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# WOMEN EMPLOYMENT IN BELOWGROUND AND ABOVE GROUND MINES

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Ministry of Labour & Employment

राजन सुरक्षा महानिदेशालय

Directorate-General of Mines Safety



No.DGMS(Legis)/Circular No. ०१

Dhanbad, dated 11<sup>th</sup> February 2019

To

All Owners, Agents and Managers of Coal Mines

**Sub: Equal employment opportunities for women in mines and exemption from the provisions of section 46 of the Mines Act, 1952-Reg.**

Sir,

The Central Government exempts the women employed in any mine aboveground including opencast workings and in any mine belowground from the provisions of Section 46 of the Mines Act, 1952 vide following Gazette notification published in the Gazette of India:

Sl. No	Gazette Notification	Subject	Published in Gazette of India in	Date of publication
1.	393{S.O.506(E)}	Exemption for the women employed in any mine above ground and in any mine below ground from the provision 46 of the Mines Act, 1952	Part II, Section 3, Sub-Section (ii)	29 <sup>th</sup> January 2019

The copy of the above notification may be retrieved from egazette.nic.in website.

The Owner or mine management shall frame a standard operating procedure (SoP) for adoption and implementation during employment of women in underground mines and between 10 pm and 6 am in above ground and opencast mines, based on the Annexed guidelines.

Yours faithfully

11/2/2019

Chief Inspector of Mines

**Enc. as above.**



**Guidelines for framing Standard Operating Procedure (SoP) for adoption by the mine owner / mine management during employment of women in their respective mines:**

Every mine owner or mine management shall frame Standard Operating Procedure for adoption during employment of women in underground mines and between 10 pm and 6 am in aboveground & opencast mines as per the Mines Act, 1952 and shall also be accountable for its implementation in true letter and spirit. Desired SoP shall be framed in locally spoken and understood language and must provide for following bare minimum needs:

**A. Infrastructure**

- Appropriately located functional washrooms for women.
- Crèche room (with Breastfeeding facility) with adequate staff.
- Appropriately located separate rest shelter with security and wash room facility.
- Guards (female) at isolated places with adequate shelter.
- Lighting at work places, pathways and rest rooms.
- Closed circuit televisions at conspicuous places with backend support.
- Phone/ sensors / emergency alarm at work places, pathways and rest rooms with in-built system for effective response.
- Display at any conspicuous space in local language, the penal consequences of sexual harassment at workplace and the order constituting internal Complaints Committee (ICC) under the Sexual Harassment Act.
- First Aid Rooms with female nurse.
- Separate transportation facility through GPS enabled vehicle having female guards for transporting women from home to work place and back during night and also for transportation to respective work places where ever such provision exist for other workers.
- Arrangements for providing prior intimation of extreme weather condition at work places.

**B. Specified jobs / locations**

- Identifying work places and jobs on the basis of location, physical & mental strength required and suitability of work environment for women's health including reproductive health.
- Providing information about hazards associated with respective work places and necessitating written consent from women employees before deployment.

**C. Administration**

- Gender neutral administration.
- Performance based transparent evaluation system for promotion, job allocation and deployment.
- Notifying sexual harassment at workplace as misconduct in service rules with provision for rapid closure of cases and stringent penalties.
- Constitution of Internal Complaints Committee and framework for addressing complaints of sexual harassment in confidence.
- System for insulating complainants against retaliation.

- Systematic training on gender sensitivity for all self-defence for women employees, how to deal with mental, physical and sexual harassment.
- Provision for free access to legal aid in cases of crime against women.
- Holding workshops and community talks for sensitising, enhancing cooperation and cohesion among workers at respective work places at frequent intervals and helping employees to develop their own mechanism for dealing with issues related to gender bias and harassment of all kinds.
- Holding workshops on provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for members of Internal Complaints Committee.
- Publishing the number of cases filed, disposed off and quantum of penalties awarded in each disposed off cases related to sexual harassment at workplace for wide publicity.
- Adopt policy that prohibited unwelcome behaviour constituting sexual harassment at workplace; prevented sexual harassment through orientation, awareness and sensitization session; and encouraged women employees to raise issues of sexual harassment at specified forum.

**D. Relaxation for specific reasons**

- Relaxation in reporting time, duration of continuous work, as deemed necessary etc for pregnant and lactating women, during monthly menstrual period.

**E. Duties and responsibilities**

- Owner's Obligation in creating safe working environment for women, constituting Internal Complaints Committee (ICC) under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and all the above mentioned provisions. Duty of every person employed in mine in respect of protecting dignity of women.
- Deployment of women at isolated and faraway places of work with all precautionary measures.
- Preparing handout / handbook on rights and obligation of every employee.
- Provisions of crèche and Maternity Benefit Act.
- Duties and responsibilities of persons in the management / administration for creating an enabling work environment.
- Duty of every person employed in mine in respect of protecting dignity of women.
- Deployment of women during 10 PM to 6 PM in underground mines will be in groups, as notified by the Government.

**F. Inspection schedule**

- Developing a check list for effective implementation of control measures.
- Inspection by top management.
- Inspection by managements of sister concern or friendly neighbourhood.
- Inspection by regulatory agencies of the State and Central Government.
- The employer shall send a fortnightly report to the Regional Inspector of Mines about the details of women employees engaged in mines and shall also report occurrence of any untoward incident related to women employees to the

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Inspector of Mines and Local Police stations will. The Regional Inspectors and Chief Inspector shall ensure strictly compliance of the provisions of SoPs framed by employers in reference to women employees through inspection from time to time and take appropriate action against mine owners or mine managements for non-compliance.

**G. Feedback and revision for effectiveness**

- Arrangements for feedback from women employee at regular interval and review of existing infrastructure and other facilities for safe deployment.
- Provision for risk assessment in case of change in working condition.

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# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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श्रम एवं रोजगार मंत्रालय

अधिसूचना

नई दिल्ली, 29 जनवरी, 2019

का.आ. 506(अ).—केंद्रीय सरकार खान अधिनियम, 1952 (1952 का 35) की धारा 83 की उप-धारा (i) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, किसी भी भूमि के ऊपर खान और किसी भी भूमि के नीचे खान में नियोजित स्त्री को खान अधिनियम, 1952 की धारा 46 के उपबंधों से निम्नलिखित शर्तों पर छूट प्रदान करती है:—

(क) किसी भी सतही खान में नियोजित स्त्री के मामले में,—

- (i) खान का स्वामी सतही खान, जिसमें विवरत खनित सम्मिलित है, में संध्या 7:00 बजे से प्रातः 6:00 बजे के बीच स्त्री को अभिनियोजित कर सकता है;
- (ii) यह अभिनियोजित संबंधित स्त्री कर्मचारी की लिखित सहमति के उपरान्त किया जाएगा;
- (iii) अभिनियोजित स्त्री को व्यावसायिक स्वास्थ्य, सुरक्षा और स्वास्थ्य संबंधित पर्याप्त सुविधा तथा सुरक्षा प्रदान की जाएगी;
- (iv) स्त्री का अभिनियोजन मुख्य खान निरीक्षक द्वारा समय-समय पर, इस संबंध में जारी किए गये मार्गदर्शिका के आधार पर मानक प्रचालन प्रक्रिया को विरचित करने तथा कार्यान्वयन की शर्त पर किया जाएगा;
- (v) स्त्री का अभियोजन एक पाली में कम से कम तीन के समूह में किया जाएगा;

(ख) किसी भी भूमि के नीचे खान में नियोजित स्त्री के मामले में,—

- (i) खान का स्वामी भूमि के नीचे खान में जहाँ लगातार उपस्थिति की आवश्यकता अपेक्षित नहीं है, प्रातः 6:00 बजे से संध्या 7:00 बजे के बीच स्त्री को तकनीकी, पर्यवेक्षी तथा प्रबंधकीय कार्य पर नियोजित कर सकता है;
- (ii) यह अभिनियोजन संबंधित स्त्री के लिखित सहमति के उपरान्त किया जाएगा;
- (iii) अभिनियोजित स्त्री को व्यावसायिक स्वास्थ्य, सुरक्षा तथा स्वास्थ्य संबंधित पर्याप्त सुविधा तथा सुरक्षा प्रदान की जाएगी;

(1)

- (iv) स्त्री का अभिनियोजन मुख्य खान निरीक्षक द्वारा इस संबंध में समय-समय पर जारी किए गये मार्गदर्शिका के आधार पर मानक प्रचलन प्रक्रिया को विरचित करने तथा कार्यान्वयन की शर्त पर किया जाएगा;
- (v) स्त्री का अभिनियोजन कम से कम तीन के समूह में किया जाएगा;

[फा. सं. जेड-16025/45/2017-आईएसएच-II]

कल्पना राजसिंहोत, संयुक्त सचिव

## MINISTRY OF LABOUR AND EMPLOYMENT

### NOTIFICATION

New Delhi, the 29th January, 2019

**S.O. 506(E).**—In exercise of the power conferred under sub-section (1) of section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the women employed in any mine above ground and in any mine below ground from the provisions of section 46 of the Mines Act, 1952, subject to the following conditions, namely:—

(a) in the case of women employed in any mine above ground,—

- (i) the owner of a mine may deploy women between the hours of 7 pm and 6 am in the mine above ground including opencast workings;
- (ii) the deployment of women shall be after obtaining the written consent of the concerned woman employee;
- (iii) the women so deployed shall be provided with adequate facilities and safeguards regarding occupational safety, security and health;
- (iv) the deployment of women shall be subject to the framing and implementation of Standard Operating procedures on the basis of the guidelines issued in this regard by the Chief Inspector of Mines from time to time;
- (v) the deployment of women shall be in a group of not less than three in a shift.

(b) in the case of women employed in any mine below ground,—

- (i) the owner of a mine may deploy women between the hours of 6 am and 7pm in technical, supervisory and managerial work where continuous presence may not be required.
- (ii) the deployment of women shall be after obtaining the written consent of the concerned woman employee;
- (iii) the women so deployed shall be provided with adequate facilities and safeguards regarding occupational safety, security and health;
- (iv) the deployment of women shall be subject to the framing and implementation of Standard Operating Procedures on the basis of the guidelines issued in this regard by the Chief Inspector of Mines from time to time;
- (v) the deployment of women shall be in a group of not less than three.

[F. No. Z-16025/45/2017-ISH-II]

KALPANA RAJSINGHOT, Jt. Secy.