

“Many could have been tortured to death,” charges lawyer for jailed Maruti Suzuki India workers

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In a telephone interview with the *World Socialist Web Site*, one of the lawyers representing the 149 jailed Maruti Suzuki India (MSI) workers described how many of them have been brutally tortured by police.

Rajendra Pathak said police had beaten the workers and subjected them to various forms of torture including electric shocks, submersion in water, and severe leg-stretching. “Many,” said Pathak, “would have been killed by the police, if not for the media publicity about their arrest and our legal intervention.”

Last year, workers at MSI’s car assembly plant in Manesar, an industrial center in the northern state of Haryana, rebelled against a company stooge-union, mounting a series of militant strikes and plant occupations. Determined to maintain a brutal work-regime that has made huge profits for MSI, the company and Congress Party-led state government have resisted recognizing the independent Maruti Suzuki Workers Union (MSWU).

Working in tandem, the government and company seized on a management-provoked altercation on July 18 that resulted in the death of a manager to frame up the leadership of the MSWU and more than 125 other workers on serious criminal charges.

Many of the arrested were not even at the plant at the time of the altercation. But they were rounded up because MSI management had given their names to the police.

India’s largest automaker, MSI has also carried out, again with the full support of the state government, a purge of its workforce. In September, 546 permanent workers and 2,000 contract and temporary workers were dismissed from their jobs at the Manesar assembly plant.

Defence Attorney Rajendra Pathak spoke with the WSWS about the corporate-government vendetta against the Manesar MSI workers.

WSWS: Can you describe what you have learnt from your discussions with workers about the torture they were subjected to?

Pathak: I visit them in jail frequently. All of the 149 workers were beaten by the police. Thirteen of them—including 12 union leaders and a worker who was suspended on July 18 for allegedly slapping a supervisor who had made a denigrating caste remark against him—were singled out for severe cruel punishment.

Many would have been killed by the police, if not for the media publicity about their arrest and our legal intervention.

The chief officer of the Criminal Investigation Agency was himself involved in this torture. He was giving electric shock to these workers by putting an electrically charged instrument on their bodies.

The workers hands were tied at the backside and they were hung in a hook upside down.

Before they were subjected to torture they were stripped naked in front of others including [an MSI executive].

Another method of torture that was used was to submerge the workers’ heads in a tank of water. Two police men would push the workers’ heads into a tank of water and keep them there until they lost consciousness.

The police have a 90kg roller that they would roll on the back of workers after the workers were made to lie on the floor. Before they started this type of torture, they would wrap the bodies of workers with a cloth to cover up the visibility of injuries.

Another cruel method of torture according to workers was severely stretching their legs apart. While two policemen would sit on top of a worker, another two policemen would tear the legs apart. Because of this some workers can’t even walk properly.

WSWS: When and how did the workers get in touch with

you?

Pathak: The MSWU leaders called me on the afternoon of July 31 and said they were coming to see me at my office.

Somehow police got this information and the MSWU leaders were stopped on their way and arrested and taken to the police station. In the night they were beaten up. They were not produced in the courts and kept in illegal custody for one day. Only on the 2nd of August, which is a holiday in Haryana, *Raksha Bandhan*, were they produced in the courts, but the police showed them as having been arrested on the 1st.

I got the information from a journalist and went to the courts and moved an application for medical examination. These are mandatory everywhere in India. The law states that those kept in custody should be subjected to medical examination.

In the D.K. Basu case, Supreme Court Judge Anand laid down important safeguards against custodial torture. Based on this, I moved the application [for medical examination], but the judge on duty was not convinced. He simply issued notice to the police. There is no need of issuing notice to the police. Because they are all aware of all the procedures; all are party to Judge Anand's judgment.

Police fought for remand of 14 days of those arrested union leaders, but I objected, and as a result they were granted 8 days remand. During this time they were subjected to cruel torture in police custody in Gurgaon, Haryana. After keeping them in police remand for 8 days, the MSWU leaders were again produced in the courts. Subsequently they were sent to judicial custody.

WSWS: How many workers in custody were produced for medical examination on September 21 and what did the reports from the medical examinations say?

Pathak: I moved for medical examination of the arrested workers which is mandatory. But I have learned the police threatened the doctors, telling them that as government employees they should fall in line with the police reports and shouldn't be generous towards the Maruti workers. They demanded the doctors simply give medical reports as per police direction and fake reports were produced.

However as I moved the courts for medical examination, it was conducted on September 21 under the supervision of the Gurgaon medical officer and in the presence of several advocates for the jailed workers. The medical report revealed five workers were seriously injured.

WSWS: How many workers have been given charge sheets?

Pathak: All 149 jailed workers have been given charge sheets, each of which contains 400 pages. Of the 149, only 44 are named in the FIR (First Information Report). Twelve union leaders and another worker are charged with the murder of the MSI manager.

93 of the charged workers were not involved in any action on July 18 (the day of the altercation).

There are 182 witnesses mentioned in the charge sheets. These include 30 doctors, 70 or 80 policemen and 70 or 80 MSI management officials.

In total police have named 215 workers in the murder case and out of them 66 are yet to be arrested. Out of the 66 only 9 are named in the FIR.

WSWS: What are the legal arguments you intend to make in defence of the jailed workers?

Pathak: We are planning to file a contempt of court case in the High Court against the police for not complying with Supreme Court directions in relation to medical examination.

It will take some time. Only by January do we expect to be able to bail out most of the jailed workers. As per the charges leveled against them, they could face jail terms of 20 years. If our bail applications for all 149 are not granted in Gurgaon District Court then we will go to the High court. We believe 110 out of 149 could be bailed out. For the remaining 39 it may take a longer time.

When I asked the workers, they said they never hit the manager who was killed in the July 18 incident. In fact as this manager was sympathetic to the plight of MSI workers, there is no reason why would they go for him.



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