



ALL INDIA LOCO RUNNING STAFF ASSOCIATION

Regd.No:17903 HQ. Aravindapally, Lower Beniasol, Post-Adra, Purulia (WB)-723 121

Central Office : AILRSA Bhavan, H No: 333, Bhoor Bharat Nagar, Ghaziabad- 201 001

Ph: 0120-2740025

L. Mony
Central President
'Devi Nilayam', Kadavil Road
P.O.Vyttila - Kochi, Kerala.
Phone: 094462 07312
Email- Lmony.ailrsa@gmail.com

M. N. Prasad
Secretary General
At: Aravindapally, Post - Adra
Dist: Purulia (WB)
Phone: 09422111478
mn.prasad@rediffmail.com

**Memorandum submitted before the High Power Committee on
review of the duty hours of Loco Running staff and other
categories of staff**

To

Shri. D. P. TRIPATHI,
Hon'ble Chairman,
High Power Committee.

Respected Sir,

Sub: Memorandum on review of the Duty Hours/Rest of
Loco Running Staff – reg

Ref: No. ERB-1/2011/18 Dated 25.5.2011

This Association representing the Loco Running staff of the Indian Railways is a registered Union under the Trade Union Act. We place our views and suggestions before the Hon'ble Committee for its due consideration. Earlier, the Ministry of Railways agreed to review the Hours of Employment Regulation (HOER) by constituting a Judicial Committee. In the past two occasions, HOER was reviewed by Committees that were headed by a member of the Higher Judiciary and Central Administrative Tribunal/Ernakulam also opined that any HOER review to be done as it was

done in 1969. Though the present change is slightly disappointing to the Loco Running Staff, we whole heartedly welcome this Committee and repose our faith and trust that justice would be rendered to us.

To begin with, it is submitted that the Railway Safety Review Committee, 1998 in part I, para 2.14.1 observed as follows:-

“In its most basic form, the Railways is essentially track, rolling stock and the driver. Our committee feels that one of the most vital elements to be factored into the safety strategy of the Railways is the driver. It is important for the health and safety of the system that this category of the staff is provided with the very best in terms of emoluments, training, working condition etc. it would appear that the Railway management has done little besides attending to the aspect of the monetary emolument for the driver. Considering his critical positioning in the Railway machinery, we feel other aspect should also be improved.”

From the above observation, this Association submits this memorandum for improving the working conditions of Loco Running Staff.

1.1 DUTY HOURS AND LOCO RUNNING STAFF

In the streets of Chicago, in the year 1886, the workers sacrificed their lives demanding 8 hours work, 8 hours Rest and 8 hours entertainment . “May day” became a memorable day for the workers all over the world, following this historical struggle. Over a Hundred and twenty four ‘May days’ were since observed, yet the working hours of Loco Running Staff of the Indian Railways stand at 13 hours at a stretch in rule, and 16 to 20 hours in practice.

1.2 THE ILO CONVENTION

“Eight-Hour Day and 48-Hour Week” was accepted as a standard regulation in the Hours of Work (Industry) Convention, 1919 of the International Labour Organisation Convention. The above convention applies to persons employed in public or private industrial undertakings. It provides that the working hours shall not exceed eight hours in a day and 48

a week. The convention authorizes various exceptions also. It further says that when the hours of work on one or more days of the week are less than eight, the limit may be exceeded on the remaining days, but not by more than an hour. Exceptions are also permitted in cases of accident, actual or threatened, of urgent work to be done to machinery or plant, or of **force majeure**, but only so far as may be necessary to avert serious interference with the ordinary working of the undertaking. In exceptional cases where the standard prescribed in Article 2 cannot be applied, the daily limit of work can be calculated over a longer period, with the agreement of the occupational organisations concerned. It further specifies that it should be made an offence against the law to employ a person outside the hours provided in the Convention.

The Resolutions of the Washington convention (1919) and Geneva Convention (1921) were ratified by Govt. of India. And the Railway Amendment Act (1931) was enacted; accordingly the Hours of employment Regulations 1931 were framed.

Many commissions were appointed by the Government, on pressure from working class from the year 1930 onwards. It is worth to recall those historical events at this juncture.

1.3 JUSTICE RAJADHYAKSHA AWARD

Following to the Amendment Act (1931) the labour side demanded inclusion of running staff under HOER and limiting the Daily/Weekly working hours to 8/40 hrs. The Govt. of India in the Labour department appointed Hon'ble. Justice Rajadhyaksha to adjudicate upon the working hours of Railway Servants and to submit its award. Accordingly the report called as the Adjudicator Award was submitted on 15-05-1947. In para 276 of the award Mr. Justice Rajadhyaksha observed as follows:

“Nevertheless humanitarian consideration as well as public safety and confidence demand that there should be a maximum limit to the hours of duty at a stretch”.

And thus recommended to bring running staff under HOER.

Further Hon'ble. Justice observed in para 281,

“The increase in traffic, bad coal, strain on engine and other difficulties created by the war conditions have contributed towards longer hours on the run on certain sections. But with an improvement in the situation, with faster engines and better coal, time taken on such sections is bound to be reduced”

Considering the circumstances prevailed in the year 1947, the Adjudicator recommended that the running duty at a stretch should not ordinarily exceed 10 hours and they should be entitled in any case, to claim relief after 12 hours. The Govt. accordingly issued subsidiary instruction.

Further Railway Board letter Vide dated 15.07.1968 stipulated that

“the hours of work of the running staff should be calculated from signing ‘on’ to ‘off’ and that the “overall duty at a stretch of running staff from the time of signing on, not to exceed 14 hours”.

It was also provided that “running duty at a stretch should not ordinarily exceed 10 Hours”. In principle, the Railway Board had accepted Vide letter dated 15.07.1968 that the duty of Running Staff should be calculated from sign 'on' to 'off'.

1.4 RAILWAY LABOUR TRIBUNAL (1969)

With changing circumstances and due to sustained agitation from loco running staff, the Govt. in 1969 appointed Hon'ble. Justice N.M. Miabhoy to adjudicate again the question of duty hours at a stretch of running staff. He submitted his report in 1972, which was accepted by the Govt. in toto vide Para 415 of the Indian Railway Administration and Finance Code.

The RAILWAY LABOUR TRIBUNAL 1969 observed in Para 6.187 of its report that

“Running staff will be governed by hours of duty fixed for continuous workers. Therefore broadly speaking running staff can be expected to render 9

hours duty continuously” and further observed that “Fixation of continuous work on any one day beyond a certain limit may be in-human too” and also observed that “though running duty is not of an intensive nature, it is duty which demands continued attention, alertness and exertion in its performance. Any over exertion from such staff has important and far reaching repercussion on safety of public, person and property; Such staff have to work under conditions which may set in fatigue earlier than it may occur in case of staff working indoor, or at station and depot”.

The RAILWAY LABOUR TRIBUNAL 1969 further observed that

“Fatigue is a salutary sensation provided one heeds to it and lies down and rests”. According to Health Encyclopedia, Vol., Page 524, “if one disregard this nature’s warning and forces oneself to continue working, feeling of fatigue increases until it become distressing and finally over whelming. At such a stage a worker is bound to be put in a hazardous condition because his efficiency is likely to suffer, and an accident can take place at the hands of such an employee”. The Wanchoo Accident committee has pointed out this danger prominently and has taken note of cases where no rest was given.

According to Railways on admission vide para 6.186 RAILWAY LABOUR TRIBUNAL 1969,

“ things must improve within 8 to 10 years and that working beyond 12 hours will be exception after dieselisation and electrification take place.”

The RAILWAY LABOUR TRIBUNAL 1969 recommended that

“at the end of 8 years from the date of this report the total maximum hours of duty at a stretch from signing ‘on’ to ‘off’ shall not exceed 12 hours”

1.5 AGREEMENT ON DUTY HOURS IN 1973

In 1973 there was a nationwide strike by the Loco Running staff under the banner of All India Loco Running Staff Association, demanding a limit to the duty at a stretch of running staff to 8 Hours from signing ‘ON’ to ‘OFF’, irrespective of the duration of running duty involved. The strike was called off on an agreement signed by the then Labour Minister on behalf of the

Govt. on 13.8.73. It was announced in the Parliament on 14.8.1973 by the then Railway Minister. Point No.8 in the agreement reads as follows:-

“Members of the Loco Running Staff will not be required to work for more than 10 hours at a stretch from signing ‘ON’ to signing ‘OFF’”.

In accordance with the agreement a Committee was formed comprising the representative of Govt. and the AILRSA. After protracted discussions, study and test, the Railway administration finally issued the order E(LL)77/HER/29 dated 31-8-78 restricting the duty hours to 10 hours at a stretch from signing ‘on’ to ‘off’.

In an unfortunate and unethical move, in the year 1981 vide order E(LL)77/HER/29 dated 3.4.81, the Railway Board in the name of clarification to its earlier order of 31.8.78, and on the pretext of implementing the 10 hours rule, totally modified and repealed, in effect, the 10 hours rule, and excluded many period of duty from the 10 hours rule. The pre-departure detention was excluded from the ambit of 10 hours rule, and imposed prohibition to claim rest short of destination. Thus, adversely affected service condition and put the clock back to the position as it existed prior to the Adjudicator (Justice Rajadhyaksha) award of 1947 enforcing unlimited duty hours.

1.6 CAT ERNAKULAM JUDGEMENT ON DUTY HOURS

The Railway board order E(LL)77/HER/29 dated 3-4-1981 was declared void and inhuman and was set aside by the Hon’ble Central Administrative Tribunal, Ernakulam, in its judgment dated 10-1-1992. While quashing the order, the Hon’ble Central Administrative Tribunal observed as follows.

“The manner in which the order dated 3-4-81 was issued practically wiping out the limit of hours of employment and hours of running duty at a stretch and offering a ‘Carte blanche’ to the authorities to exact unspecified duty

hours or running duty hours at a stretch from the Loco Running staff on pain of disciplinary proceeding, leaves much to be desired. The Indian Railway is not only a State as contemplated under Article 12 of the constitution, it is also one of the biggest employers in the world”.

Further The Hon’ble Tribunal observed in relation to the 3-4-81 order that

“the order does not, to our mind, answer to the standard expected of the Railway Vis-a-Vis its employees, its users and the law and Constitution to which it is accountable. By ignoring the health and fatigue factors of the Loco staff; by the exclusion of upper limits of hours of employment as also of the running duty at a stretch as so emphatically urged by the RAILWAY LABOUR TRIBUNAL 1969, the Railway have fallen short of the high standard expected of a model judicious and human employer”

and declared the order as inhuman.

In relation to the order dated 31-8-1978 which prescribes 10 hours from signing ‘On’ to ‘off’ the Central Administrative Tribunal, Ernakulam observed as follows:-

“the circular dated 31-8-78 is the culmination of an informed, judicial and wholly accepted award of the Railway Tribunal of 1969, of a solemn Agreement between the Govt. and the action committee of the Loco Running staff, of commitment made to parliament followed by a committee on implementation. It cannot be said that it was issued in hurry or under pressure. It had the support of all concerned and it put a quietus on the agitation of the Loco Running Staff which had exploded in the All India Loco men strike of 1973”.....

Further the Central Administrative Tribunal in its judgment observes that

“going away from the 10 hours duty from signing ‘On’ to ‘Off’ introduced on 31-8-78 is unethical”. Its observation is “after having entered into an agreement with the action committee of the Loco Running Staff in 1973 and having given assurance to parliament that the members of the Loco Running staff will not be required to work more than 10 hours at a stretch from signing ‘On’ to signing ‘off’, it may appear to be unethical, against public interest and destructive of the creditability of the Government”.

The judgment directed the Railway to fix a limit of the hours of employment of Running Staff. The judgment reads as under:

“Keeping in view their obligation to the Loco running staff in the historical and legal perspective brought in this judgment with particular reference to the need to have reasonable upper limits of running duty hours and overall duty hours at a stretch as enunciated in the RAILWAY LABOUR TRIBUNAL award of 1969”.

What was directed by the court is, while fixing duty hours the Railway Board should keep in mind the observation, made by the RAILWAY LABOUR TRIBUNAL 1969, for the need to fix an upper limit on working hours, and not the limit prescribed by the RAILWAY LABOUR TRIBUNAL 1969.

Without properly appreciating the said judgment, in alleged implementation of the judgement, '12' hours duty limit from 'On' to 'Off' was prescribed with one hour plus thereafter. Thus, in effect, a '13' hours duty was prescribed and the same put the clock back to the position as it existed prior to 1973 and prior to RAILWAY LABOUR TRIBUNAL 1969 Award, and threw to winds the agreement signed on 13-8-1973 limiting the maximum duty hours to 10 hours from signing 'ON' to signing 'OFF'.

Without least consideration of these observations and the historical perspective, national and international norms, the convention of ILO, on 13-4-1992 an order was issued in alleged implementation of the judgement dated 10-1-1992.

Now the order dated 13-4-1992 is in force, with a duty hours at a stretch at 13 hours in rule and 16 to 20 hours in practice.

1.7 PARLIAMENTARY STANDING COMMITTEE REPORT ON DUTY HOURS

Again agitations followed, including in the nature of complaints before the Parliamentary Standing Committee on Railways. The Standing Committee on Railways of 14th Lok Sabha made its recommendations in the 5th Report of Safety and Security of Railways dated 21.09.2004 that more than 8 hours duty at a stretch should not be extracted from the Loco

Running Staff of the Indian Railways and the said Report was placed before Parliament during 2004.

It is also understood that the Hon'ble Minister of State for Railways Shri. Velu placed before the Parliament the action taken Report on various recommendations made by the Parliamentary Standing Committee and in this report, it is understood, there is no reference to the limitation of working hours of the running staff to 8 hours at a stretch. In other words, even in this twenty first century of human advancement, the Loco Pilots (Engine Drivers) of Indian Railways toil for 14 to 16 hours at a stretch, that is with uncertain working hours. Such working conditions have not only substantially affected the health of the Loco Pilots as recognized by the Railways themselves in the safety related voluntary retirement scheme, the same also affects the safety of the traveling public to a large extent. The members of the family of the Loco Pilots including children suffer from deprivation and total disenchantment and disappointment.

1.8 LITIGATION FOR JOB ANALYSIS

After a prolonged effort and through legal actions under the provision of the Sec 135 of the Act 1989 and Rule 4 of the Railway Servant (Hours of Work and Period of Rest) Rules 2005 made by President of India under the empowerment under the Sec 136 of the Act 1989, the Regional Labour Commissioner Chennai have ordered in case no:41/01/2009-MDU for a Job analysis by the Labour Enforcement Officer(LEO). The LEO after the detailed analysis of the Job submitted its report RLC/Chennai that the Loco Running Staff be classified as Intensive under HOER. Further process as per law is going on.

1.9 CONSTITUTIONAL PROVISIONS ON DUTY HOURS

Hours of employment, is a condition of service and the power to prescribe the same, subject to limitations imposed by law, is the prerogative of the employer. The question that arises is, whether in the absence of statutory provisions, do the executive orders have the force of law, has not the employer got the unfettered power to prescribe a schedule of working hours regardless of the problems of the employees? If so, what is the remedy for the worker, if the prescribed working hours is so inhuman and unjust as to make his life miserable? If solution to this problem cannot be found on statutory grounds, can the grievance be redressed under the provisions of the Constitution? These are the issues that arise for consideration at this point.

Article 39(e) of the Constitution directs the State that the health and strength of workers, men and women are not abused and that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. Article 42 mandates that the State shall secure just and humane conditions of work and for maternity relief. Article 43 states that the State shall endeavor to secure, by suitable legislation or in any other manner, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.

India is a signatory to Universal Declaration of Human Rights, which was passed by the United Nations Assembly vide Resolution 217A (III) dated 10-12-1948. Article 23(1) of the said Declaration says:

“Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”

Article 24 also is worth mentioning which reads:

“Everyone has the right to rest and leisure time, including reasonable limitation of working hours and periodic holidays with pay.”

The main thrust of our argument is on Article 21 of the Constitution which mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. It is no more **res integra** that in interpreting the scope and ambit of Article 21 of the Constitution, the Universal Declaration of Human Rights and the Directive Principles of State Policy enshrined in Part IV of the Constitution play a significant and effective role. The Supreme Court again pressed into service the Human Right Declaration and the Constitutional provisions in Part IV in interpreting Article 21.

In Samatha v. State of A.P & Others ((1997) 8 SCC 191) the Apex Court held that Article 21 of the Constitution reinforces "right to life: -- a fundamental right - which is an inalienable human declared the Universal Declaration of Human Rights and the sequential conventions to which India is a signatory.

It was also held: "Adequate facilities, just and humane conditions of work etc. are the minimum requirements which must exist in order to enable a person to live with human dignity and the State has to take every action." Article 21 embraces not only physical existence of life but the quality of life as well.

Therefore it can safely be held that rationalization of working hours to make it just reasonable and humane is the constitutional obligation of the State. Right to have such conditions of work is an integral part of the right to life under Article 21 of the Constitution. In this context we may gainfully extract what the Supreme Court said in paragraph 15 of the judgment in L. I. C. OF India V. Consumer Education & Research Centre and Others ((1995) 5 SCC 482):

"Article 25 of the Universal Declaration of human Rights envisages that everyone has the right to standard of living adequate for the health and

well-being of himself and of his family including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in the circumstances beyond his control. Article 7 of the International Covenant on Economic and Social Rights equally assures right to everyone to the enjoyment of just and favourable conditions of work which ensures not only adequate remuneration and fair wages but also decent living to the workers for themselves and their families in accordance with the provisions of the Covenant. Covenant on Right to Development enjoins the State to provide facilities and opportunities to make rights a reality and truism, so as to make these rights meaningful.”

The scope and ambit of the expression right to life was once again explained by the Supreme Court in paragraph 17 of the above decision.

In this connection it is worth noticing that the Indian Railways Act, 1890 was amended in the year 1930, based on the Geneva and Washington Conventions sponsored by International Labour Organization in order to regulate hours of employment, period of rest and payment of overtime allowance to various categories of Railway employees. The employees were not satisfied with the amended regulation adopted in 1930. They agitated for better conditions of service as a result of which Justice Rajadhyaksha adjudicated the issue and gave his award. This award was accepted and the Indian Railways Act, 1890 was again amended in the year 1956. The provisions thus made are known as Hours of Employment Regulations. A cursory look at these regulations shows that for the purpose of hours of work, the Railway employees are classified as ‘intensive’, ‘continuous’, ‘essentially intermittent’ and ‘excluded’. A chart showing categories, description, statutory limit, rostered limit, shift duty, weekly rest etc. is annexed in the said Regulations. We are referring to the above Regulations

to show that rationalization of the working hours was always a matter of concern for the labourers and that was taken care of, at least to some extent, even during the colonial-pre-independence period.

As per Constitutional mandate under Article 21, no employer whether private, government or quasi-government has got the unfettered freedom to prescribe conditions of work imposing duty hours exceeding certain limits. A glance through the various labour regulations would show that compelling the worker to attend duty continuously for 13 hours for 6 days in a week consecutively is a service condition which stands in isolation in the field of labour law and is inconsistent with the scheme of all those legislations. The working hours prescribed to running staff is definitely on the higher side.

1.10 PROVISIONS ON DUTY HOURS IN VARIOUS ACTS

A reading of section 51, 54, 55 and 66(b) of the Factories Act, Sections 28 to 36 of the Mines Act, 1952, sections 19, 20, 21, 23 and 25 of the Plantations Labour Act, Notifications under Section 13 of the Minimum Wages Act and similar labour legislations shows that the normal working hours with a short interval is 9 hours daily and the total working hours per week in the normal course is 48 hours.

The provision of factory Acts 1948 prescribe 9 hours of maximum work daily, The Mines Act of 1952 provides a maximum of 8 hours a day. The Plantation Labour Act 1991 prescribe a total duty hours spread to 12, with a compulsory rest interval of ½ hour after every 5 hours of work. The National Labour Commission recommended that the hours of work of plantation labour should be reduced to 8 hours per day. The Motor Transport Workers Act, 1961 prescribe 8 hours as the daily maximum with a compulsory rest interval of half an hour after every 5 hours. The shops and Establishment Acts of various states prescribe daily maximum of 8 or 9

hours with a compulsory rest interval of one or half an hour after certain interval.

In various Acts enumerated above an interval of half an hour to one hour were provided after 5 hours of work if the duty hours exceeds 9 hours. at a stretch. This interval could not be implemented in Railway. Therefore the duty at a stretch be confined to 6 hours.

1.11 SAFETY RELATED VOLUNTARY RETIREMENT SCHEME

The Railway Board themselves states that why Safety related Voluntary Retirement Scheme is introduced to Running Staff. The reasons quoted reads as under-

“The scheme will be to safety categories viz, Drivers (excluding Shunters) and gangmen whose working has a critical bearing on safety of train operations and track maintenance. The scheme has been framed on the consideration that with advancing age, the physical fitness and reflexes of staff of these categories deteriorate, thereby causing a safety hazard.

The Loco Pilot category is directly responsible for the running of trains. Running duties demand continued attention and alertness. The element of stress combined with uncertain hours of work entailed in the performance of running duties over long periods of time tend to have a deleterious psychosomatic effect on their health. There is a slowing down of reflexes with the passage of time making them vulnerable to operational lapses.

These categories, work in conditions, in which fatigue sets in earlier, than in case of staff who work indoors or within station limits or in depots and Workshops. Although the other categories nomenclature as safety categories also have a vital role to play in ensuring operational safety, the nature of their duties, is less arduous. Therefore no other category other

than Loco Pilot and Gangmen is included in this scheme. For the same reason, Shunters who perform less strenuous, shift wise, duties within station yards will also not be included in this scheme. (RBE 4/2004 dt.02-01-2004)

Thus the Railway Board accepts that continuous and lengthy duty hours have far reaching repercussion in the health of workers, and the *right to life* enshrined in the Constitution of India.

Rationalization of working hours by laying down just and reasonable time schedule is the duty of every employer in a civilized society, particularly of a model employer like the government in a welfare state. The duty of the State is much more than a private employer. It has got the constitutional obligation to do away with unjust and unfair conditions of service and replace them with benign conditions which are just, fair and humane.

Facts remain uncontroverted and the same go to show that the work of Loco Running Staff is extremely arduous in nature. Attending such duties continuously for long hours is harmful to their physical as well as mental health, unsafe to the traveling public and likely to cause deleterious consequences.

There is no place for any sort of indifference, lethargy or lack of devotion to duty in the field of Running Trains. Qualifications, skill, efficiency and devotion to duty are essential for the driving staff. But those attributes will not be of any use once the staff members get tired and exhausted and lose their presence of mind. Burn out has been identified as a phenomenon that poses danger to the physical and mental health of those who do overtime work regularly in driving as well as in other professions.

Rationalization of the working hours so as to make it humane and to bring it within just and reasonable limits is not only the need of the Running

staff but also the traveling public who are at the receiving end. In a broader sense, it is the concern of the society at large.

Article 42 of our Constitution imposes a duty on the state to make provisions for securing just and humane conditions of work. Similarly, section 48 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act, 1995 requires the government to even conduct research for prevention of disability. It is therefore imperative on the part of any Government or Authority, vested with power of legislation under article 309, to see that the conditions of work and rest rules promulgated by them are not detrimental to the health of the employees. Occupational health hazard involved in the type of work discharged by an employee has to be borne in mind and sufficient and necessary recuperative time provided for while preparing his work schedule. This is all the more important for Running staff, because their continuation in the category is purely dependant on their fulfillment of the high medical standard prescribed by the establishment.

Unable to bear the strain of such long and inhuman hours of work, further agitations and litigations followed and finally in a batch of petitions filed before the Central Administrative Tribunal, Ernakulam Bench by a large number of Drivers, it was held that the working hours were inhuman and appropriate further directions were issued. In purported compliance with the directions, the Railway Board also issued another Order bearing No. E/LL/91/HER I - II dated 13.04.1992. These instructions, very flexible in character and had again taken the workers back to the position as it existed prior to 1978 or it may even be said the pre-independence days, with the result now almost every Loco Pilot, mostly Loco Pilots (Goods) and Assistant Loco Pilots are expected to work at a stretch for more than 14 to 16 hours.

The previous committees recommended for longer duty hours for running staff considering the operational constraints like strain on engine, bad coal, higher pre departure detentions, enroute detentions due to crossings / precedence, shunting enroute, single line working with token system etc. The longer hours are prescribed only to take the goods train to destination with the above said operational constraints. But even after a lapse of about sixty years and with much more improvement due to technological advancements like high speed engines, higher operating speed, absolute block system divided into block huts/IB signals, automatic block system, FOIS,CMS, communication system etc. having taken place has considerably reduced the enroute detentions. Being so, with the advent of technology it is possible to take the goods trains in a lesser time to the destination than that of what was existed sixty years ago. Accordingly the duty hours of running staff should have been reduced by this time.

Instead of reducing the duty hours the railway management yet prevail with keeping the longer hours of duty, say, 13 hours as a rule as it is and extending the distance by changing the destination for a longer distance in the name of 'Extended run'. Also many non running duties like examination of train by Driver and Guard (GDR) by amending the General Rule 4.32, stable stock clearance/ IMS working with GDR check, multiple train orders to work more no. of trains in a single spell of duty, forcing the through goods train crew to perform shunting in other trains in station/goods yards and again pick up his original train, bypassing the headquarters etc. This type of new work culture forcibly invaded in the system for which the present duty at a stretch rule dated 13.4.92 permits and accommodating the above said excesses which cause severe strain on the Loco Running staff. Today's working conditions require reclassification of Loco Running Staff as Intensive.

In order to extract the statutory limit of working hours in a fortnight at 104 hours, from the running staff, they are detailed for train working in all the 365 days in the year. To suit such extraction of duty, the periodical rest/weekly rest in the HOER were modified specially for Running Staff as 4 period of 30 hours rest or 5 period of 22 hours rest in a calendar month. In practice since the most of the crew link of Mail Driver of the Indian Railways are drawn with 5 periods of 22 hours rest, it resulted in the Mail Driver and many passenger driver have to be in the train in all the 365 days. The impact of such inhuman working condition to this crucial category of staff made them over fatigued and found them with disturbed mind, while on duty.

In these circumstances, we humbly pray that at least your goodself be pleased to show human sympathy upon ourselves and limit the working hours of Loco Pilots and grant adequate rest and thus save us from further destruction and peril.

2. Terms of reference: i) Daily /weekly duty hours and rest at headquarters and outstation for the Running Staff in all categories of trains.

2.1 DAILY DUTY HOURS

The Running Staff are classified as continuous under the HOER. For the continuous category daily/weekly hours are prescribed at 8hours/48hours. It is well accepted principle that the Running Staff has to work under conditions which may set in fatigue much earlier than it may occur to staff working indoor or at station and depot.

Such being the position prescribing the same scale of 8/48hours duty for daily/weekly to Running Staff is too harsh. Therefore in principle, the duty hours at a stretch is to be less than 8hours.

Extracting observation of RAILWAY LABOUR TRIBUNAL 1969 in para 6.187 is worthwhile at this juncture

“running staff will be governed by hours of duty fixed for continuous worker, therefore, broadly speaking running staff can be expected to render 9 hours duty continuously”.

So in principle the RAILWAY LABOUR TRIBUNAL considered it reasonable to restrict the duty hour at 9 hours. But it went on to 12 hours duty as the demand of the federation was 12 hours. Had the federation demanded for 9 hours it would have been accepted by RAILWAY LABOUR TRIBUNAL.

An overall view of the reports/award of the adjudicator and the RAILWAY LABOUR TRIBUNAL 1969 give an impression that they discussed mainly the problems related to the working of freight trains. The maximum limit was fixed much beyond the normal duty hours of 8 hours to mitigate the operational problems in freight traffic. The reading of the said reports reveals that they have not in fact taken a serious note of the daily limit or at a stretch duty hours of staff who are detailed to work passenger carrying trains. It is evident from the report of the adjudicator award in para 280; which reads *“ the engine crew of mail & passenger train have to undergo greater strain, but generally their hours of duty at a stretch do not exceed 8 or at most 10 hours”.*

The peculiar conditions which pave the way for long hours of work do not exist in mail/passenger crew. Therefore whatever latitude taken to fix the upper limit considering the long hours required for freight train need not be applicable to the crew of passenger carrying trains.

Therefore two criteria be arrived to fix the duty at a stretch, one for freight trains where some elasticity is required for operational convenience and another for the crew of passenger/mail trains, in whose case there is no detention prior to departure or after the arrival, or long detention on enroute

for crossing/precedence, shunting on enroute etc.as of the freight train. The Pass/Mail run according to scheduled time, with a clear destination, stoppage at enroute.

At the prevailing position, in almost all cases the crew of Pass/Mail can be relieved at 6hours from sign on,re-classifying as Intensive.

All these reports show that though Loco Running Staff are classified as continuous, the nature of duty and the strain that called upon to perform the duty are much higher than that of a continuous categorized worker and at the same time they could not be elevated to the level of intensive category, it is some where between continuous and intensive. Therefore the duty at a stretch was to be fixed in between the limit fixed for continuous and intensive.

The present prescribed duties go to 13hours at a stretch. Even the Essentially Intermittent categories are not called upon to perform duty beyond 12hours which is not only a gross injustice to Loco Running Staff but also jeopardize railway safety.

But as per the rule enacted the Passenger/ Mail crew are also bound to work upto 12/13hours. In some area officials make link beyond 10hours and the refusal become a cause for DAR action. The thinking of Railway Officials is clearly evident from para 6, chapter IV of the report of Running Allowance committee 2002, it reads as follows

"The average duty hours from signing on to signing off is as low as 4hours and the maximum is eight hours as against the permitted stretch of duty from signing on to signing off being 12hours, extendable to 13 hours however in practice a duty of 10 hours form signing on to signing off is generally used for coaching train so as to keep a margin for late running of trains.

From the above it is evident that there is a large scale under utilization of running staff and that there is ample scope for improvement.” (emphasis added)

Let as it may, at present the reason advanced to fix the duty hours at 12 hours does not exist.

First of all it should be appreciated that the duty hours fixed at maximum by the two committees were based on the operational difficulties faced by the railways and not based on the human endurance to work to an extent at a stretch and also without consideration of safe operation of trains. Now the position had been changed in the railway system. The pre and post departure detention has been almost eliminated, prolonged stoppage of train enroute for crossing and precedence were also got eliminated as most of the sections had become double line. Added to that the enroute shunting which was imperative in the olden days has also been not in existence as the freight bookings in piecemeal rate/small goods at enroute stations has been totally eliminated by the Railways. On the other hand average speed of goods trains and mail/ express trains considerably increased, trailing load is tripled, stoppages have been reduced, about 200 to 400 signals are now been passed in one spell of duty that too over different system of working and the length of the block sections are shortened with additional block station and etc. so the duty of a crew now needs sustained attention and continued concentration of mind, there is no relaxation at all, even no time to meet the nature call during 4 to 6 hours continuous run, so the service condition of a crew fulfill the condition of reclassifying the job as intensive and duty hours to be fixed accordingly.

The duty hours fixed by the Justice Rajadhyaksha and Justice Miabhoj at 12 hours was based on the facts which is now become outdated. Almost all the freight trains working just like pass/express trains without much

stopping upto the destinations covering thousands of kilometres. Operational modifications that were done in the intervening period have reduced the pre-departure/ post-arrival detentions as well as en - route detentions. In the era of steam traction engine attendance time before starting was one and half hours and after the arrival, it was 30 minutes. That also does not exist in the present situation after switching over to diesel and electric traction. The engine attendance time for pre/post train run is 30/45 minutes instead of 2 hours and 15 minutes. **The fixation of duty hours at the maximum as 12 hours has been arrived on the reason that pre/post detention of train and the prolonged stoppages enroute for crossing/precedence and shunting hours are treated as a job of light work.** All this light works are now stand eliminated or considerably reduced to 10% to what was in the past. At present the duty performed by the running staff who are detailed to work in freight trains having no light nature of duty. At these juncture we find that the duty performed by the crew of freight trains has become similar to that of pass and mail crew.

In addition the Railway Board in various forums has explained that considerable improvement in utilization of engine, carriage and wagon has attained the maximum utilization of assets. It shows that there is no undesirable detention or under utilization of the locomotives, it also implies that the staff performing duties in these assets are also utilized fully without any inactive duty period in their prescribed duty hours. **The reasons advanced to fix the duty hours above the normal concept of 8 hours to 12 hours were that there are inactive period and lesser strain of work which does not exist now.** Therefore keeping the limit at 12 hours has no relevancy at the present situation and not warranted too. Now the entire duty hours of the crew detailed to work freight trains has no inactive period. Now-a-days the Railways identify the path and run crack special

goods trains on schedule. On the commissioning of Dedicated Freight Corridor (DFC) goods trains also run on schedule.

The nature and quality of service with which the Loco Running Staff of Indian Railways perform, is not one to be performed mechanically; but with proper application of mind and alertness. It is a matter concerning “public safety”. Any laxity in alertness has far reaching consequences on the life of the traveling public. Hence such service has to be done with full alertness and confidence in contradistinction to the indifferent service rendered by a Loco Running Staff with tired and irritated mind. Deficiency in service in this kind of work is tantamount to disservice, because what is dealt with is human life. No person running a transport would be justified in providing deficient service and no responsible Government can turn *Nelson’s eye* to the harm caused to or injury suffered by its employee and its own citizens. Limiting the duty hours for Goods Trains and Passenger / Express trains is long over due.

2.1.1 SPECIAL JOB ATTRIBUTES OF MOTORMAN IN VIEW OF SINGLE MAN OPERATION

The General Rules provision of having two people in the locomotive cabin is restricted to single man operation in EMU train working. While driving they have to remain in the same position with their hand on a control called the Dead Man’s handle. It is only when stopped in stations; they can remove the hand from it, that too for a maximum of 30 seconds of stoppage time. They use their hands and feet to operate, speed, brakes and other controls like horn, etc. Generally these EMU trains are running through sections with high density in population which requires extra vigilance towards trespasses, extra alertness and concentration in addition to picking up of the aspect of signals without any assistance. Further operations of these trains require frequent stopping and starting at a stretch and needs

special skill to cope up with maintaining punctuality. And in case of troubles, to attend the same, the Motorman should have up-to-date knowledge, quick reflexes within a short time. At the time of turn back services, Motorman has to wade through the on rush of commuters to avoid delay which increases stress on his part. In the present system of working, pre-clearing of signals in case of stopping for EMU trains is susceptible for error as he is alone in the cabin. In real situation prevailing in suburban sections of Indian Railways, the Motorman driving the suburban trains has encountered in one shift about 380 stop signals, 75 pinpoint halts, 30 speed restriction and encountered 70 to 75 whistle boards and in addition they have to encounter run over of human beings. And observing signals in every 16 seconds, stop and start every 2 to 3 minutes in a span of 7 to 8 hours duty. Such is the taxing situation the Motorman works that too alone in the cabin. Not only that a motorman has to stop the train at stopping station even against clear aspect of signal. Even a slack in concentration of mind for a second may cause passing a signal at danger or skipping a stopping station.

The Commissioner of Railway Safety in his report on side collision in the suburban section of Central Railway Bombay Division on 24-04-1981, in chapter VI TESTS AND OBSERVATIONS, Para 36-observed as follows:-

The stresses and strain that the Motorman on duty are subjected to:-

(a). Compared to Locomotive Driver, a Motorman's degree of concentration on his look out duties is of higher order simply because he is all by himself in the cab to pick out the aspects of the signal ahead. That such mental acuity can be high and has to be recognized and accepted.

(b).The half minute halt at a station albeit of very limited duration within which his fatigue would vanish in part. During the present time Motorman are almost incessantly accosted by inquisitive and occasionally irate passenger. Thus even this half minute of halt at stations acts a stress -inducer also.

(c).The rampant evil of trespass, whether standing or on the move, imposes further strain on Motorman, apart from the consequences of running over trespassers. Thus run between stations has become an unending vigil or alertness to sound horn almost continuously.

(d).Even from changing from one end to other end of the same EMU at the end of one locals run, shifting from one EMU to another, the Motorman has often to exert hard in pushing through a mass of humanity apart from requiring the use of foot over bridge, facing anxious and irate passengers further impose strain on the Motorman.

(e).Motorman has to watch the relatively closely spaced signals (the pace at which they are sighted can be truly exhausting wearisome). Now-a-days Motorman are under constant continuous and relentless pressure throughout his duty hours which is so highly fatigue-some that he deserves to be classified as "Intensive" as per HOER(Hours Of Employment Rules) and in terms of the definition contained in section 71(A)(d) of chapter VI (A) of the Indian Railways Act.

Further in the same report vide para 47 (b) states that

A similar observation was made by the then ACRS who were conducted a Statutory Inquiry into the rear end collisions between two locals near Matunga station on 14-11-1979, para 9.1 of his report,

elaborating on the circumstances that effectively imposed additional stresses and strains on Motorman, and recommended that the Motorman should be brought under the category of Intensive workers.

Train Protection Warning System is a newly installed system in the EMU/Locomotive. In this system, Driver Machine Interface (DMI) like a computer monitor is placed in the cab. The name DMI itself implies that the driver must interface with the system while driving. The driver is expected to watch and match the speed/braking curve in the DMI apart from watching the signals and other aspects. This causes additional human brain work to match the predefined computer aided system which leads more strain on the driver in practice. Also watching continuously the highly illuminated DMI Monitor causes strain on the eyes of the driver. In field reality the drivers are experiencing difficulties while working TPWS fitted rakes and feel much better with non TPWS fitted rakes.

The above said factors which are exclusively present for Motorman in EMU/Loco Pilots of MEMU/DEMU services alone justify him lesser daily working hours. So there should be a break of atleast one hour for Motorman in a spell of 6 hours.

2.1.2 MAIL/EXPRESS SERVICES

Now-a-days Mail/Express trains are asked to run always at maximum permissible speed. The concept of Booked Speed which is 10% less than maximum permissible speed has been totally eliminated and hence Loco Pilots are asked to work always at maximum permissible speed without any safety margin which is highly taxing. The number of scheduled stoppings of Mail/Express trains is limited and stoppage time is curtailed to the maximum of one minute in almost all the stopping stations and there is no time to

attend his personal human needs like earlier days. The introduction of Shadabdhhi/Rajdhani/Duranto Express trains forces the Loco Pilot(Mail) to run between the stations even without a scheduled stopping for a minute for longer distance about 400 Kms at a stretch.

Loco Pilot (Mail) are expected to discharge their duties with full potential in responsibilities and physical and mental exertion even at the age of sixty years without any infractions and to maintain strict vigil and reflexes. It is not so in the case of other categories where elevation in grade increases only the responsibilities to some extent but reduces the physical and mental exertion. Moreover the provision of modern gadgets in the locomotive like VCD, TPWS, ACD Loco Pilot (Mail) needs to pay sustained concentration on them apart from driving. The sustained attention of Loco Pilot (Mail) has increased manifold as the speed/load increases with changes taken place in signaling system like double distance, Automatic Signaling System and IB signals.

Therefore two criteria should be taken for fixing maximum limit of duty hours at a stretch, one for the Passenger / Mail Crew and another for the freight crew. In our assessment and from the deliberations of the two previous committees, the present situations, the national and the international laws and the constitutional obligations of the Railways demand that **the duty hours of the Mail / Passenger/EMU crew should be confined to 6 hours from Sign On to Sign OFF and for the freight crew excluding the time allowed, ie, 30 minutes each for ON/OFF for preparatory and complementary work.**

Your goodself must take note of a situation where a man has been compelled to work without much relaxation for 12 hours at a stretch, the feeling of the worker so compelled on the fear of disciplinary action. Even in

our rural area we cannot find anyone to work 12 hours at a stretch even under economical constraints forced him to concede. Even an animal cannot work for 10 to 12 hours. They also require some rest after 3 or 4 hours of work. They will not come forward to such forcible labour. It is being so, how the Railways i.e. the state could ask such working conditions from the worker, being a model employer? The private firms do not dare to ask the workers to be in duty for 12 hours. Under the Govt. of India which ratified the ILO convention, can a worker be forced to work for more than 8 hours at a stretch? The constitutional mandate dictates differently. The Railway Board as an organ of the state has an obligation to the constitutional mandate and cannot work as an entity bereft of the Govt. of India and the Constitution of India.

2.2 WEEKLY DUTY HOURS

The Railway Labour Tribunal – 1969 recommended to treat the entire period of duty from sign On to Off as period of duty vide Para 6.226 (5) D (b) (vi). Hence additional duty hours of 8 hours per fortnight as preparatory and complementary work (Sign On and Sign Off) is unjust. Thus statutory limit of working hours in a fortnight would have fixed at 96 hours . The recommendations of RAILWAY LABOUR TRIBUNAL 1969 were accepted by the Government in toto but the Railway Board has not honoured and not implemented the same.

Railway Ministry during 1978 – 79 reviewed the duty hours of the Drivers of superfast and Rajdhani trains and limited the total hours of duty of these Drivers in a fortnight to 90 hours as against 104 hours for other Running Staff classified as Continuous. Thus, the Drivers of Superfast and Rajdhani Express continued to be classified as Continuous but **their total**

duty hours was limited to 90 hours in terms of Railways Board's letter no. E(LL)77/HER/29 dated 16.04.1979

Moreover ILO Convention No. 47, concerning the reduction of Hours of Work to Forty a week stipulates the principle of a 40 hour week under Article 1. Considering this, it is desirable that worker should as far as practicable be enabled to share in the benefits of the rapid technical progress which is a characteristic of model industry. **Thus the weekly limit of 40 hours for Loco Running Staff will be more appropriate** in the changed circumstances as enumerated and discussed earlier in the subject of daily duty hours. This 40 hours weekly limit for engine crew is also accepted internationally by various foreign Railways.

Weekly limit of Duty Hours will be of effective monitoring mechanism to have a check on daily limit of duty hours which is emphasized vide para 281 of Justice. Rajadhyaksha award. Hon'ble Justice opined that fixation of statutory weekly maximum must inevitably tend to restrict the runs at a stretch so that weekly hours of work may be evenly distributed as far as possible over all the days of the week. In practice it is not so due to the present practice of fortnightly averaging. To achieve check on consecutive longer duty hours, as an inbuilt mechanism, **weekly averaging should be implemented with the statutory limit of 40 hours.**

2.3 REST AT HEADQUARTERS AND OUTSTATION

2.3.1 HEADQUARTERS REST

According to HOER Headquarters rest is 16 hours if the duty performed is 8 hours or more and 12 hours if the duty performed is less than 8 hours. The rest at Headquarters is meant to recoup the staff from the arduousness of duty that are performed. It may also be noted that presently running staff are reaching Headquarters after a spell of 3 to 4 days away from Headquarters and allowing them with the 12 hours rest thereafter is not

sufficient. In fact they could avail only 8 hours rest if 12 hours rest is allowed for the reason that after break off duty they have to reach their home after a lapse of 1 to 1½ hours and they be prepared to come for the next spell of duty that too consumes another 2 hours. That is insufficient by any standards. Before coming to duty especially of the safety category it is directed that sufficient rest to be taken in order to perform the duties safely and efficiently. Therefore, granting of 12 hours rest at Headquarters to be done away with in all cases of duties performed whether above or below 8 hours. **Thus the minimum Headquarters rest should be 16 hours plus 2 hours preparation time for the next tour of duty.** All other staff whether in Govt. sector or in Private sector the rest after a spell of duty is not less than 16 hours. However those staff are on duty at their Headquarters only unlike running staff. So the minimum 16 hours rest means excluding 2 hours for preparation time for coming to duty after rest. Hence 16 hours minimum rest at Headquarters in any case whether duty hours below 8 hours or more means 16 plus 2 hours rest and crew should not be disturbed within 16 hrs, call should be served after 16 hours rest only. This discrimination in allowing a lesser rest of 12 hours to the running staff is arbitrary, unethical and impractical to meet social and domestic obligations and insufficient to take rest for the duty performed and the following duty to be performed. Moreover the Loco Running Staff are presently experiencing in all services of train working by-passing their headquarters while working trains in the name of not completing duty hours. This causes curtailment of their legitimate 16 hours rest at headquarters. Hence by-passing of headquarters should be avoided and due legitimate Headquarters rest at the minimum of 16 plus two consecutive hours should be given in all occasions.

2.3.2 PERIODICAL REST

The next point of consideration is the periodical rest/ weekly rest for the running staff. The main question is why the Periodical Rest/weekly rest extends to the workers all over the world. Duties are extracted from the workers on a daily basis and given rest according to the work of the day. The demand of the worker in the 19th century was 8 hours work, 8 hours rest and 8 hours entertainments. This was the slogan of the workers of Chicago. There was no demand for the weekly rest/ periodical rest in the 19th century. The various demands put forth by the workers in various countries and before the ILO asserted the norm for a day of rest at least in a week. The Bible says "And on seventh day God finished his work that he had done, and he rested on the seventh day from all his work that he had done."

One day rest means at least 24 hours. But in practice it becomes 40hours. Prescribing 22 hours / 30 hours as weekly rest is wholly unethical. It may be realized that the entire workers in the world are enjoying weekly rest at the tune of more than 40 hours in a week.

Apart from the daily working hours, the periodic / weekly rest / holidays of the Loco Pilots is also uncertain as at present. If a Loco Pilot breaks off at 10 a.m. and joins back for duty at 4 p.m next day, then that is called as availing of a periodical rest and if such 30 hours of periodical rest is given for 4 periods per month, it is stated that the statutory requirement of granting a weekly rest is fulfilled. Alternatively, if such gap instead of 30 hours is confined to 22 hours, between two spells of duty and if such spells are given, 5 times a month, then also it is suggested by Railway administration that the statutory requirement of grant of periodical rest is fulfilled.

The present scale of periodical rest forces the Loco Running staff to work trains in all 365 days. The Loco pilots and Assistant loco Pilots find it

very difficult to cope up with the present social fabric and unable to meet the social and domestic needs. This 365 days working pattern also increases the stress and fatigue level.

As a matter of fact, under the statutory provisions, after every spell of duty (which presently runs between 14 and 16 hours) a Loco Pilot is entitled to 16 hours rest. If the statutory requirement of 16 hours rest after a spell of duty is also added, each Loco Pilot is legally entitled to avail minimum of 46 hours of weekly rest in place of a weekly holiday as in the case of the office staff. The absence of such weekly holiday / rest, added with the uncertain hours of work has virtually shattered the family conditions / health of a large section Loco Running Staff. A vast majority of them have been rendered medically unfit before the attainment of their age of superannuation and another large section of Loco Pilots voluntarily retire and leave the service, unable to stand the strain of adverse working conditions.

The other staff, whether they work at station, depot, office are gifted with weekly rest at a tune of 40hours or more. They break off at 17 hours on the previous day, and availing next day as weekly off, and join the other day at 8/9 hours. In the aggregate the weekly off means 40 hours. In the case of running staff it is mere 22 hours or 30 hours. The present rule of 22 hours for 5 times be totally eliminated. The running allowance committee 2002 observed it in para 6 of chapter III of its report and it recommended that ***“the four rests of 30 hours duration should be given regularly and provision of five rests of 22 hours should be used occasionally.”*** The committee clearly realized the inadequacy of rest of 22 hours. The running staff could not fulfill social obligation with this 22 hours rest, even night rest crew cannot avail. As a matter of fact they are kept away from the community at large and forced to lead a life of isolation and one of mere animal existence.

The concept of periodical rest is to ensure that the staff is able to avail the required rest so as to protect his health and prevent any psychological imbalance. It was told that 5 days per week working (that too for those who avail daily rest at headquarters) contributes to employees' physical and mental well being and consequently to increase of efficiency. This principle has to be followed in the case Loco Running Staff who play a vital role in safe train operation. The periodical rest and headquarters rest are two different connotation altogether. At present the Headquarters rest of 12/16 hours and periodical rest of 22/30 hours run concurrently.

All Continuous classified employee are eligible for $40 \times 52 = 2080$ hours or 87 days rest in a year whereas the same continuous classified running staff gets $30 \times 48 = 1440$ hours or 60 days with proper sanctioning. In practice majority of them get 3 or even less periodical rest in a month ie. $30 \times 36 = 1080$ hours or 45 days rest as periodical rest in a year. So the periodical rest of running staff varies from 45 days to 60 days. So there is a total loss of 27 days to 42 days in a year. This is a clear case of discrimination.

Para IX of the ILO convention R.161 of 1979 Hours of work and rest period (Road Transportation) stipulates the concept that the Periodical rest and the daily rest should be independent of each other. The ILO recommendation reads as under

“the minimum duration of the rest should be 24 consecutive hour, preceded or followed by the daily rest”.

The nature of duties rendered by them is highly risky, hazardous and onerous. The same involves too much mental and physical strain. With the close of every stretch of running duty, the Loco Running Staff are put to substantial mental and physical fatigue It is in recognition of the same and for the running staff alone, that it has been mandatory requirement in terms of Hours of employment Regulations that loco and traffic running staff

should be given specified hours of rest after every trip. The rest so provided i.e., upto 12 hours of rest after a running duty less than 8 hours and upto 16 hours after a running duty exceeding 8 hours, is only to compensate and to overcome the mental and physical fatigue caused. Periodical rest on the contrary is one recognized in every statute like Factories Act, Minimum Wages Act, etc, and the said periodical rest or weekly off is one provided to every Government employee as well as employees of Private/Public sectors. Periods of periodical rest is provided to enable every workmen to have a day off at the end of 6 days of work, so as to meet his social obligations and other family requirements and to overcome his fatigue and to come back to duty with freshness of mind and body. The periods of rest as provided under Railway Servants(Hours of Work and Period of Rest)Rules,2005 part II,Para 12 (3) referred to above are independent of each other and therefore there is no justification in letting the headquarters rest overlap the periodical rest exclusively for the running staff. Therefore the action of the Railway Administration in overlapping the headquarter rest with the periodical rest as provided under Railway Servants(Hours of Work and Period of Rest)Rules,2005 part II,Para 12 (3) is not correct.

The headquarters rest is independent of periodical rest provided under Railway Servants(Hours of Work and Period of Rest)Rules,2005 part II,Para 12 (3) and the same cannot be legally allowed to overlap with each other. Such overlapping has no nexus to the object sought to be achieved and for this reason also overlapping of the periodical rest with headquarter rest is therefore highly arbitrary, discriminatory and unconstitutional. **Thus the periodical rest/weekly rest should be minimum of 46 hrs. ie.PR and headquarters rest eligible after duty hrs.**

2.3.3 OUTSTATION REST

At present the outstation rest rules prescribed under HOER for running staff is that for the duty performed for 8 hours is 8 hours rest and for below 8 hours duty is equal to the number of hours of duty performed at outstation. It is pointed out here that for prescribing the rest hours for the duty hours of less than 8 hours is quite inadequate because running staff are expected to perform another spell of longer duty hours that too in many cases involving night duty. This type of short rest at outstation for longer spell of next duty, that too involving a night duty, causes much stress and strain and fatigue sets early. Running staff are finding it very difficult to cope up with this situation and felt much hardship. Here, it is our view while fixing the outstation rest the next spell of duty hour that too involving night duty to be taken into account for safe and efficient train operation. The same principle should also be applied in case of CREW TRAVELLING SPARE to outstation. Therefore the outstation rest should be prescribed not on the scale of duty hours performed but uniformly fixed at 8 hours.

All workers are given 16 hours rest after a normal spell of duty hours but in the case of running staff it is restricted to 8 hours where rest is availed at out of their Headquarters. Some times for want of trains they are being detained above the rest period of 8 hours. The additional rest have no nexus so to be achieved in granting rest. The normal 16 hours rest for other staff is meant for rest and entertainment, 8 hours each. The second part of the rest that is meant for entertainment can't be used by the running staff when in outstation. Therefore the second part of the rest of 8 hours meant for entertainment has been forgone by the application of rule. Therefore the entitlement of rest at the scale of 16hours has been curtailed to 8 hours at outstation. **This curtailed portion of the rest should be compensated as additional rest over and above the normal Headquarters rest.**

Further the normal rest at outstation is not for any use for Loco Running Staff. The excess rest availed at outstation is taxing the staff to work extra hours latter to meet fortnight average hours. The waiting hours at outstation are to be counted as hours of employment because staff are at the disposal of the employer. Therefore this detention at outstation shall be suitably compensated.

2.4 ABSENCE FROM HEADQUARTERS/ OUTSTATION DETENTION

At present, under Railway Servant (Hours of Work and Period of Rest) Rules, 2005 Part II, Para12(4), Locomotive and Traffic running staff shall not normally be away from Headquarters for more than 3 or 4 days at a stretch. Though the 72 / 96 hours that is in force are the maximum limit, in practice and due to the mindset prevailing among the men in operating department such as Chief Controller, Deputy Controller, Power and Crew Controller this limit becomes the minimum, just like the duty hours prescribed at 13 hours.

It is bitter experience that whenever maxima is fixed by the Railway Board in relation to hours of duty or outstation detention, it becomes a minimum for us because of the mindset of the men in Operating department.

The Committee will be in agreement that longer absence from the family that too in frequent interval in a whole life span has serious repercussion on the physical and mental health of the staff. Thus pose much constraints and hardship to running staff to look after their family. After a spell of 96 hours away from house, staff are given headquarters rest for 12 /16 hours as the case may be and again they are detailed for another spell of 96 hours away from the Headquarters. Thus in a span of 9 days the running staff is able to live with their family only for a period of 12 / 16 hours on the aggregate. This situation is for the entire service. This position

is very harsh and present situation does not warrant too. In those days where traffic are less and no frequent train services exist, bringing the crew back to headquarters was not so easy within a period of a day or two. The fixation of longer hours of out of headquarters at that time seems to have rational.

But position has considerably changed. Frequent train services as well as increased traffic, now enable the Railway to bring back the crew to their headquarters much earlier than before. Realizing the position the Railway Board letter no: E(LL)2009/HER/I (RBE no 37/2010) Dt 26/02/2010 pleased to issue an order directing the Railway management to bring back running staff to Headquarters within 36 hours where ever it is feasible. **Duly considering the repercussion on the health and the social obligation that has to be satisfied by the Running staff, the absence from headquarters at a stretch should be reduced to 36 hours at maximum.** This can easily be implemented with necessary modification in the Crew beat / Crew Link.

2.5 CONTINUOUS NIGHT DUTY

ILO Convention No.171 is worth mentioning as it deals with Night Work. Article 3 of the Night Work Convention stresses the need for specific provisions to protect the health of night workers and also for necessary assistance to meet their family and social responsibilities. Similarly, Article 10 of this convention insists on the consultation with representatives of the workers before finalizing their schedule of work. A study based on night work released by ILO highlights the inherent difficulties associated with night work and suggests several measures to protect night worker. The continuous night duties will cause sleep debt and subsequently to a state of sleep deprivation. The adverse effect of sleep deprivation and some of its disadvantages are given in the ILO Document under the heading

“Disadvantages of employee” posing potentially serious health problems such as digestive, cardio vascular and osteo-articular problems, negative effects of work performance, occupational stress and tiredness during leisure time, lower quality of family and social life.

Sufficient amount of sleep is therefore required for preserving health and for optimum performance at work. However, sleep does not come to a person as soon as he goes to bed. It is in this context the number of consecutive night duties vide para 11 (iii) of part A under section IV Subsidiary Instructions under HOER(1961) needs to be reduced.

Continuous night duties are integral part of Railway job. Week long night duties are common with only one night rest in between. In Railways night duty consists any spell of duty from 22.00 Hours to 06.00 Hours and such night duties are to be performed to six consecutive nights. This Rule was framed 50 years back but then there was no much significant role to this Rule due to thin traffic. But if it is not changed during the present voluminous and saturated traffic, then it is definitely accident prone. Further various studies and reports on night duties which we had enumerated below clearly indicate that performing night duties for more than two consecutive nights dampen alertness, making mainly Loco Pilots, Station Masters and Cabin man, vulnerable to operational lapses. Irregular and continuous night duties are too tiring and produce greater stress on Loco Pilots.

VARIOUS STUDIES AND REPORTS REGARDING NIGHT DUTIES :

1. Psycho-Technology on Indian Railways – RDSO, Ministry of Railways, Lucknow-

“The element of stress or fatigue caused to Mail Express Drivers due to high speed and hours of duty was investigated in an experimental study. The

findings indicate that mid night – early morning time zone produces greatest stress on Drivers as their mental alertness shown slackening during these hours. The working on the Second Consecutive night has been found to further dampen the mental alertness, making Drivers vulnerable to operational lapses”.

2. Dr. Fredrick. S. Lee’s book “The human Machine and Industrial Efficiency”

“Man is a diurnal animal; that his body needs stimulus of light. That his body is atmospheric conditions of the day; that the body vigor is low in the early morning and that on the whole night work is more deleterious than day work. He also opines that man being a diurnal animal, any attempt to change his innate habits is bound to interfere with his psychological process and that day’s recuperation from day work. He further opines that night work entails diminution of sleep”.

3. WATKINS AND DODD – “Management of Labour Relations”:

It is unphysiological to turn night into day, and thereby deprive body of beneficial effects of sunshine and that of human organism revolts against such a procedure. The night work leads to unnatural times of eating, resting, sleeping and is less efficient because of the failure of the worker to secure proper rest and sleep by day”.

4. Encyclopedia of Social Science, Pfizer Ltd., (V) its workmen (SC)LLJ 196

3. I page 543 –

“Persons working during day light hours is normal and those who are working during nights is abnormal”.

5. Conference of International Union of Railway Medical Services held in September 1954 and published in a book entitled “LIBER MEMORIALS” –

“Railway work does not per se provoke gastric or duodena ulcers. However under circumstances, some Railway jobs may constitute a factor in development, persistence aggravation or relapse of an ulcer :-

Psychosomatic factors, nerves tension, physical or psychological over work

Irregular hours of work, meals and bad alimentary hygiene.

Poor living conditions and excessive travelling”

VISION : In ordinary light the eye continually and rapidly adjusts focus on objects at varying distances. But in darkness the natural tendency of the eye is to rest at a point called dark focus. To focus on objects beyond that point the eye must actively adjust or accommodate in darkened conditions. However the visual system will not usually be stimulated to adjust properly.

Hence it is urgently needed to amend the rule. **To ensure safety in train working, restrict consecutive night duties to two with an interval of 2 days between them.**

3. Terms of Reference: ii) To review list of Safety Categories on the Railways and recommend daily/weekly duty hours and weekly off for the staff in safety categories.

Assistant loco Pilots and Loco Pilots(Shunting), are to be included in the list of safety categories because they are equally responsible in safe train operations and are being treated equally with the Loco Pilots under DAR in case of train accidents.

4. Terms of Reference: iii) Monetary compensation for work beyond duty hours/breach of rest in exigencies of service for Loco Running Staff/staff in safety categories.

Running staff are asked to work overtime beyond duty hours is not due to exigencies as envisaged in Railway Act. But it is only as an economy measure and the same was accepted by Railway Labour Tribunal 1969. Hence the Hon'ble Tribunal vide para 6.64 recommended to pay twice the rate as a check to ensure safety especially to Running staff. But even after 40 years of recommendation and acceptance by Railways the above situation has not changed. As an example, the statistics from MAS depot/Chennai Division/Southern Railway shows that in March, 2011, 5729 hours of over

time has been performed by the Loco Pilot(Shunting) working under CCC/MAS where there are only 6 vacancies. To perform this 5279 hours around 30 LP(shg) are required. So it is clear that there is under sanction of around 24 LP(shg). Thus it proves that Over Time working is not due to exigencies, but only for economy. It is to be noted that there were no casualties beyond sanctioned strength for leave, sick, absent, training etc. in that particular depot.

Monetary Compensation for Work beyond stipulated duty hours for Loco Running Staff, according to the present rules is 1 ½ times of hourly rate for the excess duty hours in between rostered hours and statutory limit. This needs modification. The main concept in giving double the wages per hour is a penalty on the employer for extracting over work from the worker. Therefore any over work beyond the rostered hours should be paid with double the wages instead of 1 ½ times. In the changed circumstances due to the advent of technologies in train forecasting and monitoring systems the bi-weekly averaging for Running Staff is obsolete. So **the monetary compensation should be paid for the work beyond stipulated weekly duty of 40 hours at double the wages.** This will also monitor effectively on the daily/weekly limit of duty hours of Loco Running Staff which is having a direct bearing on safety.

A special monetary compensation shall be paid to the Running Staff when exceeding the prescribed duty at a stretch in any one particular trip due to emergencies.

In extreme emergency Loco Running Staff may be called for duty breaching their rest. This should be adequately compensated. Many restrictions imposed in the present rules, denying this benefit to staff manning suburban trains and when rest is breached at outstation etc should be done away with. Breach of rest allowance shall be granted whenever rest

is breached either at headquarters or at outstation and also for staff manning suburban services. **This allowances shall be paid four times the daily wages over and above the over time allowance.**

5. Terms of Reference : iv) Resting facilities and other provisions for out-station rest of Running staff

Many recommendations especially of the Railway Safety Review Committee, 1998 (Justice. H.R.Khanna Committee) has taken serious note of the conditions prevailing in the running rooms in Indian Railways. Para 2.14.3 of the said committee observes, *"an aspect which is of great importance in ensuring a driver's well-being and alertness on duty is the condition of Running Rooms"* and expressed their displeasure on the condition of the running rooms. Thus the committee recommended that,

not more than 2 beds per room or cubicles, desert coolers, subsidised meals etc. In this connection the Railway Board commented that "It is not practically possible to partition existing room, as that would adversely affect lighting and ventilation etc."

The recommendation of the Railway safety review committee is based on the fact that taking rest and sleep may not be properly possible in a common hall with many beds. The occupants in the hall may be called for duty at intermittent turns. This will disturb the other occupants who are taking rest. Converting the existing Running Rooms by two beded rooms or cubicles will not pose any difficulty as advanced by the Railway Board. What is advanced by the Railway Board is to skulk from the recommendation of RSRC 1998 and nothing else. If there is a will it could have been done.

Instead of providing Desert coolers we demand that in the area where the ambient temperature raises above 30°C should be provided with Air

conditioners. Then only the staff who are taking rest and sleep could be able to take it properly.

Most of the running rooms are situated in and around Railway stations and platforms. The noise level in the running room is not conducive to take proper rest. To avoid or least to minimize the sound pollution, Air conditioned room is most necessary. After all giving proper rest and sleep for the crew is meant for safety in train operation and the safety of the public .Therefore no laxity should be shown in this respect.

The Railway Board once decided to provide Air conditioners(AC) in all the Running Rooms and included in Corporate Safety Plan 2003 but not worked adequately and laxity is shown. Only few Running Rooms could be provided with AC. The condition of many of the Running Rooms is still worst, not fit to take rest. The crews who request some more rest in the interest of safe running of train are treated inhumanely with removal from service as happened in KUR division of E.Co Railway.

At present subsidized meals are being provided in most of the running rooms but not in a satisfactory way. Many crew are avoiding to take the subsidized meals as the quality is very poor, though railway prescribed certain quality. The Running rooms and supply of subsidized meals are maintained by the contractors and their primary intention is to make profit. The supervisors of the railways who are entrusted with the monitoring of the running room maintenance in fact are in hand in glove with the contractors. At the present situation we are at the receiving end. If any complaint is lodged by the Loco Pilot on the deficiencies and poor quality of the subsidized meals, are dealt with DAR action.

As an example we show the incidents happened at Southern railway. At ED/SALEM division dt.26.09.2010 Loco Pilot(Mail) Shri S.Ravikumar made a complaint that the subsidized meals was very poor and he asked for an

acknowledgement for the receipt of the compliant. The Authority initiated disciplinary proceedings and imposed penalty as well on the allegation that he asked for the acknowledgement. This is in order to silence the complainant.

In the case of ALP/TVC, Shri E.G.Rajesh had the same experience at ED on 07.03.2011, when complaints were lodged for poor quality of meals served. He has been directed to see Sr.DEE/OP/SA. Such summoning is a type of harassment. The normal 'modus operandi' is to put him before the chamber of Sr.DEE for two to three days.

This type of undemocratic way of dealing only ensured silencing the workers against the atrocities of the contractors. This is the trend in many places which shows the supervisors and officials who are entrusted with maintenance of running rooms are not happy with the complaints against the contractors. The reason is best known to all. Therefore we request that the maintenance of Running room and providing subsidized meals should not be entrusted with the private contractors. Added to that the railway engage the contractors who quote the lowest rate for the maintenance. Instead of asserting the lowest tender the railways must fix a rate and the quality of meals. This being done we too expect some improvement.

We plead we need not have a subsidized meals , which simultaneously lead to in human treatment from the authorities. To suit one's need that choice of food is most necessary and the system prevailed earlier to cook for the individual's choice to be restored to maintain health.

We feel the running rooms are *a home away from our home* as we are living in the running rooms the whole service more than we live in our home.

Hence standardization of facility in Running room on Indian Railways should be improved as to the standards of 'three star facility' as is being followed in foreign railways and close monitoring of running room to be done

by the nominated work place representative and employer representative at regular intervals.

6. Terms of Reference: v) Any other issue ancillary to the above...

6.1 HOLIDAYS

In Indian Railways entitlement of holidays for the staff as per Master Circular No. 47, is as follows,

- A. Office staff: 16 closed holidays with 2 restricted holidays
- B. Workshop staff: 15 paid holidays
- C. Open line staff: 12 paid holidays

Loco running staff are coming under the open line staff for the entitlement of holidays. In Most of the holidays special trains are operated. Thus they could not avail holidays and also allowed with meagre percentage of leave reserve. Hence majority of Loco running staff are deprived of holidays to celebrate with their families. The present compensatory allowance for working on holidays is quite inadequate. So **we demand the wage equal to one day's pay to be granted apart from granting Compensatory Rest in lieu of un-availed holidays.**

6.2 MEAL BREAK TIME

At present the Loco running staff have difficulty to take meals while on run especially on Passenger/Mail and express trains. Now-a-days trains are run always at maximum permissible speed with limited stopping that too is limited to a minute after long runs. Hence in the present circumstances, meal break time and personal need break are to be allowed in the schedule as followed in many foreign railways.

6.3 RESUMING FROM LEAVE/HOLIDAY

Loco running staff are to be allowed to resume duty after availing any kind of leave or holiday, after 8 hours on the following

day, so as to full fill the object and the purpose of availing leave / holidays, otherwise any forcible calling for duty to resume before 8 hours, that too in the night will be detrimental to safety. In the absence of any clear instructions authorities are at their convenience in asking the staff to resume duty at 00.00 hrs on the following day., after availing even a days leave/Holiday to look after their domestic needs and celebrate holiday with their families. This 00.00 hour resuming for some area over Indian railways finds it difficult for the staff to work the train without rest, which is very unsafe. All other staff except loco running staff are permitted to resume from leave / holiday, only almost after 7 or 8 hours on the following day. The same shall be extended to the loco running staff without any discrimination in view of safety.

6.4 RESEARCH ON FATIGUE MANAGEMENT

In many foreign Railways Transportation System developed separate national commission to study fatigue management, microsleep phenomena, sleep debt, sleep deprivation etc on Rail Road drivers and recommended various measures to combat fatigue encountered due to longer hours, irregular pattern of working, night duties etc. They recommended various ways and means to improve working condition of Rail road drivers, in order to ensure safe and efficient train operation.

This Association request working hours of loco pilots and Assistant loco pilots are to be derived, after an in depth scientific study on working hours, rest, night duties etc., by a separate body in order to ensure safe train operation. Such a scientific approach is all the more necessary in the modern scientific era to decide working hours of train drivers based on sound level, vibration, temperature, electromagnetic induction which is having a direct bearing in the safe train operation. Presently we feel in diesel/ electric

locomotives the permissible levels of above parameters are on a higher level, which increases stress and strain.

In Indian Railways, the present regulatory frame work of working hours of drivers are developed on pure assumptions on what is achievable and comparing to the working environment of other stationary workers rather than based on any scientific or technical evidence. It fails to take into consideration the peculiar working conditions associated with the job and the attached responsibility of the employee toward the safety of the people and assets. When seeing these rules in the light of present day research reports, it can be easily seen that, these are framed in complete denial of the physiological and psychological limitations of staff and unmindful and unacceptable to the human cost and poor working conditions.

Hence these aspects are to be studied scientifically while fixing the duty hours/rest.

6.5 CREW SCHEDULING

On the application of hours of employment majority of Railway workers are classified as continuous category and for the continuous classified worker duty rosters are framed basing on the guidelines prescribed in the HOER 2005. Likewise for Loco Running Staff also who work under crew link/link roster, there should be guidelines to prepare crew links or crew schedules. In the absence of proper guidelines while preparing crew links Loco Pilot (Mail)/Loco Pilot (Passenger)/Motorman are put into severe hardships. Hence guidelines which take care of human needs and practical problems for preparing crew links should be prescribed in HOER itself. In case of goods train, crew beats are not displayed with crew destination as envisaged in Railway Board order dated 13.4.92. CAT/Ernakulam also clearly directed that a distinction to be made between crew destination and train destination. Thus it is very clear that crew destination /crew beat has to be informed to

the crew while they are called for duty. In the absence the crew beat/ crew destination goods crew are put into severe hardship with uncertainty.

As of now First In First Out basis is followed in booking of goods crew. However in some areas this time tested principle is not followed and goods crew are asked to wait with uncertainty at headquarters in the name of completing fortnightly duty hours. To avoid uncertainty and hardship even at headquarters, it is required to reiterate first in first out basis in goods crew booking.

6.6 ADVANCED TECHNOLOGIES INCREASE STRESS AND STRAIN

In para 280 Adjudicator says "After the outer signal is passed, the driver has, no doubt, to be alert in watching the signals and the track, but work cannot be regarded as of strenuous nature". But now advancement have taken place in many sections that Absolute Block System was converted to Automatic Block System and even in Absolute Block System, block sections are divided into intermediate block signals. Because of this, number of signals encountered by the Engine Crew increases manifold. For example in MAS-BZA Section of Southern Railway, for 430 Kilometres, the Engine Crew has to encounter about 385 signals i.e. almost one signal per kilometre and in about every 33 seconds which is not so in the past.

Many sections are being electrified and the duties of Engine Crew are also to watch the OHE lines, not only on which the train runs but adjacent line also. This increases the area of concentration on Engine Crew.

It is also expected from the Loco Pilots to run always at Maximum Permissible Speed (MPS) in all the occasions, hence the level of concentration of the Engine Crew increases manifold to maintain MPS at all times.

There is a hypothesis that the technological upgradation in Railway has lessened the work of Railway Staff generally. But in no way this modernization has helped the Loco Running Staff and reduced their work load and responsibility attached to the job but increases it many fold.

Modernization of track, signaling, wagons and coaches has increased the speed of the train, from an average speed 40 kmph raised to 85 kmph and the maximum speed of 90-100 kmph has become 120 to 160 kmph. Added to this, instead of 12 to 14 coaches on an express train has now become 22 to 26 coaches and the continuous run without a relaxation is raised from 2 hours to 6 to 8 hours that too at higher speed covering more distance that involve more stations and more signals. The recent upgradation of level crossings with signal arrangement has increased the work load, concentration and sustained attention while running trains. The trailing load of goods trains have been increased from 1500 T to 6000 T, length has increased to 1.5 KM which requires more skill, technique, more vigilance and concentration in running such heavier trains at a higher speed of 100 kmph.

Modern locomotive require high skills, knowledge and operational techniques much more than earlier. Extended runs introduced in super fast trains and express trains including Rajadhani and Shatabdi Express trains increased the work load of Loco Pilots. The Loco Pilots managing super fast trains at a speed ranging from 120 to 160 kmph require very quick reflexes than earlier. Now-a-days single line sections are being converted into double lines / quadruple lines sections and erection of over head equipments under electrified sections increases the area of observance thereby increasing the area of concentration by the train drivers to a greater extent. In other countries, Automatic train control systems (ATC) were introduced, which

lessened the work load, stress and strain of the Loco Pilot. No such modern equipments were introduced in Indian Railway, though modernizations are done in other areas. This modernization combined with the longer hours of work, continuous night duties, up to 6 consecutive nights, varying climatic condition, without any improvement in driving cabins and unfriendly driving cabins, rest rooms, in fact increases the stress and strain on the driving staff. Added to these, most stringent safety norms and procedures also increase the work load considerably. The uncertain duty hours, starting and ending of duty at odd hours, no regular time for taking food etc increase the health hazards.

Therefore modernization in Railways has in no way lessened the work load and responsibility of Loco running staff rather skill work, stress and strain has increased manifold than earlier; and more modernization is going to be introduced. A reasonable job evaluation ought to be undertaken to assess increase in work, stress and strain.

6.7 EMERGENCY/EXEMPTION CLAUSE TO BE DEFINED

In the present Rules, there is a scope for misinterpretation by using emergency/exemption clause to the disadvantage of loco running staff. The staff are put to longer hours of working while invoking the clause. The percentage of 'C' grade driver(Loco Pilot (Goods)) worked beyond 12 hours was 14.2% in 1967-68 as per Wanchoo Committee Report and the same was 15.86% in the year 1997-98 as per Justice. H. R. Khanna Committee Report. It is thus proved that the increase in percentage of duty hours above 12 hours due to invoking of exceptional exigencies and short of destination clauses. Hence it is most important to clearly define emergency/exemption clause to avoid hardship and exploitation inline with Foreign Railways which

define this clause without any ambiguity. The act/rule provision followed in Canada is given below.

Work/Rest Rules for Railway Operating Employees
June 1st, 2005 (TC O-0-50)



"Emergency" means a sudden or unforeseen situation where injury or harm has been sustained, or could reasonably be sustained to employee(s), passenger(s), the public or the environment such as those involving a casualty or unavoidable accident, an Act of God, severe storms, major earthquakes, washouts, derailments or where there has been a delay resulting from a cause not known to the railway company at the time employees leave the terminal and which could not have been fore-seen. Except as outlined above, normal operating problems that are inherent in railway operations that do not constitute an "Emergency", include but are not limited to:

- a) crew shortages;
- b) broken draw bars;
- c) loco-motive malfunctions;
- d) equipment failure;
- e) broken rails;
- f) hot boxes;
- g) switching;
- h) doubling hills;
- i) meeting trains;
- j) train length.

It is incumbent upon railway companies to establish that excess service could not have been avoided. When an emergency situation does occur, railway companies must exercise due diligence to avoid or limit such excess service.

6.8 The plea of financial constraints by the Railway Board whenever staff welfare measures is raised.

It is our bitter experience in the past that whenever some entitlement is recommended especially to running staff, the Railway Board shows reluctance to accept such a recommendation. Whichever demand we put before the committee that are enjoying by all other staff in the Railway especially in duty hours, daily rest and periodical rest the financial constraints were posed. The Railway Board didn't show any reluctance in the name of financial constraints while allowing duty hours, daily rest, and periodical rest to all other staff. Therefore the financial constraints shouldn't be an impediment to grant duty hours, rest and periodical rest not only for the benefit of the worker but for the safety in train operation and public good. It also be noted that whatever be the entitlement is recommended that is for a workforce specially of running staff who are a negligible percentage of total staff strength.

SUMMARY OF DEMANDS:

- 1. Loco Running Staff should be reclassified as Intensive.**
- 2. The duty hours of Mail / Express/Pass crews/Motorman should be confined to 6 hours. There should be a break of atleast one hour for Motorman in a spell of 6 hours duty.**
- 3. The duty hours of the freight crew excluding the time allowed i.e. 30 minutes ON/OFF for preparatory and complementary work shall be 7 hrs..**
- 4. Weekly limit of 40 hours for Loco Running Staff.**
- 5. Headquarters rest minimum of 16 consecutive hours plus 2 hours preparation time in all occasions.**
- 6. Outstation Rest should be fixed at 8 hours uniformly plus1 hour preparation time.**
- 7. Curtailed rest at outstation compensated as additional rest over and above the normal Headquarters rest.**
- 8. Periodical rest should be minimum 46 hrs. ie. PR and headquarters rest eligible after duty hrs.**
- 9. Out of headquarters detention at a stretch to be reduced to 36 hours at maximum.**
- 10. To ensure safe train working, there should not be more than two consecutive nightsworking with an interval of 2 days between them.**
- 11. Assistant loco Pilots and Loco Pilots (Shunting), are to be included in the list of safety categories.**
- 12. The monetary compensation for the work beyond 40 hours in a week should be paid with double the wages.**

- 13. A special monitory compensation shall be paid to the Running Staff when exceeding the prescribed daily duty hours in any one particular day due to emergencies.**
- 14. Running Room should be provided with AC facilities.**
- 15. Compensate Holiday with one day wage and grant compensatory rest.**
- 16. Allow Meal Break Time and Personal Needs Break Time.**
- 17. Resuming from leave/holiday after 8 hours on the following day.**
- 18. Evolve guidelines on Crew Scheduling.**
- 19. Define Emergency/Exemption clause.**
- 20. Make scientific research to fix duty hours for loco running staff.**

CONCLUSION

We hope that the Hon'ble committee will appreciate and take into consideration seriously our submissions in the memorandum. We request the Committee to foot-plate on locos of different trains in different sections, metro, suburban and open line to know the real positions/ conditions of our working to arrive correct conclusion.

With regards,

Yours sincerely

Place: New Delhi
Date: 10.08.2011

M.N. Prasad,
Secretary General
AILRSA

Enclosures: 6 Nos.

As per list attached.

LIST OF ENCLOSURES

1. A FOOT-PLATE REPORT TO CMS/NGP/C.RAILWAY
2. THE PREVENTION OF CRUELTY TO ANIMALS ACT 1960
3. PSYCHO-TECHNOLOGY ON INDIAN RAILWAY, RDSO
4. RAILWAY ACCIDENT INVESTIGATION REPORT
5. R.161, ILO CONVENTION,1979.
6. RAILWAY BOARD LETTER NO.E(LL)77/HER/29 Dt. 16.04.1979