

# **ALL INDIA LOCO RUNNING STAFF ASSOCIATION**

Paper Presentation for Seminar On **DUTY REST IMBALANCE OF LOCOPILOTS AND RAILWAY SAFETY**

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## **Introduction**

Nowadays on introduction of Vande Bharat Superfast Express services, section speed of various sections of Indian Railways are upgraded to 120 to 130 kmph. The recent Coromandel express accident at Odisha reminds us that whenever the speed of trains is increased, the severity of accidents and death toll casualties are also get increased manifold. Hence our concentration, as well investment in Safety shall also to be more. More advanced technological interventions to avoid human dependency is also the need of the hour. In this High Speed era, human resources also plays vital role. Locomotors are the important one among the safety category to play pivotal role to ensure safety in Railways.

In addition to Coromandel express accident on 2nd June, 45 days earlier and 23 days later two rear collisions happened in Indian Railways which were not drawn sufficient headlines of media attention as the involved trains were Goods trains. But these are the real indication of serious system deficiencies. These two collisions are mainly due to Signal Passing at Danger ( SPAD) which are never ending phenomenon in Indian Railways.

## **Two recent Collisions involved with Goods trains**

On 19.04.23 at Singhpur station(SNGP), Bilaspur Division, SECR, a Goods Train (no. N/ PSB) rammed to a stationary goods train (no.BOBRN/ BRS) and killed the Loco Pilot of the latter, Mr. Rajesh Prasad . Preliminary reports of CRS hints micro sleep of that both LP and ALP of N/PSB caused the accident. The LP and ALP had crossed 14/15 hours of duty at a stretch when the accident took place in the morning and that is the fate of Loco Pilots today.

On 25.6.23 at Ondagram (West Bengal), Adra division, SER, a Goods train ( T.No.E/ BCN(E)) passed Home Signal at danger aspect and collided in rear of stabled BRN rake. Fact finding committee of SAG level officials revealed that they ( LP & ALP) might have undergone 'micro sleep'. While analysing the working of this Locomotor, Out of the 18 number of trips in a span of 30 days - 14 trips were night duty, 10 trips exceeded 10 hrs and 8 trips exceeded 12 hrs duty. In case of ALP working, out of 22 trips 17 were night duties, 13 trips were more than 10hrs and 8 trips are more than 12 hours. In addition to that he was forced to work continuously for more than 19 hrs. on 06.06.23 and more than 16 hrs on 21.6.23.

But root cause for fatigue of Locomotors which causes micro sleep like biological response are never bothered by Railway authorities and they invoke 14(ii) removal to LP & ALP stating that it is not reasonably practical to hold enquiry. The disciplinary authority dispensed with the normal DAR inquiry arbitrarily, merely in order to avoid the holding of an inquiry. This is clear violation of Judgement of Supreme Court in Civil Appeal no.6814 of 1983 & CA no.3484 of 1982 , Department of Personnel and Training OM dated 11.11.1985 vide Railway Board circulars dt.06.02.86, 06.10.88 & 06.94.1992 which lays down special procedure for Rule 14(ii) of Railway D&A Rules which emanates from the provision contained in clause (b) of the second proviso to Article 311(2) of Constitution of India. This reveals the fact how merciless railway officers handle its employees responsible for an accident, despite of which signal jumping ( as media used to describe) recurring in railways.

## **Longer Duty hours causes accidents/ SPADs( Signal Passing at Danger)**

Various case studies, reports of Commissioner of Railway Safety, Inter departmental enquiry reports reveal that the fatigue caused by long working hours of Locomotives plays important role in accidents/ SPADs. From the Commissioner of Railway Safety report on the above mentioned Singhpur rear collision, crew who have passed Signal at Danger had worked more than 14 hours and the report while analysing cause of accident state that the LP was most likely in a daze or micro sleep and made no conscious effort to apply brakes ... Further in that particular section BSP - SDL of SECR 44.81% cases crew had worked more than 14 hours everyday

In another SPAD case in Veppagunta station of Chennai - Renigunta section of Southern Railway on 08.08.2019 Locomotive of Train no. AutoSpeed/ CMLK has passed Starter Signal and Advance Starter also in danger. Inter department enquiry committee revealed that the SPAD was caused due to fatigue induced by longer hours of working (ie) 14 hours. The LP was not only put to long duty hours but also put to over work at an average of 140 hrs per fortnight against the statutory limit of 104 hours for the previous five fortnight.

### **No technological support to Loco Pilots against human failure**

Though both Coromandel express accident and the above two goods train accidents are similar rear collision, they differ much Coromandal accident was caused due to failure of signal interlocking arrangements installed to eliminate the possible human error of Station Masters and human interference in the interlocking system. But Singhpur accident and Ondagram accidents are caused due to micro sleep – a human error, a biological phenomena. **There is no technological support to LP to prevent any of the possible human failure. Entire trains run safe on LP's vigilant watch on signal and his skill to control the train. This alarming fact is admitted by CRB/ Rly.Bd before Parliamentary Standing Committee.** Though Vigilance Control Device (VCD) like alerting device for Locomotives, Train Protection Warning System and indigenous Kavach like systems are introduced, all have limitations and they are not equal to an alert Locomotive. In many, Signal Passing at Danger (SPAD) cases VCD have been provided and were working in good condition, but even then this couldn't prevent SPAD or collision.

### **Working Condition makes Loco Pilots vulnerable to operational lapses**

Various Committees and Commissions admit facts remain uncontroverted that the work of LPs is extremely arduous in nature. Attending such duties continuously for longer hours is harmful to their physical as well as mental health, unsafe to the traveling public and likely to cause deleterious consequences. Railway Board themselves said 19 years ago, (RBE 04/2004), **the element of stress combined with uncertain hours of work entailed in the performance of running duties over long period of time tend to have deleterious psychosomatic effect on their health. There is slowing down of reflexes with the passage of time making them vulnerable to operational lapses.** *That is the root cause is crystal clear to the Railway administration at the least from 2004.*

### **Never ending struggle for reasonable limit for duty**

In 1973, there was a nationwide strike by loco running staff under the banner of AILRSA demanding 8hours duty at a stretch and agreement arrived with Government of India on 13.08.73. On 14.08.1973 Minister announced in the floor of Parliament **Members of Loco Running Staff will not be required to work for more than 10 hours at a stretch from Sign On to Sign Off.** At the 50<sup>th</sup> anniversary, in 2023, the agreement remain dishonoured, the present rule of 11/12 hours is not implemented and in practice Loco Pilots are being forced to work more than 14hrs at a stretch.

Let us know short history of Hours of Employment Regulations and Duty hours of Locomotives.

The Loco Running Staff was excluded from the purview of Hours of Employment Regulations. Recommendation of Js.Rajadyaksha Committee 1946 and related HOER amendment in 1951 brought Running Staff under the regulation as a continuous category with weekly limit of 54 hrs work. The discrimination with regard to duty hours at a stretch

and periodic rest sustained through subsidiary instructions by the RB Subsidiary Instructions dt. 4.1.1962 laid down that the "running duty at a stretch should not ordinarily exceed 10 hours and the staff should be entitled to claim relief after 12 hours of running duty, provided they give 2 hours' notice for relief to the controller." The duty at a stretch from sign on to sign off remained unlimited.

During the 1968 strike by the Firemen Council, while the demand was 8 hours' upper limit, from sign On to sign off, E(LWA)68/HER/56 dated 15.07.1968 was issued fixing a limit of 14 hours from sign on. Fireman Council and other organisations of loco running staff continued their protest against longer working hours. In 1969 Railway Labour Tribunal by Justice N.M. Miabhoy was constituted which recommended that total maximum limit of 14 hours should progressively be reduced by half an hour every 2 years from the date of its report till the limit of 12 hours is reached at the end of the 8th year., ie. by 1977 .. " *Things must improve within 8 to 10 years and that working beyond 12 hours will be exception after dieselisation and electrification take place.*" There was no improvement, dissatisfied running staff went on strike In 1973, which ended with 10hrs. agreement. Though railway administration delayed its implementation utilizing the internal emergency, but forced to implement it vide letter no. E(LL)77/HER/29 dated 31.8.1978.

The Railway administration then issued **3.4.81 order to subvert the 1978 order which resulted in deteriorating the condition to the pre 1951 level, ie. Endless duty at a stretch.** Against this 1981 order running staff put up strong resistance in 1989- 92 and also approached the CAT/ ERS. The tribunal cancelled the 1981 order describing it as inhuman, against international and national laws and cancelled all penal actions too. Following that the railway came up with 13.04.92 order and fixed duty hours as 12+1, 13 hrs along with a manipulating clause ( emergency/ even equipment failure) to extract unlimited work.

In 2004 the Parliamentary Standing Committee under the the Chairman ship of Com. Basudev Acharya recommended to limit the duty of running staff to maximum 8 hrs but the Railways refused to accept it. Central Government Employees' Federations served notice for All India Strike w.e.f. 01-03-2006. AIRSA decided to join it and hence our demand to reduce duty hours to eight found place in the 20 point charter of demand. On negotiations the Government declared judicial review of HOER. But it was not yet be honoured. Loco running launched a nationwide hungerfast agitation in 2010 on which a conciliation was held by CLC/ New Delhi and ended in failure. Then the demand of judicial review of HOER was sent for adjudication before NIT/ Mumbai in February 2012 along with 3 other demands. Railway Board did not give any affidavit till date on the particular demand.

### **Unjust and inhuman attitude of Railways.**

From 1969 onwards the Railway Board was taking a stand that working hours will come within safe limits within a short span of 5 to 7 years on completion of major line capacity augmentation works and technical advancement etc. This is the argument placed before the Railway Labour Tribunal 1969, CAT/ Ernakulam in 1991, Parliamentary Standing Committee in 2004 and in High Power Committee 2013. The **decided target year 2020 for ordering 10 hour limit by Railway Board in 2016, is also breached with clear intention of exploiting the workers at the cost of Railway safety.**

### **Effect of technical advancement**

In 50 years everything changed. Diesel and electric locomotives can run days together, speed increased, length and trailing load trebled, most of the lines are doubled, signalling system changed to automatic, interlocking arrangement eliminated possibility of wrong operation of signals by Station Masters, frequency of trains increased many fold, number of railway employees reduced to half. Railways brought many technical advancements to reduce the work pressure too. But the net result is evaluated and recorded by High Power committee stating " **Yet most of these changes have brought relief only to the stationary staff working at stations, yards or control offices and not to the**

**running staff for whom the stress levels have apparently gone up many times due to higher speeds, heavier loads, continuous, sustained attention for viewing and acting upon the aspect of approach signals (caused by reduction in block section lengths and introduction of Automatic signaling) and requirement of latest technical knowledge and technique for trouble shooting. Thus the stress / strain on the loco pilot shifted from that of physical nature to that of mental** and this has led to a situation where the loco pilot has to remain continuously attentive in something or the other while on run. If nothing else, he has to operate the VCD every minute. Despite all, loco running staff are put to over work upto 26 hours even on normal conditions at the treat of penal actions!

### **Denial of Weekly Rest and Inadequate Periodical Rest at home**

The term periodical rest in railway rules itself is to deny weekly rest which can be understood from the following paragraph.

The Report of Task Force on Safety (2017) found that majority of SPAD incidences happened after **home rest** (head quarters rest) which prove that home station rest is inadequate and the quality of rest is being compromised. Thus Task Force on Safety appointed by Ministry of Railways has correctly acknowledged the quality of rest available to Locopilots.

Loco Running Staff are entitled for 4 periods of 30 hrs or 5 periods of 22 hrs as periodical rest (railway term for weekly rest). As a matter of fact, under the statutory provisions after every spell of duty, 8 hrs at out station /16 hours rest at headquarters. So weekly rest at HQs to be added with normal rest of 16 hrs at HQs ie 22+16 (38) or 30+16(46). But in practice just 6 hours or 14 hours only added during 22hrs or 30hrs rest for running staff. Now Ordinary workers Out of 720 hours in a month, they are away from their family (on duty) for ( 6 days \* 4 weeks \* 8 hrs) 192 hours and they get 528 hours with family. Whereas a duty trip of a running staff shall extend for 72 hours, he is entitled to get mere 153 hours in a month with their family. But this provision of periodical rest forces the Locopilots to work trains in all 365 days. Railways very well know the rest are totally insufficient. In turn railway imposed restrictions on social life like “do not play with the children, do not go for marketing with wife, do not call family members once you leave home etc.” **Which multiply the stress levels.**

### **Modify Rules of weekly ( periodical) rest**

Para IX of ILO convention R.161 of 1979, recommends **The minimum duration of the rest should be 24 consecutive hours, preceded or followed by the daily rest.** Hence weekly rest and home station rest should run consecutively and not concurrently. Many a time judiciary and labour department clarified this legal position in the past.

High Power Committee -2013 found general consensus among the staff as well as the railway management comprises of Additional Member ( Traffic), Additional ( Mechanical), Additional Member ( Electrical) along with their concerned officials in Railways on 23.07.2012 (Para 4.3.6.2 of HPC report) and recommended that **the Running Staff should be given a Periodical rest of 16 hrs + 24 hours ( calendar day) ie., 40 hours 4 times in a month.**

But it was only to be rejected by Railway Board. Now who is responsible for above mentioned Collisions caused by SPAD?

### **Continuous Night duties invite accidents**

RDSO study (Psycho- Technology on Indian Railways) says that **the working on the Second Consecutive night has been found to further dampen the mental alertness, making Drivers vulnerable to operational lapses.**

NASA's Technical Memorandum (110404), **TRAIN** Project of Swedish National Rail Administration report and several studies and research findings discussed **Accumulated sleep debt** beyond 2 nights will affect reflexes, reaction time and increasing sleepiness while on driving duty may result into safety violations.

**The High Power Committee observes that over 50 per cent SPAD cases took place during night time and out of these, over 50 per cent took place between 0200-0600 hours (i.e. during WOCL Window of Circadian Low)**

HPC concluded the continuous/ consecutive night duties to two for running staff and a third night if it is inevitable towards his headquarters only.

**In this case also Railway Board in stark contrast issued order for continuous four night duties.( RBE 120/2016).**

### **Longer Stay Away from Home multiply stress**

HPC made detailed discussion on this and recommended that **“The present limit of 96 hours stay away from headquarters needs to be brought down to a level of 72 hours...and to 48 hours concurrent with completion of large scale line capacity works and operationalisation of of DFCCIL project in tandem with completion of Vision 2020 of Indian Railways.** Railway management's attempt is not to accept the recommendations of HPC.

### **Attempts of legal remedy too failed**

All the issues discussed above, which affects Safety of railways are not only represented to railway authorities but in front of legal forum also. A National Industrial Tribunal is hearing all these issues from the year 2012 onwards and yet to give its verdict.

Labour ministry had reclassified running staff as intensive category in 2010 with six hours limit for duty. Railway board had prevented Labour officers from travelling on locomotives and now take refuge on it to gain stay order from court.

### **Other reasons causes Accidents/ SPADs**

#### **1)Crew vacancies**

The CRS report on Rear collision of Singhpur gives a statistic of vacancies of running staff as on 01.4.23 that Out of sanction strength of 10143 of SEC Rly, 8417 staff only on role. This 17% vacancy in one Zonal Railway indicate all over India position. When Parliamentary Standing Committee on Railways questions then Chairman, Railway Board about how do you manage to run trains with this much vacancy in important safety category for long time, he has replied that we have leave reserve in this category which will be taken always to manage this vacancy. It indirectly proves that running staff are not given with sufficient leaves also in addition to denial sufficient rest. Thus Human errors are created/ induced by denial of leave/ rest due to non filling up of vacancies.

There is no creation of new posts of Locopilots commensurate with the number of Locomotives and increased train services.

#### **2) Inadequate Safety Fund**

National Rail Safety Fund called RRSK has been created and it was planned to allot ₹.1 lakh crore in five years for safety alone, spending Rs.20000 crore a year. The Railways from its internal resources have to invest ₹.5000 cr and the balance ₹.15000 cr from Govt's General budgetary support (GBS). The ₹.20000 cr target has been consistently missed and it leads to lot of safety works are affected. Hence the target of ₹.20000 cr every year has to be met by Government through GBS. This will help to provide asset renewal, new safety gadgets etc.

#### **3)Dearth of Accountability**

For quite some time, in the Railways, there have been talking about 'graded responsibility', which is, the responsibility goes up with higher grades. But in practical terms, the graded responsibility is not applied at all. For example, In Bahanaga Bazar Accident , though CRS had found that the accident had happened out of a modification work done

in 2018 without proper drawing and proper tagging of wires. For which higher officers are responsible. But three lower rank officers in signal department are put behind the bars and officers are scot free.

In Indian law, there is something called vicarious liability. In simple terms, it is like a master-servant relationship. It means, if the servant does something wrong, even if he is negligent, the master also is accountable. Even though the vicarious liability law is available in the Indian Penal Code, it is not applicable in the Indian Railways. It is absolutely essential to have graded responsibility. Because there is no accountability, they are not taking sincere steps to ensure safety except Councilling the staff. And nowadays started counselling the family too.

#### **4)Cab Signalling**

After starting the Vande Bharat trains, the train speed was increased to 120-130 kmph. But what safety improvements have they made for running trains at a higher speed? Nothing. When increase the speed from 100 kmph to 130 kmph, one should understand that reaction time as a loco pilot becomes very limited. At 130 kmph, LP pass 1 km in 28 seconds! Imagine how much time he gets for any reaction.

We are not against increasing the speed, we are not against running Vande Bharat or Bullet trains. Along with this, human dependence on the controls should be reduced. High Level Safety Review Committee headed by Atomic Scientist Sri. Anil Kakodkar in 2012 recommended Cab Signalling which will reduce the strain of Locopilots when speed increases. But Railways has not initiated such technology. Instead the number of signals are increased manifold in the name of changing Automatic System which increases number of trains in the section. Simply instead of separate semi high speed and high speed tracks with lesser number of signals/ controls, nowadays we are asked to run high speed trains in the same more saturated sections. This invites accidents through human error.

#### **5).Absence of Toilet in the Locomotive**

Absence of toilet in the locomotive is an another important aspect which may cause distraction to Locopilots. It is need not to mention that how miserable for a lady Locopilot to work for 10 to 12 hours irrespective of winter or rain without a toilet facility. The mental agony of a women to express her need to answer the call of nature, to a male co-worker itself is unimaginable. But Railways not only did nothing to provide toilets in the existing locomotive fleet but also did not adapt a design with a toilet, for the new generation locomotives even.

**Now the big question before the workers is “how long should they suffer this injustice?, otherwise where is the end?, what should they do?”**

#### **Conclusion**

The past experience prove that Railway Board will not implement the recommendations of the HPC, or even there own decisions unless and until they find no other alternative out of pressure from the workers and the public. It is we, our collective efforts alone will force the rulers to act. The power to enforce the right is vested on us, the earliest we realize that and collectively decide to do so, the hazards of SPAD, inhuman penalization, development of various illness, social isolation etc. of the above imbalance will be eliminated. For that, the support of the rail users and general public is inevitable

**United struggles of the workers with the support of common people alone decide the future.**

**AILRSA SOUTH ZONE**