

**BRIEF ON
RAILWAY SERVANTS (HOURS OF WORK AND PERIOD OF REST)
RULES, 2005**

Railway Servants (Hours of Employment) Rules, 1961 were framed under the Indian Railways Act, 1890. Under Rule 3(1) of the said Rules, the powers to declare employment of railway servants as 'Essentially Intermittent' or 'Continuous vests with the head of railway administration. Rule 4 of the said rules provides that:-

- If any question arises in respect of a declaration made under rule 3, the matter shall be referred to the Regional Labour Commissioner (C) whose decision subject to the provisions of sub-rule (2) shall be final.
- Any person aggrieved by the decision of the RLC(C) may, before the expiry of 30 days from the date on which the decisions of the RLC(C) is communicated to him, prefer an appeal to the Government whose decision thereon shall be final.
- Under Rule 2 (d), 'Government means the Central Government in the Ministry of Labour'.

In 2005, the revised 'Railway Servants (Hours of Work and Period of Rest) Rules' were notified by the Ministry of Railways by issuing a Notification. In this Notification the Secretary (L&E) was made the Appellate Authority. Subsequently this has been amended and the concerned Joint Secretary/ Additional Secretary in the Ministry of Labour & Employment has been designated Appellate Authority.

RAILWAY SERVANTS (HOURS OF WORK AND PERIOD OF REST) RULES, 2005

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(The earlier rules regulating the hours of work and rest of the Railway servants called "Railway servants (Hours of Employment) Rule 1961 and any orders issued there under in so far as they were inconsistent with revised rules have been repealed and revised rules called "The Railway Servants (Hours of Work and Period of Rest) Rules, 2005 have been made, which are printed hereunder)

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 28th February, 2005

RBE No: 131/2005, No. E(LL)2001/HER/9, New Delhi Dated: 09-08-2005

G.S.R.75, 28th February, 2005:- In exercise of the powers conferred by section 136 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules, namely:-

PART-1

1. SHORT TITLE, COMMENCEMENT AND APPLICATION

- (1) These rules may be called the Railway Servants (Hours of Work and Period of Rest) Rules, 2005.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall apply only to those railway servants to whom Chapter XIV of the Act applies.

2. DEFINITIONS:-

In these rules, unless the context otherwise requires,-

- (a) 'Act' means the Railways Act, 1989 (24 of 1989).
- (b) 'full-night' means the period between 10.00 p.m. and 6.00 a.m.;

(c) 'long-on' means a period of duty over eight hours in the case of 'intensive' workers, over ten hours in the case of 'continuous' workers and over twelve hours in the case of 'essentially intermittent' workers;

(d) 'Ordinary rate of pay' includes-

- I. pay as defined in rule 1303 (F.R. 9) of the Indian Railway Establishment Code Volume-11 (1990 Edition) and includes element of running allowance to the extent of 30 per cent of basic pay in the case of running staff as defined in Rule 1507 of the aforesaid Code,
- II. (ii) Dearness Allowance, Additional Dearness Allowance and Dearness Pay, if any, and
- III. (iii) Compensatory (City) Allowance;

(e) "Railway servants employed in confidential capacity" includes-

- (I) stenographers working either in a separate confidential cell or attached to the officers in Administrative offices,
- (II) cypher operators,
- (III) confidential Assistants and Personal Assistants, and
- (IV) any other railway servant who may be so specified by the Head of the Railway Administration to have been employed in confidential capacity;

(f) 'Regional Labour Commissioner' means an officer appointed as such by the Government of India in the Ministry of Labour, by notification in the Official Gazette.

g) 'Roadside station' means a station other than-

- (I) an important junction station,
- (II) a station with marshalling yard,
- (III) an important terminal station,
- (IV) a station from which trains are ordered as a regular measure, and
- (V) a station where a separate goods office under a supervisory Goods Clerk, in the grade of Chief Goods Clerk or of higher rank sanctioned on the basis of workload in that Goods Office has been provided :

- Provided that the Head of the Railway Administration or the authority to whom he may delegate this power, may draw up a list of road-side stations keeping in view the above definition.

h) 'Roster' means a document which shows the hours that a railway servant expected to be on duty every day, the daily as well as weekly rest and break between spells of duty in a day besides other necessary particulars;

(i) 'Running staff' means the staff who are defined to be so in Rule 1507 of the Indian Railway Establishment Code, Volume-II (1990 Edition);

(j) "Section" means a section of the Act;

(k) 'Short off' means a period of rest which is-

(i) in the case of intensive workers :-

A. less than 12 hours in a roster of six hours duty, and

B. less than 14 hours in a mixed roster of 6 and 8 hours duty,

(ii) in the case of continuous worker—less than 10 hours,

(iii) in the case of essentially intermittent workers - less than 8 hours,

(l) 'Split duty' means duty in two or more spells with intervening breaks each of half or more hour necessitated by exigencies of work and when the employee is free to leave his place of duty. Intervals for rest and meals shall not breaks for the purpose of split duty;

(m) 'Sustained attention' as used in clause (b), section 130 implies mental effort

Explanation: A Pointsman waiting for the arrival of a train after setting points is required to give sustained attention. Similarly, a Station Master or an Assistant Station Master is generally required to pay sustained attention from time he gives line clear to the Station in rear till the time the train arrives and again from the time the line clear is asked for to the time the Block Section ahead is cleared.

Wherever circumstances justify a different treatment, the period involving sustained attention maybe decided by the Controlling Authority. In case of any doubt, the decision of the Head of the Department shall be final.

(n) All other words and expressions used but not defined in these rules shall the meanings respectively assigned to them in the Indian Railway Establishment Code or the Act.

PART- II

CLASSIFICATION OF EMPLOYMENT AND HOURS OF WORK

3. Prescribed authority to classify the employment of railway servant.—

(1) The power to declare the employment of railway servants as 'intensive' or essentially intermittent' within the meaning of section 130 shall vest in the Head of the Railway Administration:

Ø Provided that the Head of the Railway Administration may, in his discretion, delegate the power vested in him under this sub-rule to the Chief Personnel Officer:

Ø Provided further that during the period of emergency such as flood, accident, the power vested in the competent authority can be exercised by an officer not below the rank of senior scale.

(2) A copy of every declaration made by the prescribed authority under sub-rule (1) shall, as soon as may be, sent to the Regional Labour Commissioner concerned and, in case the declaration is made by an officer other than the Head of the Railway Administration, to the Head of the Railway Administration or the Chief Personnel Officer, as the case may be.

4. Appeals against classification.--

(1) Any railway servant aggrieved by the declaration of classification made under rule 3 may, within ninety days from the date of such declaration, prefer an appeal to the Regional Labour Commissioner, who, after scrutiny of relevant documents or if considered necessary, after a fresh job analysis, may order for a change in the classification.

(2) Any railway servant or Railway Administration aggrieved by a decision of the Regional Labour Commissioner may, before the expiry of ninety days from the date on which the decision of the Regional Labour Commissioner is communicated to him, prefer an appeal to the Secretary to the Government of India in the Ministry of Labour who will dispose it off after hearing the parties concerned.

5. Supervisory staff.

(1) The Ministry of Labour shall, by order in writing, specify the railway servants or classes of Railway servants who shall be treated as supervisory staff under sub-clause (iv) of clause (c) of section 130 on the ground that the Railway servant

holds a position of responsibility, is employed on duties mainly of a supervisory character and is, from the nature of his work and position, comparatively free to adjust his hours of duty or work during such hours :

Provided that the railway servants who on the date of publication of these rules are treated as supervisory staff under these rules shall continue to be treated as such until the orders specifying the railway servants or classes of railway servants as supervisory staff is issued under this sub-rule.

(2) A copy of every such order issued under sub-rule (1) shall be furnished to the Chief Labour Commissioner (Central), New Delhi.

6. Excluded staff.-

The following categories of staff of the Health and Medical Department shall be treated as 'excluded' under sub-clause (v) of clause (c) of Section 130, namely :—

- (a) Matrons;
- (b) Sisters-in-charge;
- (c) Midwives who are not posted on regular shift duty in Railway Hospitals
- (d) Health Educators and District Extension Educators (Male and Female)
- (e) Family Planning Field Workers (Male and Female);
- (f) Lady Health Visitors;
- (g) Auxiliary Nurses-cum-Midwives;
- (h) Projectionists.

In addition to the above, the Ministry of Railways may, by order in writing, specify any other category of railway staff in any of the Departments of the Indian Railways who shall be treated as 'Excluded' on the consideration that such staff are available on call.

7. Criteria for determining classification of railway servants-

(1) Continuous : All employments of Railway servants except those exclude: from the purview of the Hours of Employment Regulations are assumed to be 'Continuous', thereafter, on the basis of factual job analysis, the employment may be classified either as 'intensive' or 'essentially intermittent', as the case may be

(2) Intensive: The two important factors in declaring an employment as 'Intensive' under clause (d) of section 130 of the Act are :—

- (i) Strenuous nature of the work tending to cause mental or physical strain; and
- (ii) Continuous application to such work with little or no periods of relaxation

Explanation I:- The term 'continued concentration' in clause (d) of the Section 130 is intended to convey that the attention demanded of the Railway servant concern& for a particular nature of job should be exclusive not to allow any other thought or idea to enter the mind and must be of such nature as to cause strain (physical or mental or both) upon the Railway servant concerned as a result of continuous application to such work over certain period without reasonable periods of respite. Thus, having regard to the entire period of duty and nature of work, the prescribed authority shall before declaring any employment as 'Intensive', satisfy itself that the above factors are present in the job concerned. In other words, the prescribed authority shall consider whether the job is of such a character that it demands continued concentration without any reasonable periods of relaxation.

Explanation II:- Factor (ii) should be considered to have been satisfied where the periods of rest, inaction or relaxation do not aggregate 6 hours or more in a cycle of 24 hours or one hour or more in a shift of 8 hours.

(3) Essentially Intermittent: The work of an employee is to be regarded as essentially intermittent' if his daily duty hours which should be assumed to be twelve hours per day include

- (a) One period of inaction of not less than one hour, or two such periods of no-less than half an hour each, and
- (b) Various periods of inaction including the period of inaction specified in clause (a) aggregating 50 per cent or more, during which he is not generally called upon to display either physical activities or sustained attention.

Note: In assessing the work-load of the 'essentially intermittent' classification in accordance with sub-section (b) of Section 130, periods of inaction of less than 5 minutes shall be ignored.

8. Fixation of hours of work.

The hours of work of a Railway servant as per roster (hereinafter referred to as the rostered hours of work) may be continuous or may have short interval for rest, or breaks due to exigencies of service or deployment.

(1) Subject to the limit specified in section 132 and having regard to the requirement of the service and the nature of work, the Railway Administration

shall fix the normal rostered hours of work for the various categories of railway servants in the manner indicated in these rules.

(2) The rostered hours of work of Railway servants shall consist of-

(i) Standard hours of duty;

(ii) Additional hours as may be prescribed in the case of certain categories classified as essentially intermittent; and

(iii) Time required to do preparatory or complementary work or both for those who are required to do such work.

(3) The standard hours of duty for different classes of employment of Railway servants shall be as under : -

(a) Intensive 42 hours a week;

(b) Continuous 48 hours a week; and

(c) Essentially Intermittent 48 hours a week;

(4) (a) Railway servants having essentially intermittent class of employment shall be called upon to work as per rule 8(2)(ii) additional hours as indicated below :

(i) Gatemen 'C' Caretakers of Rest Houses and Reservoirs, etc., Chowkidars and Saloon Attendants -24 additional hours per week

(ii) Railway servants posted to work in Essentially Intermittent employment at road-side stations and provided with residential quarters with 0.5 Kms. From their place of duty -24 additional hours per week

(iii) Rest of the employees posted to work in Essentially Intermittent class of employment -12 additional hours per week.

(b) Such additional hours of work shall be reflected in the duty rosters of the Railway servants concerned.

(5) The time required by various categories of staff to do preparatory or complementary work or both, which includes the work of handling over and taking over charge, must necessarily be carried out outside the limits laid down for general working of an establishment, branch or shift and shall be determined by means of job analysis of such work in respect of representative posts in respective categories.

(6) The time determined under sub-rule (5) shall be added to the standard hours of duty of the staff in all the various classifications subject to maximum limit prescribed below:-

- (a) When employment is intensive 3 hours a week:
- (b) When employment is continuous 6 hours a week
- (c) When employment is essentially intermittent: -
 - (i) Gatemen 'C' Caretakers of Rest Houses and Reservoirs, Chowkidars, Saloon Attendants and those posted at road-side stations and provided with residential quarters within 500 meters from their place of duty - 3 hours a week:
 - (ii) Railway servants other than those mentioned in sub-clause
 - (a) - 4-1/2 hours a week

(7) The time required for preparatory or complementary work by the running staff shall be deemed to be 4 hours a week.

Notes:

- (i) Where the time assessed for doing preparatory or complementary work is under 15 minutes per day, the same shall not be treated as duty shall not be exhibited in the roster.
- (ii) In the case of employment of continuous' nature, the time assessed for doing' preparatory or complementary work, between 15 minutes and less than 45 minutes per day should be treated as half an hour's work such time between 45 minutes and one hour per day should be treated as one hour's work.
- (iii) In the case of intensive and essentially intermittent categories of employment, such time assessed between 15 minutes and 30 minutes per day shall be treated as half an hour's work.
- (iv) The time assessed for the work mentioned in Note (iii) shall be reflected in the duty rosters of the concerned railway servants.
- (v) Total hours for preparatory or complementary work or both shall fixed to ensure that the overall duty hours do not exceed the prescribed for respective classification in Section 132.

(8) Where Railway servants are required to perform split duty, such duty shall be subject to the following conditions, namely:-

(a) The spells of duty shall not exceed three and the number of breaks shall be limited to two; -24 additional hours per week

(b) In the case of an employment of 'continuous' nature, the railway servant whose place of residence is beyond 1.6 kilometers from the place of duty seven hours of split duty shall be treated as equivalent to eight hours of normal duty.

(9) While preparing rosters, 'long on' or 'short offs' shall, accordingly, be avoided

(10) Where, in accordance with the provisions of sub-section (4) of Section - 132 or sub-section (3) of Section 133 and in the circumstances mentioned therein, a Railway servant is called upon by an order of temporary exemption made under Rule 9 below by the competent authority to render duty beyond the hours of work fixed in accordance with the foregoing sub-rules or beyond the hours prescribed in sub-sections (1), (2) and (3) of the Section 132, it shall be the duty of the Railway concerned to render such extra hours of duty.

9. Power to make temporary exemption.

(1) Subject to the provisions of sub-section (4) of Section 132 and of sub-section (3) of Section 133, Head of a Railway Administration may by order in writing make temporary exemption of any Railway servant or class of Railway servants from the provisions of sub-sections (1), (2) and (3) of Section 132 and sub-sections (1) and (2) of Section 133.

(2) The Head of Railway Administration may by order in writing delegate his powers under sub-rule (1) to any officer subordinate to him and whom he may deem it to exercise the powers.

(3) A copy of every order of delegation made under sub-rule (2) shall be sent to the Regional Labour Commissioner concerned.

10. Principle of averaging and payment of overtime allowance.

(1) Where a Railway servant is required to render extra hours of duty beyond the rostered hours fixed in accordance with rule 8 or beyond the limits specified for different classes of Railway servant under section 132, he shall be paid overtime for such extra hours of work, subject to the principle of averaging as specified in sub-rule (2).

(2) Averaging shall be done by averaging of the hours of work over the averaging periods as specified in Section 132 which has been adopted to provide a

reasonable measure of elasticity as essential in railway working for certain classes of Railway servants and it shall apply to-

- (i) Running staff;
- (ii) Operating staff;
- (iii) Shift workers; and
- (iv) Those other Railway servants whose work is connected with the work of any of the categories of Railway servants mentioned in clauses (i), (ii) and (iii).

(3) Subject to the provisions contained in sub-section (4) of Section 132, payment of overtime for excess hours of work shall be made as under :-

(i) for the excess hours of work rendered by a Railway servant between the limits of prescribed rostered hours of work and the hours prescribed in Section 132, during the relevant averaging period, payment shall be made at 1 1/2 times the ordinary rate of pay; and

(ii) for the excess hours of work rendered beyond the limits prescribed in Section 132, payment shall be made at two times the ordinary rate of pay.

(4) The hourly rate of overtime shall be worked out on the basis of rostered hours over the relevant averaging period as under : -

(i) Hourly rate of Pay (for staff governed by Averaging Principle)

Period of averaging \div No. of rostered hours of work in the averaging period X 1/30 of monthly ordinary rate of pay.

(ii) Hourly rate of pay (for those not governed by Averaging Principle)

1 \div No. of daily rostered hours of work X 1/30 of monthly those ordinary rate of pay

11. Register of extra hours of work.—

The particulars of all extra hours of work done by a Railway servant beyond the prescribed rostered hours of duty shall be recorded in a register to be maintained in Form 'A' appended to these rules by the officer authorized in this behalf by the Head of the Railway Administration.

12. Periodical Rest.

(1) Railway servant whose employment is Intensive or Continuous shall be granted, every week commencing on a Sunday, rest of not less than thirty

consecutive hours and those whose employment is Essentially Intermittent, shall be granted rest of not less than twenty-four consecutive hours including a full night.

(2) No Railway servant classified as Intensive, Continuous or Essentially Intermittent shall be called on duty unless one has had a rest of not less than 12, 10, 8 consecutive hours, respectively after completion of the previous tour of duty. Such rest shall be given as far as possible through the employment of rest givers and the rest givers so provided shall be separate for Continuous and Essentially Intermittent categories.

(3) Locomotive or traffic running staff shall be granted, each month, a rest of at least five periods of not less than twenty-two consecutive hours each, or a rest of at least four periods of not less than thirty consecutive hours each including a full - The hours of work for this purpose shall be calculated from "signing on" to 'signing off'.

(4) The locomotive and traffic running staff shall not normally be away from headquarters for more than three or four days at a stretch and the periodic rest for such staff shall be given at headquarters. Rest at headquarters shall always include a night in bed, and as far as possible be once in every ten days.

(5) Staff on duty in running trains, other than locomotive and traffic running staff such as Travelling Pay Clerks and Catering Staff attached to Restaurant Car shall be given periodic rest on the scale and in the manner laid down for the locomotive and traffic running staff. Some portion of the periodic rest may, however, be given away from their headquarters having regard to their length of trips.

(6) The working hours and periodic rest of marine staff, other than those who are governed by the Factories Act shall be regulated in the same manner as running staff.

(7) In accordance with clause (ii) of sub-section (2) of Section 133 of the Act, the Head of the Railway Administration may, with the prior approval of the Ministry of Railways, specify the categories of Railway servants to whom the periods of rest on scales less than those laid down under sub-section (1) of the said section prescribed.

13. Compensatory periods of rest.

No Railway servant in respect of whom an exemption has been made under rule shall be required to work for more than fourteen days without a period of rest and shall be provided with compensatory rest within this period.

PART-III

AUTHORITIES TO ENSURE PROPER IMPLEMENTATION OF THE PROVISIONS OF CHAPTER XIV OF THE ACT AND THESE RULES

14. Appointment of Supervisors.

The supervisors of Railway labour shall be appointed by the Ministry of Labour. The manner of their appointment and the educational qualifications, etc., prescribed for the purpose will be as laid down by the Ministry of Labour from time to time.

15. Display of rules and notices.

Every Railway Administration shall display in a conspicuous place

(a) Where the Railway servants work, notices specifying the classification of employment of Railway servants; the duration of their hours of employment, their period of rest and rosters; and

(b) In each station or other establishment, a copy of Chapter XIV of the Act and these rules in English, Hindi and in local language.

16. Annual Return.

Every Railway Administration shall send each financial year a return in Form "B" appended to these rules, so as to reach the Regional Labour Commissioner not later than the 15th day of May following the end of the financial year to which it relates.

PART-IV

RESIDUARY POWERS

17. Power to make modification in special cases.

(1) Notwithstanding anything provided in these Rules, where, in the interest of efficient working of the Railways, there are certain conditions of special nature necessitating an immediate modification of any conditions laid down under these web rules to suit local conditions, such modifications which are not inconsistent with any provisions of Chapter XIV of the Act, may be effected with the prior approval of the Ministry of Railways.

(2) A copy each of such modification shall be sent to the Regional Labour Commissioner concerned.

(3) If any Railway servant is adversely affected by any such modification made under sub-rule (1), he may prefer an appeal before the expiry of 90 days from the

date of effecting such modification to the Ministry of Railways whose decision thereon shall be final.

PART-V

REPEAL AND SAVING

18. The Railway Servants (Hours of Employment) Rules, 1961 and any orders issued there under in so far as they are inconsistent with these rules, are hereby repealed;

Provided that

- (1) Such repeal shall not affect the previous operation of the said rules or any orders made or anything done or any action taken there under;
- (2) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules or orders in force before the commencement of these rules.
- (3) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made in accordance with these rules as if such orders were and the appeals were preferred under these rules.
- (4) As from the commencement of these rules any appeal or application for review against any orders made before such commencement, shall be preferred or made under these rules as if such orders were made under these rules.