

DALLA

Privatisation, Police Firing and Workers Struggle

People's Union for Democratic Rights
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PREFACE

On 2 June 1991 workers of a cement factory at Dalla (district Sonbhadra) in Uttar Pradesh were fired upon by the police when they were staging a *rasta roko* and dharna in protest against the privatisation of their factory, owned by the U.P. State Cement Corporation. Eight bodies were recovered and many others were seriously wounded one of whom died later. At the time of the firing, the governments, both at the state and the centre were minority SJP governments. Subsequently BJP came to power in the state and Congress-I at the centre. However no judicial enquiry was ordered nor were any meaningful measures initiated to alleviate the plight of the workers. The tensions that led to the firing at the Dalla cement factory assumes far reaching significance in the light of wide ranging measures initiated as part of liberalisation of Indian economy and privatisation of public sector units. The political and human dimensions of these new economic initiatives are forcefully brought into focus by these incidents at Dalla.

A team of People's Union for Democratic Rights visited Dalla in the last week of June. In the course of the investigation the team met a large number of workers, shopkeepers and other residents at Dalla and Churk as well as the workers unions in the area affiliated to the All India Trade Union Congress (AITUC), Bhartiya Mazdoor Sangh (BMS), Centre for Indian Trade Unions (CITU) and the Indian National Trade Union Congress (INTUC). In addition the team met the District Magistrate (D.M.), the Superintendent of police (S.P.) and the police at Dalla, the Additional District Magistrate conducting the enquiry, the Deputy Labour Commissioner and the doctor at the hospital at Dalla.

The Firing at Dalla

Dalla owes its existence to the cement factory. Apart from the factory and its workers colony there is hardly anything else in this small place save a few shops and a police post.

The cement factory at Dalla started production in 1972, almost a decade after the first cement factory was set up in this region at Churk. Both these units came under the Uttar Pradesh State Cement Corporation (UPSCC), when it was formed in March 1972. Subsequently a modern plant producing clinker was set up at Dalla and a factory for grinding clinker and packing cement was set up at Chunar in neighbouring Mirzapur district. UPSCC is (was?) the third largest cement concern in India after the Associated Cement Companies (ACC) and the Cement Corporation of India (CCI).

Less than two decades after its inception, the government decided to sell off the corporation as part of its drive to dispose off all state owned units which were making losses. The corporation was offered to the Dalmias. It was this move which is the immediate cause of tensions.

All the 13 unions functioning in the UPSCC formed a front to fight against the move. Interestingly they have also offered to the government to run the factory with the help of their savings accumulated over two decades of service. They submitted a detailed plan to the government about this. Otherwise their agitational programmes were on.

The workers at the UPSCC got information about the impending sale of their corporation to the Dalmias only in December 1990. However they had no indication that things would move so

rapidly and were taken by surprise when the Memorandum of Understanding (MOU) was signed between the Dalmias and the state government two months later in February 1991. None of the 13 workers' unions functioning at the UPSCC had been taken into confidence or even been informed about this deal and its terms and conditions. On their own initiative they discovered that Dalmias had acquired majority control of the corporation.

Following this, the unions filed petitions in the High Court Bench at Allahabad against the transfer of the corporation. While the petitions were being heard, an order was passed preventing the sale of cement from any of the factories of the corporation. The hearing of the case carried on for three consecutive days in May and on the 24th the court passed an order that the new management could take charge if 49% of the shares had been transferred else *status quo* was to be maintained.

Soon after, the bank accounts of the UPSCC were sealed and all rights of withdrawal of money were vested in the Managing Director appointed by the Dalmias. On 29 May attempts were made by the district administration to transfer all the cash kept in the three factory premises into the UPSCC bank account. While the money was sealed at Churk and Dalla, the District Magistrate (Mirzapur) did not allow a similar act at the Chunar factory. The sharp contrast in which this was done provoked anger from the workers at Dalla.

Around lunchtime, the Sub Divisional Magistrate, Dudhi along with the Thana Incharge,

Chopan, entered the Dalla factory with police force while the PAC surrounded the factory. They misbehaved with the factory guards, took away their firearms and proceeded to the office of the General Manager where they demanded the keys to the cash room as they had orders to remove the cash from the factory premises and shift it to the bank. When the GM demanded that he be shown the order, he was told that it was a verbal order of the D.M.. The GM refused to give the keys saying that he could give the keys only if there was an order from the Chairman of the UPSCC. The GM then left to meet the D.M.

where according to him, he was threatened with dire consequences if he did not co-operate in the sale of the UPSCC to the Dalmias. Meanwhile the SDM ordered the sealing of the door of the cash room and posted PAC guards at the entrance. The workers were informed by the Chowki Incharge, Dalla, that the police would fire if anyone strayed within 100 yards of the door. The workers were to have received their salaries two days hence from the same cash room, which have not been paid to them so far.

From the night of 29 May the shopkeepers along the main road at Dalla were being pressur-

The Cementing Process

There are three different processes in the manufacture of cement -- wet, dry and semi-dry. Both the factories at Churk and Dalla used the older wet process. The new factory set up at Dalla as part of the modernisation of the UPSCC uses the dry process. The cement manufacturing process can be subdivided into five stages:

- a) *Quarrying the raw materials:* Open cast operations are employed in the quarrying of limestone. The two mines at Dalla and Ghurma, leased by the state government for a period of 40 years cater in full to the requirements of the UPSCC.
- b) *Crushing, homogenising and grinding the raw materials:* This is done at the factories at Churk and Dalla. The raw material is either slurried with water as in the wet process, or the dry materials are reduced in size through primary and secondary crushers in the dry process before being fed into the kiln.
- c) *Clinker burning:* This homogenised mixture is fed into the coal fired kiln where it is preheated, calcinated and sintered. There are two kilns at Churk and four at Dalla, two in the wet process and two in the dry process plants.
- d) *Clinker cooling:* The hot clinker is then cooled to around 60° C before it can be either stored or ground.
- e) *Cement grinding:* Cement is produced by grinding clinker along with gypsum to produce ordinary portland cement. Portland blast furnace slag cement uses blast furnace slag from iron production as an additional additive. The gypsum for the UPSCC comes from Rajasthan while the corporation has a 40 year agreement for the supply of 8 lakh tonnes of slag annually. Cement is produced at the Churk plant while all the clinker from the Dalla plant is transported to the UPSCC grinding plant at Chunar where it is packed and sold.

The wet and dry process plants at Dalla have an installed capacity to produce 16 lakh tonnes of clinker annually. All of this is taken to Chunar for grinding where 80,000 tonnes of Gypsum is added to produce 16.8 lakh tonnes of cement, the Churk factory has an installed capacity of 4.75 lakh tonnes of cement. The entire corporation employs around 7,000 workers.

to provide free service to the policemen. This recorded loot kept rising as the police deployed at the factory were increased daily. On 30 May, the workers organised a meeting at the factory to decide the further course of struggle in the light of the incidents of the previous day.

On 31 May, the new management entered the head office of the UPSCC at Churk. The employees at the office protested by leaving the office as soon as the Managing Director appointed by the Dalmias entered the premises. The workers feel that the Dalmias had no right to enter the premises in the light of the High Court order of 24 May and since the next hearing in the case was to be held on 8 July. On 2 June, around 11 a.m. the new management, with the help of the police, tried to force entry into the Churk factory along with local hoodlums.

The news of this attempt reached Dalla around 1.30 p.m. The workers immediately decided to protest against the use of force to take over the UPSCC and decided on a *rasta roko*. At 4.00 p.m. after blockading the road at the entrance of the workers' colony, the workers sat down on the road. 2 June being a Sunday, the day of the weekly market at Dalla, thousands of people from the surrounding villages had come there. As it is quite difficult to ascertain the number of workers who had collected on the road. According to the workers and the shopkeepers nearby, the numbers ranged from 600 to 1500. The police claims there were 6,000 workers present.

Within half an hour the police posted at the factory along with reinforcements from nearby police stations, the Thana Incharge, Chopan and the SDM, Dudhi reached the spot. By this time a truck, tanker, bus of the M.P. State Transport and the two wheelers had been stopped by the workers. The police demanded that the workers clear the road and started a lathi charge. This did not last long and the policemen present took positions to fire. Without any warning to the workers, firing started. There was no place for the workers

to run or to hide as the road at this point is surrounded by hillocks. The workers thus surrounded, retaliated by pelting stones at the policemen. This sent the policemen scurrying to safer places and gave many of the workers time to escape from the spot. The policemen then took positions behind the truck and tanker parked on the road. As the workers thinned out, the policemen went on to the hillocks and fired from there at the workers. This firing continued for nearly three hours. Those who were trying to take the wounded to safety were fired at by the police. The workers were able to remove 32 people from the road and took them to the UPSCC hospital. Of these four were declared brought dead Dina (30), Shailendra Ray (43), Suresh Dubey (35) and Naresh Ram (45). According to the doctor present, most of the injured had been shot in the chest and abdomen. Since blood bank facilities were not available at Dalla, 28 people were shifted to the UPSEB run Obra hospital after basic first aid. Large numbers of workers at Obra donated blood. One of the injured, Jai Prakash Tiwari, a student at the inter college Dalla, died at Obra hospital. The rest were shifted to Banaras Hindu University hospital, Varanasi, around 200 kilometres away. One of injured in the hospital had seven bullet wounds.

Apart from these, no other injured have been traced. The police disclosed that three other bodies were found at the spot while one more was discovered two days later from a hut on a nearby hillside. According to the residents of Dalla who were witnesses to the firing, many more would have been killed and wounded since, apart from the workers, over a thousand people from nearby villages had also collected at the site of the *rasta roko*. Moreover, since the firing took place during the school vacations, many of the workers' families had already gone to their native homes. Following the firing, less than five per cent of the workers are residing in the colony. Thus it is not even possible to ascertain the number of workers killed and wounded.

WHITHER PRIVATISATION?

The road from Dalla

The winds of change in the Indian economy are here now with us for quite some time. One of the important parts of it is privatisation of public sector units, which is a source of contentious debate. Dalla offers some insights that are largely missing in the public discourse on economic liberalisation.

In December 1989, the then newly elected UP government appointed a one member committee to examine the working of the public sector units in the state, which submitted its report four months later. Following its recommendations the state cabinet took a decision – to sell or partially disinvest in all state owned companies making an annual loss of over Rs. 10 crores. Although UPSCC's average annual loss for the last 20 years is less than Rs. 10 crore, it has attracted the new provision since the losses had crossed the Rs. 10 crore mark in the last few years. The loss was approximately Rs. 30 crore per year in the last three years. But why is the UPSCC a loss making unit?

Firstly, cement industry was one of the industries suffering heavy losses, on and off, till almost the early eighties. In fact among the major private groups, except the Tatas, few could survive. Those whose cement factories were closed in the earlier period included the Dalmias. But this situation changed drastically since about the mid eighties. Demand and production increased phenomenally, including that of the UPSCC. But being a state owned unit its prices are administered prices and not market prices. Thus even after the market improved and production multiplied, the UPSCC continued to make losses since other cement plants sold their cement at cheaper rates. The repeated requests of the UPSCC to permit a fall in its price were turned down by the government and a demand by workers to order an enquiry into this affair was never heeded.

Second is the question of modernisation and updating of technology. This was one of the long standing demands of both the corporation and its workers. In mid-1980s some funds were granted for the purpose which had peculiar consequences. In Dalla the modernisation resulted in the setting up of a modern dry process plant producing clinker while in Chunar it resulted in a large grinding unit. In effect this means that the cement clinker produced at Dalla has to go to Chunar, almost 100 kms. away for grinding and packing. The consequent wasteful transportation cost alone works out to be about Rs. 14 crores per annum, much more than the average annual loss for which the corporation is being sold off.

Leave alone further modernisation, even the spare parts to maintain the old machinery were not easily available. Production often came to a standstill as a result of this recurring problem. The lack of funds, or to be more precise, lack of timely supply of funds was the reason for it. This problem was in turn related with the bureaucratic wrangle over the control of the corporation. During the early years all upper management posts were filled up by IAS officials or, more ridiculously, IPS officials, one of whom was in charge of marketing of cement! After years of fight technocrats of the corporation were allowed to come to the higher management posts. This change meant that the applications for funds to buy desperately needed spare parts kept gathering dust at Lucknow. Inevitably it led to under capacity utilisation even when the demand was increasing. The Corporation's capacity utilisation in 1990-91 was between 30-35 percent as against 90-110 percent in new cement plants and 74-78 percent national average.

In addition there was also pilferage of the cement on a fairly large scale. Partly it was due to the decision to set up the grinding unit at Chunar. That some of the clinker is lost on its way is amply illustrated by the growth of mini cement grinding units on the road between Dalla and Chunar. The marketing of cement, still in the hands of the IAS officers appointed by the government, is riddled with

scandals. In a notorious case two train loads of cement then worth over Rs. 50 lakhs reportedly never reached its destination. The agitation by the unions for an enquiry into the incident did not result in one.

If these be the factors that made the cement corporation a loss making unit, then it's solution one would have thought lies in enforcing accountability on political and administrative authorities and punishing the guilty. In Datta, in an exceptional manner, the unions have been taking up these issues from time to time. They struggled not merely for their wages and rights but also for the viability of their factory, in vain. The government, in tune with current fashions, has opted to sell off the corporation. And what a sale!

On 1 May 1990 the state government initiated measures for privatisation through a press release. The statement invited interested parties for a discussion. The workers sent their proposal. And so did CCI, ACC, Gujarat Ambuja, Modi Cement and Dalmia Industries. The striking feature of government initiative was that the assets of the Corporation were left out of the valuation process on the specious ground that they would balance the liabilities. The excluded physical assets include 13.5 sq. km. of land, factory buildings, 5,000 residential units, three limestone mines covering an area of 30 sq. km. with mining rights for another 40 years! Thus the net worth of the state enterprise was never assessed before it was put up for sale. A liberal estimate puts it at Rs. 700 crores. An economist from Delhi University puts the figure at Rs. 306 crores, after deducting all accumulated losses and without including the value of machines and equipment.

Instead of assessing the Corporation's net worth at market prices, the government opted for valuation based on paid up capital (book value). Billimoria & Co., belonging to the Tatas, valued the actual value of shares (face value Rs. 100 per share) at Rs. 20 per share. At the other end workers took initiative and got the shares valued by S.K. Ahuja and Associates, Kanpur. The agency recognised by IDBI valued them at Rs. 288 per share. The Dalmias offered Rs. 45 per share 'without any other concession'. The government eventually offered it at Rs. 75 per share with enormous concessions. And the Dalmias were to pay Rs. 26.12 crores.

The Memorandum of Understanding between the state government and the Dalmia Industries makes it a joint venture, with Dalmias having 51 percent share. Out of the total of Rs. 26.12 crores, the Dalmias were obliged to pay only Rs. 5 crores over a span of nine months. The remaining, including interest received have to be reinvested by the state government in the UPSCC. The Dalmias have an obligation of immediately employing all the existing workers. But they have an option of not running it as a cement plant after five years! There will be a sales tax holiday for three years. Contingent liabilities to the sales tax department (Rs. 1.4 crores) and towards stamp duty (Rs. 11 lakhs) 'shall be waived'. Other liabilities are to be rescheduled with a moratorium of three years followed by repayment in five years carrying an interest rate of 12 percent. If they pay this amount in time they would get a rebate of 3 percent! Under such liberal conditions, it has been estimated, that if the current performance which is not good anyway is maintained, the Dalmia Industries would get a benefit of Rs. 68.02 crores against the risk of Rs. 48.07 crores. In other words, they would gain by Rs. 20 crores even if they are unable to make this loss making state enterprise into a profitable private company, in the coming five years. But of course that would be far-fetched, given the fact that the state government, with an uncanny sense of timing has offered the cement unit just when the industry is flourishing.

Having got the unit cheap and on very easy terms in an industry that is currently flourishing, the new management was eager to move in. The political authority, notwithstanding the change in the recent elections, was more than willing to back them. The local administration and a helpful armed police were all that was required, since the workers are resisting. Ten persons died so far.

And thus lies the long road to liberalisation of Indian economy.

Immediately after the firing ended, the policemen set fire to the vehicles parked at the site of the *rasta roko*. The money and goods from the small shops by the side of the road were then looted by the police and then the shops were set on fire. Other shops which had been abandoned by the shopkeepers were then forced open and looted. This seemed to have been done to discredit the workers and to justify the police firing. The police and district administration today claim that the vehicles and shops were burnt by the workers. This seems unlikely since most of the shops at Dalla are owned by relatives of the workers. In addition according to the shopkeepers who were trying to flee and were detained by the police, their shops were safe till they were allowed to leave at the end of the firing. When we specifically asked about the source of the administration's claim, the D.M. said that he had been informed by the S.P. The S.P. in turn said that his source was the police present during the firing, who according to the shopkeepers were the real culprits.

A little later, the police announced through

loudspeakers that curfew had been imposed and any person seen outside their houses would be shot at. Today both the police and district administration claim that no such curfew was imposed. This is strange since the regional news on Door-darshan reported the Chief Secretary of the U.P. government as saying that curfew at Dalla had been relaxed. Further, all newspapers reported that curfew had been clamped. Even the head constable at Dalla told us that curfew had been clamped for an hour. Effectively there was curfew at Dalla till the evening of 5 June.

In the night after the firing the police entered the houses of the workers in the colony. They had come to arrest the union leaders. Not finding all of them, they broke into many houses, misbehaved with the people and arrested workers who were active in the struggle against privatisation. One of the houses the police broke into was of the CITU leader Janardhan Pandey. His wife, who was present in the house, was beaten with rifle butts. She later went to the hospital and got first aid. In the prevailing atmosphere, it has not been possible for her to get an FIR recorded.

The Aftermath

On 3 June 1990, the D.M. ordered a magisterial enquiry over the incidents. The Additional District Magistrate (A.D.M.) fixed 25 June as the date for the first hearing and advertised in the newspapers that witnesses should come to get their evidence recorded at his court.

We reached Dalla on 25 June. An atmosphere of fear was prevailing in the place. No person was ready to talk to us on the road. Sec. 144 was still in force and police was posted at the gate of the workers colony. The burnt vehicles still stood by the side of the road and the burnt shops had just started serving tea. The workers were still scared to move too far from the colony. Large numbers of police were on the roads. Needless to add that none of the workers turned up at the courts at Robertsganj to record their statement with the A.D.M..

The workers, in fact, were demanding that a judicial enquiry be conducted into the firing. They had no faith in the magisterial enquiry. A comment from one of the workers captures their feelings about the enquiry: "*Chuhe ko bithaya hai, billi pe jaanch karne*".

Their reasons for their lack of faith were clearly brought out when we met the A.D.M. He had not visited Dalla since the firing. He claimed complete ignorance about fear prevailing among the workers. He categorically stated that no curfew had been imposed at Dalla and that there was no possibility of harassment or pressurising of witnesses by the police. He did not convince us of his impartiality.

When we met the shopkeepers whose shops had been burnt and looted, they told us that the police was pressurising them to give evidence that their shops had been looted and burnt by the workers. They were being offered compensation of Rs. 1,000 as a bribe for doing this task.

When the S.P. was questioned about the policemen forcing entry into workers' houses and misbehaving with their family members, he denied that any such incidents had taken place. When we provided instances, he replied that the people mentioned by us belonged to the families of the accused and their allegations could not be entertained.

The district administration is today handing out cyclostyled copies of their complete version of the incidents of 2 June. The version hinges on the claim that innocent workers had been incited by the officers of the UPSCC to attack and lynch the police present at Dalla and to destroy the factory. The administration alleges that it was towards this motive that the *rasta roko* was organised and planning had been made to surround the police. The workers attacked the police with stones and firearms and when they saw their motive being defeated, they set fire to the shops and vehicles. The police fired in self defence and many policemen were injured including the Circle Officer, Obra, who sustained pellet injuries in his leg.

Interestingly, the injuries to the C.O. are not mentioned in the F.I.R. which otherwise talks about injuries sustained by the policemen from stone pelting. In addition to a few names the FIR mentions "6,000 others", leaving the field wide open for the police to detain anyone they choose.

Yet most of the local newspapers are carrying only the administration's version of events. The centre page of a leading Hindi daily we came across carried the verbatim reproduction of the cyclostyled handout of the D.M. In a regrettable lack of professionalism the newspaper did not even correct the grammar of the District Magistrate.

Meanwhile the Supreme Court has treated the telegram sent by the Joint Front of the workers

as a petition and has ordered the D.I.G. police, U.P. to inquire into the police firing and send a report to the court.

Yet the main brunt of the attack by the police and district administration is being faced by the union leaders at Dalla. While the administration version of the events claims that officers had incited workers, it is clear to them that all workers are still together in their fight against privatisation. All the injured workers at the hospital have refused to accept the compensation awarded by the corporation. Workers from all the other public sector units are supporting the workers struggle at Dalla. U.P. State Electricity Board (UPSEB) went on a token strike in protest against the firing. 13 districts of U.P. went without power that day. A team of various trade union federations from Delhi had also visited Dalla after the firing and held a meeting. The S.P. feels that these people supporting the struggle should be arrested for sedition and that they are terrorists.

Altogether 21 workers were lodged in Mirzapur jail charged with crimes ranging from arson to attempt to murder. And the General Manager of the Dalla factory, Dharam Vir Kushwaha, was detained under the National Security Act. The workers who kept working at the factory till 6 June and maintained the air blast through the cement to prevent it from 'setting' were all removed by the PAC. The factory remains closed since then.

Subsequently Bhartiya Janata Party government came to power. The state level leadership of Bhartiya Mazdoor Sangh, whose local unit was part of the workers front, began prevaricating on the issue. The BJP government made much noise over the omissions and commissions of the Mulayam Singh Yadav government. But on this issue it did not differ with his government. No judicial enquiry was ordered. Nor was any review undertaken of the scandalous Memorandum of Understanding signed with the Dalmias. In fact it is widely believed that the Dalmias, because of their

intimate connections with the Vishwa Hindu Parishad are emboldened by the new government.

Meanwhile the Allahabad High Court delivered its final judgement on 1 August. In a sixty page judgement Justice B.P. Jeevan Reddy and Justice R.B. Mehrotra severely indicted the government for the manner in which the agreement was arrived at with the Dalmias and the terms and conditions offered. It has appointed two well known agencies, A.F. Ferguson & Co. and Price Water House Associates to undertake a fresh valuation of "the assets and liabilities of the corporation and determine its worth".

The workers on the other hand keep up their agitation. They offered dharna at Lucknow demanding "insaaf and roti" from the BJP government. Their specific demands include adequate compensation, judicial enquiry over the firing, review of the privatisation measures and reopening of the factory. One of the workers on dharna, Nepali, died on 29 August. Police attempted to quietly cremate the body. A large number of workers reached the cremation grounds and forced the police to hand over the body to them. 150 workers including the CPI(M) leader Ms. Suhasini Ali were arrested and detained without food or water for 16 hours at Gosaigunj police station.

The government which earlier gave an assurance that the issue will be settled "in a week" has appointed another committee after this incident and promised to open the factory "soon". That was over a month ago. The workers are being forced into starvation as the factory still remains closed. For each day it remains closed the loss to the exchequer is about Rs. 21 lakhs. The cumulative loss so far would be over Rs. 25 crore.

The ongoing struggle of the workers of Dalla cement factory cannot be separated from the far reaching consequences of the new economic policies both to the economy and to the polity. Hence the need for democratic forces to intervene.

Some available PUDR reports

1. Inside the Family	<i>A Report on Democratic Rights of Women</i>	Rs. 3
2. Justice Denied	<i>A Critique of the Mishra Commission Report on the Riots in November 1984</i>	Rs. 2
3. Sadda Hak Ethey Rakh	<i>A Report on Refugee Women Workers of Delhi</i>	Rs. 2
4. Waiting and Waging	<i>A Tale of Life, Death and Justice</i>	Rs. 1
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