

# The frame-up of the Maruti Suzuki workers—Part 3: The prosecution’s untenable “mob attack” narrative

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*Click here for parts one, two, four and five.*

*Last month 13 workers from Maruti Suzuki’s Manesar, Haryana car assembly plant in northern India—including the entire leadership of the newly-organised 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 third part in an ongoing 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. Read parts one and two.*

The prosecution, as we showed in Part 2, was unable to demonstrate any connection between the workers and the fire that caused Human Resource manager Avineesh Dev’s death by asphyxiation.

It also failed to substantiate a second claim on which its charge of murder against the 13 workers, twelve of them leaders of the Maruti Suzuki Workers Union (MSWU), hinged—that the workers had mounted a mob attack.

The prosecution’s narrative of the July 18, 2012 altercation is full of inconsistencies, contradictions and dubious claims, including concerning police investigative “lapses.” Moreover, when these inconsistencies, contradictions, and dubious claims are viewed within the context of the entire case—including the judge’s admission that police illegally colluded with management and fabricated evidence—they point to the workers having been the victims not simply of a miscarriage of justice, but of a monstrous frame-up.

This part will expose some of the glaring discrepancies and contradictions in the prosecution’s version of the altercation.

## Why was Avineesh Dev the only casualty?

According to the company’s and prosecution’s version of events, hundreds of angry workers armed with large metal car parts, some of them sharp, poured upstairs from the factory floor, invaded the management offices and attacked management officials. As they did so, some of the rioting workers shouted for the managers to be killed. Then, as the offices became engulfed in flames, the workers blocked the exits and fought off police who tried to rescue the managers.

“100 to 150 management officials were trapped,” writes Judge Goyal in summarizing the prosecution case, “and the fire reached up to the entire ceiling of conference room and administration office. All the management officials tried to escape but they were blocked by the workers.”

The picture painted by the prosecution, in league with Maruti Suzuki management, is truly harrowing—a massacre in the making. At the very least, one would anticipate multiple, if not many fatalities, would have resulted and that other managers would have been left with severe, if not permanent injuries, whether due to the fire or the beating that they had received from the enraged workers.

Yet there was only one fatality, Human Resources Manager Avineesh Dev—the one management official sympathetic to the workers. Moreover, Dev was not just the sole person to die in the reputed assault. He was the only Maruti Suzuki manager, contractor, or member of its security staff to suffer serious injury.

In his ruling, Judge Goyal acknowledges that none of the injuries to the other managers was life-threatening. “It is clear,” he writes, from the testimony of prosecution witnesses, including “injured witnesses ... and from the medical evidence, that the injuries suffered by the injured are either simple or grievous but there is no opinion of any of the doctors that any of the injuries received by all the injured from the hands of accused is dangerous to their lives.”

The discrepancy between the prosecution’s portrayal of the assault and its outcome is truly astounding. But there is more, much more.

The prosecution’s version of the altercation is incompatible with the types of injuries that the management officials reportedly did

sustain. Had hundreds of workers poured into the offices and thrashed them with heavy, metal door beams, and sharp auto “shockers” there is little doubt, as defense attorneys pointed out, that at least some many of the management officials would have suffered lacerations. However, medical personnel found no such wounds on any of the Maruti Suzuki managers.

The judge sought to explain away the limited character of the injuries and the lack of deep cuts, with the claim that this was because “management officials were in a position to ward off the attack with their hands.”

The phrase “I ward off the blow with my left hand” was in fact repeated by many prosecution witnesses, indicating that they were coached and told to recite false statements.

The following witnesses all claimed that they ward off the blows from the workers with their left hands: Rajesh Kumar Malhotra, Shobhit Mittal, Santosh Kumar Yadav, J.K. Dogra, Rajiv Kaul, D.C. Sharma, and key witnesses Vikram Sareen, Vikram Khajanchi, and Vijaybeer Singh.

Albeit inadvertently, Judge Goyal pointed to the holes in the prosecution testimony, when he repeatedly uses the word “somehow” to describe how management officials came to free themselves from the clutches of the supposedly rioting workers. “Somehow he got up,” the judge said of prosecution witness Vikram Sareen. And again: “Somehow, [Shobhit Mittal] succeeded to ward off the blow” and “Somehow, [Santosh Kumar Yadev] saved his [own] life.”

### **The prosecution’s claim that workers used car parts in the attack**

In the police’s First Information Report (FIR), which was drawn up in close collaboration with Maruti Suzuki management, it was asserted that the workers used *belcha* [shovels], *lathi* [bully club sticks], and *saria* [reinforcing bars] in their attack on management. At trial management official Deepak Anand repeated this claim.

But the prosecution abandoned it and instead said that workers had used door beams and shockers in the attack.

When the defence counsel pointed to the discrepancy between the weapons cited in the FIR and the prosecution’s arguments at trial, Judge Goyal came to the prosecution’s support declaring, “The FIR is not an encyclopedia of the case and each and every detail of the case is not required to be mentioned in the same.”

In so finding, the judge was selectively ruling that the FIR was reliable when it benefited the prosecution, but not reliable when it benefited the workers, for elsewhere in his judgment he had dismissed the workers’ claim that Dev had announced he was quitting Maruti Suzuki just before the altercation began on the grounds that this was absent from the FIR.

At trial, the prosecution made much of the fact that police claimed to have found some workers in possession of door beams when they arrested them. The attorneys for the workers argued that this “evidence” was in fact planted and systematically demolished the prosecution’s claims concerning the door beams.

The defense showed that there was no proof the door beams the police claimed to have found in the workers’ possession belonged to Maruti Suzuki.

They also showed there were numerous gaps and inconsistencies in the prosecution-company claim that door beams and shockers were used in the attack and that the workers then fled with these so as to cover up what had happened.

Not only were these “weapons” not mentioned in the FIR. Not until months after the July 18, 2012 events was any claim made that the parts had been stolen.

None of the prosecution witnesses explained how and when workers were able to pilfer the door beams and shockers from the weld shop and assembly shop, under the eyes of management and numerous security guards, then transport them to the administrative building for use in the attack.

Nor did the prosecution explain why the workers would have taken the allegedly incriminating door beams from the factory back to their homes.

Police Inspector Prakash testified that none of the door beams the police said that they recovered from the arrested workers had any blood stains on them.

The police claimed the door beams were vital pieces of evidence proving the workers involvement in the attack, yet under interrogation they admitted they had performed no forensic tests on them, including checking for fingerprints.

According to a 2013 study of the events at Maruti Suzuki carried out by the International Commission for Labor Rights, a New York-based NGO, news reports published in the immediate aftermath of the July 18, 2012 altercation said police had recovered CCTV footage of it and were using the footage to identify and arrest suspects. However, “Four days later ... the police claimed that the recovered CCTV hard drives were damaged, and that no images could be retrieved from them.”



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