

## Conditions of Work on Indian Railways

A recent number of the *Review* contained an article analysing the special requirements of railway undertakings in the matter of the regulation of working hours.<sup>1</sup> As the illustrations of existing regulations were all taken from European practice, it seems of interest to give some details of the conditions of work on Indian railways, taken from the report of the Government of India Railway Department for 1932-33 on the working of the Hours of Employment Regulations.<sup>2</sup>

### SCOPE OF APPLICATION OF THE REGULATIONS

The provisions of Chapter VI A of the Indian Railways Act, 1890 (as amended in 1930)<sup>3</sup>, were given statutory effect on the North-Western and East Indian Railways from 1 April 1931. At the beginning of the year under review, two more systems, the Eastern Bengal and Great Indian Peninsula Railways, were brought within the scope of the law, with effect from 1 April 1932. With the addition of these two systems, all State-managed Railways, with the exception of the Burma Railways, have been brought under the Regulations. As three of these Railways are among the largest in the country, more than half the total number of railway servants in India are now protected by legislation which was the outcome of the Government of India's ratification of the International Labour Conventions adopted at Washington in 1919 and at Geneva in 1921. The report of the Railway Department deals primarily with the four Railways mentioned above, but it is pointed out that while the Regulations have not yet been extended to the Burma Railways and the Company-managed Lines, yet many of their employees have for some time been working within the restrictive limits imposed by the new law, and that this tendency is probably being accentuated by the influence of changed practice on adjacent Lines where these are working in accordance with the Regulations.

### NUMBER AND CLASSIFICATION OF STAFF

The number of non-gazetted open line staff on 31 March 1932 on the four Railways in question was 374,276: North-Western Railway, 108,182; East Indian Railway, 128,066; Eastern Bengal Railway, 48,823; Great Indian Peninsula Railway, 89,205. It is remarked

<sup>1</sup> Cf. *International Labour Review*, Vol. XXIX, No. 5, May 1934, pp. 633-655: "The International Regulation of Hours of Work on Railways."

<sup>2</sup> GOVERNMENT OF INDIA. RAILWAY DEPARTMENT: *Annual Report on the Working of the Hours of Employment Regulations on the N.W., E.I., E.B. and G.I.P. Railways during the Year 1932-33*, by Major H. W. WAGSTAFF, M.C., R.E., Supervisor of Railway Labour. Simla, Govt. of India Press, 1933. 20 pp.

<sup>3</sup> INTERNATIONAL LABOUR OFFICE: *Legislative Series*, 1930, Ind. 1.

that it is not possible to give definite and accurate figures as to the number of employees who come under the Factories Act, as opposed to those to whom the Hours of Employment Regulations apply. Approximate figures, which are sufficiently accurate for the present purpose, are given in the following table :

Railway	Total number of staff involved	Approximate number coming under the :	
		Factories Act	Hours of Employment Regulations
North-Western	108,182	13,000	95,000
East Indian	128,066	28,000	100,000
Eastern Bengal	48,823	9,000	40,000
Great Indian Peninsula	89,205	11,000	78,000
Total	374,276	61,000	313,000

Railway servants on construction also come within the scope of the Regulations, but their numbers are always inconsiderable as the greater part of such work is carried out by contract. Moreover, the amount of construction work which the four railways in question had in hand during 1932-33 was negligible.

The approximate percentages which the various categories of employees form of the total staff, as given by the Administrations concerned, are shown in the following table :

Railway	Nature of employment <sup>1</sup>			Staff excluded from the Regulations <sup>1</sup>	Total
	Continuous	Essentially intermittent	Super-visory		
North-Western Railway :					
Total staff	84	11.5	1	3.5	100
Staff excluding work-shops	82	13	1	4	100
East Indian Railway :					
Total staff	85	8	6	1	100
Staff excluding work-shops	83	7	9	1	100
Eastern Bengal Railway :					
Total staff	74	20	1	5	100
Staff excluding work-shops	67	25	2	6	100
Great Indian Peninsula Railway :					
Total staff	82	15	1	2	100
Staff excluding work-shops	78	18	1.5	2.5	100

<sup>1</sup> Excluded on account of the specially light character of their work.

The high percentages of essentially intermittent staff on the Eastern Bengal and Great Indian Peninsula Railways have been explained as due mainly to : (1) the classification of certain categories of staff as essentially intermittent when their work is not really so ; (2) the failure to realise the true nature of essentially intermittent work ; and (3) the failure to adjust the labour available during the 24 hours to the changing work-load.

### INSPECTION

During the year under review 2,680 inspections were carried out by six inspectors, 967 on the North-Western Railway, 556 on the East Indian Railway, 954 on the Great Indian Peninsula Railway, and 203 on the Eastern Bengal Railway.

### HOURS OF EMPLOYMENT

Subject to certain exemptions and exceptions, the maximum hours allowed by the law are 60 hours a week on the average in any month, except for essentially intermittent employment, for which the maximum is 84 hours in any one week.

The report states that a few instances are still coming to light where individuals are found exceeding the stipulated maxima on the North-Western and East Indian Railways, and remarks that it can hardly be said that there is any excuse for this under present conditions of slack traffic, when continuous workers should find no difficulty in completing their work during rostered hours. On the other hand, supervising subordinates are now realising to an increasing extent that it is their duty to ensure that the rostered hours of employees are accurately worked to. On the Eastern Bengal and Great Indian Peninsula Railways this failure to adhere to rostered hours is more marked, but it is probably only a question of time for the staff of these two Lines to learn the lessons which have been inculcated on the North-Western and East Indian Railways. On all the four Railways, the assistant station master at small stations where there is only a station master with one or two assistant station masters is still sometimes found working outside his rostered hours.

The 84-hour weekly limitation applicable to essentially intermittent workers is, as far as could be ascertained, being generally adhered to, except in relation to the loading and unloading of goods. In general terms, this work is carried out by one of three systems : (a) by contract ; (b) by the employment of whole-time luggage or goods porters ; and (c) by utilising menial staff of various categories to do this work, for which they receive some additional remuneration, in addition to their other duties. The last method is naturally in vogue at smaller stations where the work is not sufficient to let out on contract or for the employment of whole-time porters. What happened in the past, and is still happening to a great extent, is that pointsmen, watermen, sweepers, etc., are employed to do this work. These employees at the stations under discussion are generally classified as essentially intermittent.

*Limitation of Hours of Work for Intermittent Staff*

Neither the Act nor the Rules prescribe a daily limitation for any staff coming under the Regulations, but a Subsidiary Instruction lays down, with regard to essentially intermittent workers, that every effort should be made to limit under normal conditions their daily hours of duty to 12. No difficulty appears to be experienced now in complying with this Subsidiary Instruction.

*Spreadover*

Although neither the Act nor the Rules prescribe any minimum period of daily rest, a Subsidiary Instruction lays down that employees to whom the Regulations apply should, as far as possible, be given in every period of 24 hours a minimum rest period of not less than 8 consecutive hours. In other words, a maximum daily "spreadover" of 16 hours is the ideal to be aimed at. Nineteen cases where this spreadover is exceeded have been reported during the year from the establishments inspected, but it is hoped that they are gradually being eliminated.

## REST PERIODS

In general, a rest period of not less than 24 consecutive hours must be granted each week. This does not apply to staff whose employment is essentially intermittent; in addition, the Governor General in Council may specify certain classes of staff who may be granted rest periods on a lower scale than that prescribed by the Act. Provision is also made for temporary exemptions in certain circumstances.

It is remarked that reports from inspectors seem to indicate a general improvement in the way that the provision of the Act relating to rest periods is being carried out. Attention was drawn in the previous annual report to certain specific categories of staff, such as station masters, assistant station masters, and commercial staff (booking and goods clerks and ticket collectors), in regard to which difficulties had been experienced as far as the weekly rest was concerned. These difficulties are gradually being eliminated and the staff now realise more fully that they must complete their week's work during their rostered hours. At the same time, the difficulty with regard to station masters who are either not permitted or do not wish to depute their assistants to carry out certain duties, still remains. Apart from this, however, the criticism made last year to the effect that it is essential that Administrations should make provision for, and insist on, a sufficient delegation of powers to ensure that station masters can and do enjoy their periodic rest, still holds good.

The progressive modification of rosters so as to allow employees a calendar day's rest, instead of the legal minimum of 24 consecutive hours extending from one day to the next, still continues, as those responsible become more familiar with the possibilities of different

types of rosters. As far as can be ascertained, the introduction of the calendar day's rest has been attended with excellent results, and it is no doubt a development in the right direction.

#### EXEMPTIONS AND TEMPORARY EXCEPTIONS

The Act provides that the competent authorities may delegate their powers to make exemptions and temporary exceptions to the provisions on both weekly hours and rest periods.

It is remarked that it cannot be said that the difficulties concerning the delegation of powers with regard to making temporary exceptions have been entirely overcome, but all the four Railways have now published definite instructions as to the way in which these temporary exceptions are to be imposed. It is pointed out that during the present conditions of slack traffic little necessity arises for making temporary exceptions.

The Governor General in Council has issued a Rule exercising his power to prescribe the classes of staff that may be allowed periods of rest on a scale less than that provided by the Act. This Rule is now better understood and fewer staff are found to have been erroneously brought under it. There is, however, a clause of the Rule which needs elucidation. Among the staff who come under it are "artisans and unskilled labour employed for temporary purposes on open lines". It has been argued in interpreting this clause that if permanent railway servants are engaged upon temporary work, they lose the full protection of the Act which they have hitherto enjoyed, and come temporarily under this Rule. The report suggests that this interpretation is wrong and that the full protection of the Act which is applicable to permanent employees should also continue to apply to such workers during these times.

#### CONTINUAL NIGHT DUTY

Neither the Act nor the Rules forbid continual employment at night, but a Subsidiary Instruction for the railways lays down that care should be taken to avoid as far as possible rosters which require employees to perform continual night duty.

The extent to which employees are rostered for continual night duty on the Eastern Bengal and Great Indian Peninsula Railways is comparable to that on the two other systems, with regard to which it was stated in the previous annual report that "in actual practice, comparatively little night duty is being worked". On the whole, the Great Indian Peninsula Railway appears to have been more successful in avoiding continual night duty for watchmen than the other Railways, chiefly perhaps because their "Watch and Ward" system is more highly organised; the same is noticeable on the two Divisions of the North-Western Railway where this staff is organised as a separate entity. In the preceding report, attention was directed to the peculiar difficulties experienced at stations where only one station master and one assistant station master are employed, and where the latter has very often to perform night duty continually. There

has been some improvement in this respect on the North-Western and East Indian Railways, the former having modified rosters so as to ensure that the station master's shift covers at least part of the night. The problem is equally urgent on the other two systems.

#### PAYMENT OF OVERTIME

The Act prescribes that overtime worked under a permissible temporary exception due to pressure of work shall be paid for at not less than one and a quarter times the ordinary rate.

While the theoretical difficulties of computing with accuracy the amount of overtime payments earned by employees who perform extra-roster hours, so as to bring their total employment beyond the limitations laid down by the law, have not yet been solved, the practical difficulties in connection with the recording of these extra-roster hours and the submission of overtime slips are being gradually overcome. All the four Railways have now distributed a standard form of overtime slip, so that there is not so much likelihood of an employee's claim to overtime payment being neglected. Under the conditions of slack traffic of the period covered by the report, occasions when extra-roster hours had to be worked on traffic account were comparatively rare, the most usual instances being pressure of work devolving on employees when their fellow-workmen fell sick.

#### DISPLAY OF REGULATIONS AND ROSTERS

At the beginning of the year, reports showed that a good deal remained to be done on the Eastern Bengal and Great Indian Peninsula Railways in order to comply with the provisos regarding the display in conspicuous places of regulations and rosters. This matter has, however, been rectified during the later part of the year, although reports still contain a few complaints in this respect. There is also a considerable improvement in regard to the display of rosters at the place of work. A certain amount still remains to be done in this direction on the Eastern Bengal and Great Indian Peninsula Railways, but experience on the other two systems shows that there is very little difficulty in having rosters displayed either at, or reasonably near, the place of work of all employees.