

[Mr. Deputy-Speaker]

to be determined whether the information has been sufficient or not.

The present motion would be that the discussion on the motion made by the Minister be adjourned. I shall put it to the vote of the House.

The question is:

"That discussion on the motion 'that the Bill further to amend the State Financial Corporation Act, 1951, be taken into consideration' be adjourned."

The motion was adopted.

INDIAN RAILWAYS (AMENDMENT) BILL

Mr. Deputy-Speaker: We will now take up the Indian Railways (Amendment) Bill.

Shri Kamath (Hoshangabad): Sir, I rise on a point of order with regard to this matter. Yesterday in the Order Paper this Bill, the Indian Railways (Amendment) Bill, was shown fairly low down in the list and on normal, ordinary computation I thought that it would be reached only tomorrow. I would submit, Sir,—I do not know whether other hon. Members are in the same position as myself—that I had intended to give notice of amendments to this Bill today so as to be in time for the consideration of the Bill tomorrow. So, if the Bill is taken up today, I do not know how much time is allotted for it and whether there would be time for sending in the amendments. May I know how much time has been allotted?

Mr. Deputy-Speaker: Three hours.

Shri Kamath: That means the amendments will be in time tomorrow also. Then it is all right.

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, as

passed by Rajya Sabha, be taken into consideration."

Sir, I think I owe a word of apology to the House for bringing this measure so late before it. The Bill was adopted by the Rajya Sabha three years back, and it was not possible to bring it before this House all these months and years. It is doubtful whether I would have got an opportunity even now but for the despatch with which this House has been transacting legislative business in the current session. At the same time, I should hasten to add that what the bill seeks to achieve already been enforced and, is under operation on all the Railways. The Bill when passed would simply invest what already obtains with regard to hours of work, periods of rest, etc., with the status of a statute.

The Bill, as has been stated, deals with questions relating to the hours of work, rest, overtime etc. of railway staff. The two conventions of Washington and Geneva relating to hours of work and rest were implemented in 1930 by amending the Indian Railways act. Under this amending Act, railway servants were divided into three categories—continuous workers, intermittent workers and excluded workers. The hours of work for continuous workers were 60 in a week and of intermittent workers were 84. Continuous workers were also entitled to one day's rest in a week. The running staff were excluded from the scope of these rules. These provisions had been in force for only a few years when the staff began putting forward demands for further reducing the hours of work. Ever since 1940, the workers had been putting forward these demands and as no agreement could be reached between the Railways and the representatives of the workers, it was mutually agreed in 1946 to refer the questions to adjudication. The Adjudicator gave his award in 1947. His recommendations were accepted by

Government in 1948 and were implemented within the time limit of 2½ years prescribed by the Adjudicator on all the ex-Indian Government Railways who were the parties to the dispute. This was effected by altering the Hours of Employment Regulation which had been framed under the amending Act of 1930. Even in the case of the ex-States Railways taken over by Government in 1949 and 1950, it was decided to apply the recommendations of the Adjudicator and in fact, these have already been implemented on these Railways. While effect had in practice been given to the changes recommended by the Adjudicator, it was felt by Government that it would be more appropriate and in accord with international usage to provide for these alterations in the Act itself so as to afford statutory safeguard to railwaymen. Hence, we have come forward with this Bill before the House.

I shall now refer in brief to the important provisions in the Bill. I have already referred to the classification of railway employees as continuous, intermittent and excluded workers under the earlier rules. The first important change which the Adjudicator's Award made was in respect of classification of the staff. The Adjudicator introduced a new classification called 'intensive' which was intended to cover staff whose work was of a strenuous nature involving continuous concentration or hard manual labour with little or no period of relaxation.

The next change which the Adjudicator's Award made was in the definition of 'essentially intermittent'. According to the earlier rules, staff were classified as essentially intermittent if during a period of 12 hours, there were period of comparative inaction aggregating not less than two hours including two periods of not less than half an hour each; or, if the latter did not obtain a total period of inaction of less than 4½ hours. According to the Award, this period of inaction should aggregate 6 hours or more (including at least one period of not less than one hour or two

periods of not less than half an hour each).

The third change was in the inclusion within the scope of the Award of the running staff to whom the Employment Regulations have not hitherto been applied.

Lastly, the Adjudicator's Award defined specifically the class of staff who should be excluded from the operation of these regulations.

After classifying the staff, the Award proceeds to determine the maximum hours of work on which each class of staff may be employed. In respect of intensive workers, the Award lays down that they shall not be employed for more than 45 hours a week on the average in a month. In respect of continuous workers, the limit has now been fixed at 54 instead of 60 as it used to be previously. In respect of essentially intermittent, the limit has now been fixed at 75 hours as against 84 previously. Section 71(C) proposed in the Bill seeks to implement in full this award of the Adjudicator. The Award also provides that where for any reason the staff are employed for hours in excess of those prescribed, overtime pay shall be paid at the rate of 1½ times the remuneration for excess hours as against 1¼ times previously allowed. The proviso in proposed section 71(C) is in conformity with this portion of the Award.

In respect of periodical rest also, the Adjudicator's Award goes further than the earlier provisions. As I have stated above, under the 1930 Act, only continuous workers were entitled to a weekly day of rest. The Adjudicator's Award now provides for periodic rests as follows: for intensive and continuous workers at least 30 consecutive hours in a week; for essentially intermittent workers at least 24 consecutive hours in a week, including one night; and for excluded Class IV staff, at least one period of 48 consecutive hours in a month or one period of 24 consecutive hours in each fortnight. In the case of running staff the periodic rest may be four

[Shri Alagesan]

periods of not less than 30 consecutive hours each or five periods of not less than 22 consecutive hours each including one full night in a month. These provisions have been included in the proposed section 71-D of the Bill. Proposed sections 71-C(4) and 71-D(4) provide for temporary exemption from the restrictions of the hours of work and grant of periodic rest in cases of emergencies like accidents etc. It is necessary for the Administration to have these powers in order to ensure that the continuous work of the Railways is not interrupted. Safeguards for the payment of adequate overtime or the grant of compensatory rest have also been included in the Bill. Proposed section 71-E confers on the Government powers to make rules on specific matters. Provision has also been made in proposed section 71-G for the promulgation of rules regarding the inspection of Railways in respect of the way in which they have implemented the provisions of this Act. It is proposed that the inspecting machinery under the Labour Ministry shall be entrusted with this work and that that Ministry shall also ultimately be the appellate authority for the determination of the classification of railway services. The rules made in this regard will make the position clear. As I told the House before, these recommendations have been implemented and they are now only being placed on the statute-book.

There are a few minor matters about which specific provision has not been made in the Bill, for example definition of supervisory staff. We propose to include such points in the rules which would be more appropriate than to include them in the Act itself because any later amendment or adjustment could be made without having to go through the process for amending the law.

There are certain recommendations made by the adjudicator which are of a minor nature and which again have been enforced by the railways. The class of staff to be excluded from the

operation of these regulations has been defined in the proposed section 71A (c). Item (iv) thereof mentions:

"such categories of class IV staff as may be specified by the Central Government by rules made under section 71E;"

I can make it clear that it is not the intention to exclude large numbers of class IV staff under this head.

The provisions of the present Bill mark a great advance in legislation in protecting the hours of work and the periods of rest of railwaymen. I commend the Bill to the approval of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha be taken into consideration".

Shri Kamath: I find that you were pleased to announce a little while ago that three hours have been allotted for discussion and passing of this Bill. I find that the Business Advisory Committee is going to meet only this evening to consider this matter. So no time has been finally fixed for this Bill. I would therefore suggest that the period of three hours should not be taken as final.

Mr. Deputy-Speaker: The Business Advisory Committee had advised that three hours be allotted for this Bill. That advice has not been brought to the House for its approval.

Shri Kamath: It has not come for the approval of the House.

Mr. Deputy-Speaker: That is what I am saying. It has not been so far approved by the House. Otherwise, the Committee's recommendation is there. We will see to it, as the debate proceeds.

Shri T. B. Vittal Rao (Khammam): This amending Bill provides for the

regulation of conditions of work of the railway employees who have not been covered by the Factories Act. As the Minister himself has said, the provisions incorporated in this amending Bill are already being given effect to, and that only the formal legislation is being brought forward.

When we consider this Bill, we should bear in mind that a large percentage, as much as 40 or 45 per cent. of the railway workers do not have any statutory provisions governing their conditions of work. Among this large number, such important staff as running staff is also included. The running staff are the key to any transport system. This class of men carries out the duties which are a little more arduous than those discharged by the workers in the factories. So, while we consider this Bill, we have to bear in mind this important aspect. Again, there are other categories of staff also such as Station Masters, Assistant Station Masters, etc., who have not been included in these provisions.

The hours of work which were fixed by statute some years ago have been revised because it was contended on behalf of the railwaymen that the work-load has not been properly assessed and that therefore there is need for assessment of the work-load of the various categories of the workers on a proper basis.

In the year 1946, the strike notice that was issued contained 13 points. One of these referred to the conditions of work and the implementation of the hours of employment in the railways. Then, the strike notice was withdrawn, because the question of wages was referred to the Central Pay Commission, and a High Power Commission was appointed to go into the case of the workers who were likely to be declared surplus on the cessation of the war. Then the hours of work and conditions regulating the work were prescribed.

Now, when we take into consideration the changes that are incorporated

in the Bill, we should also take into consideration all the workers employed in other industries and see how far they have progressed during these years. I may point out that in the factories, before 1946, the workers had to work for nine hours. That had been reduced after 1946, and the Factories Act of 1948 contained the provision saying that the hours of work would be reduced to eight. Then, the overtime rate was increased from one and a half times to two times. The 54-hour week was also reduced to a 48-hour week. These changes had been brought about in the industry without any cut in the wages of the workers. That was a very welcome thing.

Under this Bill, one important thing is that for overtime wages for the staff who carry out an onerous and arduous duty which is sometimes risky, the rate has been fixed at $1\frac{1}{2}$ times. I know the Minister will tell me that it was $1\frac{1}{2}$ times in the former days. He would say that that was the normal rate and that it has now been increased to $1\frac{1}{2}$ times. These workers have to be on duty continuously. But in the factories, if a worker has to work for eight hours, he should have a break after four hours of continuous duty. So, when you do not provide for any break for these workers on the railways, I cannot understand why they should not be paid twice the overtime wages. Various industrial tribunals have ruled that the overtime rate for any work performed after the normal duties should be paid for at double the rates. So, I have also tabled an amendment to this effect.

The adjudicator has categorised various types of workers and they have been approved by the Minister himself. But I do not understand why the railways themselves should categorise the workers, when it has been definitely laid down in the adjudicator's award that such and such types of workers should be treated as continuous, intermittent and intensive. I fail to understand why the administration wants to have the powers to classify or categorise these workers.

[Shri T. B. Vittal Rao]

For intensive workers, it is said that they do not work for more than 45 hours. I have to bring to the notice of the House the case of a section of the category of intensive workers, namely, the section controllers. The section controllers, in some places, because of the nature of their duties, are to do only 36 hours of work a week. In some other places, they have got to do 48 hours' work. They have got an eight-hour shift. So, I want that these section controllers should be assigned a period of work which is not more than 36 hours a week. There should not be any distinction between one type of worker in one district and the same type of worker in another district. But for such categories of workers there is no protection. He may say that they do not come under the reference of the adjudicator's award. There should not be any category of workers who should be left out from the statutory provisions we are going to make. Otherwise, this again will lead to disputes and industrial peace will be disturbed.

In the Factories Act, the Mines Act etc., it is usually laid down that when an employee is unable to avail himself of the off due to exigencies of service, he shall be given a compensatory off. Here also it is mentioned, but no specified time is fixed within which that compensatory off should be given. In the Factories Act and the Mines Act, it is clearly laid down that compensatory off for the off forgone should be given within a specified time, one month or two months. This also may be mentioned.

There are some workers who are working more than 75 hours a week. A work-load which has been assessed several years ago does not hold good now; it should be revised. I do not consider that there should be any worker, to whatever category he may belong, should be given such a long spell of 75 hours of work. This is too much. So, I have said that it should be reduced to 54 hours.

I do not know who suggested that while computing the overtime wages, the whole month should be taken into consideration. It does not exist anywhere. In the Factories Act, it is on a daily basis. The Factories Act fixes 8 hours a day and not more than 9 hours on any day. Here there is no limitation or prohibition that beyond a specified period of time, he shall not be allowed to work. To compute it on a monthly basis is totally wrong. So, it should be computed at least on the basis of a weekly average, because there is no time limitation for a shift.

The Minister said that the adjudicator's award could be effective only to the parties to the dispute in 1946. In 1946 some of the railways were State-owned and some others company-owned. But, wherever the workers were, they got a guarantee from their respective employers that the adjudicator's award would be made applicable to all the railways. That was the undertaking given. Even for implementing some of the provisions of this Act, it had taken a pretty long time. It was not till 1953 or 1954 that these provisions were enforced on the railways. It was only in 1954 that some of the running staff really came to enjoy the provisions of this Act.

Regarding the weekly rest also, the principle laid down is the same as in computing overtime wages. The worker is to be given compensatory off only on a monthly basis. Of course for that month he gets what he would have got really at the rate of one day in the week; but, the way in which it has been put makes us suspect that there is no adequate staff, who should have been generally there. The staff for relief is completely inadequate.

In conclusion, I want to say that it should be binding on the railway administration to see that relief arrangements are so made that the worker should be relieved after a certain spell of time. Today what happens is this. Take, for instance, a few lines on which I travel very often

To give precedence to the Grand Trunk Express and the Janata Express, the goods trains are allowed to stand. They are stopped for several hours during the whole journey; sometimes it takes 5 hours more and this particular employee, who is a driver, a fireman or a second fireman, has to be continuously on duty for 13 or 14 hours. The work of the engine crew is such that it is also injurious to their health. If sufficient relief arrangements are made in between stations where running sheds exist already, these difficulties could be got over. I would appeal to the Minister to accept at least some of my amendments.

The administration is taking some powers for making rules. I would like the Minister to place the draft of the rules before the National Federation of Indian Railwaymen and obtain their comments. After that, the revised draft should be placed before the Indian Labour Conference; their comments and criticism should be invited and then only the rules should be made effective. Today the Indian Labour Conference is the highest advisory body in our country. There is no other body where you can discuss these things. In the International Labour Organisation, there is an "Industrial Committee on Inland Transport" where we discuss the problems affecting the workers engaged in the transport system. Though we are a member of the International Labour Organisation, whose convention we are going to ratify after this Bill is passed and President's assent is obtained, there is no such body in India. The Ministry of Labour has been rather incompetent and inefficient. They have not given any thought to this though they participate annually in the meeting of the International Labour Organisation. A large delegation is sent there to serve on various industrial committees. But the same thing is not done here.

Here there is no forum where the workers can go and ventilate their grievances. There is no forum of the nature of an industrial committee

where we can discuss and thrash out things. We had recently an industrial committee on coal mines which sat here for three days. We have gone through some 200 regulations on conditions of work and we have been able to come to an agreed decision on many aspects relating to the conditions of work.

Therefore, I earnestly suggest to the hon. Minister—of course, I am not very confident that he will accept my suggestion—that the railway administration will stand to gain by their placing these draft rules before the Indian Labour Conference, which is going to be held in India. There we can discuss these things. That is the highest body regarding matters concerning employer-employee relations and after discussion there we can finalise things.

Shri Frank Anthony (Nominated—Anglo-Indians): I feel the House has been taken somewhat by surprise with regard to this Amendment Bill and I hope that those of us who have given notice of amendments will be allowed to move them because we were under the impression that this Bill would be taken up on Monday.

This Bill is of a very vital character and I hope that after hearing the views of some of us the railway administration will be disposed to accept those views. In the Statement of Objects and Reasons the railway administration have underlined the fact that it is seeking to give statutory effect to the recommendations of the adjudicator's award and I am accepting that statement at its face value. I believe it is the intention of the railway administration to implement *bona fide* the intentions and the spirit of the recommendations made by the adjudicator. I feel that, perhaps unwittingly, in drafting several of these provisions, the railway administration is not only not implementing the spirit but even the letter of the adjudicator's award. If I have the opportunity to move my amendments, I shall elaborate my arguments then. But I want to draw pointed attention.

Shri Alagesan: The amendments were not circulated.

Mr. Deputy-Speaker: The House has been taken by surprise in regard to this Bill. The hon. Member will be sending his amendments.

Shri Frank Anthony: One of the vital matters in this measure in respect of which I am completely at variance with the railway administration is to the clause which refers to over-time for 'continuous' and 'intensive' workers for the period of their employment. I don't think any member of this House, who is aware of labour legislation, who is aware even superficially of the adjudicator's award will not accept the position that it was the week which was accepted by the adjudicator as the standard of human endurance and that it was the week which was accepted as the standard for work and operation. Then if it was the normal standard which the adjudicator accepted, I submit that it must be the normal standard in assessing not only the work, in assessing not only the human endurance but it must be the normal standard for assessing the emoluments. That is my greatest grievance and I feel that in this measure by introducing the seemingly innocuous words "on the average in any month" the whole purpose and intention of the adjudicator's award will be completely stultified; more than that, it will be perverted.

As my hon. friend who has preceded me has remarked, what is the principle which informs a measure like the Factories Act? There we have the weekly norm prescribed, 48 hours per week. But, as far as I am aware, there is also a certain provision which says that it is eight hours or nine hours a day. So my point is this. How is over-time calculated? I would be right in insisting that the railways, if they want to be progressive, as they say they want to be, they should come forward with progressive legislation and they should also accept

as the normal standard for the calculation of over-time work on the daily basis. If you say that a man is a continuous worker, and he should not work for more than eight hours per day, does it not seem only reasonable that if he works for more than eight hours then he should get the benefit for that over-work? That is the principle which informs the Factories Act where although they have prescribed 48 hour week yet if a man works beyond eight or nine hours, he gets the benefit for every minute of work for that particular day. What does the railway administration do? The adjudicator's award, quite rightly, have prescribed certain norms, weekly norms—six hours per day for the intensive worker, eight hours per day for the continuous worker and twelve hours per day for the intermittent worker. They have also prescribed the weekly norm—42 hours, 54 hours and so on and so forth.

Now, once we accept that position, what is the conclusion we must inevitably arrive at? It is that at least the adjudicator envisaged that when a man is over-worked, his over-time must be calculated on a weekly basis. But that is not being done. I do not know why it is not being done. I am not going to use harsh words at this stage. I say perhaps the railways have not understood the clear intention of the adjudicator's award. I am giving them the benefit of doubt. But if they insist on proceeding with this phrase "on the average in any month", then I will be the first to condemn them for deliberate *mala fide* because what is happening at the moment? You take your continuous workers; take your running staff. They are now classified as continuous workers. If for certain reasons, instead of 8 hours a day they are asked to work 10 hours a day,—I am not insisting as my hon. friend has insisted that you should give over-time on daily basis though I say, technically, legally and morally it will be a completely reasonable

and acceptable request—I am saying: at least implement, as you purport to implement, as you say you want to implement, the intentions of the adjudicator's award. You are not even giving them over-time on a weekly basis. That is what I do not understand.

So far as intermittent workers are concerned, you have only prescribed that they will not be employed for more than 75 hours a week. All right. I am prepared to accept that. The difficulties of the railways may be such that we cannot at present pay our staff on a daily basis. I am prepared to concede that.

An Hon. Member: Why do you concede that?

Shri Frank Anthony: Even in the Bill they have stated that so far as intermittent workers are concerned. But so far as the continuous workers are concerned, so far as the intensive workers are concerned, people who are doing more exacting type of work, you have introduced the phrases "employed for more than fifty-four hours a week" and "employed for more than forty-five hours a week" respectively. If you had stopped there, it would have been all right. But then you say "on the average in any month". What do you mean by "on the average in any month". I will tell you what they are doing by it. I do not want to use harsh words. When I talk to the railwaymen, what do they say? They are honest people with not a very full vocabulary. They say in a blunt way, that the railways are twisting us out of our money, they are cheating us out of our money. When you take the legal definition of cheating as causing wrongful gain to one and wrongful loss to another, you are causing wrongful loss to the worker and wrongful gain the railway Administration. Whether that constitutes cheating, I leave it to the conscience of the Railway Administration. What are you doing? This is supposed to be a progressive piece of legislation. Take your running staff, men who earn blood money. They do not work for 54 hours a week. Some of them

work 20 hours a day, 18 hours a day, 26 hours a day.

3 P.M.

An Hon. Member: A day?

Shri Frank Anthony: Not a day; some of them work 26 hours continuously. Some of them have done it. They do not mind. They say, all right. You work them so excessively. But then you deprive them of their over-time. This is what I cannot understand; I cannot understand the attitude of the Railway Administration. As I say, I am not insisting that you should pay them overtime on a daily basis. But, can you say that it will not be a dishonest evasion of the adjudicator's award if you do not pay overtime on a weekly basis? That is what the Railway Administration is doing. They are working these men for 70 hours or 80 hours a week: not 54 hours. They work in a fortnight for 130 hours or 140 hours. What do they do? In the next fortnight, they are put off. They say, on the average in any month. They work out for a month. It does not come to more than 54 hours a week. You have overworked them; you have killed them with work for a fortnight. You give them excessive work. Then you say, on the average in any month. What does it mean? Your norm of a day, your norm of a week means precisely nothing. You are enforcing, in order to deprive these men, the norm of a month. Seventy hours a week, 140 hours a fortnight means nothing. They do not get one anna of overtime. I just do not understand this. I hope that the Railway Minister will not justify that. If he justifies that, then I say, he will deserve and he will incite trouble, more than trouble, from the railwaymen.

Mr. Deputy-Speaker: Not inside the House.

Shri Frank Anthony: I do not know probably one may do it. But, it will certainly be an indirect incitement.

I request my friend, and all that I am asking to do is, to cut out the

[Shri Frank Anthony]

words 'on the average in any month: If a man has worked overtime, on the basis of a week give them the benefit of overtime. This is a reasonable request; it is a request for elementary justice.

There are several matters in respect of which I hope the Administration will accept the amendments which I have given. For instance, take intensive workers. The intensive workers are not supposed to work more than six hours at a stretch. They are in an anomalous position of not getting a day off in 365 days. Does my friend know that? How are the rosters for these intensive workers worked? They get 18 hours. They do not get in the whole year one complete day. For instance, they will work from the midnight last night to 6 o'clock this morning. They will get 18 hours from 6 o'clock till whatever it is to make 18 hours and they go on. They never get one calendar day in the whole year, off. That is your intensive staff. This may not appear to the Railway Administration to be an important matter. But, I have always said that the Railways depend primarily and, in fact, entirely on the human element. If you do not meet your men part of their way, if you do not understand their difficulties and their need for rest, their claims for overtime, how do you expect them to give reasonable loyal service?

Another amendment, my friend referred to it, relates to section 71D(4) which says, when they are required to do a certain amount of overwork, the Railway Administration, according to this, as far as possible may give them compensatory off. That is not good enough. It should be an absolute obligation on their part to give them compensatory off. I want to delete the words 'as far as possible'. I want the term, in any week within the calendar month. That is, if you overwork your men, you must be under an obligation to give them compensatory off in that calendar month.

I have been particularly perturbed by this blanket rule-making powers that we are going to invest the Central Government with. This I will oppose completely with all the emphasis at my command. What is the point in presenting a facade of a progressive legislation when you interpolate provisions giving blanket arbitrary powers which would completely nullify every other provision in this measure? Under two provisions the Railway Administration, for no reason, may completely extract a certain type of work. He may be an intensive worker. You may arbitrarily, as the Railways do, without any logic, classify him as an intermittent worker. Why should it be so? We know who is an intermittent worker, who is a continuous worker. Why should you have blanket rule-making powers arbitrarily to extract people from one category and place them in another. I say, you can just scrap the Bill and just have an one clause Bill that the Railways shall be a law unto themselves and may do whatever they like, whenever they like and however they please. But you will not be able to delude any who know anything about railway matters, if you put a clause of this description in.

There is one matter which is also of very particular concern. Take section 71F, where the Railways make it an obligation on a man not to leave his duty unless he has been relieved. This is a most reactionary clause. This would do great credit to pre-Independence days when the Railways were the nursery of reactionary bureaucracy. This measure is one of the most reactionary that could ever have been formulated anywhere by a most reactionary regime. What is significant in this? What is the adjudicator's award? Take the running staff. After 12 hours a man shall be relieved if he has given 2 hours' notice before the 12 hours. You shall relieve him. What do you say? Why? I have had talks with the Railway Administration. You have suspended men; you have removed men and dismissed men

merely because the man has said that: I am entitled to relief after 12 hours; you are indifferent and incompetent; you do not just provide me with relief; I am signing off; I have done 16 hours, 18 hours, 24 hours. What have the Railways done? They fly in the teeth of all the recommendations; they fly in the teeth of every progressive principle which has the sanction and blessing of all progressive administrations. Now you are putting in this completely reactionary measure. So far at least, when a driver who was not relieved after 16 hours or 20 hours on the foot plate, had stabled the engine, I was able to go to the Minister and tell him, the principle is clear you shall give him relief, he has worked for 16 hours or 20 hours. The Minister, though one of his underlinks had issued the notice of removal, was because of the adjudicator's award, obliged to reinstate the man. But what are you doing now? You are giving statutory sanction to keep a man 48 hours on the foot-plate. You will say: "No, we have not got relief." Our railways are so incompetent today. So, he will have to stay for 48 hours on the foot-plate, and if he stables his engine, you will dismiss him and you will say: "Here is the statutory provision for it." I just do not understand this. Either my friend has not applied his mind to it or he has not seen the clear implications of this provision 71F. That is why I wish to put in a clause. I am meeting the railways more than half way. I say, all right, if because of congestion, if because of incompetence you cannot give a man relief after the statutory limit, I am prepared to allow you grace. I am prepared to allow you to keep an intensive worker for eight hours on duty instead of six workers. About the continuous worker, I say instead of eight hours I am prepared to allow you to keep him for twelve hours on duty, four hours more. About the running staff, you are not supposed to keep them continuously on duty for more than ten hours. I say I am prepared to give you a grace of four hours, I am prepared to allow you to keep them on duty for 14

hours. About the intermittent staff, you are not supposed to keep them on duty for more than twelve hours. I am prepared to allow you to keep them on duty for 18 hours. After that, if the Minister is incompetent, if the Deputy Minister is incompetent, if the administration has collapsed, I say it is your business. The railways today are in many respects overstuffed. It is only because nobody cares and when you have a provision like this, they will care less. Your controllers do not bother, your station masters do not bother. These railway people give notice two or three hours before. Nobody bothers to get a relief crew, and now they will bother still less, with the result that the men who have been working for 20 to 22 hours may have to work for 30 to 40 hours. And they will say: "After 30 hours you have left your engine, you have stabled it, here is your order of dismissal."

I am sincerely hoping the Deputy Minister has not come with a closed mind. I am particularly anxious that in this matter of overtime and in this matter of over-work he should see my point of view. I hope he will modify the phraseology and accept the amendments which I propose to move.

Shri Alagesan: I have heard with great attention the two hon. Members who participated in the debate. There is no gainsaying the fact that they are people who constantly apply their minds to the problems of railway labour and—at least about one of the hon. Members I may say with confidence—try to make constructive suggestions.

Shri Anthony, of course, is rather strong in what he says. He uses strong language, but I can very well understand the concern that he has for railwaymen, but in this respect I should think that he has rather over-shot his mark and said things which are not facts.

Shri Vittal Rao expressed the fear that most of the workers are not enabled to enjoy the statutory safeguards that are being provided for

[Shri Alagesan]

railway labour. I should like to inform him that that is not the case. I have got here the percentages of workers that have been put under various categories and the excluded category which is not brought under the operation of this Act or the provisions of Hours of Employment Regulations comes to only 4.2 per cent. He feared that the percentage may be anything between 40 and 50. He need not have any such fear. The excluded category which includes people like—they have been enumerated by the adjudicator also—saloon attendants, caretakers of rest houses, reservoirs etc., gate-keepers of "C" class level-crossings etc., goes to make up only 4.2 per cent. of the total railway labour force. So, the excluded category being such a small percentage, all the others derive the benefit of the statutory provisions that we are going to approve here.

Both the hon. Members made the point that over-time should not be calculated over a month, that it should not be averaged over a month but it should be averaged over a week, if not over a day as Shri Anthony put it. Shri Anthony also accused the railway administration of going behind not only the spirit of the adjudicator's award but also the letter of the adjudicator's award. I do not know wherefrom he got this notion that we are trying to do something which goes counter to what the adjudicator has said in averaging it over a month instead of a week. I have only to meet Shri Anthony's very effective eloquence with the calmly considered statements of the adjudicator himself in this regard. He will please turn to page 98, paragraph 322 of the adjudicator's award. I am quoting from the report:

"The All-India Railwaymen's Federation demands deletion of the averaging clause. This clause was considered necessary to provide a reasonable measure of elasticity so necessary in railway working. Without it overtime payments would be the normal

railway labour. I should like to during the first week of the month when they have to prepare monthly returns. On European railways the period over which the eight-hour day is allowed to be averaged in pursuance of article 5 of the Washington Convention normally extends from a week to a month. Apart from the practice in India I am aware of only two countries where the maximum limit of hours per week is averaged over a longer period. In Norway the 48-hour week is calculated over four to six weeks and in Belgium over three months. In India the period of one month was fixed for this purpose for definite reasons, for example to provide for the extra work involved in the preparation of monthly returns and to admit of overtime payment being made along with the monthly salary. In actual practice this provision has not entailed any serious hardship and I am therefore unable to support the Federation's demand in this respect."

This is what the adjudicator has said. It is so categorical that I do not think that the accusation that we are doing something in this respect behind what the adjudicator has said can stand.

Then, Shri Vittal Rao spoke about compensatory off, about which Shri Anthony also mentioned. This compensatory off is being granted within as short time as possible. If there is anything which does not fall within this, I should like to have such cases brought to my notice so that I may take whatever action is necessary in those cases. I am told this compensatory off is granted within a week or within a fortnight. It is not taken beyond that. In fact, my friend pleaded that it may be given at least within a month, but I am told this compensatory off is given well within that period, namely a week or two weeks at the most.

Shri Vittal Rao said that whatever we have done or whatever we are

trying to do does not represent a progressive view or progressive outlook in the matter. I have only to compare what obtained before with what obtains at present. Of course I said it in my speech also.

The category of intensive workers was not there before. It has been introduced now, and they have got only to work for 45 hours, and the period of rest is 30 consecutive hours in a week. My hon. friend Shri Frank Anthony even forgot the number of hours a day contains. God made it contain only 24 hours, but he said, 28 hours. He also said that they work.....

Mr. Deputy-Speaker: God did not make it.

An Hon. Member: He said that they work continuously.

Shri Alagesan: I accept your correction. Anyhow, we are accustomed only to 24 hours a day, but my hon. friend even passed beyond that. Anyhow, I may tell the hon. Member this much. He was saying that it was not possible for the intensive workers to obtain a whole day of rest within a whole year, and even for one year consecutively, they were not able to obtain a day of rest. I do not know wherefrom he got the information.

Shri Frank Anthony: I shall give it to you.

Shri Alagesan: If my hon. friend confronts me with a statement of this nature, that they do not get even one full day off within a whole year, I can only request him to produce actual cases, so that I can examine whether it is so. If that is so, it is really a bad thing; it cannot be permitted. Now, this Bill will become an Act, and it will have all the binding force of an Act.

Fears have been expressed that something will be done by means of rule-making powers, to nullify the effect of the Act. It is not uncommon

to have a provision for rule-making powers. In every piece of legislation that this House has passed before, we have had a provision for rule-making powers. Likewise, here also, we have a provision for rule-making powers. That does not mean that we shall make rules which will nullify the Act. There is absolutely no justification for such a fear.

Then, my hon. friend talked about the rest periods of intensive workers, and said that they were made to work much longer than they were needed to. It may be that when relief is not available they may be made to work a little longer than the actual period for which they are expected to work. Barring that, there should be no difficulty in seeing that they are given the needed relief.

In case we do not have sufficient number of staff to provide immediate relief for these categories, certainly, it is for the Railway Administration and the Railway Board to see that sufficient staff are recruited, so that rest givers can be available there to provide relief. But that does not mean that people are made to work continuously.

So far as continuous workers are concerned, the number of hours of work, which was 60 hours before, has been reduced now to 54 hours. In the case of the essentially intermittent workers, it was 84 hours a week previously, and now, it has been reduced to 75 hours. Shri T. B. Vittal Rao has, in his amendment, proposed that these hours of work should further be reduced. But I may tell him that these 54 hours and 75 hours have been fixed with a view to provide for a certain amount of flexibility. It is the intention to prepare the actual rosters running up to only 51 or 52 hours a week in the case of the continuous workers, and 72 hours a week and no more, in the case of essentially intermittent workers. The extra hours have been put in just to provide for a certain amount of flexibility. In actual practice, however, it

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will not exceed 52 hours or 72 hours, as the case may be.

Then, Shri T. B. Vittal Rao pleaded that overtime allowance should be payable at twice the rate and not at one and a half times the rate. This point was raised here even before, and I had occasion then to meet this point. In the case of a factory, the overtime allowance to be paid is twice the normal rate. The main reason for that is that it is the intention to discourage the practice of taking overtime work from the workers. But on the railways, it is just not possible to avoid taking overtime work. It becomes necessary in the very nature of their duties. For instance, take the case of the station staff. They might be dealing with a particular train, and before that train leaves the station, and before seeing that the train leaves the station, it is not possible for the station staff to leave the place of work on the ground that their period of duty has come to an end. So, in the very nature of their work, it is not possible to avoid a little extension of the hours of work.

3.24 P.M.

[MR. SPEAKER in the Chair]

But in the case of the factories, the intention is to prohibit overtime work, and to discourage taking more than eight hours of work from a worker. So, the two cases do not stand on a par. As Shri T. B. Vittal Rao himself has pointed out, this has been raised to one and a half times, as compared to 1½ times before. So, there is not much force in demanding that it should be twice as in the case of the Factories Act. The hon. Member knows that we have made an exception in the case of the loco-shed people two years ago, and there, in fact, we have given them certain concessions.

My hon. friend also mentioned that in some places, the section controllers worked only for 36 hours. I am not quite sure whether they work only for 36 hours and not for 45 hours, as is required of them.

Shri T. B. Vittal Rao: It is so in Bangalore and other places.

Shri Alagesan: I do not know. But that should not be an argument. Perhaps, it might be a very light station, and I do not know why the number of hours of work is only 36. Anyhow, that should not be an argument for saying that the number of hours of work to be put in by intensive workers should be reduced from 45 hours to 36 hours on the basis of what obtains in one or two stations, where professedly, the work seems to be much less than the usual work.

As I said, all these things have been given effect to, and are in operation, not only on the Indian Government railways, but also on the ex-State railways, which have been integrated with Government railways. We are now only asking the House to put its seal of approval on at thing which is already in practice, and which has produced, I can claim, a certain amount of satisfaction among the railway workers.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Speaker: This Bill will now stand over. Now we shall take up Private Members' business.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-NINTH REPORT

Sardar Hukam Singh (Kapurthala-Bhatinda): I beg to move:

"That this House agrees with the Fifty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd August, 1956."

This report deals with two Bills. One is the Sadhus and Sanyasis