MINING, MASCULINITY, AND MARGINALIZATION: BARRIERS TO WOMEN'S PARTICIPATION IN INDIA'S RESOURCE EXTRACTION INDUSTRY

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ABSTRACT

Reimagining the gender roles in the Indian mining sector is an area that deserves a due attention. The once implicit and unspoken ideas of women in mining are now becoming an undeniable reality, at least in theoretical terms.

Despite the increasing participation of women in the mining workforce, the industry is still widely seen as a male domain, reinforcing a significant gender divide. This occupational segregation, combined with the shared exposure to occupational hazards, has fostered a unique form of male camaraderie that has shaped a distinct working-class identity and the traditions that go with it.

Historically, this gender-based segregation in the mining industry has led men to see themselves as key members of the industrial proletariat while also asserting dominance over their domestic spheres. This dual perspective stems from the historical conditions of isolation, shared risks, and solidarity in earlier mining contexts, which together have imbued manual labor with masculine qualities. The association between masculinity and mining labor has spawned myths about the unsuitability of women for such work—myths that are further entrenched by laws restricting women's employment in mining. This paper aims to explore the friction between these notions and legal paradigms within the Indian context, shedding light on the evolving dynamics of gender roles in the resource extraction industry.

Keywords: Mining, Gender justice, masculinity

I. THE INDIAN HISTORY OF MINING AND WOMEN

As per the available records, the coal mining in India can be traced back to an application dated August 11th, 1774 by three Bengal Civil Servants, namely: J. Summer, S.G. Heatly and Messrs as regards a proposal for working in coal mines and sell those coal thereof to the Council of Revenue at Calcutta.2 Furthermore, it has also been stated that one of these aforementioned civil servants, S.G. Heatly brought English miners for mining on large scale for an exclusive right of

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[2] Athar, S. (2012). CONDITION OF WOMEN COAL MINE WORKERS IN BIHAR TILL 1947. *Proceedings of the Indian History Congress*, *73*, 932. http://www.jstor.org/stable/44156291.

eighteen years.3 The colonial era also witnessed an existence of aspiring indigenous coal mining sector. Dwarkanath Tagore, Rabindranath Tagore's grandfather, was a pioneering figure in the Indian coal mining industry. His interest in coal was piqued by the arrival of steamships in India in the late 1820s. In 1835, Tagore's firm, Carr-Tagore, purchased the Raneegunge colliery and later acquired another property, establishing a foothold in the coal industry. Despite early success, Carr-Tagore collapsed in 1847 due to financial difficulties, leading to British control over the Bengal Coal Company.

Several other Indian entrepreneurs, inspired by the growing demand for coal from steamships and railways, also ventured into the industry. One notable figure was Gobin Pundit, who successfully operated a mine at Searsole, although it faced challenges and eventually failed in the 1870s. Despite the initial struggles, by the 1890s, Bengali entrepreneurs saw renewed interest in coal mining, especially with the development of the Jharia coalfield. This period witnessed significant growth in Bengali-owned mines, though many operated on a small scale.

Among the successful Bengali entrepreneurs was N.C. Sircar, who started in the Bengal Coal Company and later established his own thriving coal business. However, the economic downturn of the 1920s, coupled with competition from Marwari and Gujarati business communities, led to a decline in Bengali dominance in the industry. These new groups capitalized on the weakened Bengali presence and British withdrawal from the industry, establishing themselves as key players in the Indian coal mining sector by the mid-20th century.

The colonial era of mining in India was highly labour intensive as it involved several manual work like loading, hauling and cutting. Initially, the agricultural peasants from adjoining villages of the coal fields were engaged as miners. These agricultural peasants from the communities named:- *Bauris, Dhangars* and the *Koras* used to bring their mothers, wives, sisters and even daughters to work in the coal fields for supplemental incomes.[4] These women were primarily engaged for digging and raising coals from the quarries. However, they were not engaged to underground coal cutting or even driving a gallary into a pit.[5] Back during that timeline, the miners used to hail from the nearby villages of the coal mines. In fact the 1911 Census revealed that most miners were born in the coal districts where they worked.[6] In the Jharia coalfield of Manbhum,

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[3] *ibid.*

[4] *ibid.*

[5] B.R. Seth, *Labour in Indian Coal Industry,* Bombay, 1940,p.24.

[6] Simmons, C.P. (1976) RECRUITING AND ORGANIZING AN INDUSTRIAL LABOUR FORCE IN COLONIAL INDIA: THE CASE OF THE COAL MINING INDUSTRY, C. 1880-1939. *The Indian Economic and Social History Review*, 13(4), 457. https://journals.sagepub.com/doi/abs/10.1177/001946467601300402.

nearly two-thirds of laborers were local, with an additional fifth from nearby Burdwan and Murshidabad. In the Raniganj coalfield of Burdwan, over two-thirds were natives, and one-sixth came from the Sonthal Parganas and Chota Nagpur.[7] By the 1921 Census, this local dominance persisted, though migrant labor from the Central and United Provinces grew to nearly 10 percent of the workforce.[8]

The coalfields' growing diversity led to a distinct occupational specialization. Sonthals and Bauris quickly adopted underground coal hewing, a task they shared with their women, who served as loaders and carriers. Over generations, some Bauri families came to regard coal cutting as their hereditary vocation. By 1944, the Labour Investigation Committee found that these groups composed nearly 90 percent of coal cutters in the Raniganj field.[9] In contrast, Muslims favored surface tasks like building and coke-making[10], while Bhuiyas and Rajwars specialized in tramming and loading.[11] Other groups found niches suited to their skills, such as Kamars and Meahs in engine operation, and Bilaspuris in quarry work. Supervisory roles emerged organically from within the workforce, while clerical positions were dominated by Bengalis.[12]

This job specialization did not impede workforce development. The hereditary transmission of skills compensated for the lack of formal training, and technological changes were gradual, minimizing job obsolescence. Notably, migrant workers, known as "C.P." or "Compressed Pellet" miners, monopolized the use of explosives and adapted more readily to machine work than indigenous miners.[13]

Mining activities exert a complex influence on societies, causing profound alterations in individuals' means of subsistence, lifestyles, cultural attributes, political frameworks, community formations, and power relationships. The repercussions of these transformations are experienced disparately by men and women. Corresponding to the global demographic distribution, women constitute half of the population within communities hosting mining operations. Numerous women engage in formal or informal employment within the mining sector or its associated industries.

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[7] O'Malley, L. S. S, Census of India 1911, Vol. V, Bengal, Bihar and Orissa. L Calcutta, 1913, Part 1, p. 587.
[8] *ibid*.
[9] *Supra* note 5 *at* p. 459.
[10] Carpet in the Transactions of the Mining and Geological Institute of India, Calcutta, 1932, XXVII, p. 106.
[11] Report of an Enquiry into conditions of labour in the coal mining industry, Delhi, 1946, p. 21.
[12] *ibid.*
[13] Report of the Royal Commission on Labour in India, HMSO., 1931, IV, Part 1, p.116.

Nevertheless, prevailing in several countries are mining laws and regulations that inadequately incorporate the principle of gender equality, neglecting to recognize women as significant contributors to and participants in the mining sector. Mining operations do indeed generate employment opportunities; however, the remuneration provided is frequently insufficient to cover living expenses. Consequently, mineworkers find themselves accumulating substantial levels of debt, with garnishee orders emerging as the objectives toward which their efforts are directed. Employment lacking commensurate wages, therefore, frequently fails to lift the majority of miners and the impacted communities out of poverty. Despite potential infrastructure development, as elaborated upon later, constructions such as residences, roadways, and sanitation facilities are predominantly erected for mining purposes and managerial needs, seldom catering to the well-being of mine workers and the affected communities.

II. GENDER DYNAMICS IN THE INDIAN COAL MINING INDUSTRY

In practical terms, the aftermath of mining operations frequently leads to deteriorated conditions compared to those prevailing prior to the commencement of mining activities. This signifies a regressive trend rather than a progressive one, contradicting the notion of fostering economic development within the impacted communities. The advanced theoretical framework proffered by many scholars have revolved around three pivotal conceptual paradigms[14], which posits as indispensable prerequisites for the cultivation of equitable mining endeavors. The primary conceptual facet, denoted as 'parity in negotiation capabilities,' derives its foundation from contract law, delineating the imperative that both affected communities and labor cohorts wield commensurate negotiating prowess, thereby facilitating substantive consensus attainment pertaining to the unfolding dynamics of mining activities. Herein a subset paradigm emerges as well, where gender disparity is even more critical with respect to equal pay. The second conceptual pillar espouses the principle of 'local profit inclusivity,' mandating that the accrued profits emanating from extractive projects are not only retained within the local sphere but are also equitably apportioned amongst the various essential stakeholders constituting the mining enterprise. The third and final conceptual tenet is underscored by the principle of a ‘environmental and social impact assessment,' transcending the conventional mine-centric evaluation paradigm to embrace a comprehensive regional scrutiny, wherein the cumulative ramifications of mining operations on an entire delineated expanse are meticulously examined.

[14] Meyersfeld, B., (2017) EMPTY PROMISES AND THE MYTH OF MINING: DOES MINING LEAD TO PRO-POOR DEVELOPMENT, *Business and Human Rights Journal*, 2(1), 33, https://doi.org/10.1017/bhj.2016.25

However, The scholarly discourse presented in several literature, while robust in its examination of key concepts in equitable mining practices, notably lacks a nuanced consideration of the unique challenges and opportunities associated with women miners. The analysis predominantly revolves around the broader categories of affected communities and laborers without delving into the specific gender dynamics within the mining sector. While these concepts acknowledge the need for fairness and inclusivity, a critical examination of how gender disparities may impact women miners' ability to negotiate or benefit from mining operations is notably absent. Gender-specific barriers such as discrimination, limited access to resources, and unequal power dynamics within communities may hinder women's effective participation in negotiations and equitable distribution of benefits. Moreover, the discourse would benefit from an explicit exploration of the socio-environmental assessment on women, who often experience disproportionate impacts due to their roles in caregiving, community development, and resilience. The 'comprehensive regional socio-environmental impact assessment' should explicitly consider gendered dimensions, recognizing the differential vulnerabilities and contributions of women in the affected regions. In essence, a more comprehensive critique should integrate a feminist perspective, examining the interplay of gender, power, and socio-economic factors within the mining sector. By doing so, the theoretical framework can be enriched to better address the diverse and gender-specific challenges faced by women miners, ultimately contributing to a more equitable and inclusive discourse on mining practices.

III. CONSTRUCTION AND PERPETUATION OF GENDER INEQUALITIES IN MINING

Many women all over the world find themselves treated unequally with respect to employment, bodily safety and integrity, basic nutrition and health care, education and political voice. In many cases these hardships are caused by their being women, and in many cases laws and institutions construct or perpetuate these inequalities. All over the world, women are resisting inequality and claiming the right to be treated with respect.[15] Theory furnishes individuals with a lexicon to scrutinize transgressions that might otherwise linger unarticulated in the periphery. Notable exemplars of such terminologies encompass "sexual harassment" and "hostile work environment."[16]

[15] Nussbaum. M., (1999), WOMEN AND EQUALITY: THE CAPABILITIES APPROACH, *International Labour Review* 138(3), 227.
[16] *ibid.*

Nevertheless, even amidst a general endorsement of theory's utility in practical contexts, challenges emerge when attempting to apply concepts originating in one cultural milieu to elucidate and appraise realities within another. This challenge is compounded when the culture under examination has endured colonization and subjugation by the culture of the elucidator. Consequently, contemporary endeavors by international feminists to deploy a universal discourse of justice, human rights, or human functionality for the evaluative analysis of the lives of women in developing countries invariably attract allegations of Westernization and colonization. These censures persist unabated, even when the introduction of universal categories is spearheaded by activists domiciled and engaged within the very countries undergoing scrutiny. The contention frequently posits that such women are perceived as estranged from their cultural moorings, ostensibly replicating a Western political agenda in a manner deemed superficial and ephemeral.

The 1929 ban on women working underground, initially feared to disrupt production, instead saw a smooth transition as men took over these roles, evidenced by a significant increase in male loaders. This flexibility underscores the industry's capacity to adapt without being constrained by caste or regional divisions. Until the prohibition of their underground employment in 1929 and 1923, respectively, mining operations often involved a family-based system of labor.

Adult men were responsible for cutting coal at the pit face, while women and children loaded the coal into baskets or tubs, which were then transported to the shaft bottom. In cases where the mines were not particularly deep, women would ascend a series of ladders or inclines, carrying the baskets on their heads. Unlike in Britain, horses and pit ponies were rarely used in India due to their scarcity and high cost.

The demanding nature of this work is evidenced by a 1905 account from the Chief Inspector of Mines, who detailed the grueling labor of a typical female miner.[17] Over the course of a day, she would carry approximately 13 cwt. of coal, up an incline with a gradient of one in ten, for a distance of about 750 feet—a feat comparable to walking uphill for over five miles.

Before steam-powered winding engines became commonplace in the late nineteenth century, manual methods such as gins or windlasses were used to lift coal from deeper mines. Women were often employed to turn these winches, a task that intrigued Mrs. Benthal, the wife of a sessions judge, during her visit to the Ranigunj colliery in 1852.[18] She described in her diary how 32 women

[17] *Supre* note 5 at p. 461.

[18] Mrs Benthal, *The Diary of a Wife of a Sessions Judge in Burdwan District*, 2nd December 1852, *On Visiting a Coal Mine*- Reproduced in *The Cable,* July 1953, p. 35. Also *See ibid*.

would operate the windlass, working in a coordinated manner while singing in a harsh, wild tone. Despite their hard labor, the women were paid minimally and were subject to strict discipline, though physical punishment by their husbands was discouraged by the supervisors.[19]

Even as ginning phased out, women found employment both underground and on the surface. Data from the period between 1915 and the early 1920s shows that women made up about a third of the underground workforce, although their numbers began to decline during the economic downturn of the late 1920s.[20] By the time women were officially banned from underground work in 1929, their presence in the industry had already diminished significantly, and by 1938, they constituted only 11 percent of the total mining labor force.

Children, in contrast, did not have as prominent a role in Indian mines as they did in Britain. Their peak employment year was 1921, when 4,270 children under 13 were hired—less than 5 percent of the total workforce.[21] However, many children accompanied their mothers to work due to a lack of childcare facilities, assisting in mining operations without official employment. Employers did not rely heavily on child labor, partly because the physical demands of Indian mines did not favor small stature, and the ventilation issues that plagued deeper, gas-rich mines elsewhere were less of a concern in India. It is apparent that the engagement of women and even children in mining was quite prevalent in the mining history of India. However, their engagement as active miners was subject to variation. It can also be ascertained from the aforesaid discussion that During the 1930s, women miners were engaged in diverse roles within collieries. As the use of steam engines phased out the employment of gin girls, and with collieries transitioning to ownership by Indian entrepreneurs, women found themselves involved in both surface and underground work as kamins. However, over time, women workers became particularly specialized in the role of 'loaders,' responsible for lifting and transporting coal that had been extracted by their male counterparts—typically, fathers, brothers, or husbands. This adoption of a 'family labor' system proved suitable, given the rudimentary techniques employed in shallow open-cast mines, locally referred to as pukuriya khads, as well as in incline mining operations.[22] As Lahiri Dutt has pointed out that during the 1920s, the landscape of coal production technology in India underwent a transformative phase in response to escalating demands. This transformation manifested in the

[19] *ibid.*
[20] *Id.* at p. 463.
[21] *ibid.*
[22] Lahiri-Dutt., K, (2006). Kamins Building the Empire: Class, Caste, and Gender Interface in Indian Collieries. In: Gier, J.J., Mercier, L. (eds) Mining Women. Palgrave Macmillan, New York. https://doi.org/10.1007/978-1-349-73399-6_5

displacement of open-cast and inclined mines by deeper shafts. Concurrently, there emerged a concerted effort to shield women from the physically demanding nature of mining labor. The ensuing protective measures, resulting in the systemic exclusion of women workers, operated on multiple scales. Internationally, the International Labour Organization (ILO) implemented measures like the 1919 Convention on Night Work (Women) and the 1935 Convention on Underground Work (Women), curbing women's involvement in both shifts and underground mining activities. Domestically, the Indian Mines Act, introduced in 1901, initially focused on restricting the employment age of children in mines. By 1935, this legislative framework outright proscribed the engagement of women in subterranean work. Subsequent reaffirmations of these directives occurred in 1946, culminating in a comprehensive prohibition in 1952, stipulating that women engaged in mining activities could only participate in surface work during daylight hours (Coal Handbook, 1997).

These legislative endeavors progressively truncated the working hours for underground workers to 8 hours and for surface workers to 9 hours. Framed as protective measures, these Acts underscore the enduring role of the Indian State in a benevolent capacity, committed to shielding women from the perils inherent in mining occupations. This legislative stance corroborates the state's perception of women miners as a demographic necessitating safeguarding from the occupational risks associated with mining.[23] Lahiri Dutt also highlights that the post-independence era in India is shrouded in statistical ambiguity. This period, known as the era of 'company' rule, saw the emergence of non-Bengali business entrepreneurs taking over from local zamindar-owners in several Raniganj collieries.[24] The traditional feudal rapport between labor and colliery owners underwent a shift towards a more financially focused connection. The paramount goal of mining companies during this time was to boost production to fuel the industrial ambitions of planned development.[25] With the advent of more technologically-intensive production methodologies and increased capital investments, the participation of women in coal mining witnessed a discernible decline.

The connections between gender and property, originally discussed in the context of gender and land rights, can be extended to encompass minerals and broader natural resource rights. Within extractive industries, the absence of property rights to mineral resources places women in a

[23] *ibid.*
[24] *ibid.*
[25] *ibid.*

disadvantaged position, limiting their bargaining power both collectively and individually.[26] Within the sphere of India's extractive industries, women confront constraints on their voices and negotiating influence attributable to various pivotal elements, including stringent legislations and inadequate representation and backing from labor unions.[27]

- The Indian Mines Act of 1952, influenced by various ILO measures such as the 1919 Convention on Night Work (Women) and the 1935 Convention on Underground Work (Women), was implemented to regulate the employment of women in surface work during daylight hours only (ILO, 1997; Coal Handbook, 1997);
- Provisions in the Indian Mines Act explicitly prohibit the employment of women both underground and above ground between 7 pm and 6 am, with a possibility of slight relaxation subject to Central Government approval. However, no exceptions are granted for work conducted between the hours of 10 pm and 5 am;
- The Mines Act mandates employers to provide separate restroom facilities for men and women. Additionally, it stipulates that women should have a break of at least 11 hours between the termination of employment on one day and its resumption the next;&
- Inclusively, the Mines Act considers periods of absence on maternity leave as integral to the calculation of 'periods of service.' Despite the intention of these legislations to safeguard women workers, some have proven counterproductive to their interests.[28]

IV. THE THEORETICAL LEXICON OF AFFIRMATIVE ACTION AND EQUALITY IN MINING

The nexus between affirmative action, justice, and the equal protection clause is fundamentally intertwined with the concept of equality. Since the time of the Greeks, justice has been equated with equality. If affirmative action can be shown to align with the demands of justice, it should, in theory, be consistent with equality and constitutional dictates.

Yet, the proliferation of equality as a moral and political ideal has diluted its clarity, rendering the term so expansive that it risks losing its meaning. This ambiguity allows both advocates and

[26] Lahiri- Dutt., K, (2007) ROLES AND STATUS OF WOMEN IN EXTRACTIVE INDUSTRIES IN INDIA: MAKING A PLACE FOR A GENDER-SENSITIVE MINING DEVELOPMENT, *Social Change*. 37(4), 45.
[27] *ibid.*
[28] *ibid* at 46.

critics of affirmative action to claim fidelity to equality, raising concerns that the concept has become vacuous.

The debate over affirmative action is thus mired in the tension between formal justice, which demands equal treatment of equals, and the indeterminate criteria by which equality is defined. The principle of formal justice, while seemingly neutral, is pliable enough to justify both egalitarian and discriminatory practices, depending on the chosen standards. This creates a dilemma: if one opposes gender discrimination against a particular gender, consistency seems to demand opposition to preferential treatment for these same groups.

The equal protection clause, rooted in a historical effort to dismantle gender hierarchies, appears to support this interpretation, casting doubt on the constitutional validity of affirmative action. However, the simplicity of formal justice may obscure deeper complexities within the concept of equality itself.

When stripped of its social and political context, equality risks becoming an empty abstraction. Yet, when considered in its full historical and contextual richness, it reveals itself as a complex, albeit indeterminate, ideal. Justice, similarly, is not monolithic; it encompasses various forms, each addressing different kinds of inequality.

Therefore, any application of the equal protection clause to affirmative action must involve mediating principles that account for the multifaceted nature of both equality and justice. In any real-world scenario, where subjects have differing needs and attributes, true equality inevitably intersects with inequality. For instance, distributing equal resources to individuals with different needs results in unequal outcomes, while distributing resources based on need results in unequal allotments. Thus, in a world of inherent differences, it is impossible to treat everyone equally in all respects, necessitating the selection of specific criteria for equal treatment, which in turn creates inequalities in other areas.

This complex interplay between equality and inequality is particularly relevant in the context of women's participation in the mining sector. Women have historically been excluded from mining due to societal norms, safety concerns, and legal restrictions. Treating women and men equally in this sector would require acknowledging and addressing these unique barriers, rather than applying a one-size-fits-all approach. Ensuring equal participation necessitates unequal measures, such as targeted affirmative action, to correct the historical imbalances and provide women with the necessary support to thrive in this male-dominated industry.

In mining sector, the exclusion from night work denies women the chance to engage in extensive open-cut mining operations characterized by shift work, offering more lucrative remuneration compared to various other industrial domains. The proscription against employment in subterranean mines distinctly infringes upon the basic human rights of women. This phenomenon is underscored by the recognition that women, by virtue of their limited access to education and skill development or physical factors, tend to be disproportionately represented in low-wage sectors and occupations, which, in turn, restrict their avenues for professional progression.

Regarding this protective approach, Martha Nussbaum observes that India possesses a comprehensive criminal law code, largely reminiscent of the Victorian colonial era.[29] However, the Victorian conceptualization of women in the code, characterizing them as either modest or depraved, serves as an impediment to achieving complete sexual equality. Women in India are frequently treated not as autonomous entities but rather as instrumental means to fulfill the objectives of others.[30] The societal expectation is for women to assume various roles within the domestic sphere, encompassing reproduction, caregiving, serving as sexual outlets, and contributing to the overall prosperity of the family. While the deification of women may yield positive instrumental values, there are instances where it can have adverse effects, imposing constraints on women's mobility and their entitlement to work, as exemplified in the context of mining.

Martha further espouses that the Indian Constitution, in a paternalistic vein, proclaims the illegality of treating women disparately concerning property and civil capacity, as well as proscribing discrimination based on caste or sex. In a broader context, any legal system exhibits a degree of paternalism by restricting certain actions that individuals may desire to pursue. However, this characteristic does not constitute a compelling argument against the legitimacy of the rule of law. On the contrary, it underscores the necessity of resisting endeavors by some individuals to subjugate others.[31]

In the post-nationalization epoch, there has been a notable attenuation in the active participation of women within the Indian coal mining industry. This phenomenon coincides with the implementation of avant-garde technologies, exemplified by the deployment of dragline and

[29] MARTHA NUSSBAUM, WOMEN AND HUMAN DEVELOPMENT: THE CAPABILITIES APPROACH, 14-15(2000).
[30] *Supra* note 9.
[31] *Supra* note 14 at 53.

shovel mechanisms in open-cast mines, coupled with the application of longwall methodologies in subterranean mining operations. Notably, the classification of roles associated with the operation of these technologies as 'skilled positions' has precipitated the encouragement of women towards retirement or their categorical exclusion from recruitment processes.[32]

Consequently, women persisting in mining roles or those recruited on compassionate grounds find themselves predominantly relegated to menial tasks, including but not limited to the undertaking of janitorial duties, the preparation of refreshments, or the assumption of gatekeeping responsibilities for mine office premises. Noteworthy is the dearth of concerted initiatives geared towards the provision of comprehensive training and skill enhancement programs, aimed at fostering the requisite adaptability amidst the contemporaneous restructuring of occupational paradigms.[33]

In the latest, the Ministry of Labour & Employment- Directorate General of Mines Safety issued a circular on May 24th, 2019 titled- *equal employment opportunities for women in mines and exemption from the privisions of section 46 of the Mines Act, 1952 (revised).* As per the said circular:

- 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;
- Furthermore, the owner of the mines shall frame a standard operating procedure for adoption and implementation during employment of women in underground mines and between 7 pm to 6 am in above ground and opencast mines, based on the certain guidelines which indentifies work places and jobs on the basis of location, physical and mental strentgh required and suitability of work environment for women's health including reproductive health; gender neutral administration; performance based evaluation; protection against sexual harrasment; systematic training on gender sensitivity; legal aid in cases of crimes against women; relaxation in reporting time; deployment of women shall be after obtaining the written consent of the concerned woman employee; the said deployment shall be in a group of not less than three in a

[32] *Supra* note 8.
[33] *ibid.*

shift etc. These deployment guidelines have been enumerated separately for any mine above ground and below ground.[34]

The protectionistic approach of our laws and regulations have been rooted in the belief that women needed to be shielded from hazardous environments, sometimes even against their will. In recent years, there has been a shift towards allowing women to work in underground mining in various parts of the world, although the challenges and barriers still remains. The notion behind this gradual shift is increasingly based on equality, empowerment, and the recognition that women, like any other gender, should have the autonomy to make decisions about their careers, including working in potentially hazardous environments.

V. CONCLUSION

In light of the aforementioned discourse, the discernible decline in women's active engagement within the Indian coal mining industry during the post-nationalization era unfolds as a consequence of multifaceted factors. The infusion of advanced technologies, typified by the integration of dragline and shovel mechanisms in open-cast mining and longwall methodologies in subterranean operations, has been a pivotal catalyst. The attribution of 'skilled job' status to roles associated with these technologies have, regrettably, been leveraged to either induce the voluntary retirement of women or systematically preclude their inclusion in the hiring milieu.

The resultant stratification within the mining workforce has relegated women, particularly those retained or compassionately employed, to roles that predominantly fall within the ambit of menial tasks. This manifests as an exacerbation of pre-existing gender disparities, with women predominantly assigned to roles involving floor maintenance, tea preparation, and gatekeeping responsibilities for mine office premises. Importantly, the dearth of concerted efforts directed at equipping women with comprehensive training and skill development opportunities underscores a systemic failure to ameliorate their capacity to adapt to the evolving landscape of mining work.

In a broader sociocultural context, this trend not only perpetuates gender-based inequities but also hinders the industry's potential for inclusivity and diversity. A critical examination of these dynamics necessitates a reevaluation of prevailing norms and policies to address the systemic barriers impeding women's substantive participation in skilled mining roles. Such a reevaluation is crucial not only for rectifying historical gender biases but also for fostering an environment

[34] MinisDGMS (Legis)/Circular Np./02 dated 24th May 2019.try of Labour and Employment- Directorate General of Mines Safety- Circular No. DGMS (Legis)/02 dated 24.05.2019.

conducive to the realization of a more equitable and progressive mining industry. Furthermore, The issuance of the circular by the Ministry of Labour & Employment- Directorate General of Mines Safety on May 24th, 2019, bearing the title "Equal Employment Opportunities for Women in Mines and Exemption from the Provisions of Section 46 of the Mines Act, 1952 (Revised)," represents a noteworthy stride towards fostering gender inclusivity within the mining sector. By exempting women engaged in both aboveground and belowground roles in mines from the provisions of Section 46 of the Mines Act, 1952, the central government signals a recognition of the need to adapt regulations to align with contemporary principles of gender equality.

Moreover, the directive mandates mine owners to formulate a comprehensive standard operating procedure for the engagement of women in underground mines and during the time frame of 7 pm to 6 am in aboveground and opencast mines. This operational framework is to be crafted based on specific guidelines, encompassing considerations such as the identification of workplaces and tasks predicated on location, requisite physical and mental strength, and the suitability of the work environment for women's health, including reproductive health.

Crucially, the guidelines also emphasize gender-neutral administration, performance-based evaluations, protection against sexual harassment, systematic training on gender sensitivity, legal aid in instances of crimes against women, relaxation in reporting times, and the deployment of women in groups of not less than three in a shift. The explicit requirement for obtaining written consent from the concerned woman employee before deployment adds an additional layer of agency to women in making choices regarding their work environments.

This regulatory intervention reflects a laudable effort to address historical disparities and challenges faced by women in the mining industry. While the guidelines set forth in the circular are indicative of a positive step towards gender inclusivity, their efficacy will ultimately hinge on rigorous implementation, ongoing evaluation, and a commitment to fostering a workplace environment that genuinely promotes equality and safeguards the well-being of women in the mining profession.