

Proceedings of a meeting between the Railway Board and a deputation of the All-India Railwaymen's Federation held at Simla on 1st September 1930 to discuss Rules and Instructions to give effect to the Hours of Employment Regulations, as laid down in Chapter VI-A of the Indian Railways Act.

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PROCEEDINGS OF A MEETING BETWEEN THE RAILWAY BOARD AND A DEPUTATION OF THE ALL-INDIA RAILWAYMEN'S FEDERATION HELD AT SIMLA ON 1ST SEPTEMBER 1930 TO DISCUSS RULES AND INSTRUCTIONS TO GIVE EFFECT TO THE HOURS OF EMPLOYMENT REGULATIONS, AS LAID DOWN IN CHAPTER VI-A OF THE INDIAN RAILWAYS ACT.

In the memorandum submitted to the Railway Board by the All-India Railwaymen's Federation prior to discussion at the first half-yearly meeting of the Federation with the Board which took place in June 1930, certain observations were made regarding the Hours of Employment Regulations. These are given in Section 'A'. At the half-yearly meeting referred to, the Chief Commissioner of Railways referred to this subject in his opening speech (Section B) in which he mentioned that a copy of the draft Rules which it is proposed to make under the amendment of the Indian Railways Act, had lately been sent to the Federation. In the subsequent discussion, the General Secretary of the Federation pointed out that there had not been sufficient time for a thorough examination of the draft Rules, and asked the Board if they would be prepared to receive a small sub-committee of the Federation a few weeks later, when the matter had been gone into. This suggestion was accepted by the Board (Section C). Subsequently the Federation submitted a memorandum on the Hours of Employment Regulations, which was discussed with a Member of the Railway Board at a meeting held at Simla on 1st September 1930. Full details of this memorandum and a verbatim report of the discussion are given in Section D.

A copy of the Amendment to the Indian Railways Act and the proposed Rules and Instructions is added as an Appendix.

SECTION A.

Extract from the Memorandum submitted by the All-India Railwaymen's Federation for discussion at the first half-yearly meeting with the Railway Board. (June 1930).

The hours of work and weekly rest days.—On this subject the Federation desires in the first place to invite the attention of the Board to paragraph No. 5 of letter No. 1812, dated Simla, the 11th May 1920, from the Secretary, Board of Industries and Munitions, wherein the Local Governments were asked to

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read the following resolutions in conjunction with the Hours Convention adopted by the Washington Labour Conference :—

- “ 1. The provisions of this Convention shall not interfere with any better conditions already in operation or agreed upon, for all or part of the workers of any country ; neither shall they interfere with any negotiations now proceeding in which the workers are asking for better conditions than the Convention provides.”
- “ 2. The Conference hopes that in no case the wages of workmen be reduced simply by reason of the introduction of the 8-hour day and 48-hour week, in order that the conditions which exist in certain industries and which the present Convention allows to continue may not be aggravated by the imposition of the lower wages on the workers.”

In sub-paragraph 5 of paragraph 9 of the above referred letter of the Government of India it was stated that “ article 10 of the Draft Convention extends the principle of 60-hour week to such Branches of Railway work as shall be specified for this purpose by the competent authority. The Government of India are prepared to accept the suggested extension. *Provision will be made in the revising Bill for the naming of the competent authority, and the Railway Department (Railway Board) will consult Railway Administrations regarding the rules that will need to be framed on the subject, viz., specifying the Branches of Railway work that will come under the 60-hour rule and for provisions regarding continuous processes preparatory, complementary or intermittent work and other exceptional cases (Articles 4, 5 and 6 of the Draft Conventions) ”*. Yet the appointment of competent authority was delayed by nearly 10 years.

The Federation desires that at least such of the employes who are already working 48-hours or less in the week should be brought under the provisions contained in the various articles of the convention excluding special countries. In the framing of regulations, the aforesaid object should be borne in mind and also statutory provisions for not increasing any of the existing hours of work or restricting weekly rest days or otherwise adversely affecting the existing working conditions should be introduced in the existing legislation. The Federation is of opinion that neither the existing Factory Act nor the recent Indian Railways (Amendment) Act of 1930 fully comply with the provision of Washington and Geneva Conventions, in the following respects :—

Regarding Hours Convention, the statement of Major H. W. Wagstaff, that ‘ the general principles of the Convention are subject to the limitations imposed by the rest of Article 10 and that the Government must be guided by the other Articles in giving effect to the Convention ’ should be borne in mind in discussing the subject.

Exemptions from provisions of section 27 of the Factories Act (that is 60-hour week) under clauses 1, 2 and 3 of section 31 do not comply with Article 6 of the Convention.

Similarly the Railway Amendment Act of 1930 does not impose any obligation on the Government of India or the Railways to have consultations with organisation of employers and workers concerned.

Overtime for permanent exceptions under Article 6 (A) of the Convention is not recognised. Similarly Indian Railway Amendment Act of 1930 ignores Article 4 of Geneva Weekly Rest Convention and the above defects should be modified at least in the regulations that will shortly issued over the Act/ (Indian Railway Amendment Act).

Weekly rest of 32 hours should be guaranteed for continuous workers and Running Staff should not be required to work more than 36 hours, like the R. and M. S. employees, in the week without any loss in the average earnings.

No difference between hours of service and hours of actual work should be made as recognised in Holland, Russia, Canada, etc.; however, the Federation will be prepared to accept limitation of duty hours of so-called intermittent workers to 60 in the week instead of 84 hours allowed in the Act, at present.

Labour Representatives should be associated in making of rules under Section 71-E and in the Labour Inspectorate provided in Section 71-G of the Indian Railway Amendment Act of 1930.

Continuous night duties should not be authorised and must be subject to weekly changes. The hours of employment should include the time taken by an employee in going to and from his place of residence as recognised in Switzerland, Holland, etc.

Any exemption from the provisions of the Act should be framed in consultation with the All-India Railwaymen's Federation and in the working of the Act, the Federation Representatives should be associated with the Officers on special duty referred to in Railway Board's letter No. 40-L., dated 29th March 1930.

Newly introduced roster have been subject of complaint. For example on the East Indian Railway according to the new rosters the number of double duties has been increased to give 24 hours' continuous rest weekly and at stations where there are two Assistant Station Masters, 12 hours' continuous duties have been introduced for certain days and no complete night rest on any day in the year can be expected by the Assistant Station Masters.

A Standing Joint Committee to receive complaints and take action thereon should be appointed as already suggested by the Federation in their amplified memorandum of last year.

SECTION B.

Extract from the speech delivered by Mr. T. G. Russell, Chief Commissioner, Railways at the first-yearly meeting between the Railway Board and the All-India Railwaymen's Federation.

5. Yet another important question which has continually engaged the attention of the Board since May last year relates to what are now called the 'Hours of Employment Rules' for Railway servants. This question which had been hanging fire for years has now been solved. The principles underlying the Washington and Geneva Conventions have been interpreted and applied, not in a literal or narrow spirit, but on broad, humanitarian lines. Thus while Article 10 of the Washington Convention applies the provisions of a 60-hour week only to workshop and colliery staff and to such branches of railway work as may be specified by the competent authority and while it would appear from the history of this Article that its original intention was to apply the convention only to those branches of railway work which fall under the Factories and Mines Acts, the Act and the Rules go far beyond that intention and extend to the vast majority of railway servants. The scheme adopted is likely to cost no less than Rs. 50 lakhs per annum by the entertainment of the additional staff required and Rs. 75 lakhs as capital expenditure for housing them. We expect that the scheme will be in full operation on all railways before the end of the next financial year and on the North-Western and the East Indian Railways where it is already in the process of introduction, before the end of this financial year.

We have just sent you a copy of the draft rules it is proposed to make under the Amendment to the Railway Act and a set of subsidiary instructions which it is intended to issue to all Railway Administrations. If there is time and you are prepared to do so, we should like to discuss the draft rules and instructions with you.

SECTION C.

Extract from the Proceedings of the discussion with the deputation of the All-India Railwaymen's Federation and the Railway Board at the first-half yearly meeting of June 1930.

Mr. Russell. I am afraid we must now get on to the Hours Convention.

Mr. Giri. In regard to the Hours Convention I have not much to say, for the reason that the final draft of the Railway Board was received by me at Simla and I have not had time to go into the details with the Federation. If I may say so, it took nearly 10

years for the Government of India with the help of experts to deal with this question. We cannot claim to have become experts by sitting at Simla unless we get all the inspiration from the Railway Board. My humble submission in this matter is that we may be given some time, say, a fortnight or three weeks, after which we feel we will be able to state our points from the workers' point of view, and we should like also then to send a small Sub-Committee of the Federation, three or four in number, to put our proposals before an officer or officers of the Railway Board. That I think is a reasonable proposition.

Mr. Russell agrees to receive a Sub-Committee of your Council. I would suggest also that before we meet the Sub-Committee you should send us a memorandum containing your criticisms to enable us to consider them before we meet. Mr. Hayman.

Certainly. We would only request that these conventions may not be introduced before our Sub-Committee has had time to place its views before the Board. Mr. Giri.

If you do it in a fortnight or so, I do not think they could be introduced before this. Is that all? Mr. Russell.

Yes.

Mr. Giri.

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SECTION D.

Proceedings of a meeting between the Railway Board and a deputation of the All-India Railwaymen's Federation held at Simla on 1st September 1930 to discuss the Rules and Instructions to give effect to the Hours of Employment Regulations as laid down in Chapter VI-A of the Indian Railways Act.

PRESENT.

Railway Board :—

Mr. A. M. Hayman, Member, Railway Board.

Major H. W. Wagstaff, Officer on Special Duty.

A. I. R. Federation :—

Mr. V. V. Giri, General Secretary.

Mr. S. Guruswamy.

Mr. J. K. Chatterjee.

Mr. S. G. Kale.

(For convenience, the details of discussion have been printed under each item of the Memorandum presented by the Federation).

We are very glad to meet you this morning, Mr. Giri, you and the other representatives of the Federation. There is only one preliminary observation I want to make before we take up the discussion of your criticisms of our draft Rules. That ob- Mr. Hayman.

servation is this ; that while I am prepared to pay every attention to all that you have written here about the draft Rules it is not within my competence to discuss with you your criticisms of the provision of the Act itself. That Act has been passed by the Legislature. I gather from your memorandum that you are not satisfied in certain respects with its provisions, but I hope you will recognise that this is a matter which is outside the scope of the business before us. Subject to this observation I propose to go straight on and discuss the Rules with you and pay every attention to anything you have to say.

*Federation's
memorandum.*

Item 1.—The recent legislation on the subject of Hours of Employment of Railway employees, as was already pointed out by the representatives of the Federation on 28th February 1930, to Sir George Rainy and Members of the Railway Board,—has been very unsatisfactory in as much as neither the Act nor the Factories Act fully meets the requirements of Washington Hours and Geneva Weekly Rest Conventions. The following suggestions of the Federation are offered with a view to meet the most important defects in the Act and it is hoped that acceptance of the suggestions will be a first definite step towards satisfactory solution of the Hours question of the Railway employees in this country which claims to be one of the eight countries of chief industrial importance in the world.

Item 2.—Section 71-A. of the Act makes difference between “ essentially intermittent ” workers and others. Proposed Supplementary Instruction No. 1 is accordingly drafted but from the view point of the Federation, no difference should be made in principle between workers as “ intermittent ” otherwise, for the purpose of limitation of duty hours, and grant of Weekly Rest days, as followed in some countries like Holland, Janada, Russia, etc.

Item 3.—However the Federation is acceptable to the idea of limitation of duty hours for the so-called “ intermittent ” workers to 60 in the week as a first step, as recognised in the Article 6 of Draft Convention concerning the Regulation of Hours of Work in Commerce and Offices as follows :—

“ The hours of work of certain classes of persons whose work is inherently intermittent and does not call for sustained physical or mental effort, such as caretakers, office messengers and persons employed to look after working premises and warehouses, may be increased to ten hours in the day and sixty hours in the week, provided that the hours of work in the day, including breaks, do not exceed twelve hours and are immediately followed by a rest of at least twelve consecutive hours.”

Mr. Hayman. The first three Items in your memorandum—(Nos. 1, 2 and 3), I cannot discuss for the reasons I have just given you.

Item 4.—The Federation suggests that two or more alternative tests recognised in other countries at the option of the employees should be allowed to differentiate “ intermittent ”

workers performing duty by day only, on the principle of equated hours by treating 4/5 the period of so-called inaction while on duty as working hours as in Norway, or by other fair methods.

I would explain to you that Government considered very carefully the question of adopting the equated hour method, and I also referred to this in speaking in the Assembly. You have, picked out as an example the country which gives the greatest benefit to the employee—the four-fifths equation, but we have investigated the practice in different countries and we find the co-efficient is two-thirds in Italy, half in Spain and one-fourth in France, none of which are so favourable as that quoted by the Federation. It is for you, perhaps to attempt to secure the best you can for the employee. We discarded the equated method because we thought that it would be a very difficult task to take up each post and to estimate how much of the duty was actual work performed and how much consisted of periods when the person was at his post but not performing work. It would also certainly delay the effective introduction of the principles of the Act which we wish to apply in order to give the benefit of better hours of work to our employees if we attempted this task. It is for these reasons that we thought of leaving it to a suitable authority to declare which are the posts where the duties are essentially intermittent and which are not. We will, of course, discuss later the point later raised by you whether the Heads of Railways should be vested with this power or not.

So far as the regulations are concerned we appreciate your point in stating that we cannot discuss or ask the Railway Board to go against the provisions of the Act, but so far as the Act and the Rules are concerned the Federation cannot in several respects see eye to eye with the Government. However the Railway Board has drafted some supplementary rules and my view is that whatever the defects of the Act may be ; the Supplementary instructions should, so long as they are not, inconsistent with the spirit of the Act be enlarged, with a view to aiding the men in getting the spirit of the Washington and Geneva Conventions introduced. As regards the point that you are pleased to raise about the equated hours of work, if the Railway Board is in a position to assure us that the proper classification of employees into essential intermittent and continuous workers will be carefully looked into by the Inspectorate which you are going to establish, if there can be a promise that the representatives of the Federation can have a distinct place on the Inspectorate, or if you will have a special officer of the Federation to work along with the special officer of the Railway Board to go into these matters—or in the case of respective Railways where they have appointed special officers, with these officers ; if you will allow a Union representative to be with the special officer when he goes on his rounds to fix up these matters we can tentatively agree to the proposition that you have placed before us. I do not know if the Railway Board is in a position to accept these suggestions.

If that proposition is accepted to a great extent we can take responsibility on behalf of our Associations to assure the men that the Railway Board is able to do what might prove reasonable.

Mr. Hayman.

Let me first ask you, so far as the Railways are concerned whether any recognised Union has asked the Agent of any Railway to consult the Union in what the Railway is doing in this matter ?

Mr. Giri.

Now and then, whenever I can, I put a question here and there.

Mr. Hayman.

Our general attitude towards the question as to the extent to which the Agent should consult his particular recognised Union beforehand in matters that affect the service conditions of the employees of his Railway, or to what extent he will communicate what he does to the Union, is that we leave these matters entirely to him. It seems really to depend upon the relations which exist between the Railway and the Union. The Association of a representative of labour with the Inspectorate will be considered under Item No. 9.

Mr. Giri.

Our submission is that according to the spirit of the Washington and Geneva Conventions, especially as stated in Article 6, consultation with workers organisations is obligatory, apart from the question of the relationship that may prevail.

Mr. Hayman.

When I first took up this question, I particularly brought that point to notice. I said that I had my doubts as to whether we should consult these organisations as they were not as well developed and running on satisfactory lines as in some other countries.

Well it is something to your benefit that in the last 12 months Government have decided to discuss with the All-India Railwaymen's Federation the draft Rules before issuing them. A Union of a Railway should by its own efforts and by its methods of conducting business secure from the Agent of the Railway some arrangement similar to that under which the Railway Board meet the Federation half yearly for the discussion of service conditions.

Mr. Giri.

We are trying to adopt your suggestion. We would welcome many more meetings of that sort. So far as questions of this nature are concerned however unless the representatives of the Unions who want to discuss and put up suggestions have an intimate knowledge of the subject it is a difficult matter. But by coming into contact with a special officer who goes about and comes to conclusions on various points ; if the representative of the Federation is with the special officer at the time, he will be able to come to an arrangement which might prove satisfactory. For instance you have come to certain conclusions regarding these matters and it is really very difficult for you to change your ideas when we come in at the very fag end of the proceedings and begin to give our views. Before the Act

was passed supposing a representative of the Federation had been allowed to put his views, perhaps some of our views would have found a place in the Act itself.

What you say will be carefully borne in mind but the Administration must decide in what cases they must act without prior consultation. Mr. Hayman.

What we wish to state is that we can only lay down a policy here and cannot go into details. You cannot lay down details unless you consult the representatives of labour in particular places. Mr. Guruswamy.

Our point is now that we do take into consideration the views of the employees. I speak from practical experience. We have, for instance, Major Wagstaff working to assist the N. W. and E. I. Railways to apply the Act as quickly as possible. He has been helping them to draw up rosters. At almost every stage the wishes of the employees have been consulted. Your point is why should not the Union have been consulted? I put it to you that this is a question of the relationship between the particular Railway Administration and particular Unions: you should convince the Agent that it is for his benefit in running the Administration to hear what the organisation has to say before taking action. Mr. Hayman.

Before the duty rosters were made, we heard about it and wrote a letter to the Agent asking him to let us know what he was about to do and to let us know our position and the position of the staff on the line, but up till now we have not had a reply. We asked him to meet us every third month, but this is the 6th month and we have had no meeting. Perhaps he has had no time to meet us. In the meantime many things might be introduced and it may be too late. Mr. Chatterjee.

It seems to me as I have already said that it is really a question of your relationship with the Administration. Mr. Hayman.

It is the question of consulting the Union before anything is done. Mr. Chatterjee.

It is not a question which is germane only to these Rules which we are discussing, it is a general question which is germane to all matters affecting Railway employees generally which you are raising. You want to put forward a proposition that you should be consulted before any rules are made. Mr. Hayman.

In ordinary matters Agents do not want the intervention of the Unions. We represented some grievances of the G. I. P. printing press staff. They wanted to see the Agent personally so we wrote to the Agent requesting him to receive a deputation. His reply was that if the man wanted to say something personally to him, he saw no reason for the Union's intervention. What happens usually is that when the employees go alone they are likely to be browbeaten by their officers. Mr. Kale.

Mr. Guruswamy. Our point is that leaving the matter regarding consultation to the Head of the Railway is not in accordance with the Washington and Geneva Conventions.

Mr. Hayman. You are quite right in saying that the Washington and Geneva Conventions provide that certain things shall be done in consultation with the workers organisations, but as I told you quite frankly in my first examination of this matter I recorded a note to the effect that I thought we had not in India organisations of workers well enough organised.

Since then we have begun to consult you beforehand in some matters and that it is all to the good.

Now it seems to me that you, Mr. Giri, should really advise your Unions to approach the Agents on this subject. The Unions might say that the Railway Board are going to issue these Rules which provide that the Head of the Railway Administration shall do so and so ; and suggest that as this is a general matter affecting all classes of employees that the Union should be consulted by the Agent

Federation's memorandum. Item 5.—Night duty however calls for sustained attention and no difference between "intermittent" and other workers should be made so far as night duty is concerned. Accordingly the Supplementary Instruction No. 1 should be modified, bearing in mind also that workers classed as "intermittent" whenever performing non-intermittent work should not be deprived the privileges of non-intermittent workers.

Mr. Hayman. It seems to me, so far as I have been able to make a study of the position, and so far as I have been able to obtain information ; that with perhaps one exception, there is no distinction in other countries made between day and night duty for the purpose of classifying work as continuous or intermittent. But I would like Major Wagstaff, who at my request yesterday went into this a little further, to say a few words on the subject.

Major Wagstaff. I cannot find any indication in the records, of night duty having any bearing on classification. Night duty may be regarded in a special light, and there may be different regulations with regard to it, but as regards classification I cannot find that there is any indication of a difference being made between night and day duty.

Mr. Giri. We got some references from Geneva and we found that certain differences do exist between night and day duty. For instance in England night duty between 10 and 4 A.M. is paid for at time and a quarter. In Switzerland for night duty between 11 and 5 a special rate of 40 centimes an hour is paid.

Mr. Hayman. That is not for purposes of classification ; but for payment.

Mr. Giri. Yes. In Norway between 9 and 6 A.M. an hour is reckoned as an hour and a quarter. Our submission is that night work

requires sustained attention and in view of the fact that the man loses his natural sleep—to sleep in the morning is not really efficacious—and in view of the special nature of the duties that a man has to attend to at night, night workers should be treated as day non-intermittent workers.

I don't think there is anything in what Mr. Giri has said which indicates that intermittent workers are treated as continuous workers for the period they perform night duty. These instances show that in one or two countries time spent on night duty is rated as a longer period than the actual period performed and that in some cases some extra pay is given. What I, as a railway man with some experience feel is that we do fix our rates of pay taking into account the fact that certain classes of establishment always have to do night duty and that the rate of pay is adequate remuneration. I do not think anyone will deny that what we are doing now is going to improve service conditions in the matter of hours of employment compared with existing conditions. We are going to spend about 75 lakhs capital expenditure and 50 to 60 lakhs recurring expenditure. You think we have not gone far enough or are not taking into full account certain points which other countries treat differently. My only reply at the moment could be that I will have the points raised by you further examined from time to time as necessary with reference to the instances you have quoted. I would like to say that we propose in the supplementary instructions to bring prominently to the notice of Agents of Railways that men should be called upon to do night duty continuously as little as possible. We do recognise that if a man is continuously called upon to perform night duties it may affect his health.

There are some workers who continuously work during the night for a number of years.

The examples which are generally brought up are those at stations where you have a Station Master and one Assistant Station Master. Your Station Master is a man with considerable service and the administration owes him some consideration. The other is a young man, probably, he has lately joined the Railway and the point is whether you are going to make the man who has borne the burden and heat of the day do night duty or whether you are going to say "Here is a young fellow, he should do the night work, even continuously". We must consider the man who has given us 15 or 20 years' service, but I don't think those cases can amount to more than a very small percentage of the staff.

They could be easily rectified.

Mr. Guru-
swamy.

We would like to state as our view that at least the workers who work at night should be given the same privileges as day non-intermittent workers.

Item 6.—Section 71-B. of the Act and Rule No. 3 of the Draft Hours of Employment Rules, exclude certain categories of em-

Federation's
memorandum.

employment. The Federation desires that in principle all employees should have the benefit of some privileges without distinction so far as duty hours and rest days are concerned and further as stated by the Railway Board before the Royal Commission on Labour " it is hoped, however, that the rules (Hours of Employment Rules) will be in operation on most of the Indian Railways by the end of the year 1930-31 and earlier on the North-Western Railway ", it should be stated that before the end of that period, Section 71-B. and Rule 3 with the modifications suggested shall apply for all staff including Factory hands in all the Indian Railways.

Mr. Hayman. The first point is about the date we are going to apply the Act. We have not been able to move as fast as we first thought we could. Firstly there was some delay in getting the Bill through and secondly we have fallen upon bad times in the matter of Railway earnings and money for capital expenditure. We hope to have the Act applied to the N. W. R. and E. I. R. by the end of this financial year and we are aiming at applying it to other Railways before February 1932. On every Railway just now we have a special officer who is looking into these questions who has authority to revise the hours of work so far as it may be possible to do so without incurring any appreciable additional expenditure. I myself share with you the disappointment that we have not been able to introduce the Regulations quicker.

The other point that you raise is that you want the Act applied to all staff, including factory hands. Now our factory hands are under the Indian Factories Act and obviously they cannot be brought under these Rules also.

Mr. Guruwamy.

The difficulty is that the Factory Act does not impose any statutory obligation for consultation with the workers.

Mr. Hayman.

You are again talking not really of our rules but of the Act. I have dealt with that previously, and it is really not open to discussion at this meeting.

Mr. Giri.

So far as that portion of our demand is concerned it can be easily rectified. Imposing a statutory obligation to consult with the workers could be incorporated in the draft rules without militating against the Act.

Mr. Hayman.

If the Government wanted to provide for it or thought it should be provided as obligatory, they would have provided for it in the Act. They considered the matter and thought it ought not to be provided but that we should gradually move towards working more and more with the representatives of Unions and with your Federation. We are not prepared to order Agents of Railway Administration to consult Unions in such matters. As I said before a good deal depends upon the relations that exist between each railway and the railway union.

The Railway Board should also from time to time tell the Agents to meet the Railway Unions, especially on questions like this, or at least direct their special officers who are engaged in this matter to come into contact with the representatives of the Union so that the Union's point can be placed before the special officer. Mr. Giri.

This is a general question of the relations between Railways and Unions. We tell the Agents every time they come to Simla that we want to encourage Trade Unionism. As a practical illustration showing that we do at times tell Agents that we wish them to at any rate keep you informed on certain matters, we are about to write to them telling them that if they contemplate any retrenchment of 100 men or more—which may be described as a block retrenchment—the Administration should inform the recognised Union. Mr. Hayman.

Item 7.—Secondly the running staff are excluded under Rule No. 3 on the ground that their case is under investigation. The Federation desires to point out that this fact need not and should not prejudice the running staff from getting the benefit of overtime allowance in cases where running allowances are less remunerative under present duty hours. The question of following the example of Railway Mail Service employees who work for 36 hours, 33 and 30 hours in the week if they work in the day or day and night or only nights respectively, may be considered. Federation's memorandum.

About your remarks regarding the running staff, we are examining this matter as expeditiously as we possibly can and it is our earnest desire to give our running staff all the benefits we reasonably can in giving them better hours of work. If we are not going very fast it is because we are holding back in the interests of these people themselves because it may involve some readjustment in overtime. Major Wagstaff has drawn up a complete memorandum on how we can work towards improving the conditions of the hours of work of our running staff and how we can bring about a position in which we can apply the provisions of the Act to them. Mr. Hayman.

May we also be allowed to have a copy of this at the earliest opportunity, so that Government may have the advantage of our views in the matter when the final Rules and Instructions are issued. Mr. Giri.

I will place your request before Mr. Russell for his favourable consideration as soon as he returns from tour. Mr. Hayman.

Item 8.—Thirdly, Sub-Section 1 of Section 2 of the Belgian Act of 14th June 1921 excludes persons invested with directive or confidential functions but not persons holding positions of supervision from the benefit of statutory limitation of duty hours and rest days. Similarly the Rules and the Supplementary Instruction No. 4 should be modified to give supervisory workers the benefit of the privileges desired for the other workers. Clerks in the Workshops are excluded from the benefit of the Factories Federation's memorandum.

Act by the Bombay Government, as persons performing confidential functions and this practice should be stopped by bringing the clerical staff in line with other workshop staff.

Mr. Hayman. I will take the latter point first. Clerical establishments will come under the amended Railway Act. As for the word 'supervision' it is embodied in the Washington Convention Act itself.

Mr. Chatterjee. But Bulgaria, Yugoslavia and Portugal do not exclude the supervisory staff.

Mr. Hayman. I would like to know your authority.

Mr. Gururamji. Our authority is the Report of the Director of the International Labour Conference, page 10, second part.

Mr. Hayman. Is it your submission that because the Belgian Act does not include the word "supervision" the whole of the supervisory staff of Indian Railways should be given the benefit of the Act.

Mr. Giri. The managing staff is included.

Mr. Hayman. This rule says that the Act shall not apply to certain persons. Instead of the word "supervision" it contains the word "management" ?

Major Wagstaff. The particular case that you mention is the Belgian Act. The Belgian Act excludes only persons occupying position "of management or trust", but when we come to see who these persons are occupying positions of management and trust, who are detailed in a Royal Order of 28th February 1922, we find that people like cashiers, chief mechanics, boiler house chiefs, chief electricians, watchmen, gatekeepers, porters, time-keepers, assistant depot chiefs are considered to be in positions of management and trust. It is only a question of words. We call these people supervisory staff : in fact if you look at these categories and compare the conditions of the Belgian Act and the Hours of Employment Regulations there is not much difference. In my opinion people in these categories are getting worse conditions in Belgium than the corresponding people in India. For instance, watchmen, porters, etc., according to the Belgian Royal Order are left out altogether from the provisions of their Act, but very many of them under the Hours of Employment Regulations get some protection. So it is only a question of nomenclature. I think when you get down to details the people excluded in Belgium are more or less the same as in India.

Mr. Hayman. I want to assure you that the Railway Board desire to make the list of the employees who are going to be excluded under Rule 3 (2) (c) as short as possible. As a matter of fact on receipt of your representation I asked Major Wagstaff to go provisionally through the list and to suggest to me whether any of these classes could not be omitted. He has proposed to me

that we might omit No. 26 Head Electricians, and No. 28 Assistant Supervisors, and he has asked me for time to consider other items. I asked him to consider also No. 30—Head Clerks ; as to whether all head clerks would be excluded. There are for instance head clerks of sub-section. Then regarding what has been said about the Belgian Act when you go into it further you might find that we are treating our men better.

Item 9.—Fourthly, the Head of a Railway should not be empowered to declare employment of any staff as “ essentially intermittent ” under Sub-Clause B of Clause 2 of Rule 3 and Rules 4 and 5. The Factory Act does not give similar power and it is the Local Governments who are so empowered. This function, in the opinion of the Federation should be entrusted to a Joint Body of representatives of Employers’ and Workers Organisations according to spirit of Clause A of Article 6 of Washington Hours Convention vesting the power of veto if at all necessary in the competent authority. Any Rules prescribing the limitation of duty hours of so-called “ intermittent ” workers should be framed with due regard to each individual case by the Local representatives of Capital and Labour in each establishment or place of work, within the general limits suggested in this Memorandum. ^{Federation’s memorandum.}

We will make it quite clear that this question of examining Mr. Hayman. the classification shall be made a very important part of the duties of the Government Supervisors of Labour, and if it is made a part of his duties it would be for your Federation and Unions to write to him and complain to him when it is not considered that the classification is proper. It is too early for me to say definitely what the exact procedure will be but something to the following effect might suggest itself. The recognised Union should first write to the Agent and say that such and such classification is in its opinion not proper and if the Agent does not revise the classification, the Union can write to the Supervisor of Labour who will look into the matter : What do you think Major Wagstaff ?

I think we might consider whether the Supervisor should Major Wag- not look into the cases which had been addressed to the Railway staff. in the first instance without satisfactory results. The Supervisor of Labour could then receive either a written or verbal representation from the Union and it would be his business to look into the question ; but I do not think we could go so far as to say that it will be his duty to go here, there and everywhere and meet representatives of the Union.

Would you say that it should be made incumbent upon Mr. Hayman. him to enquire into all the representations. Suppose the Union say that the Agent is declaring such and such a class of employee as intermittent workers whereas they are in fact continuous workers.

I can assure Major Wagstaff that the Supervisor need not Mr. Gird. run about after the Unions, but he will be in a position to go

where the representative of the Union happen to be. He need not hunt about for Union representatives. Further the supervisors of Labour and Agents should be informed that these instructions must be carried out. We still think however that representatives of Labour should find a place in the Inspectorate. May I read you the procedure on the Swedish Railways.

“(1) A Service Committee shall be established to deal with the matters mentioned in sub-section (3) below.

(2) The Service Committee shall consist of a chairman and six members appointed for two years at a time. The chairman and a vice-chairman shall be appointed by the Crown. Three of the members shall be selected by the Railway Board and three by the employees' associations which comprise a considerable number of members affected by the provision's of this Notification. Six substitutes for the members shall be selected in the same manner. The Crown shall specify on each occasion the employees' association which are to select members for the Committee.

(3) It shall be the duty of the Service Committee to give opinions on questions concerning which the Committee must be heard under the provisions of this Notification ; on matters connected with complaints made by the workers respecting hours of work, and on other matters concerning which the Railway Board considers it desirable to obtain the opinion of the Committee.

(4) The Committee shall give both the complainant and the competent authority an opportunity of making a statement on matters connected with complaints which have been lodged.

(5) Matters referred to the Service Committee may be dealt with by the chairman or vice chairman together with four members, two of whom must be selected by the Railway Board and two by the competent employees' associations.

The Railway Board after hearing the Service Committee shall issue necessary regulations for the arrangement of work in pursuance of the provision of this Notification.”

Mr. Hayman. I think that what I have said is sufficient for the moment,
Mr. Giri.

Federation's memorandum. Item 10.—Sub-Clause D of Clause 2 of Rule 3 should not be omitted.

Mr. Hayman. We entirely agree with what you say.

Federation's memorandum. Item 11.—Section 71-C. of the Act does not impose any statutory limitation of daily duty hours unlike the Factory Act. A daily maximum of ten duty hours in the case of “essentially intermittent” workers as prescribed in the Draft Convention on the working hours of Commercial staff engaged in intermittent work and 9 duty hours in regard to non-intermittent workers should be ordinarily prescribed. “The average”

clause in regard to weekly limitation of duty hours should not be authorised as is the case in regard to the Factories Act. The word "emergency" in the Section should mean only what is referred to in Article 14 of the Washington Hours Convention namely "the event of war or emergency endangering the national safety" as the other conditions (except "urgent work to the Railway") authorising temporary exceptions are the only authorised ones in the Hours Convention.

A daily maximum of 11 hours is provided in the Factories Act. The Washington Convention on the other hand deals with a weekly limitation for India and therefore a daily limitation finds no place in the Railways Act.

The whole difficulty is this. Before the Act was passed the workers organisations had no say in the matter. If they had had their say, this question would certainly have been mentioned.

Item 12.—Article 3 of Washington Hours Convention applies only to "urgent work to be done to machinery or plant to the extent necessary to avoid serious interference with the ordinary working of the Railway" and not to every so-called "urgent work to the Railway" which expression is likely to be abused in practice. Therefore the Railway Authorities should not be empowered to use this provision in the Act for more than four days in the year without approval by the suggested Joint Body of Employers' and Workers' Organisations who must be shown that the temporary exception is necessary for urgent work to the machinery or plant of the Railway to avoid serious interference with the ordinary working of the Railway. Section 9 of the Belgian Act of 14th June, 1921 provides for overtime at a rate exceeding the normal remuneration by not less than 25 per cent. for extra hours worked in pursuance of Section 9 of the said Act. Similarly over-time for any work above normal duty hours should be recognised as is the case already in regard to the Engineering Gangs on some Railways, in all cases without exception and without the restriction imposed in Sub-Clause (b) of Clause 3 of Section 71-C. of the Act. Further Article 6 of the Washington Convention should be fully observed and the rate of over-time for apprentices in Lillooah Workshops engaged prior to 1st April 1926, namely 50 per cent. above the normal rate should be additionally granted for all. The maximum of 40 hours over-time monthly recognised by the Bengal Government for the Factories should be further imposed with a view to lessen even this limit gradually.

Item 13.—Section 71-D. of the Act is also equally unsatisfactory. So-called essentially intermittent workers should not be denied regular weekly rest days or compensatory holidays to be availed at the option of the employees. It is suggested that a weekly maximum of 60 duty hours for the "intermittent" workers and 48 hours for others should be legislated.

Minimum period of 32 consecutive hours every week as rest period for non-intermittent workers and 24 consecutive hours rest period every week for "Intermittent" workers should be prescribed.

Similarly the minimum daily rest of 14 consecutive hours for the former and 12 hours for the latter should be definitely prescribed, the only exception being the running staff who may be given 9 hours rest at out-stations.

Mr. Hayman. I am afraid that these paragraphs deal with the provisions of the Act, which I am unable to discuss.

Federation's memorandum. Item 14.—*Supplementary Instruction No. 5 should be modified to include and not exclude time taken in going to and from place of residence in connection with duty as recognised in Switzerland, Holland, etc., and similarly also time for wage payment, meal times, rest pauses not exceeding 1½ hours in duration each should be so included. Supplementary Instruction No. 6 should be omitted as the staff should not be made to suffer for the sickness of others.*

Mr. Hayman. I think I am right in saying that the practice of regarding the time, employees are going to and from their place of residence, as hours of employment is the exception rather than the rule, I have been in search of documentary evidence; so far I can only quote the case of Italy and Switzerland where this time is not included in working hours. The same remarks apply to time taken in wage payments and rest intervals. The 1½ hour "rest pause" quoted by the Federation may refer to the outstation interval between trains applicable to running staff in France and Denmark but for ordinary employees in most countries, no interval of more than half an hour is counted as work. The possibility of applying this ½ hour limitation to India will be considered.

As regards time spent in paying wages to the staff, my experience tells me that the Pay clerk goes to a station to pay the men. The men who are naturally anxious to receive their pay go and get it and we do not consider them to be off duty during this time. I think it is very reasonable. In making this observation I am not dealing with workshop staff because they come under the Factories Act.

Mr. Giri. There is the case of Jamalpur.

Mr. Hayman. It is a workshop, but what are the facts?

Mr. Giri. We feel that some concession should be shown. In this case 3 hours are taken by men in going to and from their work. It is a clear case.

Mr. Hayman. I want to be very clear about this. Do you wish me to understand that at Jamalpur an employee has to spend six hours in going to and from his work.

The Medical Officer of the E. I. R. in a note submitted to the Agent for submission to the Royal Commission on Labour said that the workers have to get up at 4 A.M. to reach the shops at 7 A.M. and then reach home at 10 P.M. They have to lose much time in travelling and in such cases it is better to make some provision.

We will look into the matter you have mentioned. Mr. Hayman

They cannot get quarters. Mr. Giri.

Some of them perhaps cannot get quarters at reasonable rates. Perhaps the point you are making about Jamalpur may be true about a certain number of employees but as I have said before the matter will be looked into. Mr. Hayman.

I have noted the different conditions obtaining in Switzerland and Holland. Mr. Giri.

Your point seems to be that if a Railway creates a new colony and no residential accommodation can be found for the men except at a considerable distance, and the men are compelled to travel each day for a certain number of hours to get to work, in that case the time spent in travelling may be considered as work. We will consider this. Mr. Hayman.

Then you come to supplementary instruction No. 6—you wish it to be omitted as the staff should not be made to suffer for the sickness of others.

The implication of what you say is that when a man falls sick and another man has to do his work you consider that the latter will come under clause (a) of Section 71-C. and therefore the man will not be eligible for overtime. But we have said just the opposite. In this Instruction we have said that exceptional pressure of work caused by sickness is to be considered as coming under the provisions of clause (b). We thought that advantage might possibly be taken of clause (a) by an administration to make sickness an "emergency" and therefore debar those who had to work extra from getting overtime; hence it was definitely laid down in an instruction that this particular case of sickness should *not* be considered as an "emergency" but as a case of "exceptional pressure of work". Major Wagstaff.

What we wished to submit was that in certain cases of extra work it is not obligatory on the part of the employers to give overtime. Under clause (a) if a worker is asked to do more work he is not eligible for overtime under the Act. We ask that there should not be any difference between clause (a) and clause (b) and that all extra work should be eligible for overtime. Mr. Guru-swamy.

But this is a criticism of the Act itself. Mr. Hayman.

It is not in your power to do this? Mr. Guru-swamy.

We do in practice give overtime, on many Railways beyond the provisions of the Act. Mr. Hayman.

Major Wag-staff. In many cases men get overtime although they are not eligible for it under the Act.

Mr. Hayman. I think your point is not that you want supplementary instruction No. 6 omitted but that you want an amplified instruction to give the men this increased overtime pay of which you speak. This request will be considered.

Federation's memorandum. *Item 15.—Rule 6 should be altered as the staff designated as 'temporary' are more times than not men of longer service than so-called permanent employees. Further as on the H. E. H. the Nizam's State Railway, the permanent Way Staff should get regular weekly rest.*

Breach of rest allowance at double the normal rates for breaking the minimum rest authorised in any day or week or holiday should be recognised and similarly the over rest allowance for the running staff should be continued.

Mr. Hayman. I feel that I cannot accept your opening remark as a general statement.

Mr. Giri. There are a few employees like that.

Mr. Guru-swamy. These employees who are designated as temporary, sometimes have 10 years' service.

Major Wag-staff. But surely employees on construction are generally drawn from the area in which the construction is going on, and would not be in service for 10 years? I am sure you can quote isolated cases, but as a general rule I suggest that your statement is exaggerated.

Mr. Hayman. If you have lines continually under construction these men move from one construction to another. To that extent some of them are men with long service. I do admit that there may be cases in which these construction employees move from one Railway construction to another and are continuously employed by railway organisations for long periods. But we have to regulate the hours of work of these people with reference to the conditions of work on lines under construction.

Mr. Giri. But the discontent seems to be regarding the temporary nature of their service. On the M. & S. M. Railway I think there were a number of temporary men who have been working for over 10 or 12 years.

Mr. Hayman. It is possible to create permanent posts for certain classes of establishment for continuous construction work, and question of doing so will be considered, but such a measure is not feasible for workmen. Also the question is not really one of hours of work.

Mr. Giri. These temporary men who have been in service for 10 years as temporary hands should be given first preference as permanent vacancies occur.

I would not say first preference but I do say that if a man Mr. Hayman. is a good man and has rendered long service, we would ourselves want to take him in a permanent vacancy. I suggest that someone from your organisation should get into contact with this class of employee and if you do feel that these hours of work rules do not give them all that they are reasonably entitled to, you should make a representation based upon more definite observation and facts. We shall be very glad to take the matter up on facts.

On the G. I. P. and Nizam's State Railways permanent way Mr. Guru-
swamy. staff get a regular weekly rest of 24 hours.

Do you mean to say that on the G. I. P. every permanent Major Wag-
staff. way employee gets 24 hours' rest in a week ?

Yes. And they work 8 hours a day. Mr. Guru-
swamy.

My statement is based on the evidence given by the G. I. P. Mr. Giri. Railway to the Royal Commission.

We shall examine the point in its bearing on other railways. Mr. Hayman.

Item 16.—Continuous night duties or double duties weekly *Federation's
memorandum.* *should not be authorised ordinarily and only temporary exceptions under Section 71-D. in cases referred to in the modified Clause 3 of Section 71-B. should be authorised. For "intermittent" workers an alternative proposal of granting three periods of rest of not less than 32 consecutive hours each or accumulating unused rest days should be considered, for being given at least once in ten days in the place of the present Rule No. 7.*

I think the first two points are really questions regarding Mr. Hayman. the Act but you talk of Rule 7 which is open to discussion. You want 32 consecutive hours once in 10 days instead of 24 hours in 21 days ?

This rule states that if the men are denied the full 24 hours' Mr. Guru-
swamy. rest as provided for in the Act, at least once in 21 days, 24 consecutive hours should be given. In practice they will sometimes get only one weekly rest once in 3 weeks. That is a hardship. We wish, as provided in the Factories Act, that if you do not grant a rest on Sunday that you should give 32 hours within the next 10 days.

I remember that we were advised by the Industries and Mr. Hayman. Labour Department to put in this provision. This of course only applies when temporary exceptions are made under 71-D. (3). I would like you, Maj. Wagstaff, to tell the Federation why in the case of Railways we want to give something not as liberal as that provided in the Factories Act.

In the Factories Act which deals with workshop staff it is Major Wag-
staff. difficult to conceive an emergency which could not be adjusted in about 3 days. You may have a serious breakdown in the shops, but it is difficult to visualise anything in the shape of an

emergency, except labour unrest, that you could not adjust more or less in 3 days. But on the open line it is very different. For the last 6 weeks, they have been having very great difficulties in Sind from abnormal floods and very large breaches. On occasions such as these everybody has to go on working until they drop and you cannot draft in large bodies of men at a moment's notice. In 1923, you remember Mr. Chatterjee, the whole of the line between Bogra and Santahar was washed away—20 miles. You could not in 3 days draft the requisite extra labour into that area in order to allow people to go off at their normal times. The idea of the 21 days proviso is that by that time even in bad floods like the one in Sind, you could increase your labour force and adjust matters so that the ordinary regulations can be applied. In the meantime the men have to work very hard on these occasions. Mind you in cases of pressure of work he will be getting his overtime, so that he may be making money over the fact that he has to go such a long time without the stipulated rest. That is the situation.

Mr. Hayman. On the other hand Mr. Giri, although I know you will fully appreciate the points made by Major Wagstaff, I do want to meet wherever possible the objections that you raise on the point. You can, I know reply to Major Wagstaff quite reasonably and say ; all that you say is true where you have breaches and where you have accidents, actual or threatened, but on your own showing it would not be true when it is necessary to do repairs to machinery because you should be able to do most of your repairs in the shop time. You may also say, why did you want to have this rule in cases of pressure of work ? The only real answer to that is that the men sometimes do feel that they can go on working continuously and earn their overtime and do not want to be put off by the law regarding periods of rest. If you want to press your point I will suggest an alteration in that rule which would go some way towards meeting you. I shall have to suggest the alteration to the Railway Board and to Sir George Rainy but I want you to consider before you make the request whether you will not in some way be working against the interests of the employees. I think most of our employees take pride in being sent out to work when there are emergencies and they like to have the opportunity of taking off their coats and showing their officers that they have grit in them, and they do not think at such time of rules relating to periods of rest. I suggest that it would be sufficient if in a letter of instructions to the Agents of Railway Administrations, we commend your and my observations for careful consideration.

Mr. Giri. I quite appreciate your point, but the wishes of the men should be considered. I agree to the course suggested by you.

Federation's memorandum. Item 17.—Daily-rated employees including workshop staff lose pay on account of the statutory limitation of the weekly rest and Supplementary Instruction No. 8 should more expressly mention that they would be paid for Sundays or weekly rest days hereafter.

Our point here is that nothing we are doing here will worsen Mr. Hayman. the conditions of any employees at present in service. But it may be that the form in which this instruction is put does not make this quite clear and I give you an undertaking to revise the instruction to make what I have just said quite clear.

For instance in Lillooah the trouble seems to be that those Mr. Giri. workers are not paid for Sundays. It is not made a monthly rate. They are getting practically pay for 26 days instead of 30 days. If they were given 30 days' pay there would not be any grievance. There are certain clerks in the Bengal Nagpur Railway who are on the daily rated system, especially in the Electrical Department. Because they are working in the offices they lose their pay on Sunday because the offices are closed on Sundays on account of weekly rest days. We submit that those clerks who are required not to work on Sundays should be given the same pay as the other office clerks.

The result would be that they would receive more pay than Major Wag- they have done in the past. But the principle in applying the staff. Rules has been "same amount of work, same amount of pay".

They were denied their due pay which they should be given. Mr. Guru- swamy.

But surely that applies to all daily rated staff who have a Major Wag- free day on Sunday and do not get pay for it. This is a general staff. question regarding daily rated employees.

The question is not really one relating to Hours of employ- Mr. Hayman. ments but a request for increased wages.

Item 18.—The staff should be given option of choosing the Federation's most convenient rosters of duty within the suggested limits, so memorandum. long as the business of the Railway is not consequently retarded.

I think you will not really gain anything if we agree to Mr. Hayman. your suggestion exactly as you have put it. I have given instructions to Major Wagstaff and to the special officers I have had here for discussion that they were to frame these rosters taking into consideration what the men have to say. It is our desire to carry the staff with us in working these rosters. I hope you will accept that assurance from me on this point. And we will go further to meet your views ; we shall instruct the Agents of Railways that the wishes of the men should be consulted as freely as possible.

That seems sufficient for the present.

Mr. Giri.

Item 19.—Section 71E of the Act does not mention anything Federation's about labour representation. The Rules should provide for in- memorandum. clusion of Union and Federation representatives in the appointment of the Authorities under this Section.

Item 20.—Section 71G of the Act provides for the appointment of Supervisors of Railway Labour on the lines of Factory Inspectors but no mention of this is made in this draft Rules. Respective Local Unions should be represented equally with the

Officers appointed in compliance with paragraph 5 of Railway Board's letter No. 40-L., dated 29th March, 1930, in the suggested Labour Inspectorate and the All-India Railwaymen's Federation should be permitted to work along with the Special Officer referred to in paragraph 6 of the said letter. It may be pointed out that in countries like Czechoslovakia, etc.; Works' Committees are empowered to watch the supervision of the Eight Hours Act.

Mr. Hayman. These paragraphs relate to the Act, so I will have to pass over them.

Federation's memorandum. **Item 21.**—*Proposed Rules 8, 9 and 10 should expressly make it clear that Unions have right of access to the place of work and relevant information necessary to examine whether the Act is properly enforced and registers open for inspection by the representatives of workers should be maintained showing the details of enforcement of the Act and its Rules and Regulations.*

In this connection, the Recommendation of the 11th International Labour Conference that the representatives of the Employers, the Managing staff, Workers' Organisations and the Factory Inspectors should collaborate in the staff matters such as Accident Prevention, Enforcement of Labour Regulations, etc., may be usefully followed up.

Mr. Hayman. You want access to the place of work. Are you all denied access to any place just now, Mr. Giri ?

Mr. Giri. Yes.

Mr. Hayman. Do you wish to submit that if an office bearer of a recognized Union wants to go to a particular place of work he is not allowed ?

Mr. Giri. Sometimes they allow him to go and sometimes when there is any trouble and it is necessary in the interests of work and the Administration, they send for them. But there ought not to be any difficulty about a representative of a Union being allowed access to any place.

Mr. Hayman. I should say if a recognised Union office bearer was able to get at certain facts which were being withheld from an Agent, the Agent should be very pleased if the Union would bring such facts to his notice.

Mr. Giri. When we want to show in a *bona fide* manner certain defects, in the interests both of the employees and the Administration, sometimes if not often, the Administration would not like the idea of our going, but if it is advantageous to them and they think it safer to have Union men there, they will immediately send for them. There must be mutual understanding.

Mr. Hayman. We have instructed our Agents to encourage Trade Unions and we would like to see a position of mutual trust grow up.

Mr. Chatterjee. In most cases, the Agents look upon the Union people as the people who stir up discontent.

To some extent, of some Unions at least, that is true, Mr. Mr. Hayman. Chatterjee. Isn't it ?

No discontent can be created unless it actually exists. Mr. Chatterjee.

Sometimes people cause discontent because they have axes of Mr. Hayman. their own to grind.

But if the Agents keep us at a distance always ? Mr. Chatterjee.

If this is so, then all the greater credit will be due to you Mr. Hayman. on the day that you break this down. That will only come when you take up important questions based upon proper facts and press a good case. When Unions begin to put up cases like that they will find I think that the Agents of Railways will look upon them as a source of help.

I suggest that some of the Agents should be brought into Mr. Chatter- the Railway Board to work here for a few months so that they jee. may be imbued with the ideas and principles on which you work.

It is not really a question of coming into the Railway Board, Mr. Hayman. it is the attitude with which such suggestions are approached, and Agents are concerned to secure the contentment of their staff.

From the date the Eastern Bengal Railway Employees' Mr. Chatter- Association started they always used to work in harmony with jee. the Administration, but with all that the Agent always rather looks upon us as a body that is not sufficiently virile to take up the work and to espouse the cause of the staff. We do not know what they mean by sufficiently virile. As I have stated we wrote two or three letters to the Agent asking him to meet us but we have had no reply.

I am prepared to pass on the main request Mr. Giri has Mr. Hayman. made for favourable consideration of the Agents of Railways.

Item 22.—The Rules should provide for the right of Federation's employees to seek redress before Law Courts or similar statutory memorandum, bodies for being asked to infringe statutory provisions of the Act.

We are not attempting to doing anything to deprive any Mr. Hayman. citizen of the rights and privileges he enjoys according to the law of the land.

Item 23.—The Rules must finally prescribe that the previous Federation's working conditions should in no way be worsened, by way of memorandum. increasing daily duty hours, weekly total duty hours, or other-wise affecting weekly rest days, compensatory holidays, over-time and hour rates, etc.

But surely here and there extravagances or irregularities Mr. Hayman. of the past have to be remedied. I cannot agree to the general proposition of the Federation. But we are definitely working towards improving conditions and we shall most certainly do so.

Where in any instance, a recognised Union considers that conditions have been worsened without reason or justification, a representation to this effect will be most carefully considered by the Agent of the Railway.

Mr. Giri.

On behalf of the Federation I must thank you and Major Wagstaff for the patient hearing you have given us and for allowing us to give our views in this matter. I only hope that the Act will be entirely amended in the light of the suggestions that we have put forward and I would like to suggest that the suggestions we have put forward are more than reasonable. I thank you once more for your patient hearing. I also desire on behalf of the Railwaymen's Federation to ask that instructions and suggestions may be issued by the Railway Board in the interests of peace in industry, especially with regard to the hours of employment and similar questions that often arise and that the Agents of Railways should take the opportunity of consulting and discussing such matters with the representatives of Unions in the same way as the Railway Board now consult the Federation, because that attitude would eliminate many of the avoidable misunderstandings that might afterwards arise. I also consider that whenever the Supervisor of Labour who is going to be appointed by the Railway Board happens to go to a Railway he should take the opportunity of discussing matters with the representatives of the Federation and certainly the representatives of the Federation will always be glad to meet the Supervisor. Such meetings and consultations will go a long way in removing misunderstandings and also in making both sides appreciate the respective positions taken up by them. These matters would certainly not cause any financial commitments that the Railway Board has to make. It will, in fact, lessen the financial commitments in other ways and would go a long way in establishing satisfactory relations between the representatives of the workers and the Administrations. I do hope, Mr. Hayman, you will kindly send such instructions as these to Agents of Railways so that they may bear this in mind when discussing matters of great importance.

Mr. Hayman.

Mr. Giri and gentlemen I thank you very much for the patient and considerate way in which you have discussed these questions with me this morning. I would like to assure you that the Railway Board have but one interest in mind in dealing with these Rules and that is to do the very best that they possibly can for their employees, having regard to the proper economic working of our Railways.

APPENDIX.

Combined Text of the Act and the proposed Rules and Supplementary Instructions.

WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Railways (Amendment) Act, 1930.
Short Title and commencement.

(2) This section shall come into force at once ; and the Governor General in Council may, by notification in the Gazette of India, direct that the other provisions of this Act shall come into force in respect of any railway on such date as he may by the notification, appoint.

2. After Chapter VI of the Indian Railways Act, 1890, the following Chapter shall be inserted
Insertion of new Chapter following Chapter shall be inserted VIA in Act IX of 1890. namely :—

CHAPTER VIA.

LIMITATION OF EMPLOYMENT OF RAILWAY SERVANTS.

SECTION 71A.

71A. In this Chapter, unless there is anything repugnant in the subject, or context,—
Definitions.

(a) the employment of a railway servant is said to be ' essentially intermittent ' when it has been declared to be so by the authority empowered in this behalf, on the ground that it involves long periods of inaction ; during which the railway servant is on duty, but is not called upon to display either physical activity or sustained attention ; and

(b) except in section 71B, a ' railway servant ' means a railway servant to whom this Chapter applies.

RULE 1.

1. These rules may be called the " Railway Servants Hours of Employment Rules, 1930."
Short title.

RULE 2.

2. In these rules,—

Definitions. (a) " the Act " means the Indian Railways Act, 1890, and,

(b) " Chapter ", " section " or " sub-section " means a Chapter, a section or sub-section of the Act.

SUPPLEMENTARY INSTRUCTION 1.

1. For the purpose of Section 71A, the work of a railway servant shall not be regarded as essentially intermittent unless his daily period of duty includes (a) two or more periods of inaction of not less than half an hour each, aggregating not less than two hours in all ; or (b) periods of inaction aggregating not less than 4½ hours. The term "Sustained attention" used in the same Section involves mental effort. Thus a pointsman waiting for the arrival of a train, after setting points, is required to give sustained attention. So also is a station master after, but not before, giving Line Clear.

SECTION 71B.

71B. This Chapter applies only to such railway servants or Application of Chapter classes of railway servants as the Governor VIA. General in Council may, by rules made under section 71E, prescribe.

RULE 3.

3. (1) *The provisions of Chapter VIA shall apply to the following Extent of application of classes of railway servants, namely :— Chapter VIA.*

- (1) *Operating Staff.*
- (2) *Transportation Staff.*
- (3) *Commercial Staff.*
- (4) *Traffic Staff.*
- (5) *Engineering Staff.*
- (6) *Mechanical Staff.*
- (7) *Shed Staff.*
- (8) *Watch and Ward Staff.*
- (9) *Staff of the Stores Department or Branch.*
- (10) *Staff of the Medical Department or Branch.*
- (11) *Staff of the Accounts Department.*
- (12) *Office Staff.*

- (2) *For the purpose of this rule, these classes shall be held to exclude—*
- (a) *Running Staff, viz., Drivers, Shunters, Firemen, Guards, Brakesmen, Travelling Van Porters, Travelling Van Checkers, Travelling Ticket Examiners, Travelling Stores Delivery Staff and other staff who habitually work on running trains ;*
 - (b) *those chowkidars or watchmen, watermen, sweepers and gatekeepers whose employment is declared by the Head of a Railway to be essentially intermittent and of a specially light character ; and*
 - (c) *persons who may be declared by the Railway Board to be persons holding positions of supervision or management or persons employed in a confidential capacity.*
 - (d) *All railway establishments coming under the provisions of the Indian Factories Act (1911) or the Indian Mines Act (1923).*

SUPPLEMENTARY INSTRUCTIONS 2 AND 3.

2. With reference to Rule 3, it may be noted that Running Staff have only been excluded from the scope of the Regulations pending further investigations.

3. With reference to Rule 3, although chowkidars or watchmen, watermen, sweepers and gatekeepers, whose work is declared to be essentially intermittent and of a specially light character, are excluded from the scope of the Regulations, it is desirable that their present hours of duty should be scrutinised with a view to making such changes as may be necessary on humanitarian grounds.

SUPPLEMENTARY INSTRUCTION 4.

4. For the purpose of Rule 3 (2) (c) the staff detailed in the Annexure to these Instructions are to be regarded as persons holding positions of supervision or management. (For Annexure see end of Appendix.)

SECTION 71C.

71C. (1) A railway servant, other than a railway servant whose employment is essentially intermittent shall not be employed for more than sixty hours a week on the average in any month.

(2) A railway servant whose employment is essentially intermittent shall not be employed for more than eighty-four hours in any week.

(3) Subject to rules made under section 71E, temporary exemptions of railway servants from the provisions of sub-section (1) and sub-section (2) may be made—

(a) when such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway, in cases of accidents, actual or threatened, or when urgent work is required to be done to the railway or rolling stock, or in any emergency which could not have been foreseen or prevented ; and

(b) in cases of exceptional pressure of work not falling within the scope of clause (a) ;

Provided that a railway servant exempted under clause (b) shall be paid for overtime at not less than one and a quarter times his ordinary rate of pay.

RULE 4.

4. The power of declaring that the employment of a railway servant is essentially intermittent, within the meaning of section 71A, shall vest in the Head of a Railway.

RULE 5.

5. (1) Power to make temporary exemptions of railway servants from the provisions of sub-sections (1) and (2) of section 71C, of sub-section (1) of section 71D, and of rule 6, shall vest in the Head of a Railway.

(2) The Head of a Railway may delegate his powers under this rule to such authorities subordinate to him as he may by order, prescribe.

SUPPLEMENTARY INSTRUCTIONS 5 TO 7.

5. The maximum hours of employment, stipulated in Section 71C, do not include the time taken by an employee in going to and from his place of residence.

6. Exceptional pressure of work caused by sickness is to be considered as coming under the provisions of clause (b) of Section 71C (3).

7. The minimum overtime rate of 1½ prescribed in Section 71C is only admissible when the maximum limits, i.e., a monthly average of 60 hours a week in the case of continuous workers and 84 hours a week in the case of essentially intermittent workers, is exceeded. These Regulations, however, are not intended to affect any overtime admissible under existing practice and regulations.

SECTION 71D.

71D. (1) A railway servant shall be granted each week commencing on Sunday, a rest of not less than twenty-four consecutive hours :
Grant of periodical rest.

Provided that this sub-section shall not apply to a railway servant whose employment is essentially intermittent, or to a railway servant to whom sub-section (2) applies.

(2) The Governor General in Council may, by rules made under section 71E specify the railway servants or classes of railway servants to whom periods of rest may be granted on a scale less than that laid down in sub-section (1), and may prescribe the periods of rest to be granted to such railway servants.

(3) Subject to rules made under section 71E, temporary exemptions from the grant of periods of rest may be made in the cases or circumstances specified in sub-section (3) of section 71C :

Provided that a railway servant shall, as far as may be possible, be granted compensatory periods of rest for the periods he has foregone.

RULE 5. (*Repeated*).

5. (1) *Power to make temporary exemptions of railway servants from Power to make temporary the provisions of sub-sections (1) and (2) of section 71C, of sub-section (1) of section 71D, and of rule 6, shall vest in the Head of a Railway.*

(2) *The Head of a Railway may delegate his powers under this rule to such authorities subordinate to him as he may, by order, prescribe.*

RULE 6.

6. (1) *The following classes of railway servants may be granted periods Grants of periods of rest of rest on a scale less than that laid down in sub-section (1) of section 71D, namely :— on less than the normal scale.*

(a) *Artizans and unskilled labour employed—*

- (i) *on lines under construction, and*
- (ii) *for temporary purposes on open lines.*

(b) *Mates, keymen, and gangmen employed on the maintenance of permanentway.*

(2) *Such railway servants shall enjoy in every calendar month at least one period of rest of not less than 48 consecutive hours or two periods of rest of not less than 24 consecutive hours each.*

RULE 7.

7. *A railway servant exempted under the provisions of sub-section (3) Compensatory periods of section 71D, from the grant of periods of rest of rest. shall not be required to work for 21 days without a rest of at least 24 consecutive hours.*

SUPPLEMENTARY INSTRUCTIONS 8 TO 11. *

8. It is not intended that staff should lose pay on account of their enjoyment of a weekly rest. If, therefore, a man's period of rest happens to coincide with a calendar day, he should be marked 'R' in his Muster Sheet which for the purpose of pay will be equivalent to 'P' (present).

9. It is not desirable that rosters should be continually revised in respect to individual employees. If, therefore, a rostered weekly period of rest occurs while an employee is absent for any reason, he may be considered to have availed himself of that period. On the other hand, if the absence occurs at other times, the employee should not necessarily be deprived of his rostered period of rest on that account.

10. Where the exigencies of the service permit, there is no objection to the periods of rest, stipulated in section 71D and Rule 6, being combined with any other leave to which the employee may be entitled.

11. Although essentially intermittent workers are excluded from the weekly rest proviso under Section 71D, it is intended that the case of these employees should receive adequate consideration and every effort should be made to limit, under normal conditions their daily hours of duty to 12. Further, their applications for leave, under the Leave Rules, should receive special consideration.

SECTION 71E.

71E. (1) The Governor General in Council may make
Power to make rules. rules :—

- (a) prescribing the railway servants or classes of railway servants to whom this Chapter shall apply ;
- (b) prescribing the authorities who may declare that the employment of any railway servant or class of railway servants is essentially intermittent ;
- (c) specifying the railway servants or classes of railway servants to whom sub-section (2) of section 71D shall apply ;
- (d) prescribing the authorities by whom exemptions under sub-section (3) of section 71C or sub-section (3) of section 71D may be made ;
- (e) providing for the delegation of their powers by the authorities prescribed under clause (d) ; and
- (f) providing for any other matter which is to be provided for by rules or which the Governor General in Council may deem to be requisite for carrying out the purposes of this Chapter.

(2) Such rules shall be subject to the provisions of section 143.

SECTION 71F.

71F. Nothing in this Chapter or the rules made thereunder shall authorise a railway servant to leave his
Railway servant to remain on duty. duty where due provision has been made for his relief, until he has been relieved.

SECTION 71G.

71G. (1) The Governor General in Council may appoint persons
Supervisors of Railway Labour. to be Supervisors of Railway Labour.

(2) The duties of Supervisors of Railway Labour shall be—

- (a) to inspect railways in order to determine if the provisions of this Chapter and of the rules made thereunder are duly observed, and

(b) such other duties as the Governor General in Council may prescribe.

(3) A Supervisor of Railway Labour shall be deemed to be an Inspector for the purposes of sections 5 and 6.

SECTION 71H.

71H. Any person under whose authority any railway servant is employed in contravention of any of the provisions of this Chapter or of the rules made thereunder shall be punishable with fine which may extend to five hundred rupees.

Penalty.

RULE 8.

8. A Railway Administration shall furnish for communication to the International Labour Office such information concerning the application of the provisions of Chapter VIA or of these rules as may be called for by the Railway Board.

Supply of information.

RULE 9.

9. A Railway Administration shall make known either by duty lists, rosters, or other documents placed in conspicuous places, the duration of hours of employment and the incidence of periods of rest.

Display of hours of employment.

RULE 10.

10. A Railway Administration shall keep in a conspicuous place at each station of its railway a copy of Chapter VIA and of these rules.

Affixing of rules.

SUPPLEMENTARY INSTRUCTION 12.

12. Although neither the Act nor the Rules stipulate a minimum period of daily rest, it is intended that the railway servants to whom these 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.

ANNEXURE TO SUPPLEMENTARY LIST ONE (see S. L. 4).
SUPERVISING STAFF.

- (1) Officers.
- (2) Inspectors, Assistant Inspectors and Sub-Inspectors (all branches).
- (3) Sub-Engineers, Overseers and Sub-Overseers.
- (4) Supervisors (all branches).
- (5) Superintendents and Deputy Superintendents (all branches).
- (6) Foremen and Assistant Foreman (all branches).
- (7) Yard Masters and Assistant Yard Masters.
- (8) Chief or Head Train Controllers and Train Controllers-in-Charge.
- (9) Head Train Examiners and Train Examiners-in-Charge.
- (10) Station and Assistant Station Masters supervising stations, but not actually engaged in train-passing duties.
- (11) Power Controllers.
- (12) Junction Rolling Stock Verifiers.
- (13) Store Keepers, Sub-Store Keepers and Depot Store Keepers (all branches).
- (14) Assistant Surgeons, Sub-Assistant Surgeons and Health Assistants.
- (15) Matrons.
- (16) Charge-men.
- (17) Shedmen in Running Sheds.
- (18) Head Signallers.
- (19) Head Train Despatchers.
- (20) Head Fitters.
- (21) Head Boiler Makers.
- (22) Assistant Superintendents.
- (23) Goods Clerks and Coaching Clerks.
- (24) Head Ticket Collectors.
- (25) Head Number Takers.
- (26) Head Electricians.
- (27) Head Trains Clerks.
- (28) Assistant Supervisors.
- (29) Chief and Head Watchmen and Carstakers.
- (30) Head Clerks (all branches).

Only when employed in a supervising capacity.