

The frame-up of the Maruti Suzuki workers—Part 1: A travesty of justice

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On March 18, thirteen workers from Maruti Suzuki's Manesar, Haryana car assembly plant in northern India—including the entire leadership of the newly-organized Maruti Suzuki Workers Union (MSWU)—were sentenced to life imprisonment on frame-up murder charges.

They are victims of a legal vendetta mounted by the Japanese-owned automaker and the Indian police, courts and political establishment aimed at stamping out worker opposition to sweatshop working conditions. In the 18 months prior to the July 18, 2012 management-provoked altercation and fire that served as the pretext for the frame-up, the Manesar plant had emerged as a center of worker resistance in the giant Manesar-Gurgaon industrial belt, that lies on the outskirts of India's capital, Delhi.

This article is the first part in a series dedicated to exposing the frame-up's legal dimension, including collusion between the company and police, fabricated evidence, coached testimony, and judicial decisions that shifted the burden of proof from the prosecution to the workers.

On March 10, 2017, 13 victimized Maruti Suzuki India Limited workers were found guilty on frame-up murder charges for the death of a company manager, during a 2012 management-provoked altercation and fire at the Japanese-owned automaker's Manesar, Haryana car assembly plant.

Eight days later the 13 autoworkers—Ram Meher, Sandeep Dhillon, Ram Bilas, Sarabjeet Singh, Pawan Kumar, Sohan Kumar, Ajmer Singh, Suresh Kumar, Amarjeet, Dhanraj Bambi, Pradeep Gujjar, Yogesh Kumar and Jiya Lal—listened as Judge Rajinder Pal Goyal announced that he was sentencing them to life imprisonment. The young workers' minds must have been racing. Condemned to serving out the rest of their lives in the living hell that is an Indian prison, they may never again see their wives or small children except through the bars of a prison visiting room. And they will not be able to financially support or care for their ailing and impoverished parents.

The Indian state and political establishment have connived with Maruti Suzuki management to rob these workers of their lives for the "crime" of challenging sweatshop conditions, including poverty wages, contract labour and a brutal work regime.

Twelve of the 13 were the elected leaders of the Maruti Suzuki Workers Union (MSWU). In the 18 months that preceded the July 18, 2012 altercation and fire, workers at the Manesar assembly plant organized the MSWU in bitter struggle against a company-controlled, government-backed stooge union.

The International Committee of the Fourth International (ICFI) is mounting a campaign to mobilize workers, young people and all those who uphold democratic rights in support of the 13 Maruti Suzuki workers: to win their immediate release; the vacating of their convictions and those of 18 other Maruti Suzuki workers convicted on lesser charges as part of the same company-state frame-up; and the reinstatement of all 2,300 workers that Maruti Suzuki fired and replaced in a government-supported,

August 2012 purge of the workforce at its Manesar plant.

The *World Socialist Web Site* has written extensively on the collusion between the company, legal authorities, the Haryana state government and India's principal big business parties in framing up the Maruti Suzuki workers and their base political motivations. Prosecutors, judges and politicians have themselves repeatedly declared that the workers must be harshly punished so as to reassure foreign investors. To cite but one recent example, when asked why the prosecution had asked Judge Goyal to sentence the 13 workers to be hanged, special prosecutor Anurag Hooda declared, "Our industrial growth has dipped, FDI [Foreign Direct Investment] has dried up. Prime Minister Narendra Modi is calling for 'Make in India,' but such incidents are a stain on our image."

Today the WWSW begins a multi-part series focused on refuting the "evidence" and legal arguments on which the Indian state based its conviction of the 13. It is largely based on an examination of Judge Goyal's 535-page verdict.

Careful examination and systematic refutation of the state's legal case has always been a critical part of international defense campaigns. Exposure of the class justice meted out by the institutions of the capitalist state—the government, police, prosecution and judiciary—is vital in rallying popular support. Moreover, it underscores that justice for persecuted workers, socialists and other victims of government frame-ups can be won only by mobilizing the industrial and independent political strength of the working class.

As we shall show, in this and subsequent articles, the police investigation and trial that resulted in the convictions of the Maruti Suzuki workers were a travesty from beginning to end.

In his March 10 judgment, Judge Goyal had to concede that police had colluded with Maruti Suzuki in flagrant violation of the law and had fabricated evidence in two separate instances.

Prosecution witnesses were systematically unable to identify or misidentified those they had implicated in criminal acts.

The linchpin of the prosecution's case was the claim that the workers had set the fire with the intention of burning company managers alive, but it failed to tie any worker to the setting of the fire. Nor could it even establish how and when the blaze was lit.

Police failed to perform routine forensic tests on pivotal pieces of evidence.

There were major inconsistencies, gaps and contradictions in the prosecution case: including concerning the weapons the workers reportedly used in the altercation, and how every company manager and security staff member managed to escape serious injury, in what the state insisted was a murderous rampage, except for Avineesh Dev—the one manager sympathetic to the workers.

The judge repeatedly made arbitrary decisions that perverted the legal process and strengthened the prosecution's hand, including preventing any worker witnesses to the July 18, 2012 events from testifying.

So untenable was the prosecution case, Judge Goyal had to declare 117

of the 148 workers before the court innocent of all charges against them.

But even as he did so, the judge willfully mangled the law. In his March 10 decision, Judge Goyal repeatedly using sophistries to cover over damaging holes in the prosecution case and to claim that the proven instances of police misconduct were discrete, not part of a pattern and did not impact the overall case. Last but not least, at key points he shifted the burden of proof from the prosecution and state onto the workers. In other words, Judge Goyal's finding of murder is based on the false, anti-democratic conception that it was the workers' obligation to prove their innocence, not the state's responsibility to prove them guilty beyond a reasonable doubt.

The court refused to consider the workers' version of events

The July 18, 2012 altercation at Maruti Suzuki's Manesar car assembly arose out of a factory-floor protest.

On that day, with the aim of intimidating the workers, management called in hundreds of people whom it termed "security personnel" and the workers "bouncers" or thugs. It then attempted to force the workers to work through their contractually-mandated tea break. One worker who was ultimately sentenced to life in prison, Jiya Lal, protested.

In his ruling, the judge, repeating the company narrative, claimed Jiya Lal "started misbehaving" and that this led to a scuffle between him and a labour-contractor, Sangram Manjhi. According to the workers, Sangram Manjhi mocked Jiya Lal for his poverty and humiliated him with caste-ist insults. Jiya Lal is a Dalit, that is, a descendant of "Untouchables." Manjhi left the plant shortly after reporting the incident to his superiors.

Management then announced it was firing Jiya Lal, and a committee of workers left the shop floor to discuss the matter with management, which had a long history of firing militant workers.

The workers demanded the reinstatement of Jiya Lal and threatened to strike if the company refused. As news of the confrontation and Jiya Lal's dismissal spread, workers downed tools.

Workers present at the meeting with management say the managers were adamant that Jiya Lal be dismissed and claimed the labour contractor had done nothing wrong in mocking his origins, since he was indeed a Dalit. However, Human Resources Manager Avineesh Dev dissented, leading to "heated arguments" between him and other company officials. Dev urged management to reinstate Jiya Lal and give him a second chance and, when they refused, announced he was resigning from the company.

When the meeting broke up, workers say they were set upon by 25 to 30 company "bouncers," armed with "rods and dandas" (heavy sticks or bats), who were waiting outside. According to an official complaint filed by the workers in 2012, one manager ordered the bouncers "to break the legs of Avineesh Dev" and to take "him in room and set the room on fire."

Workers say they fought back against the bouncer attack. Management claims that hundreds of workers grabbed weapons and poured into management offices, ruthlessly beating company officials. The company claims workers broke Avineesh Dev's legs and set a fire with the intent to burn Dev alive.

The judge rejected the workers' version of the story out-of-hand. He ruled that the workers' 2012 complaint detailing the company thug attacks was "falsified" and "fake." Judge Goyal said that because the workers' complaint detailing the course of events was filed some weeks after the July 18 events the workers made up the story as an "afterthought" in order to evade prosecution.

In making this argument, the judge omits any consideration of what happened in the days and weeks immediately following the July 18

altercation and fire. Police mounted a witch hunt against the workers, raiding their homes and detaining several hundred. Moreover, many of the jailed workers, as was subsequently documented by civil rights groups, were subjected to torture, including electric shocks, severe leg-stretching and water-immersion.

Judge Goyal claimed that "there is no evidence ... management ever had any issue with [Avineesh Dev]." We will have more to say on this score in the next part of this series. At this point it should be noted that the judge derides the workers for having failed to put Dev's letter of resignation on record, although such a letter would perforce have been sent to the company.

The judge also claims that it is legally significant that the initial police report, the First Information Report (FIR), "did not say that management was angry with Avineesh [Dev]." But, the FIR, as the judge was himself forced to admit, was not based on an independent police investigation, but rather collusion between the police and Maruti Suzuki management. Moreover, the latter would have had no interest in volunteering that just before his death Dev had tendered his resignation in protest over the automaker's treatment of Jiya Lal and the workforce as a whole.

Even more grievous is the judge's decision to exclude all testimony from workers who witnessed the July 18 events, but were not implicated by the prosecution in any wrongdoing.

Management officials were given free rein to give their version of the story, but the workers were prevented from bearing witness.

Judge Goyal defends this in his March 10 judgment with the following: "The contention that no worker was joined as a witness is again without any force because it is clear that workers who have not been arrayed as accused or who had witnessed the incident could not be joined as witnesses because they would never tell the truth nor they would speak against the assailants or Union Members."

Goyal's exclusion of all worker witnesses on the grounds they would invariably lie is itself reason enough to declare the trial a sham. It is precisely the purpose of a trial proceeding to hear and interrogate witnesses so as to determine the veracity of their testimony. Moreover, the court has wide powers to assist it in exposing false testimony and to punish those who perjure themselves.

Judge Goyal's arbitrary dismissal of worker evidence is further exemplified by his rejection of the alibis of two of the men he found guilty of murder, MSWU executive members Yogesh Kumar and Ram Bilas. Both men presented considerable evidence that they were not even at the factory on July 18. Yogesh Kumar explained that he had traveled out of town to Yadav Dharamshala to celebrate the holiday Kavar. Ram Bilas's uncle testified that Ram Bilas was visiting family for a birthday celebration on the day of the plant altercation and fire. The judge ruled that both workers had made up their alibis. He stated that Ram Bilas "did not call any photographer to click any photograph through mobile or otherwise" and declared this constituted proof he was not with his family that day. The company attendance sheet was burned in the fire.

The second part in this series will be published Friday, April 7.



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