected with mining operations.

By virtue of the above definitions, women working in the different mines and quarries in India are deemed to have certain rights as given in the Mines Act 1952 for all mine workers.

These include

#### *With regard to drinking water:*

- In every mine effective arrangement shall be made to provide and maintain at suitable and convenient points a sufficient supply of drinking water for all persons employed.
- All such points shall be legibly marked 'DRINKING WATER' in a language understood by a majority of the persons employed in the mine and no such point shall be situated within 6 m of any washing place, urinal or latrine, unless a shorter distance is approved in writing by the Chief Inspector.
- Water for drinking shall be provided free of cost.

#### *With regard to toilets:*

- There shall be separate toilets provided for men and women in every mine site.
- These should be sufficient in number, and convenient and accessible to persons employed in the mine at all times.
- All latrines and urinals shall be adequately

lighted, ventilated and maintained in a clean and sanitary condition at all times.

*With regard to medical appliances and help:*

- Every mine shall be provided and maintained with first-aid boxes and cupboards with specified medicines. These are to be readily accessible during all working hours.
- Only the prescribed contents should be kept in a first-aid box or cupboard or room and nothing else.
- Every first-aid box or cupboard shall be kept in the charge of a responsible person who is trained in specified first-aid treatment and who shall always be readily available during the working hours of the mine.
- In every mine there shall be available the specified arrangement for the conveyance to hospitals or dispensaries of persons who, while employed in the mine suffer bodily injury or become ill.
- In every mine where more than 150 persons are employed there shall be provided and maintained a first-aid room with equipment that is in the charge of medical and nursing staff.
- Where there are more than 1,000 persons employed there should be a resident medical practitioner available at the mine.

*With regard to notice for accidents:*

Accidents in a mine include those that:

- Cause loss of life or injury
- involve an explosion, extreme heating or

fire,

- involve inflow of water or liquid matter,
- involve inflow of poisonous gases,
- involve breakage of ropes chains or gear by which persons or materials are lowered,
- result in an over-winding of cages of other means of conveyance,
- result in collapse of any part of the workings,
- are specified as constituting an accident.

When any of the above occurs the owner, agent or manager of the mine shall inform the authorities within a specified time of the accident and post one copy of the notice on a special notice-board in the prescribed manner at a place where it may be inspected by trade union officials, and shall ensure that the notice is kept on the board for not less than 14 days from the date of such posting.

Whenever an accident occurs in the mine that causes injury to a worker the owner, agent or manager of the mine is required to make an entry of the same in a specified register that is to be then made available to the Chief Inspector.

*With regard to notice for certain diseases:*

- Where any person employed in a mine contacts any disease notified by the central government in the official Gazette as a disease connected with mining operations the owner, agent or manager of the mine, is required to send notice of such disease to the Chief Inspector and other specified authorities in the manner and within the

specified time prescribed.

- If a medical practitioner attends on a person who is or has been employed in a mine and who is or is believed by the medical practitioner to be suffering from any disease notified under the Act the medical practitioner shall without delay send a report in writing to the Chief Inspector stating the name and address of the patient, the disease from which the patient is or is believed to be suffering, and the name and address of the mine in which the patient is or was last employed.
- If the Chief Inspector is satisfied that the report of the medical practitioner is true then the Chief Inspector shall pay to the medical practitioner such fee as may be prescribed, and the fee so paid shall be recoverable as an arrear of land revenue from the owner, agent or manager of the mine in which the person contracted the disease.
- If any medical practitioner fails to comply with the provisions he shall be punishable with fine which may extend to Rs. 50/-.

*With regard to weekly day of rest:*

- The Act specifies that no person shall be allowed to work in a mine for more than 6 days in any one week.

*With regard to compensatory days of rest:*

- The Act also specifies that under specific conditions if a person employed is deprived of any of the weekly days of rest, he shall be allowed, within the month in which such days of rest was due to him or within 2 months immediately following that month,

compensatory days of rest equal in number to the days of rest which he could not take.

*With regard to hours of work:*

- The Act mentions that no adult employed above ground in a mine shall be required or allowed to work for more than 48 hours in any week or for more than 9 hours in any day, provided that, subject to the previous approval of the Chief Inspector the same can be altered to facilitate the change in shifts.
- No person employed below ground in a mine will be allowed to work for more than 48 hours in a week or for more than 8 hours in any day, provided that, subject to the previous approval of the Chief Inspector the same can be altered to facilitate the change in shifts.
- The periods of work of any adult shall be such that along with his interval for rest, they shall not in any day spread over more than 12 hours, and that he shall not work for more than 5 hours continuously before he has had an interval for rest of at least half an hour.

*With regard to overtime wages:*

- The Act says that where in a mine a person works above ground for more than 9 hours in any day or works below ground for more than 8 hours in any day or works for more than 48 hours in any week he shall be entitled to overtime wages.
- The overtime wage rate will be at twice his ordinary rate of wages (the period of overtime work being calculated on a daily

basis or weekly basis whichever is more favourable to him.)

- Where any person employed in a mine is paid on piece rate basis, the time-rate shall be taken as equivalent to the daily average of his full-time earning for the days on which he actually worked during the week immediately preceding the week in which overtime work has been done, exclusive of any overtime, and such time-rate shall be the ordinary rate of wages of the person. This is provided that the person has not worked in the preceding week on the same or identical job, and the time rate shall be based on the average for the day he had worked in the same week excluding the overtime or on the daily average of his earnings in any preceding week whichever is higher.

*With regard to employment of those below 18 years:*

- The Act says that no person below 18 years of age shall be allowed to work in any mine or part of a mine.
- Apprentices and other trainees, not below 16 years of age, may be allowed to work, under proper supervision, in a mine or part of a mine by the manager, provided, in the case of trainees, other than apprentices prior approval of the Chief Inspector or an Inspector shall be obtained before they are allowed to work.
- The Act also prohibits that no person below 18 years of age should be allowed to be present in any part of a mine above ground

where any mining operation or related activities are being carried out.

*With regard to employment of women:*

The Act specifies that:

- No woman shall be employed in any part of the mine below ground.
- No woman shall be employed in any mine above ground except between the hours 6 a.m. and 7 p.m.
- Every woman employed in a mine above ground shall be allowed an interval of not less than 11 hours between the termination of employment on any one day and the commencement of the next period of employment.
- The central government may, by notification in the official Gazette, vary the hours of employment above ground of women in respect of any mine or class or description of mine; however no employment of any woman between the hours 10 p.m. and 5 a.m. is permitted.
- The Mines Crèche Rules 1966 under the Act state that where women are employed for more than 12 months suitable rooms (crèches) should be reserved for the use of children under the age of 6 years belonging to such women. The crèches should have trained staff to oversee its working. Specific standards for the kind of crèches and what should be provided in them, including diet and nutrition of children are also provided. Mine owners can provide for the crèches jointly as well.

- The regulations, rules and by-laws gives powers for prohibiting, restricting or regulating the employment of women in mines or in any class of mines of on particular kind of labour which are attended by danger to the life, safety, or health of such persons and for limiting the weight of any single load that may be carried by any such person;
- The shelters should be built in such a way that it provides protection from the weather, be supplied with clean drinking water and kept in a neat and tidy condition at all times.

*With regard to leave with wages:*

- The Act specifies that leave shall not include weekly days of rest or holidays or festivals or other similar occasions whether occurring during or at either end of the period.
- With regard to annual leave for those working above ground the Act, specifies that, every person employed in a mine who has completed a calendar year's (12 months from January to December) service shall be allowed, during the next calendar year leave with wages, calculated at the rate of one day for every 20 days of work performed.
- In the case of below ground leave with wages is calculated at one day for every 15 days of work performed.
- The Act also makes provisions for payment of wages during leave days at the same rate as that was being paid at the time of work.

*With regard to shelters:*

- The Rules of the Act specify that in any mine where more than 50 persons are employed shelters will be provided for employees to rest and take their food.

**Relevant Chapters under Mines Act 1952**

Chapter I: Preliminary

Definitions of terms

Chapter V: Provisions as to health and safety

19. Drinking water

20. Conservancy (toilets)

21. Medical appliance

23. Notice to be given of accidents

25. Notice of certain diseases

Chapter VI: Hours and limitation of employment

28. Weekly days of rest

29. Compensatory days of rest

30. Hours of work above ground

31. Hours of work below ground

32. Night shifts

33. Extra wages for overtime

35. Limitation of daily hours of work including overtime work

40. Employment of persons below 18 years of age

41. Employment of women

Chapter VII: Leave with wages

Chapter VIII: Regulations, rules and Bye-laws  
57(j), 58 (d) & (e)

***The Contract Labour (Regulation and Abolition) Act 1970***

- Has provision of crèches where 20 or more women are ordinarily employed as contract labour.









- Requires that female contract labour to be employed by any contractor between 6 a.m. and 7 p.m. with the exception of mid-wives and nurses in hospitals and dispensaries.

***The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979***

- Has provision of crèches for the benefit of women workers in establishments wherein 20 or more women are ordinarily employed as migrant workers and in which employment of migrant workers is likely to continue for 3 months or more.

***The Maternity Benefit Act 1961***

- Maternity benefits to be provided on completion of 80 days working.
- Not required to work during 6 weeks immediately following the day of delivery or miscarriage.
- No work of arduous nature, long hours of standing likely to interfere with pregnancy/normal development of foetus or which may cause miscarriage or is likely to affect health to be given for a period of 6 months immediately preceding the period of one week before delivery. On medical certificate, advance maternity benefit to be allowed.
- Rs.250/- as medical bonus to be given when no pre-natal confinement and post-natal care is provided free of charge.

***Maternity Benefit (Mines and Circus) Rules 1963***

- Under this Rule the employer of every mine

is required to maintain a muster roll with particulars of women employed in the mine.

- Any women employed and entitled to maternity benefit is required to be provided with due payment of benefit by her employer provided she gives notice of her condition by submitting the requisite proof from a medical officer or practitioner.
- Wages and medical bonus too must be paid to the worker as per the rules fixed.
- Nursing mothers are eligible for two breaks of 15 minutes each with extra time between 5 and 15 minutes to make allowance for journey time.

***The Equal Remuneration Act 1976***

- Payment of equal remuneration to men and women workers for same or similar nature of work protected under the Act.
- No discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.

***The Employee's State Insurance (General) Regulation 1950***

- Claim for maternity benefit becomes due on the date medical certificate is issued for miscarriage, sickness arising out of pregnancy, confinement or premature birth of child.
- Claim for maternity benefit becomes due on (General Regulation 1950) the date medical certificate issued for miscarriage, sickness arising out of pregnancy,

confinement or premature birth of child.

### ***The Industrial Employment (Standing Orders) Act 1946***

- Provision regarding safeguards against sexual harassment of women workers at their workplaces.

### ***The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act 1976, The Lime Stone and Dolomite Mines Labour Welfare Fund Act 1972, The Mica Mines Labour Welfare Fund Act 1946***

- Appointment of women member in the Advisory and Central Advisory Committee is mandatory under the Acts.

*None of the above rules and facilities are being effectively implemented for mine workers, both men and women. It is for the workers' unions, NGOs working with mine workers and workers' collectives to take advantage of these rules and demand for their rights.*

### **Legislation and Schemes for Women Workers in India**

In India social security is used in a broad sense to cover preventive, promotional and protective measures where unorganised workers are concerned. They may be statutory, private or public. The various schemes have different coverage—some are specific and focus on special groups like women, adivasis, etc., while others are more broad-based covering unorganised workers as a whole. The schemes are administered by various agencies: different Ministries of the central government (example Labour, Health, Women and Child Development, Rural Development, etc), government agencies

(for example Life Insurance Corporation), cooperatives and NGOs. In addition, the states may provide schemes at their level which include schemes for social security, women's development and empowerment.

It is not possible here to provide a whole list of these schemes as these are numerous and differ from state to state. However, some of the important kinds of schemes are mentioned here that will give an indication of what can be accessed by women mine workers in the different states.

*Insurance schemes:* Group insurance schemes of the Life Insurance Corporation and General Insurance Corporation of India for unorganised sector workers; Janshree Bima Yojana for people living below or marginally above the poverty line; Aam Aadmi Bima Yojana for landless rural households which also include workers in the unorganised sector; the National Health Insurance Scheme called the Rashtriya Swasthya Bima Yojana for BPL families in the unorganised sector.

*Employment oriented schemes:* Swarnjayanti Gram Swarojgar Yojana, Pradhanmantri Gram Sadak Yojana, Sampoorna Gramin Rojgar Yojana and the Mahatma Gandhi National Rural Employment Guarantee Scheme designed to benefit unorganised workers.

*Pension schemes:* Indira Gandhi National Old Age Pension Scheme for destitutes like widows, mentally retarded persons, etc.

*Unemployment allowance:* The Rajiv Gandhi Shramik Kalyan Yojana under the Employee State Insurance Corporation.

*Food security schemes:* Annapurna, Antyodaya Anna Yojana and the Integrated Child Development Scheme for providing supplementary nutrition for women.

*Housing schemes:* Indira Awas Yojana the subsidised rural housing scheme for families below the poverty line and the Scheme for Economically Weaker Sections provides housing assistance to rural poor.

*Provident Fund schemes:* An example is the State Assisted Scheme of Provident Fund for Unorganised Workers of the West Bengal government.

*The Unorganised Workers Social Welfare Scheme:* Launched in 2004 to provide three basic necessities—pension, personal accident insurance coverage and medical insurance coverage—to the unorganised sector workers and their families.

*National Social Assistance Programme:* Scheme for workers in the unorganised sector that provides social assistance to poor households in the case of old age, death of the breadwinner, and maternity through the National Old Age Pension Scheme (Indira Gandhi National Old Age Pension Scheme), National Family Benefit Scheme and the National Maternity Benefit Scheme.

*Welfare funds:* Provide mainly medical care, assistance for the education of children, housing and water supply, and recreational facilities. For mine workers the funds created are the Limestone and Dolomite Mines Labour Welfare Act 1972, Iron Ore, Manganese Ore and Chrome Mines Labour Welfare Fund Act 1976 and Mica Mines

Labour Welfare Fund Act 1946.

*National Social Security Fund:* Launched for unorganised sector workers with initial allocation of Rs. 1,000/- crores.

*Women empowerment scheme /programmes of the Ministry of Women and Child Development:*

- Swayamsidha for the holistic empowerment of women through self-help groups;
- Rashtriya Mahila Kosh or the National Credit Fund for Women for promoting self-employment opportunities and targeting very poor women especially from the unorganised sector;
- Swadhar scheme to provide primary need of shelter, food, clothing, emotional support and counseling, and rehabilitation support for widows, destitute and deserted women among others;
- Support to Training Employment Programme (STEP) for mobilising women — wage labour, unpaid daily workers, female-headed households, migrant labour and, tribal and dispossessed groups—into small viable groups and make facilities available to them through access of credit, training for skill upgradation, taking up employment-cum-income generation programmes and support services for further improving training and employment conditions for women;
- Kishori Shakti Yojana to empower adolescent girls improve the nutritional, health and development status, promote awareness of health, hygiene, nutrition and

family care, provide opportunities for learning life skills and going back to school.

In addition to the above there are several schemes in the states targeted specifically at women, women workers, pregnant women, widows, destitute women, adolescent girls and the girl child. It is important that local NGOs working on issues of women mine workers collect this information at the state level.

### **The Unorganised Workers Social Security Act 2008**

This is the umbrella legislation most recently passed for the unorganised sector workers. Under this Act the central government is required to notify welfare schemes for unorganised workers relating to (a) life and disability cover (b) health and maternity benefits (c) old age protection and (d) other benefits. The welfare schemes under this as per the Act include:

- (1) Indira Gandhi National Old Age Pension Scheme
- (2) National Family Benefit Scheme
- (3) Janani Suraksha Yojana
- (4) Handloom Weavers Comprehensive Welfare Scheme
- (5) Handicrafts Artisans Comprehensive Welfare Scheme
- (6) Pension to Master Crafts Persons
- (7) National Scheme for Welfare of Fishermen and Training and Extension
- (8) Janshree Bima Yojana

(9) Aam Aadmi Bima Yojana

(10) Rashtriya Swasthya Bima Yojana

### **Governance Institutions Related to Workers and Women**

#### *Ministry of Labour and Employment*

The primary responsibility of the Ministry, along with the Labour Departments of the state and union territories, is to protect and safeguard the interests of workers in general and those who constitute the poor, deprived and disadvantaged sections of the society. At the central level the Ministry along with its subordinate offices is in charge of regulation of labour, safety in mines, technical aspects of occupational health and safety and administration of laws connected with safety and welfare in mines (other than coal mines).

The Ministry at the central and departments at the state level are required to look into various aspects of labour welfare like conditions of labour, provident fund, pension, gratuity, employers liability, compensation, health and sickness insurance and unemployment insurance for workers including unorganised, contract and migrant workers. This is done through administration of the different Acts like Minimum Wage Act 1948, Employees State Insurance Act 1948, Employees Provident Funds and Miscellaneous Provisions Act 1952, Payment of Gratuity Act 1972, Maternity Benefits Act 1961, Workmen's Compensation Act 1923 and implementation of the Equal Remuneration Act 1976. The Ministry also ensures implementation of Labour Funds including those for some mines.

### ***Ministry of Women and Child Development***

The Ministry of Women and Child Development is the nodal ministry for all issues and development needs of women including female employment. The Ministry guides and coordinates the efforts of both government and NGOs working in the field of women and child development, and implements innovative programmes for both groups. The programmes cover and support services, training for employment and income generation, awareness generation and gender sensitisation. These programmes play a supplementary and complementary role to the other general developmental programmes in the sectors of health, education, rural development, etc.

### ***National Commission for Women***

The National Commission for Women is today the apex national level organisation with the mandate for protecting and promoting the interests of women. It reviews the Constitutional and legal safeguards for women, recommends remedial legislative measures, facilitates redressal of grievances and advises the government on all policy matters affecting women.

### **Recommendations for Protecting the Rights of Women Mine Workers**

The above mentioned laws and schemes are ill-implemented and their existence is not known to the mine workers and their families. Further, the domination of mafia and muscle power of the mining lobbies makes it a highly hazardous industry in terms of human rights protection either for workers or defenders of workers. The

mineral sector has only largely provided opportunities for illiterate women in the unorganised sector with little scope for improvement in their working or living conditions. Even the very existence of a women worker is not recognised; company registers, Census records, trade union membership or any other forms of identity do not reflect their presence. This leads to official denial of the reality of women workers in the mining sector, and adds to their problems. From a gender lens, the sector fails to provide equal opportunity for women, but where exploitation of the women worker is high.

There is thus an urgent need for demanding training, decent work facilities, safety equipment and working conditions to women mine workers and mine workers' families for the sector to provide any dignified employment to them. Legislations have to be made stronger on behalf of women mine workers rather than merely providing schematic incentives for workers having no legal teeth. To ensure that women workers are protected, certain policy and legal provisions should be extended along with rules and standards that are in conformity with the law. These include:

1. First, proper enumeration of workers in the Census and other official surveys has to be taken as a serious matter.
2. Although the National Mineral Policy 2008 states that its goal is not only the exploitation of these natural resources for capital goods, infrastructure and industry, but the sustainability of the communities and environment, it does not clearly indicate

as to how the industry will provide sustainable livelihood for its workers. So far, efficiency in mineral extraction is being viewed from the needs of the industry in terms of the pace at which leases are processed and an enabling environment for investments, but not from the point of health and sustainability of its workers. The contribution of the mining sector to the total employment is marginal. Unless the employability of the sector is reviewed, the sustainability of mining in the context of the economics of employment is questionable, especially where women are concerned.

Therefore the National Mineral Policy 2008 should be redefined to include making employment in the industry sustainable to workers. Further, the Policy should review the process of privatisation and mechanisation and retrenchment of workers as all these lead to women being the first to be laid off. The Policy should make it mandatory for mining companies to maintain gender equity at all levels and dimensions of mining activities. In addition the Policy should insist that companies ensure at least 30% of its employment to have women, not just at the lowest end but at all levels.

3. The policy of banning women from underground work should be reviewed as this legal obstacle has been removed in many countries. Instead, improving workplace standards, providing work safety training and equipment to its women employees is more desirable to preventing

them from most of the technical and professional tasks in the sector. This also calls for improved technology for adapting to the requirements of women workers.

4. The policy of privatisation, deregulation and casualisation of mine labour should be reviewed from the perspective of women workers as majority of them are in the unorganised and informal workforce. This system leaves mining corporates unaccountable to women workers as they are not formally hired, do not reflect in the employment register and neither the state nor the industry are responsible for their safety and well-being.
5. The Ministry of Labour and Employment at the Centre and Labour Departments of the state governments should enable the assessment and follow-up on action taken reports, both at the mine site as well as in their offices. Periodicity and regularity of the inspections should be clearly specified at the time of the grant of mining leases and the Labour Departments should put into place adequate personnel for fulfilling its responsibilities. Such pre-conditions should include:
  - Assessment and setting mineral specific standards based on lease area, type of mineral, lease period, nature of extraction activities required, sex disaggregated mine labour required for proper information on employment in a specific project whether local or migrant, formally employed or sub-contracted.
  - The modalities of how basic amenities like

- housing, drinking water, toilets, electricity, education and medical facilities have to be worked out at the time of sanctioning the lease—whether through local bodies, the mining companies themselves or state administration from the royalty and profits—to ensure that workers’ families have a decent standard of living.
- Standards for operating a mine should include specifying the nature of work equipment and safety gear, work hour facilities, transport and other amenities, minimum wages that are viable for women workers’ sustainable living, insurance, medical and health benefits and other such technical facilities required for the women workers. An assessment of the capability of the mine owner in providing for these should be undertaken before the sanctioning of mine lease.
  - The applicant for mining lease should be assessed not only on grounds of capital investment capacity but also ability and track record for providing proper working conditions. Particularly, this is necessary where migrant labour is hired for mine labour work.
  - Women workers should be provided with crèche facilities safe from mine dust and noise, having full-time caretakers and supplementary nutrition being provided. Women should be given breaks during working hours to attend to their infants while at work. Safe drinking water should be provided at the mine site for workers as well as for infants of workers who are in the crèche.
6. In terms of legal safeguards, the Mines Act 1952 and the Mines and Minerals (Development and Regulation) Act 1957 should be amended together to include provisions for the above policy issues, especially where informal workers are concerned. Within these Acts, the granting of mining leases should have precautionary rules and pre-conditions to safeguard the workers’ rights. These pre-conditions should be set clearly before the initiation of any project related activity on ground and clearances should be subject to monitoring by civil society groups, workers themselves and local governance institutions to provide checks and balances.
  7. There is no clarity over definitions of informal, contract, casual or migrant mine labour and what the rights of workers under each of these categories are. Unless these are defined under law, there is no protection for the women mine workers. Particularly, migrant women labour are going to be a large section of mine workers in India, given the ambitious plans of expansion of mining activities in the country. Labour laws for migrant labour are too broad like in the case of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, and do not focus on women mine labour. This Act along with the Unorganised Workers Social Security Act 2008 and the Mines Act 1952 should all provide for specific legal rights of women workers in lieu of the development incentives, which should be regarded as only supplementary benefits.

8. A review of the implementation of the existing Acts related to women and mining should be undertaken, like the appointment of women members in the advisory and central advisory committees as given in the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act 1976, the Lime Stone and Dolomite Mines Labour Welfare Fund Act 1972 and the Mica Mines Labour Welfare Fund Act 1946 to assess the extent to which these are being implemented.
9. Legal responsibility for protection of mine workers as per the Mines Act 1952 should be pinned to all levels of mine ownership—the large companies which either undertake extraction directly or purchase the ore from local contractors to traders who purchase processed ore/metals (especially in the case of diamonds) and to the entire chain of extraction and markets. This is necessary as most women mine workers are hired on daily wage basis by contractors even where large companies operate which do not take any responsibility towards this informal labour.

Therefore, the principal mine owner should be held responsible to the workers in the entire mining operations whether they employ them directly or indirectly. While certain Acts like the Contract Labour (Regulation and Abolition) Act 1970 hold the principal employer liable as well, loopholes in the Act are used to escape from any liability. These should be strengthened by proper contractual agreements. Contracts between the principal mine owner/large

- mining company and local contractor should be made public and transparent with respect to hiring of workers so that the provisions under the Mines Act 1952 are respected. This would also enable tangible and measurable indicators for mine site inspections by labour officials.
10. Punishment for non-compliance with the Mines Act 1952 with respect to workers' rights and duties of mine owners should be clearly stated at the time of sanction of lease and should be included within the legal framework. Punitive action like cancellation of licences should be clearly specified under law for different categories of offences by mine owners. Especially the involvement of child labour, and facilities for women mine labour should be emphasised in these offences. Information and workers details regarding accidents, expenditure on accident benefits, maternity benefits, insurance and other details should be made mandatory for display in the offices of the mining companies and in the respective Labour Department offices.
  11. Redressal and grievance mechanisms should provide enabling facilities for women workers to put up complaints and participate in assessment, review and redressal of grievances. These should include the right of women to have worker identity cards specifying the details of their employment, right of unionisation and collective bargaining. Specifically, it should include complaints against sexual abuse, violence and exploitation of women mine labour. There should be an adolescent

monitoring cell that provides protection to the young girls working in the mines. These complaints and grievances reports should be made available in the local Labour Department offices for public scrutiny.

12. The ability of the Labour Departments to conduct regular mine site inspections is brought to question as they are currently unable to cover even a fourth of the mine sites operating. This also brings to question the issue of illegal mining where more than 40% of the mine sites today are stated to be operating illegally. The Ministry of Mines and Ministry of Labour and Employment should together develop a plan of intervention in terms of resource allocation, personnel and monitoring mechanisms for addressing this serious lacuna.
13. With respect to small-scale mines and minor minerals, as they fall within the state purview, the state Acts should have corresponding legislations to protect the rights of workers and migrant labour. Details of these should be provided at all levels and to all concerned departments for their consent to provide services, resources, funds for workers, and women workers' rights to housing, water, toilets, etc., in the new settlements and mine sites.
14. A review of the minimum wages needs to be conducted for mine labour as most women are forced to work in the mines as a result of health problems, death and indebtedness of mine workers' families. A proper assessment of the economic status of mine workers and their families is urgently required for a pragmatic assessment of wages, particularly where women workers face un-remunerative wages.
15. The no-objection certificates to be obtained from respective *Gram Sabhas*, *Panchayats* and *Zilla Parishads* depending on the nature of lease should include women's participation at these levels in decision-making over granting these certificates. The information regarding lease area, number of workers to be hired locally and from outside, migrant population and period of their stay, diversion of water and other resources for workers' settlements, and such other information should be provided to the women in the communities at the time of clearances.
16. Water is a serious concern for workers as well as for communities especially for women who bear the burden of collecting water. The sanction of mining lease should set as a pre-condition, the provision of safe drinking water and accessible water for domestic use for workers at the mine site as well as near housing settlements. Areas that are facing water crisis whether in terms of contamination or depletion should be identified as 'no-go' areas and banned from further mining.
17. Regular cleaning up of water bodies and the surroundings of the mine site, workers' settlements and communities should be the sole responsibility of the mine owner and conditions for maintenance should be specified at the time of sanction of lease.

The costs for this should be included as part of the project cost, but not cut from the wages/salaries of workers.

18. Women are involved in some of the most hazardous activities in mining. These areas have to be identified and the Ministry of Mines should come up with a detailed report that includes how this will be addressed.
19. Information about occupational diseases and mining associated illnesses—social and physical—and precautions required should be available to the workers’ families and to the communities. In the current scenario where workers are suffering from serious occupational diseases like silicosis and tuberculosis, an independent medical assessment committee and grievance redressal cell is urgently required to be set up by the Ministry of Mines in coordination with the Ministry of Women and Child Development, to undertake mine site surveillance and come up with authentic medical reports.

The committee should have women medical experts and civil society representatives to undertake examination of women mine workers and to ensure transparency in the conduct of these examinations. Access to

this information should be made available for public scrutiny.

20. The Ministry of Mines should ensure gender budgeting of all its projects that includes employment opportunities for women, employment benefits to women workers, training, equipment, work gear, skills upgradation and research on women workers, improved mining methods for protection of women workers at the mine site, expenditure on women related development and protection interventions for workers and women in communities, grievance redressal, medical and accident benefits, insurance and pensions, expenditure on medical examination of women workers, inclusion of women in management and technical levels. The Ministry should insist on mining companies to provide for the same.
21. Independent gender audit should be periodically undertaken of large and small mines separately with clearly specified indicators and which include the participation of the women workers in these exercises. Gender audit should be made mandatory within the project period as a pre-condition to sanction of lease.



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