

The frame-up of the Maruti Suzuki workers—Part 5: Judge Goyal mangles the law to sustain the legal vendetta

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Click here for parts one, two, three and four.

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 fifth and concluding 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. Click here for Parts one, two, three and four.

During the course of the trial, Judge Goyal made repeated anti-democratic rulings that hobbled the workers' legal defense. To name just two of the most important: he arbitrarily prevented all workers who were witness to the events of July 18, 2012 and had not been accused of any wrongdoing from testifying, and he refused to allow defense lawyers to re-examine key prosecution witnesses, although a High Court had ruled that to do so would negate the workers' right to a fair trial.

Nonetheless, the prosecution case unraveled. At trial it emerged that the police had colluded with Maruti Suzuki to illegally arrest and detain scores of workers and had fabricated evidence. The police manufactured "witnesses" to falsely implicate 89 workers whom they had already arrested, and they submitted bogus Medicolegal Certificates (MLCs) as "proof" of their claim the workers had attacked them when they tried to break-up the July 18, 2012 melee.

In his verdict, Judge Goyal was forced to concede that there was no evidence against 117 of the 148 accused, leaving him no choice but to exonerate them. The 117 comprised the 89 workers that police were shown to have fabricated evidence against and who, as a result, were held, to use the judge's own words, in "illegal custody" for two-and-a-half-years or more, and 28 other workers whom not a single prosecution witness correctly identified.

The state's case against the remaining 31 workers was of a piece with that against the 117 and was similarly flawed, compromised, and bogus. It was conducted by the same police who had fabricated evidence against the 89 workers, and was led by the same Inspector Om Prakash who had colluded with Maruti Suzuki and admitted under cross-examination that

his MLC was fraudulent.

Moreover, as we have documented in the previous four parts of this series, the prosecution's case was full of inconsistencies, holes, and obvious coached testimony—from the absence of any material evidence tying any worker to the fire that killed the only manager sympathetic to the workers to the uniform claim of a chorus of managers that they had fended off workers armed with car door beams and shockers with their left hand. The prosecution case was also marred by the police's systematic failure to follow standard procedure, including doing forensics on key pieces of evidence.

But Judge Goyal willfully chose to ignore all this.

Far from constituting a blow for justice, his exoneration of the 117 was a maneuver aimed at sustaining the legal vendetta against the principal accused—the leaders of the Maruti Suzuki Workers Union.

This is the meaning of his claim that, notwithstanding the police's illegal actions and other "lapses," he could remove the wheat from the chaff in the prosecution case.

From the standpoint of logic and law, the police's collusion with Maruti Suzuki and fabrication of evidence manifestly throws into question all their claims: whether it be their unwitnessed "recovery" of the weapons allegedly used in the attack from workers' homes; their explanations for why they failed to subject evidence to forensic examination; or their stated reasons for the inordinate delay in questioning the company managers who claimed to have been attacked.

Judge Goyal, nevertheless, dismissed out of hand the defense counsel's argument that the police's actions irreversibly compromised the case. He ruled that the contention that the police investigation and prosecution case were fundamentally flawed "is without any force and is rejected" and that the court could and would "remove the grain from the chaff" in the state's case.

In reality, his verdict was a travesty, an integral part of the frame-up that had been initiated by the police and the transnational automaker, with the blessing of India's political establishment, beginning with Haryana's then-Congress Party state government.

Judge Goyal's judgment was not based on a genuine weighing of the evidence. Rather it was constructed to arrive at predetermined outcome—the outcome demanded by the Indian ruling elite. It was determined to inflict exemplary punishment on the Maruti Suzuki workers, so as to intimidate workers in the Gurgaon-Manesar industrial belt and across India and reassure investors that the Indian state and political establishment will ruthlessly enforce sweatshop conditions.

Throughout his judgment, Judge Goyal ignored, downplayed or sought to explain away the gaps and contradictions in the prosecution case. Thus, he dismissed the defense's concerns about the discrepancy between the weapons Maruti Suzuki management initially said were used in the attack

(rods and *lathis*) and the prosecution's claim that the workers wielded car parts. The police First Information Report, he asserted, was "not an encyclopedia" in which "every detail of the case" need be mentioned.

Similarly, Judge Goyal concluded his discussion of the numerous holes the defense exposed in the prosecution's claim the workers stole the alleged weapons from Maruti Suzuki. He advanced an alternate argument tailored to patch-up the prosecution narrative, claiming workers stole the parts from one of the many nearby auto-related factories.

Two different and opposed judicial standards

To justify his convicting 13 workers—including the entire MSWU leadership—of murder and 18 others on lesser charges, Judge Goyal was forced to eviscerate the democratic judicial principles that capitalist courts claim to uphold.

His judgment systematically holds the prosecution and workers to entirely different standards.

Turning on its head the legal requirement that places the burden of proof on the state, Judge Goyal refused to accept the workers' evidence unless they could disprove every possible alternative. On the other hand, he took as true the testimony of corporate officials and the police, even when they had been caught in contradictions or misstatements.

Judge Goyal makes much in his judgment of the fact that a Magistrate's Court had dismissed the alibis of two MSWU leaders, although they presented considerable evidence, including from eye-witnesses, that they were not even at the Manesar factory on July 18, 2012. Citing Indian law, Judge Goyal declared that a false alibi, absent any other compelling explanation for it, should be interpreted as proof of guilt.

However, when it came to the proven illegal actions of the police, Judge Goyal refused to draw even the most limited of inferences. He insisted the police's collusion with Maruti Suzuki and fabrication of evidence did not and should not call into question any other element of their investigation, although those who had broken the law in order to falsely implicate the workers and those who conducted the rest of the investigation were one and the same.

Time and again, defense lawyers' showed police had violated their own protocols and failed to perform forensics on key pieces of evidence.

Yet in his verdict, Judge Goyal treated each instance discretely, depicting them as a succession of unrelated missteps and omissions.

In reality they form an unmistakable pattern—a pattern that entirely conforms to a frame-up. If the police did not take forensics from the alleged weapons or the mysterious matchbox-cover they tried to tie to the factory fire, it was for the same reason that, having gotten false witnesses to implicate 89 of the workers, they didn't subject the workers to an identification line up. The police knew the forensics would not and could not help them incriminate the workers, because the evidence was concocted.

So as to sustain the frame-up, Judge Goyal labeled the shoddy police practices as "lapses" and he summarily rejected all suggestions these "lapses" were in any way connected to the proven acts of police malfeasance. Thus, Judge Goyal curtly dismissed the defense lawyers' contention that the police planted the weapons they claimed to have found at workers' homes, even though they violated police procedure in failing to have their "recoveries" witnessed and had none of them checked for fingerprints or blood.

In an implicit admission the prosecution failed to prove its case and that his own ruling lacks legal foundation, Judge Goyal invoked a series of reactionary precedents when outlining the basis for his ruling. Many of these precedents came from British colonial law, which is the legal

tradition that upheld Britain's subjugation of the Indian people.

These precedents are meant to attack and diminish the state's legal requirement to prove an accused guilty beyond a reasonable doubt. They include a ruling that denounced "exaggerated devotion to the rule of benefit of doubt," which, it argued, could cause the court to "nurture fanciful doubts." Another precedent that Judge Goyal cited in convicting the Maruti Suzuki workers railed against "meticulous hypersensitivity" to preventing the "rare innocent from being punished," on the grounds this could lead to "many guilty persons" being "allowed to escape." It continued, "Proved (beyond) a reasonable doubt is a guide line not a fetish."

India's Supreme Court bolsters the legal vendetta against the Maruti Suzuki workers

The breadth of support within India's ruling elite and state apparatus for the frame-up of the Maruti Suzuki workers is underscored by the role the country's Supreme Court played in hobbling their defence.

India's highest court upheld Goyal's refusal to allow the defense to re-examine prosecution witnesses who had not been properly cross-examined because the workers' principal lawyer, R.S. Hooda, was gravely ill with cancer. (He subsequently died.) A High Court had ruled that if the defense's request to re-examine the witnesses were denied it would vitiate the workers' right to a fair trial, while noting that Goyal's claim the workers were simply trying to drag out the trial was spurious, since the workers, having been denied bail, were already languishing in jail.

On August 24, 2016, in a ruling bristling with hostility to the framed-up workers, the Supreme Court declared the right to a "fair trial should not be kept on its own pedestal" and "a plea of fairness cannot be utilized to build Castles in Spain or permitted to perceive a bright moon in a sunny afternoon."

The court went on to say that the concept of a fair trial should not be subject to "any strait-jacket formula"—e.g. such as insisting on defendants' right to properly interrogate those who have incriminated them. To grant the defense's request would, it claimed, "have the effect potentially" to infect India's legal system with "anarchical disorder."

The Supreme Court's ruling against the Maruti Suzuki workers and the battery of reactionary legal precedents cited by Judge Goyal as the foundation for their frame-up convictions demonstrate that the capitalist courts stand ready to mangle the basic tenets of democratic law when needed to uphold the inviolate right of the corporations to profit off the brutal exploitation of the working class.

In short, the 13 Maruti Suzuki workers now condemned to spend the rest of their lives locked up in a foul Indian prison are victims of savage, *class* justice.

Workers around the world must view the frame-up convictions of the Maruti Suzuki workers as a threat to their own livelihoods and democratic rights.

The only "crime" these workers committed was to challenge the cheap-labor, sweatshop conditions that the transnationals like Suzuki want to impose on workers all over the world. This brought them into conflict with the entire Indian state and political establishment, because their struggle also threatened the class strategy of the bourgeoisie, which aims for India to supplant China as the world's principal cheap-labour hub.

If Maruti Suzuki and the Indian bourgeoisie succeed in this monstrous frame-up it will only embolden the transnationals and their political hirelings in governments the world over. Everywhere workers today confront capitalist governments committed to gutting worker rights and criminalizing and suppressing worker resistance.

Conversely, the exposure of the frame-up and the mobilization of the international working class to secure the Maruti Suzuki workers' freedom is a vital first step in forging the international unity of the working class that is needed to fight global capital and oppose austerity and imperialist war.

Concluded



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