

ANNEXURE '7'

Para 3.17)

HOURS OF EMPLOYMENT REGULATIONS

1. Application- Hours of Employment Regulations will apply to all (non-gazetted) railway servants including casual labour and substitutes except those governed by Factories Act , the Mines Act , Minimum wages Act and the merchant shipping act .

2. Classification- Railway servants governed under Hours of employment Regulations are classified as under-

- (i) Intensive;
- (ii) Essentially Intermittent;
- (iii) Excluded ;and
- (iv) Continuous.

2.1 Intensive- The employment of a railway servant is said to be intensive when it has been declared to be so by the prescribed authority on the ground that it is of a strenuous nature involving continued concentration or hard manual labour with little or no period of relaxation.

The work of a railway servant shall be held to be intensive if it is so declared by the Head of the Railway on the ground that it involves sustained and strenuous attention physical exertion--

such that period of rest, inaction or relaxation do not aggregate to 6 hour or more in a cycle of 24 hours, and

Such that, in any shift of 8 hours he does not get periods of inaction, rest or relaxation of at least 1 hour in aggregate.

2.2 Essentially Intermittent- The employment of a railway servant is said to be Essentially Intermittent when it is declared so by the prescribed authority on the ground that the daily hours of duty of the railway servant normally include periods of inaction aggregating 6 hours or more (including at least 1 such period of not less than 1 hour or two such period periods of not less than half an hour each) during which the railway servant may be on duty but is not called upon to display either physical activity or sustained attention.

2.3 Excluded- The employment of a railway servant is said to be Excluded if he belongs to one of the following categories-

- (i) Staff employed in a confidential capacity;
- (ii) Armed guards or other personnel subject to discipline similar to that of the armed police forces;
- (iii) Staff of railway schools imparting technical training or academic education ;
- (iv) Staff classified as supervisory; and
- (v) Such categories of staff of Health and Medical Department as may be specified by the prescribed authority.

3. Main provisions as regards Hours of Employment are as follows:-

The staff governed by Hours of employment Regulations will be employed as per the rostered hours of duty which will in no way exceed the statutory limit of hours of employment . The statutory limit of hours of employment and the rostered hours of duty will be as under:-

Statutory limit of Hours of employment

(a) A railway servant whose employment is intensive shall not be employed for more than 45 hours a week and he shall be granted each.... week commencing on sunday , a periodical.....

Rostered hours of duty

(i) The hours of work shall consist of standard hours of duty as under-.

(a) 42 hours a week for Intensive

(b) 48 hours a week for continuous

rest of not less than 30 consecutive hours.....

(b) A railway servant whose employment is .. Essentially intermittent shall not be employed.... for more than 75 hours in any week and he shall be granted each week commencing on Sunday , a periodical rest of not less than 24 consecutive hours including a full night.

(c) A railway servant whose employment... is continuous shall not be employed for more than 54 hours a week and he shall be granted each week commencing on Sunday , a periodical rest of not less than 30 consecutive hours.

(d) The staff treated as excluded shall have... no limitation of hours of employment and..... there is no statutory provision there periodic rest.

(c) 48 hours a week for E.I.

(ii) In addition to working hours for the three of workers as in (i) above, the time required for Preparatory and /or Complementary work which includes the work, if any, of handing and/ or taking over charge and has necessarily to be carried on outside the standard duty hours vide (i) above.

(d) Office staff are rostered for 8 hours a day including half-an-hour's break, i.e., 7-1/2 hours a day. They enjoy weekly rest on Saturdays and Sundays and holidays as declared by the administration.

4. Preparation of Duty rosters :

4.1 Hours of duty will be exhibited in the duty rosters. (Duties may be shown as running at a stretch or these may be covered in split shifts). (No duty roster should offend the principle hours of work or should offend the rules against `long ons` and short offs). Duty Rosters for Intensive and E.I. should also be framed in the same way in conformity with the two weekly average numbers of hours as prescribed . Duty rosters of rest givers should also be framed in the same way.

4.2 Short off- A short off means a short period of rest between the end of one rostered duty and the beginning of the following rostered duty . It is a period of rest where it is less than 12 hours in a roster of 6 hours duty and less than 14 hours in a roster mixed of 6& 8 hours duty in the case Intensive workers.

4.3 Long on:- A long on is a period of duty for long hours and spread over 8 hours in the case Intensive workers , over 10 hours in the case of continuous workers and over 12 hours for E.I.

4.4 Split shifts :- It means a shift which is punctuated in a daily tour of duty by breaks during which the employee is free to leave his place of work.

4.5 Night Duty :- Night duty means employment during any part of the night from 10.00 pm to 06.00 am . Employment of railway servant on continuous night duty should be avoided.

4.6 Work beyond ceiling limit :- All railway workers governed by Hours of Employment Regulations can be called upon to render duty beyond statutory limit applicable to them by an order of temporary exemption under section 71-C of the Indian Railway Act.

WORKMEN'S COMPENSATION ACT

1. Application :

1.1 This act applies to all railway servants as also labour employed by contractors of railway work but excluding those mentioned in schedule II of the Act whose monthly wages exceed Rs. 500.

1.2 It doesn't apply to staff employed in foreign territory .

2. Liability of compensation :- Compensation is payable only when a personal injury is caused to a workman by accident arising out of and in the course of his employment.

2.1 In respect of any injury which doesn't result in the total or partial disablement for a period exceeding 3 days.

2.2 Injury not resulting in death caused by an accident which is directly attributable to :

2.2.1 the workman having been at the time thereof under the influence of drink or drugs.

2.2.2 the willful disobedience of the workman to an order expressly given for security and safety of a workman.

2.2.3 the willful removal of any safety guard.

3. Notice to the Commissioner-

3.1 In the case of accidents , which result in the death of railway servant or contractors servants doing work for the railway , employed otherwise than in clerical capacity , within railway premises, the Divisional office concerned shall within 7 days of the date of death , send a report to the commissioner in the prescribed form..

3.2 This notice shall be sent irrespective of whether the deceased workman was or was not on duty at that time . In the latter case , the commissioner's attention shall be drawn to it specifically.

3.3 Copies of such reports shall be sent to the General Manager and the Head of the Department.

PAYMENT OF WAGES ACT

1. Application- This act applies to the payment of wages to persons employed in any factory and to persons employed upon any railway by a Railway Administration or either directly or through a sub contractor, by a person fulfilling a contract with a Railway Administration employing 20 or more persons on any day of the preceding 12 months.

2. Wages- Means all remuneration expressed in terms of money or capable of being so expressed which would if the terms of employment , express or implied were fulfilled , be payable to a person employed in respect of his employment or of work done in such employment.

3. Main Provision of the act-

3.1 Responsibility for Payment of wages :- Every employer shall be responsible for the payment to persons employed by him of all wages to be paid under this Act. In factories , the person named as the Manager of the factory will be responsible for the payment.

3.2 Fixation of wage period - Every person responsible for the payment of wages shall fix periods for wages which should not exceed one month.

3.3 Time of payment of wages- Wages shall be paid on a working day within 7 days of the last day of the wage period in an establishment where less than 1000 men are employed and in other establishment before inquiry of tenth day.

3.4 Deduction which may be made from wages - The wages shall be paid to to an employee without deduction of any kind except those authorised by this Act.

3.5 Deduction for absence from duty- Such absence being for the whole or any part of the period during which he is so required to work .

3.6 Deduction for damage or loss- Damage or loss not exceeding the amount of the damage or loss caused to the employer by neglect or default of employee . Deduction under this clause shall not be made unless it is established-

3.6.1 that the money or goods lost was expressly entrusted to the custody of the employee concerned and

3.6.2 that the cause of such loss or damage is directly attributed to his negligence or default.

3.7 Display of notices- The person responsible for payment of wages shall cause to be in such a factory a notice containing such abstract of this act and of the rules made thereunder in English and in the language of the majority of the persons in the factory as may be prescribed by the Government.

ANNEXURE '11'

(Para 4.1.6)

(1) Powers of the Railway Board:- Within the amount of a grant as voted by the Parliament, the Railway Board have full power of transferring the provision from one sub-head to another by a formal order of reappropriation but reappropriations, from one grant to another is not permissible. Under grant No. 16 no reappropriation of fund is permissible between Capital. Railway funds and Revenue even though reappropriation is permissible between the various sub-heads of the grant viz. the various Plan heads. As regards "Charged" expenditure there are no restrictions on the powers of the Railway Board to transfer provision from one sub-head to another by a formal order of reappropriations but no reappropriation is permissible from one grant to another from "Charged" heads to "Voted" heads or vice versa.

(Para 376)

(2) Powers of Railway Administrations:- No reappropriation is permissible between "Voted" and "Charged" allotments or between the allotments made under one grant and another. In case of Grant No. 16 no reappropriation is permissible between the Capital Railway Funds and revenue. The reappropriations

(Para 377)

(i) to and from the provision for the following plan heads under Grant no. 16:-

(a) New Lines (Construction)

(b) Gauge Conversion

(c) Electrification Projects;

(d) Track Renewals;

(e) Staff quarters

(f) Amenities for staff

(g) Passenger Amenities and other Railway user's amenities.

(ii) to and from the provision for " Payments to other Railways" in Grant No. 9 and;

(iii) to and from provision for "Suspense" in Grant No 12 require the prior approval of the Railway Board.

(3) The amount allotted to the Railway Administrations under the civil grant for "Interest on debt and other obligations and reduction or avoidance of debt" is distributed under the following units of reappropriations, viz;

(i) State Provident Fund;

(ii) Railway Staff Benefit Fund ;

(iii) Eastern Group Sleeper Control Provident Fund;

(iv) Indian Railways Conference Association Employee's Provident Fund;

(v) Depreciation Reserve Fund; Railways;

(vi) Revenue Reserve Fund;

(vii) Railway Development;

(viii) Accident Compensation, Safety and Passenger amenities Fund, and;

(ix) Pension Fund.

No reappropriation is permissible from one unit to another.

(4) Other reappropriations may be sanctioned by the Railway Administrations but no reappropriations are permissible after the close of the financial year i.e. 31st March. The reappropriations by the Railway Administrations should not be made haphazardly on the basis of individual items of expenditure where the original provision is exceeded , nor should they be postponed to be made only towards the end of the year. The Railway Administration should review the position as a whole at intervals and carry out the

necessary reappropriations. When funds have to be provided for new expenditure under one of the sub-heads and the administrations are definitely in a position to transfer the grant from another sub-head for this purpose, the appropriations should be made promptly. The whole object is to ensure that , as for as possible , funds which are not required are withdrawn from disbursing officers as soon as it is definitely known that they are not required and incidentally to provide that any really unavoidable expenditure is met from such savings as for as possible.

(Para 379)

(5) All proposals for reappropriation of funds which are beyond the General Managers powers shall be submitted to the Railway Board sufficiently early to admit of action being taken before the close of the financial year.

(Para 380)