Legal appeals of framed-up Maruti Suzuki workers expose travesty of justice

Saman Gunadasa
23 September 2017

Appeals filed by the 31 framed-up Maruti Suzuki workers, including all 12 leaders of the Maruti Suzuki Workers Union (MSWU) at the automaker's Manesar assembly plant on the outskirts of Delhi, expose the collusion between the Japanese transnational company, India's political establishment, the police and courts to railroad these workers into prison.

Sentenced to life in prison last March on phony murder charges, thirteen of the workers—including all 12 MSWU leaders—are currently confined to Bhondsi Jail in Gurgaon, a city located near Manesar in Haryana. The other 18 workers were given prison terms of three to five years on lesser charges. Most of these workers have now been freed from jail due to time served, but having lost their jobs and been framed up on grave criminal charges, they now face destitution.

The Maruti Suzuki workers are the targets of a vicious years-long legal vendetta. This is because the MSWU, which was formed by the workers in 2011-12 in opposition to a government-recognized company stooge union, and the Manesar plant emerged as a pole of opposition to the brutal conditions of exploitation that prevail throughout the Gurgaon-Manesar industrial belt and across India.

On July 18, 2012, management provoked a factory-floor altercation with workers at the Manesar plant. During that altercation a fire mysteriously broke out which led to the death of the one company manager who was sympathetic to the workers' plight.

As part of the worldwide campaign the International Committee of the Fourth International is mounting to mobilize the working class to win the freedom of the Maruti Suzuki workers, the *World Socialist Web Site* published a five-part series exposing how the police fabricated evidence and the judge wilfully mangled the law to secure guilty verdicts.

That series also noted that the prosecution and courts had themselves repeatedly insisted that an example must be made of the Maruti Suzuki workers so as to assure investors that the Indian state will guarantee "labour peace—i.e. brutally suppress working-class opposition—and so as to uphold Prime Minister Narendra Modi's "Make in India" strategy, which aims to transform India into world capitalism's principal cheap-labour manufacturing hub (see: "The frame-up of the Maruti Suzuki workers–Part One").

The appeals, which were filed in June and July, point to numerous factual and legal flaws in the prosecution's case and in the judgment issued by Judge R.C. Goyal of the Gurgaon District Court.

The appeals elaborate on the following key points:

*The judgment of the trial court is contrary to law and the facts on record.

*The court arrived at its findings without serious examination of the evidence on record and without dealing with defence counsel submissions that pointed to serious inconsistencies and contradictions in the prosecution's case.

*Legal precedents from prior court judgements cited by the defence were ignored without reason.

*The court cannot develop a case different from the original case of the prosecution and convict the accused on that basis. However, Judge Goyal did precisely that to paper over gaping holes in the prosecution case.

*The court failed to take account of the targeting of MSWU leaders by management and its determination to thwart the workers' efforts to assert their rights. The altercation and the subsequent attempt to blame the workers for it and for the factory fire were all part of a police/government-supported drive by Maruti Suzuki to smash the MSWU and silence the workers.

*The police did not conduct a free, fair and impartial investigation, but planted evidence, forged MLC's (Medico legal Certificates) and tutored or coached witnesses.

*The court had to acquit 117 accused persons whom defence lawyers had shown the police had colluded with management to falsely implicate in the altercation and fire. Legally, argue the appeals, it is "no longer possible to rely on the same evidence for purposes of convicting the remaining accused."

The 13 workers were sentenced to life imprisonment on the grounds that their actions led to the death of the manager, Avnish Dev. Considerable space was therefore devoted in the appeals to exposing the unfounded accusations on this matter.

Since Dev's death was due to inhaling smoke from the fire, the prosecution tried to prove that the victimized 13 workers lit the fire. At least three witnesses produced by the prosecution claimed to have seen some of the victimized workers light the fire. However, none of these witnesses could identify any of the

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workers they implicated. Hence, this evidence cannot be said to have incriminated the appellants, assert the appeals.

The defence pointed out that Dev tendered his resignation shortly before his death in protest of Maruti Suzuki management's mistreatment of the workers. The workers, therefore, had no reason to want to harm, let alone kill him.

The appeals noted that the court discounted the workers' claims that Dev was sympathetic to them, although they showed that he had helped them register the MSWU with the Haryana Labour Department. Moreover, Judge Goyal insisted they produce Dev's resignation letter, although this clearly would be in the possession of management, not the workers.

The appeals also argue that a matchbox cover the police claimed to have miraculously recovered from the centre of the fire 17 hours after the blaze was obviously planted. In any event, the police and prosecution could provide no evidence tying any of the workers to this matchbox cover.

The appeals also took issue with the claim that workers were trespassing on company property because they stayed back after the end of their shift. The workers had a legitimate right to be there, the appeals contended, given that management had just fired one of their colleagues who had been victimized.

The unfounded claim of trespass was an important part of the frame-up, as it served as a legal mechanism to hold workers' collectively responsible for other crimes to which there was no evidence linking them individually.

The appeals emphasized that the court failed to hold the prosecution to satisfying the basic legal principle of proving its case beyond a reasonable doubt. Rather, Judge Goyal repeatedly gave the benefit of the doubt to the police, while placing the burden of proof on the accused workers. "The court," stated one of the appeals, "has repeatedly used incorrect reasoning to brush aside grave evidence of favouritism under the carpet, in an attempt to protect the police and the shoddy investigation it conducted."

One example of this was the court's treatment of the change the police/prosecution made between the FIR (First Information Report) and the trial in their claims as to what weapons the workers wielded. According to the FIR, workers assaulted the management with belcha, lathi rod (sticks), iron sara (rods), danda, etc. But during the trial, witnesses from the Maruti Suzuki management said that workers used "door beams" and "shockers." This change was used to overcome the legitimate question as to where the workers would have obtained such a stockpile of belcha, lathi rod, iron sara, danda etc.

Judge Goyal claimed that the discrepancy in weapons didn't matter and in any case was covered by the FIR's reference to "etc."! He similarly claimed that questions as to how the workers could have smuggled door beams out of the factory welding shop or why the company never reported the thefts of the shockers and door beams were immaterial.

The police, the appeals noted, violated their own standard procedures when "recovering" the door beams from workers' lodgings; failed to confirm whether they had in fact come from the Maruti Suzuki factory; and like other vital pieces of "evidence" failed to subject them to any forensic tests.

No doctor indicated that the injuries managers suffered during the factory altercation were caused by door beams. On the contrary, doctors admitted that the injuries could have been caused by a fall on a hard or uneven surface, which is a highly likely given the situation created by management in the plant that day. Even the trial court had to admit that MLCs produced by police officers were forged. However, the trial judge rushed to cover up the significance of the police's criminal conduct, saying the police forgeries didn't mean the injuries were "bogus."

The appeals took note of the glaring injustice of the court's finding that no worker who had witnessed the events of July 18, 2012 and not been charged with any crime was "made a witness because they would not have told the truth." The defence reiterated that there is no basis—legal or factual—for making such a sweeping assertion.

A number of legal lapses were also identified. These included the use by the police of a hotel owned by Suzuki as the home base for its investigation and a six- to eight-day delay in getting statements from company managers, so as to ensure such statements would conform to the narrative that the company and police were concocting.

Summing up the evidence it had presented showing the holes and outright fabrications in the prosecution's case and the judge's numerous legal lapses, one of the appeals concluded, "In the present case, the *doubt* is not only overwhelming, but in fact, there is hardly any aspect on which the prosecution's case is at all believable."

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