

The Act (MMDR) should put as a pre-condition for sanction of any mining project, the following procedures and processes to be respected by mining companies. The application for mining leases must provide for:

Rehabilitation and compensation with gender equity:

- With respect to rehabilitation and compensation, the Act should specify the legal commitments to all women directly and indirectly affected by the proposed mining project. In order to ensure gender equity in this process we recommend that:
 - A baseline survey covering existing social and economic status of women and children, their livelihoods, incomes, access to resources like food, medicines, domestic requirements that are met from the forest and land, their cultural spaces, existing public services, existing levels of literacy, education and health and how mining will affect their access to water, kitchen gardens or other traditional food security practices, roads, transportation, and other facilities. A detailed survey and guidelines should be prepared in consultation with civil society organizations.
 - In the economic front, the Act should recognize every female adult in each family proposed to be affected, as an independent economic entity and be considered for joint legal ownership/eligibility for land, houses, compensation, employment and other rehabilitation programmes.
 - Destitute women, single women headed households, widows should be given priority in rehabilitation, compensation and employment as both a best practice as well as a mandatory commitment
 - No relocation or disturbance to existing livelihoods/security of living can be made by the mining project until rehabilitation is completed comprehensively in consultation with the community.
 - Every woman in the affected village should be involved in the consultation at every stage of the project from pre-mining to post closure. The act should emphasize the respect to existing national laws like the Fifth Schedule which protects the right of land ownership in the Scheduled areas, the PESA which provides for women's participation in governance and the international agreements like the UN Declaration on the Rights of Indigenous communities where adivasi women have a right to free, prior and informed consent. All other laws relevant to the implementation of the mining project should also be respected.
 - Clearances and permissions must be obtained not only from the forest department but also all other departments like the women and child welfare, health, water resources, agriculture, irrigation, labour, tribal welfare departments and others depending on the project whose services and resources are at stake. Clearances should be based on proper scientific and field assessments of impacts, how these will be addressed by the respective departments, financial implications and costs to be shared between the departments and the company. The assessments should be undertaken with the involvement of the women in the communities proposed to be affected.
 - The Act should emphasize on 'no go' areas for mining where impacts of mining on local bodies critically affect the living conditions and economic conditions of the women (like walking long distances for drinking water) and communities not only within the immediate area but a larger region indirectly due to depletion of ground water or contamination of water bodies.

- Periodic impact assessment and monitoring should be taken up by the mines department with an independent monitoring committee set up that includes all stakeholders within the government, community, company and civil society groups. Utilization of funds from percentage share in the profit by the mining company should be directed at development of women and children both of the community affected as well as workers' colonies. This should be available for public scrutiny and submitted to the local village gram sabha.
- The act will provide for incentives to mining companies that take up skill building and vocational training of youth from local communities, especially SC and ST youth and particularly, young girls. The mining company should show a clearly agreed figure for employment of local communities in their mining projects.

With respect to women mine workers, irrespective of the size of the mine, mineral extracted or processed:

- Women workers should be provided with job cards that specify the duration of work, days of work, wages, and insurance
- Women workers should be provided with work equipment, work safety gear like boots, helmets and others that are made for the size and convenience of women
- All mine sites must have toilets, rest rooms and medical equipment for women workers
- Women workers should be provided with free crèches that have proper caretakers, food, medical and other amenities for their infants. These should be built in a manner that the infants are not exposed to dust and noise pollution or with danger of mine related accidents.
- All Women workers must have one day paid holiday in a week and maternity leave
- Every mining company should have a management committee that has women members and addresses women workers/employees concerns, particularly with respect of sexual abuse, discrimination and other gender concerns at the work place.
- With respect to Migrant workers, the mining company must provide, at the time of application for mining lease, clear and quantified projection of number of migrant labour to be employed, time period, facilities and services that will be created for their housing, water, electricity, school, hospital, transport, PDS and other facilities for maintaining a proper quality of life.
- No liquor shop will be allowed/permitted within specified distance of mine workers' colony, school, village

With respect to children:

- Every mining project must undertake a clear base line assessment of the education, health and food security indicators of a pre-mining situation and provide a plan for development of children, within the project plan and project costs (exclusive of funds, schemes diverted from government departments). This should be a pre-condition for sanctioning a mining project. Further, the mining plan should also show what indicators for development of children will be addressed and what will be the benefits to children whether education, health, nutrition levels, safety or economic development will be achieved over and above the existing status.
- Child labour till the age of 18 years should not be permitted in the mining activities. Any company found to have child labour in their mine sites or processing units or other places of work should be immediately punished and mine leases should be cancelled.

- Rehabilitation of communities should include providing a township with school and hospital that are on par with the same facilities provided for children of employees/management township. These should be located inside the rehabilitated village/colony and not in the township of the employees. The hospital should provide services, health facilities that are needed for addressing the occupational health and environment health related problems that occur when mining projects take place.
- No mine or processing units will be located within a specified distance of the school, and no liquor shop, sale of alcohol or drugs will be allowed within this vicinity of the school or anganwadi center or mine workers' housing colonies
- Periodic health assessment of the children of the community and workers should be undertaken by an independently appointed committee including medical and civil society teams.
- Health problems of children associated with the mining activity should be the responsibility of the mining company for prevention, treatment, cure and any long term medical services/costs. The diagnosis should be based on the reports provided by the independent assessment committee.