

## **A Report on the Jan Sunwai organized by the Hanuman Sugar Mill Workers from Motihari regarding exploitation and Brutal Repression by the police.**

**Date of the Jan Sunwai:** From 25<sup>th</sup> April to the 1<sup>st</sup> of May, visits organized from door to door. A collective hearing organized on the 2<sup>nd</sup> of May.

**The team organising the Jan Sunwai:** Swami Agnivesh, Senior Gandhian philosopher and ex-Parliamentarian Dr. Ramji Singh, the President of Bharatiya Suraj Dal and ex IPS officer ( ex A.D.G.P. ) Shri P.K. Siddharth, social activist Shri Manohar Manav, Prof. Shakeel Ahmed Atta.

**Those who gave testimonies:** Fired workers from the Sugar Mill, Currently not employed permanent and temporary workers, the common populace, S.P. , D.M. , D.I.G., I.G. ,Ex President of the Mill Workers' Union, social activists. ( Mill owners could not be contacted.)

**The purpose of the Jan Sunwai:** Organised to demand an honest enquiry and resolution of the exposition of the mill owner- land mafia- government-administration nexus that has been exploiting thousands of farmers-workers, the vicious cycle of exploitation was revealed when two rather honest and brave leaders of the workers (Shri Naresh Srivastava and Sri Naresh Baitha) were martyred right at the beginning of the centenary year of Mahatma Gandhi's Champaran Satyagraha.

**The format of the Jan Sunwai:** Unstructured interviews with individuals and group undertaken from door to door, Structured individual interviews with everyone gathered in one place through questionnaires.

### **The issues highlighted through the Jan Sunwai:**

1. The workers haven't received their salaries in 15-17 years and are at the cusp of starvation as a result.
2. The payment of Provident Funds to the workers is pending, all the money has been usurped by the mill owners.
3. 7000 sugarcane farmers have also not been paid by the mill owner.
4. Total cash payment pending by the mill owner amounts more than 80 crore rupees.
5. The sugar mill located in Motihari and owned by Kolkata's Bimal Kumar Nopani has been closed since the year 2000 itself. It would open intermittently for a few days and then close down again. In contrast the sugar mill being run by his son, Chandrashekhhar Nopani in north Bihar has been running regularly. As such the main reason for the Motihari mill being shut is allegedly that lack of interest and bad management on the part of Bimal Nopani.
6. Due to the non-payment of back arrears and PF, and because of the apathy of the state and the administration, two workers - Naresh Srivastava and Suraj Baitha - gave a notice on the 22nd of March to the Chief Minister, the administration and others of their intention to self-immolate, and on the 10th of April they self-immolated outside the gate of the mill, in broad daylight. Later Naresh Srivastava passed away at the Patna PMCH on the 11th of April, while Suraj Baitha passed away on the 19th of April.
7. The Police and the Administration did not appoint a Magistrate, increase the police force, or make available an ambulance or fire brigade at the protest site, due to which the lives of the self-immolators might have been saved. The police reached the site about an hour after the self-immolation had taken place.

8. If investigation had been done/action taken in time, the attempt at self-immolation could have been avoided.
9. The notice of self-immolation had been received at the office of the DM and the SP. There is evidence of this. But according to the DM and the SP no such notice had been brought to their attention. Even so, the SP got to know about this on the 9th of April at 3:30 through a Whatsapp message that he cursorily glanced. It stated that the self-immolation would be done at any time after 12 midnight on the 9th. As such the SP Jitendra Rana forwarded this news to the station in-charge at 3:35 for urgent action. This evidence was shown to a member of the Jan Sunwai team on his mobile phone. But the fact that the action of placing police force or appointing a Magistrate at the protest site was not done raises a grave suspicion of a very serious conspiracy.
10. The Sunwai team gather from many sources that the land mafia is very strong in Motihari and that officers and politicians are in their fists, and on their 'pay-roll'. Close to the city, in what used to be Bettiah Raj, mill owners and lease owners have more than a thousand acres of land, the average value of which, even according to the DM himself, is Rs. 10 crore per acre. As such the land mafia has a business of several thousand crores. According to the people, police officials, administrative officials, politicians etc., all get a part of these several thousands of crores. Naresh Srivastava did not sell out to the mill owners and constantly stood against the land mafia. If there was construction on illegally transferred land he would immediately run to the administration and get the construction stopped. The DM himself confirmed this.
11. Therefore, it means that the land mafia would want that Naresh commit suicide. It may be entirely possible that the land mafia ensured that no police or magistrate were appointed, so that there would not be any attempts to save Naresh in the scenario that he would commit suicide. This is a serious question for enquiry.
12. The police made it to the site of the incident very late despite the notice. This greatly angered not only the workers present at the site of the Dharna but also common people and youngsters who were not workers themselves but were sympathetic to the workers, and this was the cause for some minor stone pelting at the police.
13. The police retaliated to this light stone pelting with a lathicharge, by firing tear gas and gunshots. The gunshots weren't just fired in the air as one of the workers received a gunshot. The police then proceeded to the area where the workers lived, entered their homes and assaulted their family members, not sparing the women either. The police has no explanation as to which law statute allows for them to enter the homes of the workers and beat up their family members in this manner.
14. Since the police failed to be present at the site of self immolation and did not undertake any lawful precautionary measure to prevent the same, they started fabricating a cover up for the same. They issued a letter at a back date to appoint a magistrate, they also issued a letter to the C.O. and pressurized the C.O. to issue an acknowledgement letter for the same. They also fabricated papers to make it seem like they were present at the site, which was denied by all the witnesses. Making fake documents is a criminal offence and this should therefore be investigated in an impartial manner.
15. The police and the administration started to intimidate the workers and the union leader Harkirat Baitha and continue to do so, in order to ensure that they do not speak out on their failure to or intensify the agitation. In fact, the police went to each of their homes to

intimidate and stop them from talking to Shri P.K. Siddharth, the head of the Jan Sunwai team, between the 25<sup>th</sup> of April to the 1<sup>st</sup> of May and also were told to not participate in the mass Jan Sunwai organized by Swami Agnivesh on the 2<sup>nd</sup> of May at the mill gate. They were threatened that those who would refuse to 'co-operate' or comply to the police would be booked under a criminal case if they did so, since the police had already filed an FIR against many of the leaders of the union alongwith 200 'unidentified' accomplices. And therefore, the union leader Harkirat Baitha refrained from participating in the Jan Sunwai on the 2<sup>nd</sup>, making an excuse of ill health. He also did not participate in encouraging the workers to join the Jan Sunwai in any manner, those who came for it on the 2<sup>nd</sup> came of their own volition.

16. There have been many attempts in the past to ensure full payment of the dues to the workers. One such instance was in 2014 when after a tripartite negotiation involving the workers, the mill owner and the administration. It was arrived at that all the junk that was not of any use would be sold off in instalments and the dues paid off to the workers, and that the administration would be responsible to ensure that this agreement be seen through. However, that did not happen. The workers believe that the reason for the same is that the mill owner influenced the administration. The non-payment and the failure to keep the agreement could possibly have been one of the more immediate cause for the suicide, and the workers hold the district administration responsible for this. There should be an impartial inquiry into the culpability of the administration and the reason for their indifference, and for the same it is suggested that the investigation be conducted under any retired Judge from a High Court rather than an administrative official which would be ineffective. Otherwise, the case be forwarded to the C.B.I. and this aspect be included in the term of reference. Some documents regarding the tripartite agreement arrived at on 02.06.2016 have been enclosed here for further consideration.
17. There have been attempts made to insinuate that the friends of those dead have reason to believe that they were egged on by the workers to commit suicide and are therefore responsible for burning them to death, despite the fact that the two in a video have said it in so many words that they were not pressurized by anyone to commit the act of self immolation and that it was their own decision to do so. This video is available on YouTube and has been forwarded to the zonal I.G. as well. These attempts to frame innocent workers under false charges have terrorized the other workers. Even in the interview with us, they repeated that nobody set them on fire and that Naresh Srivastava was shouting revolutionary slogans such as 'Inquilab Zindabad' while on fire, and wouldn't have done so if he had been set on fire by someone else.
18. The next day, Naresh Srivastava died in P.M.C.H. while Suresh Baitha began to recover. On the 15<sup>th</sup> of April, Manohar Manav and Prof. Shakeel Ahmed Atta recorded his statement on their mobile phones in a video which shows Shri Baitha standing tall and speaking, and he seems to be strong and recovering well. He was recovering steadily. And then suddenly his condition began to deteriorate and he died unexpectedly on the 19<sup>th</sup> of April. All the workers suspect that it could be that the land mafia in collusion with the doctors conspired to kill him! The C.B.I. should be investigating this aspect as well.
19. This five member committee after the Jan Sunwai and the investigation conducted, have the following recommendations to the government:
  - I. The local administration in hiding and withholding information from the Chief Minister and in fact in deliberately giving him wrong information, have committed a grave crime. That they did not attempt to record the statement of the two workers before death, as per

section 164, speaks of the same. The Chief Minister should be ordering an immediate, unbiased investigation into the same and must take strict action.

- II.** The two criminal cases that have been filed by the police around this incident must be investigated by the C.B.I. since the land mafia has been implicated directly as conspirators in the death of the two workers in all the narratives that have come out since ( the police and the administration's blocking any 'preventive' measures). And the police, administration and political leaders of various statures and levels are all on the 'pay-roll' of the land mafia. Therefore, it would be difficult to expect any justice from the local investigative agencies.
- III.** The people have identified S.P. Shri Jitender Rana as the prime collaborator who has been responsible for terrorising the workers and the people post the event. That the police did not deploy any forces as per the law at the protest site is a serious issue. Therefore, he must be transferred from the area immediately and there should be a departmental investigation against him. It is only then that the people's confidence will be restored and the workers will be able to breathe easily. The D.S.P. and the S.H.O. of Chhattauri Thana in the district must also be suspended with immediate effect.
- IV.** The arrangements for the timely payment of arrears due to the workers and farmers be made on an urgent basis.
- V.** The families of both the deceased be given compensation of at least Rs. 50 lakh each, arrangements be made for the proper education of their children and their wives be given government jobs.
- VI.** Apart from the mill workers, 7000 farmers from the district will get relief if the sugar mill functions. As such the options written here should be considered - A) The Government of Bihar acquire the mill and run it itself. B) That the mill be run as a partnership between farmers-workers-government, in accordance with Trusteeship as propounded by Mahatma Gandhi.
- VII.** It has been said that warrants of arrest have been issued in the name of mill owner Bimal Nopani, but he has not been arrested even once. A warrant has been issued once again but no arrest has been made yet. The Administration has said that he is absconding. If this is so his property should be attached without any delay.
- VIII.** An official of the level of Commissioner be appointed to Motihari for a period of two months, such that she/he might do detailed research on the issue of back arrears due to the workers and farmers and find a solution, such as the sale of some land or the sale of junk, in order that the payments be made without delay. It is to be noted that even if 20 acres of undisputed land are found to be saleable and are sold, Rs. 200 crore will be fetched, even though the arrears to the farmers and workers is around Rs. 80 crore. But it is essential that the payments to the farmers and workers be made with interest. This is why it would be appropriate to sell land and fetch money in excess of that which is due.

It is hoped that the Government will take appropriate action on the proposals listed above within one month and will take the trouble of keeping us informed.

**Signed,**

**Swami Agnivesh   Dr. Ramji Singh   P.K. Siddharth   Manohar Manav   Shakeel Ahmad Atta**

**Contact email id:**