

Sham character of Maruti Suzuki workers' trial further exposed

By Keith Jones
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An article by *Hindustan Times* journalist Aman Sethi sheds important new light on the sham police investigation, prosecution case, and trial that has resulted in thirteen victimized Maruti Suzuki workers being sentenced to life in prison.

The article, which appeared yesterday, is largely based on an analysis of the judgment that Gurgaon District Court Judge RP Goyal rendered earlier this month. In his judgment, Goyal had to concede police had colluded with the management of the Japanese-owned automaker and fabricated evidence. He also had to admit there was no evidence linking any of the 13 to a matchbox the prosecution claimed had been used to light a fire that caused a company human resources manager, Awanish Kumar Dev, to die of asphyxiation.

Yet even as Judge Goyal made each one of these damning admissions, he downplayed their significance. He also repeatedly mangled the law, to shift the burden of proof from the prosecution and state onto the workers. In other words, Judge Goyal's murder conviction of the 13 was based on the false, anti-democratic conception that it was the workers' obligation to prove their innocence, not the state's responsibility to prove them guilty beyond a reasonable doubt.

Sethi's article is titled "Maruti case judgment reveals incompetence of Gurgaon cops." What it documents is not incompetence, but a conspiracy: a conspiracy between the company and state authorities to mount a politically motivated frame-up aimed at crushing worker resistance to Maruti Suzuki's sweatshop regime and at smashing the Maruti Suzuki Workers Union (MWSU). Workers at Maruti Suzuki's Manesar, Haryana car assembly founded the MSWU in 2011-12 in a rebellion against a company-controlled stooge union.

Twelve of the 13 men Judge Goyal has sentenced to "life" in the living hell that is an Indian prison are MSWU executive members.

Asked why the prosecution had demanded the 13 be sentenced to death by hanging, special prosecutor Anurag Hooda, told Sethi, "Our industrial growth has dipped, FDI (Foreign Direct Investment) has dried up. Prime Minister Narendra Modi is calling for 'Make in India,' but such incidents are a stain on our image."

On July 18, 2012 management personnel at Maruti Suzuki's Manesar car assembly plant provoked a factory floor altercation during which a fire erupted that gutted a section of the plant. For more than a year prior to this, police, on the orders of Haryana's Congress party-led state government, had repeatedly deployed to suppress workers protests at the plant, which emerged as a focal point for worker opposition across the Gurgaon-Manesar industrial belt, a major manufacturing center on the outskirts of Delhi.

At the trial, defence lawyers demonstrated that police worked hand-in-glove with management from the very beginning of their "investigation" of the July 18 events. By the early hours of July 19, Maruti Suzuki management had printed out a list of 89 "suspects," which it handed over to police at 6 AM. These 89 workers were promptly arrested, with police returning that afternoon to enlist four labour contractors who retroactively claimed they had witnessed the supposed crimes.

In his judgment, Judge Goyal admitted, "It can be concluded that the investigating officers arresting the aforementioned persons... have violated the law of the land without any justification."

The judge also acknowledged that police forged medico-legal certificates (MLCs) so they could claim to have been physically attacked by the workers and exaggerate the extent of the violence. Although the police may have acted independently in this, it was part of a broader attempt, involving Maruti Suzuki, the corporate media, state government and politicians, to portray the workers as violent and to justify the legal vendetta against

them. With the explicit support of the Haryana government, Maruti Suzuki purged its workforce in the aftermath of the July 18 events, firing and replacing 2,300 workers.

In his judgment, as Sethi reports, Judge Goyal asserted, “Police officials did not visit their doctors even then their MLCs are appearing.” But no sooner did the judge make this admission, then he moved to bury it and obscure the significance of the police again being shown to have fabricated evidence against the accused. “Merely because their MLCs are bogus,” continued Judge Goyal, “does not mean the injuries of all eyewitnesses are bogus.”

Similarly, Judge Goyal was at pains to downplay the pivotal fact that there is no evidence tying the workers to the fire—even though the premise of the prosecution’s entire case was that the workers set the fire and are, therefore, criminally responsible for the human resource manager’s death.

Exactly when, where or how the fire was set has never been determined. The prosecution pointed to a matchbox that mysteriously was not discovered during the initial investigation of the fire and somehow remained in pristine condition while the blaze consumed all around it.

Under cross-examination Inspector Om Prakash had to admit there was no link between the matchbox and any of the 13 and that, inexplicably, investigators had not looked for fingerprints or DNA traces on it.

Judge Goyal felt he could not avoid comment on this in his judgment. He admitted, “No doubt the recovery of the matchbox is a matter of doubt,” then hastened to add, “but it does not mean that the accused did not light the fire.”

When it comes to allegations made by a worker, the court argues precisely from the opposed standpoint. In dismissing the claim made by co-accused and MSWU executive member Amarjeet that the fire was set by company thugs so as to provide a pretext to smash the union, Judge Goyal declares, “Amarjit failed to explain...who were the bouncers that set the M1 [the plant’s first floor] on fire. *It means that in the absence of explanation by Amarjit and his colleagues, it were they who had set M1 on fire.*” (Emphasis added.)

According to Sethi, “such reasoning” which places the onus on the workers to “prove” their innocence, “is visible in many parts of the judgment.”

The *Hindustan Times* journalist also points out that Judge Goyal tries to salvage the prosecution case by arguing that the “truth” in its claims can be separated from the numerous police misdeeds and evidentiary

fabrications.

Rather than admitting the obvious, that the misdeeds and lapses constitute a pattern with the unmistakable hallmarks of a frame-up, the judge deals with each discretely to downplay their significance.

Judge Goyal’s judgment is a legal travesty. If he exonerated 117 workers, including the 87 falsely accused by the four labour contractors, it was with the aim of trying to sustain the company-state witch-hunt against the Maruti Suzuki workers. In addition to finding the 12 MSWU leaders and Jiyalal, the worker whose harassment by a supervisor led to the July 18, 2012 altercation, guilty of murder, he convicted 18 other workers on lesser charges.

Of course in rendering this verdict, the judge ignored the fact that the prosecution, not just the police, acted with willful malice to the workers and that up until the very last day it vehemently insisted that all 148 workers were guilty as charged

All the workers have endured great hardship. This includes the loss of their jobs, the impoverishment of their families and at least three, and in many cases four, year sentences in prison. Many were subjected to brutal police torture according to civil rights groups.

Yet Maruti Suzuki is not satisfied. Its legal counsel has said the automaker will push for an appeal of the acquittals and for harsher sentences for those convicted—that is to say, the company wants to revive the prosecution’s push to have the 13 executed!

Not a moment can be lost in mobilizing workers across India and around the world against this monstrously unjust frame-up.

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