

**Jan 19****MOOT PROBLEM 5****THE STATE OF GOA v. AKHIL KUMAR & ORS.**

Parasu Ragi, NRI purchased a sick industrial unit at Verna which was running into losses with a view to modernize the plant and to make it financially viable one. The unit suffered losses because of the labour problems & unnecessary litigations resorted to by the management. Even it was to pay a huge sum to the electricity board. Mr. Ragi had discussions with the labour union – Akhil Bhartiya Sanghatana, the state government which was committed to the generation of employment, electricity board & some financial institutions. Thus all agreed to co-operate & not to make any new demands at least for 5 years.

Mr. Ragi had some tie ups with a multi national corporation, which gave some machinery on a hire purchase basis. According to the agreement with this MNC, if Mr. Ragi was to default the payments of 3 installments the corporation was entitled to take away the machinery.

When Mr. Ragi was about to commence production, Mr. Souza who is the Secretary of Goa Environmental Rights Association, filed a PIL petition before the High Court alleging that the project may cause Environmental pollution. Stay order was issued by High Court. On the other hand the Electricity Board was in financial straits. So contrary to its commitment to the State Government demanded prompt payment of the arrears due from the former management. The labour union – Akhil Bhartiya Sanghatana also became inimical towards Mr. Ragi as he was not in a position to offer them higher wages promptly & the unit was not commissioning as scheduled. Akhil Kumar and Sahil Parasan who were the labour leaders vehemently directed the labour union to gherao him in his chamber without giving food or water. He was not allowed to contact police. Capturing this opportunity the MNC with the active connivance of the labour leaders, managed to dismantle their machinery, removed them and transported them to their headquarters in Bangladesh. It was alleged that the leaders got money for doing this from the MNC.

The banks started pressing Mr. Ragi for repayment of loans, the interest of which came up to Rs. 5 lakhs a month. The labour union during the gherao managed to get a cheque from Mr. Ragi towards the wages of the workers, but that cheque bounced. The day after Mr. Ragi was surrounded by the workers & they made him to stand in the scorching sun for more than 6 hours, but later he was rescued by the police in the evening.

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Disillusioned, depressed, disheartened & dishonoured Mr. Ragi committed suicide the next day by swallowing poison & leaving a note explaining each and every circumstance leading to suicide but the note was devoid of any names of actors. The police after investigation filed charge sheet against Akhil Kumar and Sahil Parasan who were the labour union leaders, Mr. Shetye the chief of the electricity board and Mr. Souza for abetting suicide. The matter has come for final hearing.

Counsels on the respective side are at liberty to frame the points for consideration.