

The frame-up of the Maruti Suzuki workers—Part 4: The police and company conspire against the workers

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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 fourth 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, two and three.

At trial, Vrinda Grover, defence counsel for some of the framed-up Maruti Suzuki workers, characterized the police investigation of the July 18, 2012 altercation and fire as “shoddy, dishonest, motivated and mala fide.”

From the very get-go, the police—who had repeatedly been deployed to repress job actions and protests by the Maruti Suzuki workers in the 14 months that preceded the July 18 events—illegally colluded with the company. Moreover, as even Judge Goyal ultimately had to concede, the police fabricated evidence against the workers. They also failed to follow proper investigative procedures and systematically failed to submit important pieces of “evidence” against the workers—including the alleged weapons—to rudimentary forensic tests.

Early on the morning of July 19, only hours after the confrontation and fire at the Manesar plant, Maruti Suzuki management presented police with two lists of workers to be arrested and they, without even the pretense of an independent investigation, then set about making mass arrests.

Nitin Saraswat, the assistant manager of the Human Relations Department at a second Maruti Suzuki plant in nearby Gurugram (Gurgaon), admitted in court that he had prepared the lists implicating scores of workers as having participated in the alleged attack, although he had not been a witness to the events and “personally knew” none of the workers named. These lists, which were “provided to Inspector Om Parkash,” included the names of 89 workers whom senior Manesar plant official Deepak Anand had not implicated when the police drew up their First Investigation Report.

After arresting these 89, the police became nervous that their collusion with the company had been too transparent. Their response was to fabricate evidence. To cover up the fact they had carried out mass arrests on the mere say-so of the company, they set about to find “eye-witnesses” who would implicate the 89. No doubt with the aid of Maruti Suzuki management, four labour contractors were subsequently furnished to bear witness against them.

At trial, this was exposed. The labor contractors Yad Ram, Virender, Ashok Rana, and Rakesh proved unable to identify any of the 89. Moreover, the defence was able to show that the police had manufactured their statements implicating the workers in grave crimes. The names of the workers were allotted to the bogus witnesses alphabetically. Thus all the workers who Yad Ram claimed to have witnessed attacking Maruti Suzuki managers had names that began with letters A through D. Virender only saw rioting workers whose names began with the letters K to P, Ashok Rana those from R to S, and Rakesh those with names beginning with the letters at the end of the alphabet.

Incredibly, the prosecution sought to explain this away, claiming the workers must have rioted in alphabetical order.

However, faced with unimpeachable proof of police-company collusion and fabrication of evidence, Judge Goyal concluded he had no choice but to completely exonerate the 89 along with 28 other workers that not a single prosecution witness had identified or correctly identified.

Defence lawyers argued that the police's collusion with Maruti Suzuki management in falsely implicating workers and fabricating evidence demonstrated that the police investigation was bogus and reason to throw out the entire case.

Judge Goyal on the basis of spurious arguments that violated fundamental democratic juridical principles—arguments that we will examine in the next part—came to the prosecution's rescue. The illegal actions of the police, he ruled, could be separated from the rest of the prosecution case like wheat from the chaff.

Police failed to examine key evidence

At trial, police witnesses admitted time and again that they had failed to perform forensic tests on key pieces of evidence and to otherwise follow standard investigative procedures.

Police failed to take fingerprints from the match box which they suggested had been used to light the fire. Similarly, the weapons that the police and prosecution claimed were used by the workers to attack company managers were not swabbed for fingerprints. Nor were they tested for blood stains.

Police prosecution witnesses—including Inspector Parkash, who spearheaded the investigation—Braham Pal, Vinod Kumar, Ghanshyam Dass, Prahm Parkash, Palam Vihar, and Ram Phal all testified that no forensics had been performed on any of the car door beams and shockers that had allegedly been used in the attack.

Most of these alleged weapons were recovered from the workers' living quarters after they had already been jailed. While such recoveries are supposed to be witnessed by independent persons, police systematically failed to have their recoveries witnessed.

Summarizing key elements of Officer Brahampal Singh's testimony, Judge Goyal wrote: "The clothes got recovered by the accused were not sent to [forensics] for scientific examination. He did not notice any blood stains on the clothes...No independent witness was joined at any stage of recovery proceedings. He did not send the weapon of offense for examination ..."

Similarly, police did not properly collect and examine materials from the "crime scene." Police Inspector Parkash admitted that "he did not prepare the list of damage of the said articles [taken from the management offices] by getting verification from the officials of the Maruti company." Police "did not take into possession burnt material like laptop."

Given that the police had after the fact "attached" the names of more than half of the workers they had arrested to bogus witnesses, it is not surprising that they did not subject the workers to suspect identification line-ups. When confronted with this fact, Inspector Parkash claimed that the police hadn't asked Maruti Suzuki managers and contractors to identify the workers in such line-ups because they were "deeply terrified" the workers would attack them.

Judge Goyal would claim in his judgment that these were no more than police "lapses." In fact these "lapses" were systematic, constituting a pattern that indicates they were covering up fabricated evidence.

What happened at the Japanese hotel?

At trial it emerged that police waited eight days to get statements from virtually all of the Maruti Suzuki managers, and a full five days after they had all been released from hospital. The defence argued this lengthy and unexplained delay allowed the company and police to better concoct a common narrative placing criminal responsibility for the altercation and fire on the workers.

They also pointed, as further proof of company-police collusion, to the fact that several key prosecution witnesses went to the Japanese hotel, owned by Maruti Suzuki, to have their statements recorded by the police. These key witnesses included Vikram Sareen, Vikram Khajanchi, Pardeep Kumar Roy, Virenda Parshad, and Vikram Sareen.

At trial, Police Inspector Jaswant Singh was asked why these witnesses all met the police at the Japanese hotel. He replied: "It was high profile case. There were several police teams to involve to track down the criminals involved in the case, therefore, *for better*

directions were given by the higher ups from the police to Maruti company to send their witnesses at a common place. This answer is not mentioned in the police diary as it is not required." (Emphasis added).

Fraudulent medical reports

The managers injured in the July 18 fight were treated at the Medanta and Colombia Asia Hospitals, private hospitals that have corporate ties to Maruti Suzuki.

The prosecution made much of the ostensibly grievous injuries suffered by the managers—although apart from Avineesh Dev, the lone fatality and the only manager sympathetic to the workers—none suffered serious, let alone life-threatening injury. An important part of the prosecution's proof were the Medicolegal Certificates (MLCs) that hospital doctors filled out detailing the injuries the managers they examined had sustained.

Such MLCs are drafted in response to a formal written request from the police.

At trial under cross-examination, several witnesses—including two of the most important prosecution witnesses—admitted that they had never gone to the hospital and that the MLCs in their names were bogus.

This included Deepak Anand, the Maruti Suzuki manager who initiated the First Investigation Report implicating the MSWU leaders and union supporters in a murderous assault, and lead police investigator Om Parkash.

Parkash, along with other police officers, had claimed that the Maruti Suzuki workers had injured them when they intervened to stop the July 18, 2012 altercation and save the managers threatened by the fire. As a result, additional criminal charges were laid against the Maruti Suzuki workers.

But the evidence meant to substantiate this charge—the MLCs submitted in the name of Prakash and other injured police officers—proved to be bogus, i.e., it was manufactured by the police themselves.

Faced with this further proof of police malfeasance, Judge Goyal had to declare the workers exonerated of the charge of injuring police officers. But, determined to save the prosecution's case and to willfully ignore the evidence of police-company collusion in framing up the workers, he hastened to add, "Merely because their [medical reports] are bogus does not mean that the injuries of all [prosecution witnesses] are bogus."



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