

IN THE HIGH COURT OF DELHI AT NEW DELHI

CRIMINAL WRIT NO-----of 1974

(In THE MATTER OF WRIT JURISDICTION)

AND

In the matter of:-

MAINTENANCE OF INTERNAL SECURITY ACT 1971

(Act 26 of 1971)

Mrs. Leila Kabir Fernandes

Wife of Mr. George Fernandes

Resident of S 11/1 Panchsila Park

New Delhi.....PETITIONER

versus

- District Magistrate, Delhi
- Superintendent Jail, Tihar, New Delhi

PTO

3. Delhi Administration (service to be affected through Governor)
4. Mr. Lalit Narain Mishra, Minister for Railways, New Delhi
5. Union of India, service to be affected through Secretary, Ministry of Home Affairs, New Delhi

Petition for Writ of Habeas Corpus Under Article 226 of Constitution of India

BEFORE THE HON'BLE CHIEF JUSTICE AND THE COMPANION JUDGES OF THE DELHI HIGH COURT

The humble petition of the petitioner showeth:

1. That your petitioner is a law abiding citizen and is now residing at Panchsheela Park, New Delhi, She is the wife of detemue, Mr. George Fernandes, who is the Chairman of the Socialist Party, New Delhi and, at present, is also the convener of the National Coordination Committee of Railway Unions. This petition is being made on behalf of Mr. George Fernandes who is detained under Section 3 of Maintenance of Internal Security Act. He is unable to present this petition or contact the Counsel being confined in Central Jail, Tihar. The order is attached and is marked as Annexure A.
2. That Mr. George Fernandes is the President of the All India Railwaymen's Federation. In his capacity as President he convened a meeting of the various Railway workers' Unions, and it was decided at this meeting that a National Coordination Committee for the Railway struggle should be set up to negotiate with the Government the railwaymen's charter of demands and also to prepare them for a peaceful struggle. This charter included, among other demands, the demand for bonus and parity with the employees of public sector undertakings in the matter of wages etc. Mr. George Fernandes was appointed Convener of the National Coordination Committee.

3. From the beginning, the Government and the Railway Minister adopted a very casual manner in regard to these important negotiations. The negotiations were first carried on by Mr. Warrior, a member of the Railway Board, and later on by the Deputy Minister of Railways, Mr. Qureshi. These talks were interrupted by the unfortunate death of Mr. Qureshi's father. Instead of taking over the negotiations himself at this stage, Mr. L.N. Mishra, the Railway Minister, had the talks adjourned. When the talks were resumed some agreement seemed to emerge on certain demands of railwaymen. But even about these agreed matters, there was some difference of interpretation. On the question of bonus and parity, however, the Railway Ministry remained adamant. At this point of time in order to break the deadlock, it was suggested that a meeting be held on 1st May, 1971, to delimit the areas of agreement and disagreement. Mr. George Fernandes, the Convener of the National Coordination Committee, had an engagement in Lucknow which he could not put off. The Coordination Committee, therefore, deputed Mrs. Parvathi Krishnan and Mr. Gajanan Gokhale to represent the Committee at this meeting. It was further decided that after the minutes of the discussion had been drawn up on 1st May, negotiations should be resumed in the morning of 2nd May. The Railway Minister, Mr. L.N. Mishra, was personally aware of all these facts and had assured Mr. George Fernandes that a plane will be sent to Lucknow in order to enable him to participate in the negotiations which were scheduled to be held on 2nd May.

4. Apart from the resumption of negotiations on 2nd May, other moves had also been initiated with the common objective of settling the railway dispute. Mr. George Fernandes had written to Mr. Achutha Menon, Chief Minister of Kerala and Mr. Karunanidhi, Chief Minister of Tamilnadu, requesting them to use their good offices in order to find a solution to the dispute between the Railway Ministry and the Railway workers.
5. Mr. Madhu Limaye MP had informal discussions with the General Secretary of the Congress Parliamentary Party and the General Secretary of the ruling Congress party on the question of railway strike. He had written a letter to Mr. Vithal Gadgil, General Secretary of the Congress Parliamentary party, on 1st May, requesting him to fix the time and place for a meeting between members of the CPP and Mr. George Fernandes for an exchange of views on the railway dispute. Mr. Limaye hoped that such a discussion would not only be fruitful in enabling the two sides to understand each other's position better, but also to find a way out of the current difficulties.
6. Mr. S.M. Banerjee, MP had proposed that upon the return of Mrs. Indira Gandhi from Iran on 2nd May 1974, a delegation of Parliament Members should meet her in an effort to help reach a negotiated settlement of the Railway dispute.
7. A meeting of the Business Advisory Committee of Lok Sabha was to meet on 2nd May, 1974 to fix the time for a debate on the Railway dispute. It was hoped that this debate would clarify matters and would help arrive at a settlement.
8. In view of the above, it is absolutely clear that the Government, especially the Railway Minister and the Home Minister

Mr. George Fernandes and other leaders of railwaymen in the midnight or in the early hours of the morning of 2nd May 1974, the day on which the negotiations between the Railway Ministry and the representatives of Railway workers were to be resumed in Delhi.

9. That Mr. C.V.Narasimhan, Joint Secretary to the Govt. of India, Ministry of Home Affairs, in a secret and most important circular letter No.8/12/74/Poll(D-1) dated 7th April, 1974 had said that:

"One of the important ingredients of effective preventive action will be the arrest and removal from the scene of their activities of persons who otherwise would either contribute to the success of the strike or create serious law and order problems. It will be appreciated that the timing of such preventive arrests should be neither premature nor late. Premature arrests may precipitate strike and other law and order problems, even while attempts are being made to avert them. The action, if it were too late, would give sufficient opportunity to the wanted persons to make their apprehensions difficult. I am, therefore, desirous to suggest that you may await our specific clearance regarding the date from when preventive arrests should be carried out"

The circular further said that "the intelligence Bureau will be providing necessary assistance to the State CID in the preparation of necessary lists".

10. Mr. George Fernandes was for several months touring the country in connection with the Railway dispute in an effort to mobilise support of Railwaymen and the general public for the railwaymen's demands. While exhorting them to organise themselves for the coming struggle, he had issued a circular directing ^R railwaymen not only to engage themselves in sabotage or damaging of railway property but to ensure that others are also prevented from doing this. He said that the struggle of Railwaymen should be completely peaceful.

11. That respondent No.1 did not take the detenu

Mr. Fernandes to exercise his Constitutional fundamental rights and in an effort to torpedo the negotiations and deprive him of his liberty passed orders for his arrest malafide in violation of the fundamental rights of speech and associations and the right to form unions enumerated under Article 19 of the Constitution of India.

12. Mr. L.N. Mishra entered into a conspiracy with the Home Minister and other Ministers of the Government and decided to violate his promises and assurances to representatives of the National Coordination Committee by effecting the arrest of Mr. Fernandes and other leaders of Railwaymen.

13. In order to provide a background for his malafide act he had delivered to your petitioner a letter addressed to George Fernandes after well past midnight. The petitioner asked the driver who delivered the letter, as to why this letter was being delivered after midnight and especially when the addressee is away in Lucknow. The petitioner noted the time of the delivery of the letter. It was 1 A.M. (2nd May 1974). In this letter Mr. Mishra falsely charged Mr. Fernandes with not being sincere and earnest about negotiations. He also said that his absence from the meeting held on 1st May 1974, to draft the minutes was indicative of the fact that he was not sincere about negotiations.

Mr. Mishra knew that this was absolutely baseless that the National Coordination Committee was well represented by its two authorised representatives Mrs. Krishnan and Mr. Gokhale at the meeting of 1st May called to delimit the areas of agreement and disagreement and that he had promised to send a plane to Lucknow to fetch Mr. George Fernandes for the negotiations to be resumed on 2nd May 1974.

14. The negotiations with the Railway Ministry were being conducted not on behalf of any Union or Federation but by the National Coordination Committee. At these discussions it was the right of Mr. Fernandes and the committee to nominate their authorised representatives. Mrs. Parvathi Krishnan who was authorised to represent the Coordination Committee at these talks has herself said this very categorically in the course of her speech in the Lok Sabha on 2nd May 1974.

15. That on or about 1st May Shri L.N. Mishra in collaboration with the various Ministers hatched a plan to get Mr. Fernandes arrested in Lucknow and a warrant of his arrest was issued by the District Magistrate, Delhi and after the arrest Shri Fernandes had been brought to Delhi and put in the Tihar Jail under in the said petition and the said arrest is alleged to have been done under Section 3 of the Maintenance of Internal Security Act (Act 26 of 1971) without giving any reasons or grounds of such arrest.

16. That no grounds of arrest had been given to him and that the said arrest has been maliciously^{and}/wantonly made in order to thwart the negotiations for a settlement of Railwaymen's Charter of demands and the same have no meaning at all in the absence of ^Mr. George Fernandes.

The warrant of arrest is illegal, malafide (detailed grounds regarding warrant shall be filed separately).

17. That in fact the Home Ministry circular during the 1st week of April 1974, had advocated arrest of strike leaders and their removal from the scene of activity. The executive functionaries had been instructed to await specific instructions as premature arrest could precipitate action.

That the letter dated 1st May 1974 written by Shri L.N. Mishra, Minister for Railways was intentionally delivered at 1 A.M. between 1st and 2nd of May 1974 at the house of the petitioner when the Railway Minister was fully aware that the detenu is away from Delhi to Lucknow.

18. That the arrest of the petitioner's husband is in utter violation of the constitutional guarantees and the rights to freedom of speech, movement as embodied in Article 19 of the constitution of India and the freedoms enumerated therein, wherein every citizen has been guaranteed the freedom of speech and expression, to move freely throughout the territory of India and the personal liberty was contained sufficiently comprehensive to the freedoms enumerated in Article 19(1) of the Constitution of India and that its deprivation would result in the extinction of those freedoms. The constitution has treated personal liberty as distinct fundamental rights and there are no limitations and conditions and they cannot be abridged.

That the Hon'ble Supreme Court in the case of A.K. Gopalan vs. the State of Madras had laid down the conditions in which liberty of a person could have been abridged and that the personal liberty as defined in Art 19 and 21 cannot be taken except by Procedure established by law. The said procedure means the procedure prescribed by the law of the State and is not considered to be any procedure in violation of the principle of Natural Justice.

19. That on the plain reading of Articles 19, 21 and 22 meanings seem to be that no one can be deprived of his personal liberty unless the proper procedure is followed and the same is acted according to the law which provides

The detention order has, however, not been confirmed by the Government under section 12(1) of that Act.

21. That the grounds of detention have not been delivered to the detenu. However, the vague allegations conveyed in the letter show that the petitioner's husband has been accused of provocative pronouncements in exhorting various categories of railwaymen to go on strike and thereby interrupting the public life.

22. That the grounds of order of detention further say that the petitioner's husband has been going in a manner prejudicial to the Maintenance of Internal Security Act and Maintenance of Supplies and Services essential to the community. However, the grounds of detention conveyed to the petitioner's husband are false, vague and deficient in material particulars and the action of Shri L.N.Mishra, Minister, has been described in the Parliament by one of the Members as "Mean, treacherous and Cowardly Act" and has dubbed the arrest as 'deliberate Sabotage'.

That in a statement in reply, Shri L.N. Mishra accepted complete responsibility for arrest of union leaders saying, "ARREST WERE MADE WITH MY KNOWLEDGE AND CONSENT". All the materials or reliable information relating to the Anti-Social and prejudicial activity of the Petitioner's husband referred to in the District Magistrate and Delhi Administration's order is untrue, false, in view of the acceptance of responsibility by Shri L.N.Mishra and the role played by Shri George Fernandes in the capacity of his being the convenor of the National Coordination Committee of Railways Unions.

23. That the application of section 3(1) (a) (iii) and 3(2) of the Act is unwarranted and the activity of George Fernandes has no relevance to the phrase used in the said section "Essential

essential to the community, but no question of disrupting the "Supplies" arises in such case. In this case the activity of George Fernandes may affect the services and supplies but in the context of the section 3 of the Maintenance of Internal Security Act Mr. George Fernandes is not guilty of any such activity which directly aims at or disrupts the services and supplies essential to the life of the community in any manner.

24. That the law laid down in the case of Jagdish Prashad Vs. the State of Bihar, Writs Petition No. 1972 or 1973 decided on 13th February, 1974, the Hon. Supreme Court had the occasion to consider the provisions of services in the statutory provisions in the context of hearing and black marketing. It is therefore clear that the petitioner is not accused of any of the activities as contained in Section 3 of the Maintenance of Internal Security Act. Still in the case of Mohammad Allam Vs. State of West Bengal Writ Petition No. 1678 and 1855 of 1973, Hon. Supreme Court has held as under:-

"Our democratic constitution inhibits blanket and arbitrary deprivation of a person's liberty by authority. It guarantees that no one shall be deprived of his personal liberty except in accordance with procedure established by law. It further permits the State, in the larger interest of society, to so restrict that fundamental rights that a reasonable but delicate balance is maintained on a legal fulcrum between individual liberty and social security. The slightest deviation from displacement or infraction or violation of the legal procedure symbolised or in that fulcrum, upsets the balance, on errors and aberration and vitiates its working.

an empty formality. This obligation stems from the well settled principle that once a rule nisi is issued on habeas corpus motion, by the court, the onus is on the State to show that the liberty of the detenu has been taken away in accordance with procedure established by law, and that safeguards provided under Article 22 of Act, have not been transgressed or bypassed.

That even otherwise the railways Minister while accepting the complete responsibility for the arrest of Mr. George Fernandes alleged that George Fernandes is guilty of "adopting a negative attitude to the negotiations". He, however, offered that if the strike notice was withdrawn, the leaders will be free. To this effect, a letter was addressed to the petitioner's husband on 1st May, 1974. Para 3 of said letter reads as under:-

"What has caused me even greater distress is that knowing fully well that another meeting was slated for the 2nd May, at the Press Conference, held in Rail Bhawan after my meeting, you described the deliberations till then "as a meaningless exercise" and declared that "as of now, the decision of a strike from May 8 stands".

25. That the order of detention of the petitioner's husband George Fernandes is, therefore, untenable, unjust, improper, mala fide on the following facts and grounds:-

(a) That in view of the facts and circumstances the District Magistrate had no jurisdiction to pass such order under Section 3 of the Maintenance of Internal Security Act.

(b) That the said order of detention violates Article 19, 20 and 22 of the Constitution of the India in as much as the

- b) That the said order of detention is violative of Article 4 of the Constitution of India.
- c) That the alleged grounds of detention are false, and have been concocted in view of the facts and submissions made above and therefore are liable to be quashed.
- d) That the allegations as contained in the grounds of detention are in the nature of criminal cases and as such on the basis of the said allegations, are outside the ambit and scope of the said Act.
- (f) That on the grounds no detaining authority could have been satisfied with the object of detention of your petitioner's husband Mr. George Fernandes.
- (g) That the order of detention is otherwise bad in law.

It is, therefore, prayed as under:-

That this Hon. Court be pleased to issue writ of Habeas Corpus and such other appropriate writs and orders for quashing the order of detention of the petitioner's husband and this Hon. Court may be pleased to direct the District Magistrate to produce Mr. George Fernandes to produce him before this Hon. Court and to state the justification of his detention in accordance with the procedure established by law. Your Lordship may be pleased to issue the writ of Habeas Corpus and other appropriate directions to set him at liberty for which favour this humble petitioner shall ever pray.

PETITIONER

THROUGH

K.K. Luthra, P.N. Lekhi & O.P. Malviya

A D V O C A T E S

STATEMENT OF THE CASE

(ANNEXURE TO FORM 'L' - STRIKE NOTICE)

Due to Progressive deterioration in the Standard of living of Railwaymen on account of steep rise in prices of essential commodities, railwaymen have been demanding revision in the scales of pay and for the betterment of service condition for a very long time. In fact, there is no revision in their scales of pay since 1947. The Second Pay Commission of 1959 had merely added Dearness Allowance to the previous scales and had maintained the same basic structure of pay scales.

The Third Pay Commission Report (1973), has not given any relief to Railwaymen. The Recommendations are retrograde in nature and have dashed all hopes of the railwaymen in the matter of their scales of pay, Dearness Allowance, Fixation of Pay etc. The Railwaymen throughout the length and breadth of the Country, have strongly condemned the Recommendations of the Third Pay Commission. The representation made to Ministry Of Railways and Government of India to liberalise the scales of pay and formulae for giving weightage to senior persons in fixation of pay and cent-percent neutralisation of rise in prices, have fallen on the deaf ears.

Having considered the developments arising out of the Recommendations of the Third Pay Commission, the All India Railwaymen's Federation decided to take Strike Ballot in support of their demands. The Western Railway Employees' Union, which is affiliated to all India Railwaymen's Federation also took Strike Ballot of their members. Overwhelming majority of the members of the Western Railway Employees' Union voted in favour of Strike Action. The Convention of the All India Railwaymen's Federation which met at Secunderabad on 15th-18th October, 1973 passed resolutions to go on strike for achieving their demands. (Copy enclosed as Annexure I).

This resolution of the All India Railwaymen's Federation was endorsed by the Annual Convention of The Western Railway Employees' Union at Bhavnagar on 20th-22nd November, 1973. (Copy enclosed as Annexure II).

In pursuance of these resolutions, Shri George Fernandes President of the All India Railwaymen's Federation called a National Convention Of Railwaymen in Delhi, on 27th February, 1974 to forge unity amongst railwaymen for achieving their legitimate and just demands. This Convention was attended by more than 2,000 delegates from the Zonal Unions, affiliated to All India Railwaymen's Federation, Bharatiya Rail Mazdoor Sangh and about 110 other Organisations / Association of Railwaymen. In this meeting, a common charter of demands was framed and it was unanimously resolved to wage struggle for achieving these demands. In this resolution, an ultimatum was given to the Railway Administration, to settle these demands across the table, failing which, Railwaymen will take to direct action, including total withdrawal of Labour on any date and time after 10th April, 1974. Ministry of Railways have not conceded these demands.

(2)

It has, therefore, been decided by all Railwaymen to go on an Indefinite Strike, commencing on and from 6-00 a.m. on 8th May, 1974 to achieve their Demands. The Demands are :-

- 1 (a) All Railwaymen be treated as industrial workers with full trade union rights including the right to negotiate.
 - (b) The Working hours of railwaymen shall not exceed eight per day.
 - (c) There shall be job evaluation of all railwaymen through a scientific system to be followed by their reclassification and regradation with the need-based minimum wage as the wage for the lowest paid worker.
 - (d) Pending the completion of job evaluation and reclassification, immediately parity in wages with those of workers in the Central Government Undertakings, viz. HMT, BHEL, HSL, HAL, etc.
2. Dearness Allowance linked to the cost of living index with full neutralisation for every rise of 4 points in a six month period.
 3. Bonus at the rate of one month's wages for the years 1971-72 and 1972-73.
 4. Decasualisation of all casual railwaymen and their confirmation in service with all benefits given to them with retrospective effect.
 5. Adequate and subsidised foodgrains and other essential commodities through departmentally run shops.
 6. All victimisation cases should be withdrawn.

Demand I (a) that Railwaymen should be treated as Industrial Workers and should be given full Trade Union right, is very simple and obvious. Railways are an Industry. Railwaymen are Industrial Workers. The Provisions of Industrial Disputes Act, so also Trade Union's Act and other Labour Laws are applicable to railwaymen. Railwaymen are not Civil Servants. They have no say either in the framing or executing the Policy of Government Of India. Railwaymen, therefore, cannot be bracketed with other Civil Servants of Government Of India and denied basic Trade Union rights including the right to negotiate. At present, Railway Servants conduct rules which are the same as the Civil Servants conduct rules, are imposed on 17 Lakh Railwaymen, who are Industrial Workers and not Civil Servants. Railwaymen being Industrial Workers, are required to be treated as Industrial Workers in all respects and allowed full benefits under Trade Unions Act including right to negotiate.

(3)

Demand I (b) regarding restricting duty hours to eight hours a day, needs no elaboration. When, in most of the Industries and Offices, eight hours a day and five days a week of 40 hours, have already been introduced, it is anachronism to take 12 hours and 24 hours work from railwaymen by classifying certain class of Railwaymen 'Essentially Intermittent' and 'Excluded'.

It is, therefore, very necessary to do away with 12 and 24 hours working and introduce eight hours working a day for all railwaymen.

Demand No. I (c) relates to Job Evaluation, Reclassification and Regradation of Railwaymen. On Indian Railways, there are more than 17 Lakh Railwaymen including Casual Labourers belonging to approximately 700 Categories. Neither various Pay Commissions, nor the Railway Administration have ever attempted to evaluate the job of different categories of railwaymen. They are performing different types of jobs. This has resulted into claims and counter claims and rivalries between different categories (jobs) of railwaymen. It is, very necessary to evaluate different jobs based on Educational Qualifications, required for a particular job, training required, experience needed, risk, danger and responsibilities involved in discharge of the job.

The work of reclassification and regradation should also be taken in hand simultaneously and should be completed within a period of two years.

As regards Demand I (d) pending completion of the work of job evaluation, reclassification and regradation, the wages of railwaymen should be brought on par with those of the workers in the Central Government Undertakings, like HMT, B.H.E.L., H.S.L., H.A.L. and Modern Bakeries etc. is a real and genuine one.

Demand No. 2 relates to linking to payment of Dearness Allowance to the cost of living Index for every rise of four points in six monthly period. At present, Dearness Allowance is paid on the basis of rise of eight points on an average for 12 months in the Index Figure of 1960 as 100. The Neutralisation is 4% upto pay limit of Rs. 300/- and 3% above Rs. 300/-. Apart from this, full cost of rise in prices of various commodities which constitutes the compilation of figures of cost of living Index are not taken into account. Thus, railwaymen are forced to undergo additional difficulties due to delay in getting relief and cent percent neutralisation of rise in prices. In all other Industries, monthly and quarterly review of rise in prices is made. This demand that there should be cent percent neutralisation for every rise of four points in a period of six months is quite justified.

Demand No.3 pertains to Bonus. Bonus is a differed wage. All Industrial workers in this country get minimum bonus @ 8.33%. Even in case where Industries suffer loss, workmen are paid minimum bonus. Dock Workers, Port Workers, Municipal Workers are given bonus. Railwaymen are Industrial Workers. They can no longer be denied payment of bonus @ one month's wages for the year 1971-72 and 1972-73.

Demand No.4 specifically points out to decasualisation of Casual Labourers. More than 3 Lakhs employees are engaged as Casual Labours, mostly in the Engineering Department. They work along with other railwaymen and do the same type of work. They are, however, paid at the daily rate. There is no security of service. They are continued as Casual Labours for years. The system of casual labours is worst form of exploitation. The work they do is of regular nature and to continue the system of employing casual labours for the work which is of permanent and regular nature, by paying less is discriminatory. This system has got to be abolished by decasualising 'Casual Labour'.

Demand No.5 is for adequate supply of Food-grains. Railwaymen like drivers, firemen, guards, Station Masters, Switchmen, Levermen, Gangmen and other Maintenance Staff are very essential Staff. During the Second World War, Government were supplying food-grains to railwaymen and their family members at subsidised rates. Even the Railway Minister has accepted that like Armed Forces, Border Security Force, and Police, the job of railwaymen is most important and therefore, railwaymen are required to be supplied foodgrains on priority basis as is being done in the case of former. In fact, a letter to this effect has been written by Shri L.N. Mishra, to all the Chief Ministers.

Unfortunately however, no action is taken by State Government in this direction. At some places, even 1 kg. of foodgrains per person per month is not supplied regularly. Railwaymen are scattered at different places. They perform duty at odd hours. Their duty involves a lot of physical activities and Manual Labour. For the efficient working of the Railroad system, foodgrains and other essential commodities are required to be provided by the Government to the railwaymen at the subsidised rates.

Demand No.6 relates to Victimization of Trade Union Workers. In modern times, the society has accepted the necessity of Trade Unions both for the growth of the industry as well as democracy. Unfortunately however, on the Indian Railways, the Railway Officers, have not reconciled with the changed setup of recognising the human dignity and importance of human relations while dealing with staff problems. Every issue is taken as a challenge to their official position and status. Attempts are made to pick up militant Union Workers who are victimised for their Trade Union activities. This results in frustration and demoralisation. This is not desirable.

The existence of Trade Union is a fact of life now-a-days and has to be accepted in good spirit in the larger interest of better Industrial Relations and Industrial peace. Thus, all cases of victimisation have to be withdrawn.

Disparity in wages between Railwaymen and Other Public Undertakings can be seen from the following table :-

CATEGORY	RAILWAY	BANK	LIC	BEST	HMT HAL	MODERN BAKERY
Peon/khalasi Sweeper, Gangmen	217	400	345	340	350	346
Clerk, T.C. Sign. Com. Cl. Skilled	302	550	515	374	525	494
Tech & Super- visory staff	425	700	700	700	750	-
Lorry Driver	302	400	350	350	450	457

The importance of Railways and Railwaymen in the economy and progress of the country, cannot be underestimated. They are as important as defence personnel. To run over 10,800 trains over the track of 60,000 k.m. covering 7,098 Stations daily require high degree of discipline, high sense of duty, intelligence and capacity to undergo hardships and risk. The 17,00,000 Lakhs railwaymen work round the clock all 365 days in an year, under most difficult and trying circumstances. Their nature of work, hazard and risk involved in the job, responsibilities for the safe running of the trains, are such that Railwaymen deserve more pay and better conditions of service than their counter-parts in public Undertakings, like Banks, Life Insurance Corporation etc.

Up to 1949, Railwaymen were getting better wages than most of the employees of other undertakings. Now, there is an erosion to the extent of 30% in their wages in terms of purchasing power. The demand of Railwaymen for parity of wages with those employed in the Government Public Undertakings is most reasonable and has to be conceded.

FINANCIAL IMPLICATIONS.

It will cost Ministry Of Railways approximately an amount of Rs. 350 Crores to meet with the demands of Railwaymen including demand for bonus. The Government has no logical argument to refute the genuiness of these demands. The only question raised is as to how to find money to meet these demands.

Indian Railways are run as public utility services and not on the sound business principles. Many of the social responsibilities and burdens of the Government of India are passed on to the Railways. According to their own Admission, the losses incurred by the Railways on the following, comes to over 225 crores per year :-

Losses on uneconomic lines :-	11 Crores
Suburban Session Tickets :)	95 Crores
Coaching and Passenger fares)	
Food Grains :	49.67 Crores
Lime Stone & Dolomite	0.83 "
Coal	33.25 Crores
Gypsum	0.35 "
Ores:	13.29 "
Mollases	0.03 "
Fodder	5.40 "
Concession of export	4.00 "
Fire wood and Char coal	3.74 "
Sugar cane	2.41 "
Salt	2.18 "
Fruits and Vegetables.	2.07 "
Bamboos	1.60 "
Shakkar & Jaggary	1.58 "
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	225.44 Crores.

Besides, Railways are spending Rs.18 Crores on Railway Protection Force of 56,000; Rs.4 Crores on Order Police of State Governments and had to pay more than 13 Crores as Claims. Crores of rupees are spent for maintenance and use of Officers Saloons (re-named as Inspection Cars), Bungalow Peons and Huge amount is wasted on unnecessary stationery and forms. Crores of rupees are written off on dummage and Warfages. Crores of rupees are lost because of travelling without tickets. If all these leakages can be plugged with the co-operation of Railwaymen, earnings of Railways can augmented. In almost all countries Railways are running at Loss. The losses incurred by Railways on account of social burdens are fully compensated by the Government in Germany, England, France, Italy etc. However, in India, no credit is given to Railways on these account. Not only this, but 181 crores rupees are taken away from the Railway Revenue every year by the Government to the General Revenue. Thus, it will be seen that necessary money can be found by the Railways to meet the demands of Railwaymen.