

Railways Act, 1989

Chapter 14 - Regulation of Hours of Work and Period of Rest

In this Chapter, unless the context otherwise requires,--

(a) the employment of a railway servant is said to be "continuous" except when it is excluded or has been declared to be essentially intermittent or intensive;

(b) the employment of a railway servant is said to be "essentially intermittent" when it has been declared to be so by the prescribed authority on the ground that the daily hours of duty of the railway servant normally include periods of inaction aggregating to fifty percent, or more (including at least one such period of not less than one hour or two such periods of not less than half an hour each) in a tour of twelve hours duty (on the average over seventy-two consecutive hours), during which the railway servant may be on duty, but is not called upon to display either physical activity or sustained attention;

(c) the employment of a railway servant is said to be "excluded" if he belongs to any one of the following categories, namely:--

(i) railway servants employed in a managerial or confidential capacity;

(ii) armed guards or other personnel subject to discipline similar to that of any of the armed police forces;

(iii) staff of the railway schools imparting technical training or academic education;

(iv) such staff as may be specified as supervisory under the rules;

(v) such other categories of staff as may be prescribed;

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

Section 131 - Chapter not to apply to certain railway servants

Nothing in this Chapter shall apply to any railway servant to whom the Factories Act, 1948 (63 of 1948) or the Mines Act, 1952 (35 of 1952) or the Railway Protection Force Act, 1957 (23 of 1957) or the Merchant Shipping Act, 1958 (44 of 1958), applies.

Section 132 - Limitation of hours of work

(1) A railway servant whose employment is essentially intermittent shall not be employed for more than seventy-five hours in any week.

(2) A railway servant whose employment is continuous shall not be employed for more than fifty-four hours a week on an average in a two weekly period of fourteen days.

(3) A railway servant whose employment is intensive shall not be employed for more than forty-five hours a week on an average in a two weekly period of fourteen days.

(4) Subject to such rules as may be prescribed, temporary exemptions of railway servants from the provisions of sub-section (1) or sub-section (2) or sub-section (3) may be made by the prescribed

authority if it is of opinion that such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway or in cases of accident, actual or threatened, or when urgent work is required to be done to the railway or to rolling stock or in any emergency which could not have been foreseen or prevented, or in other cases of exceptional pressure of work:

Provided that where such exemption results in the increase of hours of employment of a railway servant referred to in any of the sub-sections, he shall be paid overtime at not less than two times his ordinary rate of pay for the excess hours of work.

Section 133 - Grant of periodical rest

(1) Subject to the provisions of this section, a railway servant--

(a) whose employment is intensive or continuous shall, for every week commencing on a Sunday, be granted a rest of not less than thirty consecutive hours;

(b) whose employment is essentially intermittent shall, for every week commencing on a Sunday, be granted a rest of not less than twenty- four consecutive hours including a full night.

(2) Notwithstanding anything contained in sub-section (1),--

(i) any locomotive or traffic running staff shall be granted, each month, a rest of at least four periods of not less than thirty consecutive hours each or at least five periods of not less than twenty-two consecutive hours each, including a full night;

(ii) the Central Government may, by rules, specify the railway servants to whom periods of rest on scales less than those laid down under sub-section (1) may be granted and the periods thereof.

(3) Subject to such rules as may be made in this behalf, if the prescribed authority is of the opinion that such circumstances as are referred to in sub section (4) of section 132 are present, it may exempt any railway servant from the provisions of sub-section (1) or clause (i) of sub-section (2):

Provided that a railway servant so exempted shall, in such circumstances as may be prescribed, be granted compensatory periods of rest for the periods he has foregone.

Section 134 - Railway servant to remain on duty

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

Section 135 - Supervisors of railway labour

(1) Subject to such rules as may be made in this behalf, the Central Government may appoint supervisors of railway labour.

(2) The duties of supervisors of railways labour shall be--

(i) to inspect railways in order to determine whether the provisions of this Chapter or of the rules made thereunder are duly observed; and

(ii) to perform such other functions as may be prescribed.

(3) A supervisor of railway labour shall be deemed to be a Commissioner for the purposes of sections 7 and 9.

Section 136 - Power to make rules in respect of matters in this Chapter

(1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

- (a) the authorities who may declare the employment of any railway servant essentially intermittent or intensive;
- (b) the appeals against any such declaration and the manner in which, and the conditions subject to which any such appeal may be filed and heard;
- (c) the categories of staff that may be specified under sub-clauses (iv) and (v) of clause (c) of section 130;
- (d) the authorities by whom exemptions under sub-section (4) of section 132 or sub-section (3) of section 133 may be made;
- (e) the delegation of power by the authorities referred to in clause (d);
- (f) the railway servants to whom clause (ii) of sub-section (2) of section 133 apply and the periods of rest to be granted to them;
- (g) the appointment of supervisors of railway labour and their functions.