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No. 1(41)/68-NCL(C)
Government of India
National Commission on Labour
D-27, South Extension, Part II
New Delhi.

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Dated the 3rd January, 1969

To

The Chairman and Members of the
National Commission on Labour.

Subject:- Meeting of the National Commission on
Labour with some Members of Parliament
on Gorakhpur Labour.

Sir,

In continuation of the Commission's letter of
even number dated December 26, 1968, I am directed to
forward a further copy of another note containing
additional information regarding Gorakhpur Labour received
from the Directorate General of Employment & Training
(Department of Labour & Employment).

Yours faithfully,

P. D. Gaiha

(P.D. Gaiha)
Deputy Secretary.

NATIONAL COMMISSION ON LABOUR
INFORMATION DOCUMENTATION
G.M. N.L.I.
NOIDA

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ADDITIONAL INFORMATION ON POINTS RAISED BY
THE NATIONAL COMMISSION ON LABOUR REGARDING
GORAKHPUR LABOUR DEPOT, VIDE THEIR LETTER
D.O. NO. 7(54)/67/NCL/Tech.IX, DATED
16.12.1968

Point No.1: Gorakhpuri Labourers are kept in separate camps which create barriers between them and local labour:

1.1 As Gorakhpuri workers come from their homes in various districts of Uttar Pradesh, it is necessary to arrange for hostel facilities as otherwise the workers will have to prepare their own meals. The hostels are open to all workers and even local workers can get admission if they so desire. While there is no bar to their seeking hostel accommodation, the local workers who have their own homes and live with their families, do not feel inclined to join these hostels. However, the reports received from the Coal Mines Welfare Commissioner, Dhanbad show that from time to time local workers also join miners hostels on their own.

1.2 The hostels are managed by local Hostel Committees consisting of one representative of the Management, one representative of the workers from the Hostel and one representative of the recognised Union who should normally be a worker of the Colliery. Local Hostel Committees are responsible for day-to-day administration of the hostels and have been formed and are functioning at all the hostels. 53 of the miners' hostels have been recognised by the Central Hostel Committee which is a tripartite body under the Chairmanship of the Coal Mines Welfare Commissioner, Dhanbad. In 1965 the Ministry of Labour & Employment set up an Evaluation Committee under the Chairmanship of the Director General of Mines Safety to improve the working of the miners' hostels.

Point No.2: They are not allowed to join trade unions:

2.1 As early as 1954, the Vishnu Sahay Committee had suggested that "effective publicity should be given to the fact that this labour, like other labour, is free to join Trade Unions. No obstacle should be placed in the way of trade union workers in contacting them for legitimate and suitable activities".

2.2 Again at the Tripartite Meeting held on 14/15 March, 1961, it was reiterated that "the workers shall be free to join trade unions".

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2.3 The quarterly reports from the Coal Mines Welfare Commissioner on the subject have consistently revealed that no restriction has been placed on the union activities of the Gorakhpuri workers. The reports further reveal that many inmates in 24 hostels (list enclosed) out of a total 53 recognised hostels have joined trade unions. In the remaining hostels also workers have joined trade unions, though in a smaller percentage.

2.4 Thus, it is clear that the Gorakhpuri labour is free to join trade unions and that the decisions of the Government taken from time to time have had the desired effect.

2.5 Gorakhpuri workers are well looked after and as they do not wish to work in the mines for more than a year at a time they have no motivation to join trade unions even though they are free to do so. Only about 60 percent of the entire coal mines labour was unionised in 1964. The situation among the Gorakhpuri workers does not appear, therefore, to be any different from that obtaining among non-Gorakhpuri workers.

Point No.3: They are used to break the strikes:

3.1 This is not true. The allegation that the Gorakhpuri labour is used to break strikes was looked into as early as in 1954 by the Tripartite Committee on Gorakhpur Labour held under the Chairmanship of Shri Vishnu Sahay, and its observation on this point was as follows :

"In the oral evidence before the Committee no specific case of this labour having been used for strike breaking was quoted".

No specific case of Gorakhpuri workers having been used as strike breakers was brought to the notice of the Government. It is extremely doubtful if the Gorakhpuri labour which is insignificant compared to the total labour force can weaken the bargaining power of labour employed in the mining industry.

3.2 No instances of the Gorakhpuri labour having been used by their employers for strike breaking were brought to the notice of the Government by any trade union to this day.

Point No.4: Gorakhpur Labour is in the nature of indentured labour:

4.1 The allegation that the Gorakhpur labour is 'forced' labour and contravenes the I.L.O. Convention on the subject is not true as will be seen from the following :

- a) The Gorakhpur Labour Depot is a part of the National Employment Service. And, as at all Employment Exchanges in the country, recruitment at the Depot is

entirely voluntary. A large number of workers, with or without experience of work in coal mines, collect at the Depot gates, of their own free will, every morning. The names of employers and coal mines, the number and types of jobs, and terms and conditions of employment are announced. Those who volunteer, are screened on the basis of well-known and well publicised criteria which are objective and universally applicable.

- b) After the preliminary selection, the volunteers are medically examined and those found to be fit are documented, photographed and given orientation at the transit camp in matters relating to sanitation, personal hygiene, community living and safety measures in pits and at work-sites.

The volunteers are at liberty to withdraw (and in fact they do withdraw) at any stage of selection. The selection and recruitment of workers is, thus entirely voluntary, without any menace or coercion.

For example, during November, 1968 as many as 7,484 persons appeared at the Depot for employment. Out of these 1,090 were finally despatched after medical examination as follows :

1) No. of workers finally despatched to work-sites	1,090
2) No. who appeared at the Depot for employment	7,484
3) No. who showed willingness for being considered against vacancies announced	2,375
4) No. medically examined	1,836
5) No. of workers who were found medically fit	1,389
6) No. of persons who changed their mind after medical examination	289

- c) After joining his duty with the mine or work-site, a worker is free to resign at any time during the period of his engagement. When he does so, however, pro rata deductions are made from his wages on account of supplies and transportation charges incurred by employers.

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- d) He is entitled to all facilities and benefits, admissible to other workers, viz. leave, bonus, compensation, provident fund and medical relief; and
- e) He may live in a hostel or outside a hostel with his family or without it. But, as he generally stays alone, keeping the family in his village, prefers to live in the hostel where he enjoys community messing.

4.2 On account of the general poverty and high density of population in Eastern Uttar Pradesh, the people, specially unskilled labour, of this region have been seeking employment for a long time in the tea gardens of Assam and West Bengal, to the engineering and other industries of Bihar and West Bengal, to the textile industry of Maharashtra and Gujarat and to the coal mines of Bihar, West Bengal, Madhya Pradesh and Andhra Pradesh, as also to foreign countries such as Burma, Singapore and Thailand. The mobility of Gorakhpuri workers appears to be confined, however, to the males who do not want to remain on work outside his district, except for periods not exceeding 12 months, at the end of which he returns to his village and family with enough money to continue his agricultural pursuits and family occupations. The Informal Committee of Members of Parliament was informed by the workers, wherever it went, that they did not want to become permanent but preferred short term employment with freedom to go and return as and when they like. (Para 27 of Appendix-I of the Brief on Gorakhpur Labour Depot).

4.3 It is noteworthy that the period of employment of Gorakhpuri workers remains 12 months irrespective of whether they are recruited for coal mines or on Government projects. The tradition helps the worker to put in hard labour and earn larger amounts to meet his commitments at home. The workers themselves do not desire any change.

4.4 The worker is free to take his family to the work-site. He is also free to extend his period of employment beyond 12 months and this option is exercised by about five to ten percent of the workers.

It may not be out of place to mention that there have been quite a large number of recruiting centres in the past for the supply of labour under the Tea District Immigration Act. However, the present set up of the Depot is an improvement over its predecessors, in the sense that it has eliminated the labour Sirdars, the labour contractor and other middle men who exploited the unwary workers. Even today, the services of the Employment Exchange, Gorakhpur, are utilised by the Government of Uttar Pradesh to supply unskilled labour from Gorakhpur to the Uttar Pradesh Government, Cement factory at Churk, where a strength of

300 such workers is maintained. The most noteworthy thing about the Gorakhpuri workers recruited for the Churk Factory is that they are also employed for a period of 12 months and Record Office and other facilities are given on the same lines as the Gorakhpur Labour Depot.

Point No.5: There is discrimination in wages and working conditions of Gorakhpur Labour and local labour. This creates ill-will and tension:

5.1 This allegation is not true. The question of discrimination has been examined in the paras 33, 34, 35 of the Brief submitted to the Commission. The monthly reports received from the Coal Mines Welfare Commissioner show that the working conditions of Gorakhpuri and other workers have been the same and no case in which partial treatment was given to this labour has come to light. The Gorakhpuri workers are not escorted to pits etc. and are free to continue in service beyond their normal contract of 12 months if they desire. No case of forced repatriation has been reported.

5.2 The wages of Gorakhpuri labour and the local labour are the same. Their wage bills forms are also the same except for two additional columns in the wage bill form for Gorakhpuri workers which are necessary for ration cost recovery and safe deposit account/Record Office facilities provided to the workers on a voluntary basis.

Point No.6: All the States and trade unions in the country except the Government of Uttar Pradesh are opposed to the continuance of Gorakhpur Labour Depot. Several Committees and tripartite bodies appointed to examine the working of Gorakhpur Labour Organisation have recommended its abolition:

6.1 As already pointed out in paras 10-21 of the Brief submitted to the Commission, only the following Committees were convened by the Government to look into the working of the Labour Depot, Gorakhpur :

- 1) Vishnu Sahay Committee (1954)
- 2) Informal Committee of Members of Parliament (1959)
- 3) Tripartite Meeting on Gorakhpur Labour Organisation dated 24.1.1961
- 4) Special Committee held on 14th/15th March, 1961.

None of these Committees which were all tripartite in character recommended abolition of the Depot. On the

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Other hand, they all recommended the continuance of the Depot in the following terms :

1) Vishnu Sahay Committee (1954):

"It does not consider that the abolition of this Organisation would be in the interest of labour, as the alternative would be the coming in of Contractors and Middlemen and other unregulated agencies."

2) Informal Committee of Members of Parliament:

"The Gorakhpur Labour Organisation be placed directly under the control of the Directorate General of Employment and Training and it should function as a co-ordinated and integrated wing of the National Employment Service."

3) Tripartite Meeting dated 24.1.1961:

"The existing set up at Gorakhpur for recruitment need not be disturbed."

4) Special Committee dated 14th/15th March, 1961:

"The Gorakhpur Labour Organisation shall be administered directly by the Director of Employment Exchanges, New Delhi, under the D.G.E & T."

6.2 The Tripartite Meeting held on 21.12.1963 decided as follows :

- 1) The existing hostels would be utilised for all workers without any distinction.
- 2) The Hostel Superintendents and other Hostel staff appointed by the Employers should be withdrawn and the residents of the Hostels would be free to manage their own affairs. The Hostel Superintendents and other staff appointed by the management will be removed when alternative satisfactory arrangements are made by the residents of the Hostels for managing the Hostels.
- 3) The Employers and the Workers representatives agreed that the system of Gorakhpuri labour should be abolished. While the agreement of the Workers and Employers Representatives was recorded, the Government would, in the first instance, only carry out the changes in the existing system as mentioned in (1) and (2) above.

- 4) Details of consequential action arising out of these decisions, including those relating to the payment of Provident Fund accumulations and so on would be worked out by the Ministry of Labour & Employment.
- 5) The representatives of the Uttar Pradesh Government expressed his apprehension that the changes contemplated might adversely affect the employment prospects of labour from Gorakhpur and undermine the economy of the area from which such labour was being recruited. The Chairman assured him that the maintenance of the level of employment was equally the concern of the Ministry of Labour and Employment and every effort will be made to ensure that employment opportunities for Gorakhpur labour are not adversely affected. He also stated that for the present only changes in the present system as mentioned in (1) and (2) above would be implemented mainly with a view to remove the discrimination at present existing between the Gorakhpuri labour and the other boarding, free movement, etc.

Labour in
matters of
their lodging,

6.3 These decisions do not envisage abolition of the Depot and assured that the employment opportunities of the people living in Eastern Uttar Pradesh would not be adversely affected. (Please also see paras 23, 24 and 38 of the Brief submitted to the National Commission on Labour). The responsibility of the Government was confined only to :

- 1) the implementation of decisions (1) and (2) relating to admissions to and management of miners' hostels; and
- 2) to ensure that employment opportunities for Gorakhpur labour were not adversely affected (Decision 5).

6.4 There was no commitment on the part of the Government to abolish the Depot in view of the assurance mentioned in the preceding paragraph.

6.5 This decision of the Tripartite Committee has also been referred to by the Industrial Committee on Coal Mining held in August, 1964 and the Standing Labour Committee of 20th April, 1968. Since the initial decision of 21.12.1963 itself did not recommend abolition of the Labour Depot, Gorakhpur, no such meaning could be attributed to it by subsequent references made to it in 1964 and 1968. (Please also see paras 23-24 and para 38 of the Brief).

6.6 It has not been represented by any State Government that the Depot be abolished. On the contrary, the Labour Ministers of the Governments of Bihar, Orissa, West Bengal,

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Madhya Pradesh, Andhra Pradesh and Uttar Pradesh participated in the Tripartite Committee held on 24.1.1961, when the following decision was taken with their concurrence :

"The existing set up at Gorakhpur for recruitment need not be disturbed."

6.7 Further, in the Special Committee convened on 14th/15th March, 1961, representatives of the Governments of Andhra Pradesh, Bihar, Madhya Pradesh, Orissa, Uttar Pradesh and West Bengal were present when it was decided to place the Depot under the administrative control of the Director of Employment Exchanges in the Directorate General of Employment and Training.

List of miners' Hostels where Gorakhpuri
Labour have joined the trade union in
large numbers.

1. Amlabad.
2. Bagdigi
3. Kujama
4. Bedjna
5. Digwadih
6. Jamadoba
7. Sijua
8. New Tetturia
9. Jamuria AB Pits
10. Jamuria 7 & 8 Pits
11. Adjoy II
12. Barmondia 3 & 4 Pits
13. Moira
14. Central Sounda
15. Rawanwara Khas
16. West Bokaro
17. West Chirimiri
18. Bird's Sounda
19. Laikdih Deep
20. South Jhagrakhand
21. West Jhagrakhand
22. Rajnagar
23. Kamptee
24. Orient.