

**Government of India
Ministry of Railway
(Railway Board)**

No. 2010/Safety(A&R)/19/18

New Delhi, dt. 14.08.2010

The Chief Operations Managers,
All Indian Railways

Sub: Powers of Zonal Railways to amend Unified Subsidiary Rules/Subsidiary Rules.

One of the Zonal Railways has made a reference to Railway Board seeking clarification regarding the powers of the Authorized officers of Zonal Railways for effecting changes in the SR/USRs. The decision of the Board has been sought on the following issues :-

1. *Whether discretion is available to Zonal Railways to modify, amend or delete any of the 'Unified Subsidiary Rules' (USR) issued by the Railway Board.*
2. *Whether the Zonal Railways have discretion to amend or delete an SR framed earlier by it based on General Instructions on an item of Safety issued by Railway Board in the past.*

The matter has been examined in the Board. It is important that the Zonal Railways have a proper appreciation of the concept and philosophy of the Rules (GR, USR and SR). This is detailed below.

The statutory provisions for framing the General Rules are laid down under Section 60 of the Railways Act, 1989. As per the legal position, if such statutory rules are made within the powers conferred by the Act, they must be taken to be part of the Act itself, and hence, made with the full authority of the legislature. General Rules (GR), therefore, have this authority and status. It is for this reason that Amendments to the GR have been issued by the Railway Board, either in the form of a new Rule, or modification to an existing one, so that these shall have overriding statutory force. Neither the 'Unified Subsidiary Rules' (issued by Railway Board) nor the 'Subsidiary Rules' (made by the Zonal railways) have this statutory authority.

It is important to note that Board has been issuing amendments to GR, as also issuing USRs selectively in some cases. During the last 30 years, twenty five Amendment Slips to the GR have been issued, with as many as fifteen of them in last 10 years since January, 2000. Simultaneously Railway Board has also issued a slightly lesser no. of USRs in the same period. A review of the GRs and USRs issued in the past has revealed that broadly on major issues, Railway Board has issued an amendment to the GR; on minor issues, Board had advised Zonal Railways to issue USRs.

The main reason of the practice/convention to issue 'Unified Subsidiary Rules' from Railway Board on issues of lesser importance was to circumvent delays attendant with the protracted process involved in issue of a Gazette Notification subsequent to an Amendment to the GR. For the last 2 years, however, Safety Directorate, Railway Board, has modified this policy and has not issued any USR. The delay in issue of a Gazette Notification has now been

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overcome partly by more intensive chasing with the Ministry of Law and Justice; and partly with adoption of a new system of issue of 'Advance Amendment Slip' to the GR as approved by Board (MT). Subsequently, when the Gazette Notification is issued, the GR is finally modified superseding the 'Advance Amendment Slip'.

This item was also considered at length during the preparation of the new Draft GR by General Rules Review Committee headed by Mr. R. N. Aga, (Retd. MT). In the initial deliberations done by the GRRC, it was proposed that a number of USRs would be included with the GRs. The Safety Directorate in the Railway Board, however, took the view that the revised GR should not have any 'Unified SRs' and the Zonal Railways (Authorised Officers) shall continue to have powers to issue SRs. This was approved as a policy by the Board (MT).

Further, General Instructions are issued by the Safety Directorate at regular intervals, based on recommendations received from Zonal Railways, or to lay down safety precautions for newly introduced items/equipment of new technology, and/or on the basis of recommendations of CRS/CCRS as a result of train accident inquiries. Some of the Zonal Railways have been incorporating these instructions as new SRs, or issuing amendments to existing SRs; while some others are reiterating Board's instructions as Safety Circulars.

The General Instructions issued by Railway Board may or may not be applicable over all Zonal Railways. This would depend upon the system of working and the type of infrastructure (Signaling, P Way or Rolling Stock) available and system of working prevalent over the Zonal Railway. Further, even though Board's instructions may be relevant at a point of time, they may subsequently become infructuous or irrelevant due to a change in the system of working or due to changes in technology/infrastructure etc.

Even the USRs issued by the Railway Board may become redundant over a period of time in view of changes in technology, etc. In such cases, the Zonal Railways should have the discretion to ignore outdated instructions, or delete USR/SRs, which have lost their relevance, due to changes in systems of working.

In view of the above, the question of powers of a Zonal Railway to issue an amendment to or delete a USR/SR automatically does not remain relevant for future. For the present, the Zonal Railways have the full discretion to amend/modify/add/delete a USR/SR based on local conditions prevailing over their Railway. Therefore, it has been decided that the Zonal Railways shall have full powers not only to issue Subsidiary Rules, but also to amend or delete an existing SR/USR.

This issues with the approval of the Board (MT/CRB).

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