To,

All Owner, Agents and Managers of Mines.

Subject:- Equal employment opportunities for women in mines and exemption from the provisions of section 46 of the Mines Act, 1952 (Revised)-Reg.

Sir,

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

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Gazette notification</th>
<th>Subject</th>
<th>Published in Gazette of India in</th>
<th>Date of publication</th>
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<tr>
<td>01.</td>
<td>393{S.O.506(E)}</td>
<td>Exemption for the women employed in any mine above ground and in mine below ground from the provision 46 of the Mines Act, 1952.</td>
<td>Part II, Section 3, Sub-Section (ii)</td>
<td>29th January, 2019</td>
</tr>
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</table>

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

The Owner or mine management shall frame a standard operation procedure (SoP) for adoption and implementation during employment of women in underground mines and between 7 pm and 6 am in above ground and opencast mines, based on the Annexed guidelines.

Yours faithfully

(Utpal Saha) 23/5/2019

Director General of Mines Safety.
Annexure-I

**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 7 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 the hours of 6 AM and 7 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
Inspector of Mines and local Police station as well. 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.
भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खंड 3—उप-खंड (ii)
PART II—Section 3—Sub-section (ii)

प्रकाशक से प्रकाशित
PUBLISHED BY AUTHORITY

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बम एवं रोजगार मंत्रालय

भविष्यवाणि

नई दिल्ली, 29 जनवरी, 2019

का.शा. 506(ब)—केरल मुख्यमंत्री खाने अभिनियम, 1952 (1952 का 35) की धारा 83 की उप-धारा (i) के संबंध में प्रदत्त धमकियों का प्रयोग करते हुए, किसी भी भूमि के उपर खान बाँध किसी भी भूमि के नीचे खान में नियोजित खी को खान अभिनियम, 1952 की धारा 46 के उपरोक्त तथा निम्नलिखित शर्तों पर बुझ प्रदान करती है,—

(क) किसी भी उल्लंघन खान में नियोजित खी के मामले में,—

(i) खान का स्वाभी सतही खान, जिसमें विवर्त बनित समिधित है, में संध्या 7:00 बजे से प्रात: 6:00 बजे के बीच की को अभिनियमित कर सकता है;

(ii) यह अभिनियमित संबंधित खी कर्मचारी की विचित्र सहायता के उपरान्त किया जाएगा;

(iii) अभिनियमित खी को व्यावसायिक स्वास्थ्य, सुरक्षा और त्वरण संबंधित परामर्श सुविधा तथा त्वरक प्रदान की जाएगी;

(iv) खी का अभिनियमित सुरक्षा खान तरीका द्वारा समय-समय पर, इस संबंध में जारी किए गये मार्गदर्शक द्वारा खान पर मानक प्रदानपत्र को निरीक्षित करते तथा सूचीबद्ध की करता है;

(v) खी का अभिनियमित एक पारी में कम से कम तीन में समूह में किया जाएगा;

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

(i) खान का स्वाभी भूमि के नीचे खान में जहाँ व्यावसायिक उपस्थिति की घातकता नहीं है, प्रात: 6:00 बजे से संध्या 7:00 बजे के बीच खी को तकनीकी, प्रशिक्षित तथा स्वस्थकीय गार्ड के साे पर नियोजित कर पाता है;

(ii) यह अभिनियमित संबंधित खी के लिए सहायता के अंतर्गत किया जाएगा;

(iii) अभिनियमित खी को व्यावसायिक स्वास्थ्य, सुरक्षा तथा त्वरक संबंधित परामर्श सुविधा तथा सूची प्रदान की जाएगी.
(iv) की आदिनियोजन मुख्य भाषा निरीक्षक द्वारा इस संबंध में सामान्य-समान पर जारी किए गए मार्गदर्शन के बावजूद यह नियम प्रचलन प्रक्रिया को विरोधित करने तथा कार्यक्षेत्र की शासन पर किया जाएगा;

(v) की आदिनियोजन कम से कम तीन के समूह में किया जाएगा:

[F. O. No. 16025/45/2017-ISH-II]
KALPANA RAISINGHOT, Jr. Secy.

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 7 pm 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 RAISINGHOT, Jr. Secy.