

State frame-up of Maruti Suzuki India workers continues

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A district court in Gurgaon, Haryana granted bail Tuesday to 77 of the almost 150 Maruti Suzuki India (MSI) workers whom the authorities—working hand-in-glove with the automaker—are trying to frame for murder and have held in prison for more than two-and-a-half years.

The workers, who include the entire original leadership of the Maruti Suzuki Workers Union, were involved in a series of militant strikes and occupations at MSI's Manesar assembly plant aimed at winning recognition of their organization, the "regularization" of the largely contract workforce, and an end to a brutal, low-pay work regime.

They have been falsely accused of collectively murdering the Manesar plant's human resources manager, Awanish Dev, on July 18, 2012. Dev died in a fire at the plant that erupted in the midst of a management-instigated altercation between the workers and plant managers and company goons.

The workers have long pointed out they had no reason to kill Dev, since he was one of the few management employees to express any sympathy for their plight and had assisted them in making their application for recognition of the MSWU by the Haryana Labour Department.

First under a Congress Party-led Haryana government, and now a BJP one, the state police have worked with management to slander, imprison and convict on frame-up charges the most militant workers.

The police "investigation" consisted of arresting persons on lists of "suspects" provided by Maruti Suzuki management. Soon after their arrest, many of the workers were tortured in an attempt to extract confessions from them.

They have been held in terrible jail conditions ever since, with the courts systematically refusing to grant them bail despite the paucity and dubious character of the evidence against them. Many of the jailed workers were not even at the plant on the day of the altercation.

That the state wants to make an example of the Maruti Suzuki workers so as to intimidate the working class in the Gurgaon-Manesar industrial belt and reassure investors was underscored by the argument that the Haryana High Court

gave last year in rejecting a bail petition. "This incident," said the High Court in a reference to the Manesar workers' agitations and the manager's killing, "is the most unfortunate that has lowered the reputation of India in the world. Foreign investment is likely not to happen due to growing labour unrest."

Only in late February, after more than two years of legal petitions and challenges, did India's Supreme Court order that bail be granted to two of the jailed workers, Sunil Kumar and Kanwaljeet Singh. In ordering them freed after more than 31 months in prison, the Supreme Court admitted that the prosecution's eyewitnesses had failed to identify them as having participated in the July 2012 altercation.

In line with the Supreme Court's decision, the Gurgaon District Court has now granted bail to 77 other MSI workers against whom there is no "eyewitness" or other evidence.

But even after Tuesday's ruling, 75 other workers remain in jail and, while the prosecution's case is manifestly in tatters, they and indeed all the workers continue to live under threat of being convicted on false, politically motivated criminal charges and receiving lengthy jail terms.

In the immediate aftermath of Dev's death, the company vengefully sacked at least 2,500 workers, most of whom were contract and temporary workers—a group which is paid a pittance in wages and fired at will.

A labor court in Gurgaon on March 3 ordered Maruti Suzuki to pay compensation of 100,000 rupees (RS)—about US \$1,600—to 425 of these victimized workers. But the court notably did not order the company to reinstate them and, furthermore, plans to confiscate Rs. 15,000 (\$240) as court costs from their measly financial compensation.

Although there is incontrovertible evidence of police torture, including workers' sworn affidavits, not a single one of the police personnel who perpetrated the torture or the company management who oversaw and supervised these grisly deeds has been criminally charged, let alone imprisoned. (See "India: Victimized Maruti Suzuki workers file affidavits documenting their torture")

Rajendra Pathak, a leading attorney for the incarcerated

Maruti Suzuki workers, spoke to the *World Socialist Web Site* earlier this month about the protracted legal campaign to expose the state-company frame-up.

He explained that the courts had justified their long refusal to grant any of the workers bail on the grounds that all the witnesses had yet to be examined at trial.

“There are altogether 192 witnesses,” said Pathak. “Out of this total, 102 witnesses were already examined by the prosecution. There are still 90 witnesses to be examined and that includes doctors and police officers, some of whom were either transferred or retired. Many policemen and other eyewitnesses are yet to be examined.”

As many of the workers implicated in the case were not even at work on the day of the tragic incident, Mr. Pathak said that he approached the Chief Investigating Officer Om Prakash in 2012 to get a list of workers who were on duty and those on leave that day. But he was told “a bundle of lies” with the investigating police officer saying that providing such a list was not possible since “everything was burnt in the fire!”

“It was a deliberate attempt to suppress vital evidence in defence of innocent workers,” said Pathak. “Suddenly now they have come up with a list, which they claimed was burned in the fire, that states who was on duty that day and who was on leave.”

When Pathak challenged the source of this new information, the police told the courts it was available from computers at the MSI’s main Gurgaon plant computer, which had an integrated system with the Manesar plant. “They’re trying to use this list,” said Pathak, “in order to prove their case now.”

Pathak told the WWS that “so far none of the witnesses were able to prove who lit the fire and whether the HR manager Dev was murdered.

“According to doctors who were examined at the Gurgaon trial court, the late HR Manager Awinash Dev died due to suffocation (i.e. lack of oxygen due to the fire) and he died before he was burnt.

“Piyari Lal, a senior manager in the Human Resource department claimed that he saw Jia Lal, a worker, whose suspension for slapping a supervisor for his insulting casteist remark allegedly led to the chain of events on July 18. I challenged him to go ahead and identify him. He took 45 minutes to look through the jailed workers, only to confess at last that he couldn’t identify him. None of the witnesses could say who lit the fire and there’s nothing on record.

“However eyewitnesses identified five to six who supposedly caused grievous injury. These workers could be sentenced to jail from 3 to 7 years or a maximum 10 years for ‘causing grievous injury’ under Indian Penal Code (IPC) section 325.

“In any event they could not prove murder charges under IPC 302 (Punishment for murder). Because for murder,” continued Pathak, “there should be clinching evidence. And they don’t have this incontrovertible evidence.

“They could not even prove their charge under IPC 304 (Punishment for culpable homicide not amounting to murder).”

The defence attorney also noted that the prosecution was unable to substantiate its claims of a criminal conspiracy (IPC section 120b). They could not show that “any meeting of conspiracy was held and that in that meeting a decision was taken to kill all the management staffs and so on.

“So the only part of the prosecution which is left with any standing is ‘causing grievous injuries’”—and this is entirely dependent on the testimony of eyewitnesses who are company managers or otherwise in Maruti Suzuki’s pay and an ostensible record of who was at the plant that only recently “turned up.”

Commenting on the likely outcome of the verdict, Pathak said that he is hopeful that more than three-quarters of the workers will be cleared of all charges, since they were not identified by any of the eyewitnesses. But he added, “Sometimes wrong decisions may also come.”

Speaking about the trade union federations—including the Stalinist-led AITUC and CITU—which systematically isolated the militant Manesar workers during their repeated strikes and after the July 2012 incident failed to mount any serious campaign in their defence, Pathak said, “The trade unions are no more active; they are just passing the time. They are not showing any protests. They have given memorandums to authorities in Chandigarh, Gurgaon and Delhi.”

On the conditions inside the MSI Manesar plant, Pathak said, “The salaries of the workers were more than doubled. The Japanese Suzuki management are seeking to take direct control of the plant by removing much of the Indian managerial personnel. Top management is on high alert now to prevent any militancy by the workers.”



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