

# India's "judiciary acts on the agenda of the capitalists"

—says lawyer for Maruti Suzuki workers facing frame-up murder charges

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Rajendra Pathak, the lawyer leading the legal defence of the 148 Maruti Suzuki India (MSI) workers who face frame-up charges of murder and other grave crimes, recently spoke with the *World Socialist Web Site* about their case.

The workers, whose trial began late last year, have been languishing in jail for almost 18 months. Arrested by police on the basis of lists of "suspects" supplied by MSI management, they include the entire leadership of the Maruti Suzuki Workers Union (MSWU) and many of its most active members. The MSWU was formed in opposition to a government-supported, company-stooge union so as to challenge the sweatshop conditions at MSI's Manesar, Haryana car assembly plant.

Haryana's Congress Party-led state government and India's largest automaker seized on a July 18, 2012 company-instigated altercation that led to the death of MSI Human Resources Manager Awanish Kumar Dev to launch their legal vendetta against the MSWU militants and to purge the Manesar plant of more than 2,000 other workers deemed insufficiently pliant.

Maruti Suzuki has since sped up production at its Manesar assembly plant. The government, for its part, deploys dozens of police inside the plant each workday, to intimidate the workforce and demonstrate to all employers in what has emerged as one of India's leading auto-manufacturing centers its readiness to enforce their brutal, cheap-labor work regimes.

In a wide ranging interview, Rajendra Pathak discussed the conditions facing the jailed workers, his efforts to expose the torture to which they were subjected in the first days of their imprisonment, the lies on which the frame-up charges are based, the class bias of India's judiciary, and the failure of the Stalinist Communist Party of India (Marxist) to come to the Maruti Suzuki workers' defence.

All 148 jailed workers, explained Advocate Pathak, face murder charges under section 120 (B) of the Indian penal code, i.e. criminal conspiracy. Eight of the workers, all of them MSWU officers, have been directly charged with killing Dev; the others are accused of complicity in or association with the murder. In addition, the workers face numerous other serious criminal charges, from riot, to assault, to causing damage to property.

If convicted of these frame-up charges, the workers would be

liable to harsh penalties. "Murder convictions may result in life imprisonment," said Pathak. "The penalties for other charges vary from prison terms of 5-7 years to 20 or 30 years. However, for causing simple injury, the sentence is 3-6 months."

For both legal and political reasons, Pathak ruled out the possibility of the courts imposing the death sentence. India's Supreme Court, said Pathak, has stipulated that capital punishment should be imposed only in the "rarest of rare cases."

Pathak explained that in August 2012 he filed a complaint against MSI management in relation to the murder of the MSI manager Dev, alleging that the company, acting through the company-deployed "bouncers" who instigated the July 18th altercation, murdered Dev. It will be heard in February, after a long delay of one-and-a-half years.

A key component of the complaint is evidence showing that the victimized MSI workers had no reason to harm Dev, while management did.

Dev had shown sympathy for the workers and even assisted them in registering the MSWU with the state Labour Department. As a result, other members of management staff became hostile to him.

"We have meticulously drafted our case against the police's," said Advocate Pathak. "Meticulously we got the evidence against them: how [MSI manager Dev] was killed and why he was killed, a motive for it. In such murder cases, *mens rea*, i.e. criminal mind is important. Unless you have criminal mind you would not commit a crime. We will prove in our case, there was no *mens rea* [among the workers] for killing Mr. Awanish Dev."

Pathak cited an Indian legal precedent to justify his motion for the courts to give his complaint against MSI management equal weight to the charges the police have filed against the jailed workers. "Justice Sathasivam of Tamil Nadu once delivered a judgment: 'If two different versions are advanced about one crime, both versions have to be recorded as criminal cases.' Management are saying the workers murdered Dev this way, while we are saying they have murdered him that way. As Justice Sathasivam said, the police should record both versions, arrest both parties, put them behind the bars and start both prosecutions, two trials."

Pathak said he was hopeful that “ultimately we will be able to nail the truth.”

“But it will not be an easy job. We are fighting the capitalist world. They are united to put a number of workers behind bars for about 20 years. For that they will do any damn thing, even bribe the judges.”

In this regard, Pathak said that the courts’ repeated refusal to grant the workers bail was significant. In India, bail applications are determined on a case-by-case basis. “Sometimes suspects do not get bail for years. This is mostly for heinous crimes. But for a case like that of the Maruti Suzuki workers, [rejection of bail after more than a year in jail] is uncommon.”

Advocate Pathak underlined the importance of the fact that all 18 persons on the prosecution’s list of witnesses are from management: “No worker will give [false] testimonies against their fellow workers. They would rather leave their job than do that.”

In reply to a question about the condition of the jailed workers and the impact of their imprisonment on their families, Pathak said: “Many of the workers are sick. Some are suffering from TB. Some are suffering from other ailments. My applications for bail on medical grounds have been rejected by the courts time and again. The jail authorities have claimed that they can provide treatment in jail. But practically, the treatment that is required, is not available in jail. So their lives are in danger.

“Their families are also suffering. They are not getting food to eat. No money for clothes and medication. Their children are not going to school. It is pathetic.”

At Pathak’s urging, thirteen of the jailed workers made complaints last March to the Haryana Director General of the Police and Gurgaon Police Commissioner detailing the torture to which they were subjected when they were taken into custody in July-August 2012—including limb-stretching and submersion in water. Pathak has also filed a contempt of court motion against the police for their “deliberate delaying of proper medical examinations” of the tortured workers. Explained Pathak, “Although medical examinations were conducted on jailed workers in the presence of defence lawyers on September 21, 2012, by that time most physical evidence of the torture had faded away.”

However, he has yet to file a court complaint about the torture because the MSWU Provisional Committee, formed by MSI Manesar workers after the jailing of the entire MSWU leadership, is fearful of police reprisals: “They fear that they will be tortured by the police when they start their *pada yathra* [long march] from Kaithal through Gurgaon to Delhi on January 15, 2014” to demand the release of the jailed workers and the rehiring of all the other victimized workers.

Pathak said he is trying to convince the MSWU Provisional Committee to reconsider, explaining to them, “The police are not going to spare you. They will do whatever told to do by their political bosses. They are not going to hear me and you. They are going to hear the Chief Minister.”

Asked by the WSWWS to comment on the declaration of a Haryana High Court judge, that he wouldn’t grant bail to the jailed workers because he wanted to send a positive message to foreign investors

“who are likely not to invest money in India for fear of labour unrest,” Pathak said, “The judges are acting like touts of the capitalists. High Court judges are political appointees. You can become a judge through underhanded methods if you are having political backing, even though you are not competent.

“The judiciary acts on the agenda of capitalists. Judiciary will give the message: Yes, we are with you. We will give you the judgment you want. Whether the government is led by Modi [prime ministerial candidate of the official opposition Bharatiya Janatha Party (BJP)] or Manmohan Singh [the current prime minister] the courts are with them.”

Advocate Pathak is a member of the Communist Party of India (Marxist), but said he plans to resign. “The CPM is pro-Congress. It is the B-team of Congress. Unfortunately I am in that party. It is better than [the ruling] Congress and BJP [Bharatiya Janatha Party]. But it is not what it should be. The CPM has done nothing for the working class. They [CPM-led Left Front] could have brought changes to labor laws in favor of the working class when they were having 62 MPs [from 2004 to 2009].

“The CPM is not offering anything to Maruti Suzuki workers and not doing practically anything to defend them.”

Pathak continued, “The Maruti workers’ fight will last for months and years to come. This case will not come to a conclusion immediately. Politically, nothing will change whoever comes to power. This country needs a revolution like Egypt. The leadership must come from working class. The peasantry will follow.”

Asked for his message to workers around the world who read the WSWWS, he said: “Workers of the world must unite. They should help Maruti Suzuki workers, politically, financially, morally, and all ways. Despite all odds, Maruti Suzuki workers are fighting even today.”

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