

On-the-Spot from New Delhi

Lawyer for Maruti Suzuki workers denounces frame-up

Our correspondents
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A World Socialist Web Site reporting team travelled to India's capital, New Delhi, and the nearby Gurgaon-Manesar industrial belt last month to speak with those fighting to overturn the frame-up convictions and brutal sentences imposed on militant workers at the Maruti Suzuki car assembly plant in Manesar, Haryana.

In March, thirteen autoworkers were sentenced to life in prison on trumped-up murder charges, arising from a July 18, 2012 company-provoked, factory floor altercation and fire in which a company manager died from smoke inhalation. Another 18 workers were given three-to-five-year prison terms on lesser charges.

The reporting team met with Rebecca John, a senior advocate and one of the Maruti Suzuki workers' lead lawyers. As they entered her office in Defence Colony, New Delhi, John was making final corrections on an appeal of the workers' convictions. That appeal has now been filed at the Punjab and Haryana High Court in Chandigarh.

John expressed confidence that the appeal will be successful, noting that at the original trial the defence demonstrated that the police had fabricated evidence and colluded with management and that the prosecution's case was otherwise full of inconsistencies and evidentiary holes.

"Out of 148 workers," said John, "117 were acquitted. That itself is a great victory. Because it shows that there was a frame-up. The police were not looking for individual suspects. They were only interested in rounding up as many workers as possible.

"If in a case where 148 were put on trial, 117 are acquitted, I would say that the foundation on which the case is based has collapsed."

John commented on the fact that 12 out of the 13 workers jailed for life were leaders of the Maruti Suzuki

Workers Union, which workers at the Manesar plant had formed in 2011-12 in a rebellion against a pro-company, government-backed union. "It was very easy for the police and for the management to identify them, name them and falsely ascribe roles to them. If you are in the forefront of a struggle, you are the faces that are known. Obviously the only reason for their identification by prosecution was that they were office-bearers of the union. Their names were well known. Their faces were well known, so it was easy to identify them."

She contrasted their fate with that of the 117 workers the court had to exonerate. "None of the management people could identify any of them. They had simply been picked up based on lists provided the police by Maruti Suzuki management.

"Let us look at the case holistically," continued John. "Of course a person has died. Of course damage was caused to properties. The question is: In a criminal case, you have to attribute a specific role to a specific individual. And you must prove that he actually did what you are claiming he did."

She went on to highlight key legal issues that demonstrate that the prosecution failed to prove its case, and, moreover, that the workers are the target of a frame-up.

"The principal case of the prosecution was that [the manager Awanish Dev] was beaten on the legs so that he could not escape. Then the M-1 room was set on fire. I argued in court—and I challenge anyone to disprove it—that the prosecution was unable to prove who lit the fire.

"Unless you can show that person 'A' lit the fire, which then spread to M1 room, and which then caused the death of Awanish Dev, you have no case—just unfounded accusations.

"There is absolutely no credible evidence on record as

to who lit the fire. Therefore, the charge of murder is unsustainable.

“It is on record that more than 700 people were on the factory premises at the time. Besides the workers, there were management people, company security officers, and police who had come from Gurgaon police station. How can you condemn one of these 13 men—let alone all of them!—for lighting the fire? There is simply no evidence as to who lit the fire. It could easily have been any of these other people.”

Rebecca John pointed to the prosecution’s “fraudulent” change of a key part of its narrative of the case. Initially, authorities had claimed that workers had attacked company managers with iron rod and sticks. Later, in flagrant contradiction with what was stated in the police First Information Report (FIR), the prosecution said that the workers had wielded door beams and shockers as weapons.

“Door beams and shockers,” said John, “are readily available in an automobile factory. On the other hand, it would be very difficult for the prosecution to prove that so many sticks and iron rods were brought into the factory from outside. They couldn’t prove that. So, although the FIR categorically said sticks and iron rods were used, the prosecution very conveniently shifted it to door beams and shockers.”

In court, as John explained, she argued that this change in weapons was made “to falsely implicate the workers, because if the police and prosecution had stuck to their original claim of *lathis* [sticks] etc. then the case would have collapsed.”

“So, they introduced ‘weapons’ which were readily available on the factory premises. In court I called them ‘substituted weapons’ and I said this substitution was apparent in the record of the case. This was another instance that showed the prosecution was based on lies and falsehoods.”

Countering the prosecution’s claims that the workers had stolen the door beams and shockers from another part of the factory, John said: “The prosecution did not have evidence to show that before the incident the company had a certain number of door beams and shockers and after it less. There was nothing to show any door beams and shockers were taken. Nothing at all.”

She also pointed to the numerous discrepancies in the police and prosecution’s claims that the door beams and shockers used in the alleged attack were later recovered from many of the workers’ homes.

“This is stupid. If the workers had committed a crime in

which they had used door beams and shockers, they would have thrown them away, not kept them in their homes.”

John noted that in “recovering” the alleged weapons police violated their own procedures. Although police recoveries are supposed to be witnessed, the police failed to have independent witnesses, such as landlords or neighbours, witness their recoveries.

Nor did the police have the alleged weapons wrapped and sealed. “Magically,” said John, “a tailor emerges from nowhere and that tailor already had cloths with him and uses those cloths to make a bundle of door beams and shockers and stitches them up.”

“Who is the tailor or tailors? From where do they appear? They were not produced as witnesses in the court.”

John also noted the glaring discrepancy between the prosecution’s claim that the managers were savagely beaten and the medical evidence presented in court. “The managers’ oral testimonies and the medical evidence do not match.” All the injuries were “on very non-vital parts of the body.” So, contrary to what the prosecution maintained, there “really was no intention to kill or cause serious injuries” to management officials.

This, she added, was only a further example of the “dishonesty” of the investigation and the “close nexus” between the police, prosecution and Maruti Suzuki management.”

Summing up the discussion thus far, John said, “Two important eye-catching arguments that show that the prosecution case was in tatters by the trial’s end are:

“Who lit the fire? Unless you answer that question you can’t convict anyone for murder. Yet they had no answer.

“Second, what happened to the original weapons of offence and what compelled the prosecution to substitute door beams and shockers?”

To be continued



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