

URGENT APPEAL: *Special issue*

13 TRADE UNIONISTS IN INDIA FACING DEATH SENTENCES OR LIFE IMPRISONMENT !

Who are we ?

● The International Workers Committee Against War, Exploitation, for a Workers' International (IWC) was set up at the World Conference held in Mumbai (India) on Novembre 19, 20 and 21 gathering delegates from 28 countries.

● The IWC was set up on the basis of the Mumbai Manifesto against war, exploitation and precarious labour which was endorsed by labour activist and trade union and political organisations officers from 46 countries (*)

● Its continuations committee is composed of labour activists from all political/ trade union backgrounds:

Innocent Assogba (Benin),
Alan Benjamin (USA),
Colia Clark (USA),
Constantin Cretan (Romania),
Berthony Dupont (Haiti),
Ney Ferreira (Brazil),
Daniel Gluckstein (France),
Rubina Jamil (Pakistan),
Apo Leung (China),
Gloria Gracida (Mexico),
M.A. Patil (India),
Mandlenkosi Phangwa (Azania),
Klaus Schüller (Germany),
Jung Sikhwa (Korea),
John Sweeney (Great Britain),
Mark Vassilev (Russia),
Nambiath Vasudevan (India).

(*) Afghanistan, Argentina, Austria, Azania, Belarus, Bangladesh, Belgium, Benin, Brazil, Burundi, Canada, Chile, China, Czech Republic, Ecuador, France, Germany, Great Britain, Greece, Haiti, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Korea, Mali, Mexico, Pakistan, Peru, Philippines, Portugal, Romania, Russia, Rwanda, Senegal, Sweden, Switzerland, Togo, Tunisia, Turkey, Ukraine, USA, Venezuela, Zimbabwe.

The workers and trade union activists at the Maruti-Suzuki, Manesar factory, an Indian arm/plant of the Japanese Suzuki multinational corporation, who were arrested and charged in connection with the incidents that took place at this factory in 2012, in which a factory manager died, have just been tried in court.

117 of them were acquitted and 31 were convicted of various offenses, including 13 who were convicted of murder -- which in India is PUNISHABLE by death OR LIFE IMPRISONMENT. FINALITY OF THIS QUANTUM OF PUNISHMENT WILL BE OUT ON MARCH 17.

Of the 13 convicted of murder -- convictions in which no evidence was produced to prove their guilt -- 11 were leaders of the MSWU, the independent union that was formed in Maruti and that management sought to break through violence.

There is not a moment to lose. We must mobilise immediately to GET JUSTICE FOR ALL CONVICTED MARUTI WORKERS AND MORE PARTICULARLY save the 13 !

In the best traditions of international working class solidarity, it is up to the workers' movement in each country to determine the forms they deem best to address the Indian authorities as soon as possible to demand:

**SAVE THE LIVES OF THE MARUTI 13!
FREEDOM FOR ALL THE IMPRISONED WORKERS!
DROP ALL THE CHARGES!**

**Daniel GLUCKSTEIN
Nambiath VASUDEVAN**

**On behalf of the International Workers Committee Against War and Exploitation,
For a Workers' International**

Is there any Justice possible for Workers in this Country?

We have been handed an anti-worker political verdict in the Maruti Suzuki workers case going on since July 2012. This Judgment is 'class justice', clearly on the side of the multinational companies. It is not only against the workers directly involved in struggle for Trade Union Rights and the 2500 working class families of Maruti Suzuki facing exploitation-repression all these years, but the entire working class in India, particularly in Gurgaon-Manesar to Neemrana industrial belts. This is despite the fact that no evidence was found against any worker to either the unfortunate death of the HR official or fire in the factory on 18th July 2012.

31 of 148 workers in Jail for last over 4 years have been convicted even against clear evidences to the contrary. 117 workers among the 148 - who spent over 4 years in Jail - have been acquitted of all charges. With convictions and charges declared, the arguments for quantum of punishment will be held on 17 March in the Gurgaon Sessions Court. Of the convicted 31 workers, 13 - which includes the entire Maruti Suzuki Workers Union body - have been charged under various serious sections under the IPC, which include 302 (murder) and others. 18 workers among the 31 have been charged with various offences like rioting, grievous hurt, injury and so on.

Meanwhile the entire Gurgaon and Manesar areas have been turned into Police camps with Sections 144 from 10th to 15th March and deployment of huge Police and paramilitary forces and machinery. Police gheraoed the Maruti factory in Manesar during the time the Judgement was been read out, and halted workers from the plant to gather in Gurgaon with solidarity with the Jailed workers - the SP even showed the gun to the leadership, warning of 'dire consequences' against any sign of protest.

In the Verdict, 13 workers among the workers leadership have been charged under Sections 302 (murder), 307, 436, 427, 325, 323, 341, 452, 201, 120B. It has been clearly established in Court by the Defense that murder or attempt to murder do not hold. They face potential life term sentences, while the Prosecution baying for blood, even asked for death sentence in their statements to the media.

It is clear that the entire Union body of MSWU has been specifically targeted, despite no evidences, only because they were vocal for workers rights. They have been targeted because they have been the leadership of the struggle for Trade Union rights against the contract system, the horrible working conditions, the low wages, and regime of exploitation and repression by the company aided by the government. These 13 include workers Jiyalal and the entire Union body of the Maruti Suzuki Workers Union, who are Ram Meher, Sandeep Dhillon, Ram Bilas, Sarabjeet Singh, Pawan Kumar, Sohan Kumar, Ajmer Singh, Suresh Kumar, Amarjeet, Dhanraj Bambi, Pradeep Gujjar and Yogesh.

18 other workers have been charged under various other sections of the IPC. Among these, 4 workers - Ram Shabad, Iqbal Singh, Yogender Singh, Pardeep Gujjar - have been charged under Sections 323, 425, 452, 147, 149 of the IPC. The other 14 workers have been charged with Sections 323, 325, 148, 149, 341, 427 of the IPC.

That 117 workers have been acquitted of all charges show that the case was

unjust from the beginning and it has demolished the foundation of the Prosecution case. But they still had to spend 4 and a half years in Jail. We want to ask who will return us these years spent unjustly behind prison walls?

Nevertheless, the workers are united against this repression on the movement. On 9 March, 25,000 workers in 6 factories took actions with lunch and dinner boycott, and gate meetings before that. On 10 March after the Verdict, we met in Gurgaon at 4pm after the Verdict, and decided to take the struggle forward with even greater show of unity. Workers from over 30 Unions immediately came and joined in Solidarity, which include all the 4 Maruti plants, Bellsonica, FMI, Honda HMSI, Rico, FCC Rico, Munjal Showa, Munjal Kiriu, Daikin AC and many others. Various Central Trade Unions and workers organisations also joined in solidarity.

It was jointly decided to take solidarity actions in the entire industrial belt. On the date before the punishments are declared on 17 March by the Court, **on 16th March, lakhs of workers from Gurgaon to Bawal will boycott factory lunch and dinner in**

solidarity with the struggle for justice for Maruti Suzuki workers.

This is crucial situation, which affects the entire working class of India. **We appeal to all workers and pro-workers forces in the country and everywhere to take solidarity actions in and outside the factories, protest demonstrations, meetings, deputations, press releases, and in any other form in the coming days.**

This is a time we have to prepare for a protracted struggle. They want to 'make an example out of us' by saying that 'anyone who struggles for their legitimate rights will be dealt in this way'. But we have made and will make a positive example of collective assertions and struggle against exploitation and repression through forging an ever greater unity of our class brothers and sisters. We shall together fight this present rule of corporate power and the anti-worker central and state governments which is ruthlessly crushing our labour, dreams and our quest for justice.

**Provisional Working Committee
Maruti Suzuki Workers Union**

NTUI's Statement (New Trade Union Initiative)

The New Trade Union Initiative condemns the judgment of the Additional District and Sessions Court, Gurgaon, in the 18 July 2012 incident at Maruti-Suzuki Limited's Manesar plant, in which a manager unfortunately lost his life, convicting 13 workers with murder. 18 other have been variously convicted for trespass, unlawful assembly, mischief and rioting and possession of deadly weapons. 117 workers who were kept under arrest for at least 31 months and more have been acquitted of all charges. The sentences of the 31 convicted workers will be announced by the court on 17 March.

The ruling of the District court after a four-and-a-half year trial is based on flimsy and weak evidence. In the course of the hearings the prosecution failed to establish even circumstantial evidence to show that any of those convicted in any way caused the violence that took place, leave alone the death. The ruling also goes against the forensic evidence and post-mortem report that was placed before the court. Critically, officers of the company, including the one who lodged the First Information Report, who were produced before the Court as prosecution witnesses denied they were present at the time of the incident. Some of them even admitted that they were acting under Maruti-Suzuki management direction.

Of the 13 convicted of murder 11 - Ram Meher, Sarabjeet Singh, Sarvjit Dhillon, Ram Vilas, Pawan Kumar, Sohan Lal, Ajmer Singh, Sukh Kumar, Amarjeet, Yogesh, and Dhanraj Bambi - were the office bearers of the Maruti Suzuki Workers' Union, who were in place on the day of the incident. The twelfth, Jiya Lal, was the worker who was the subject of the disciplinary action on the day of the incident, when he protested

against casteist abuse by a supervisor against him for being a dalit. And the thirteenth conviction of Pradeep Gujjar is inexplicable since he, unlike the others, was earlier granted bail by the court.

The Maruti-Suzuki Manesar plant workers - both permanent and contract - had sought to form a union of their choice in 2011. The Maruti-Suzuki management with active support of the Government of Haryana first denied them union registration. Following months of sustained militant struggle, frequently put down by the police acting admittedly at Maruti-Suzuki management's behest, government finally acceded to union registration in early 2012 but, the Maruti-Suzuki management refused to recognise the union and negotiate with them in good faith. The escalation of the incidents on 18 July 2012 was employed by Maruti-Suzuki management to rid themselves of the union, its leadership and 2,300+ workers who were summarily dismissed.

There was a common charge against all 148 workers who were arrested in July 2012. That the court blithely acquitted 117 workers is indicative of the lack of evidence. In fact the same court denied the acquitted bail. The first of them got bail through a direction Supreme Court in February 2015 which was 31 months after the incident. In fact in the first set of appeals for bail against the District Court refusal the Punjab and Chandigarh High Court while denying bail said in its written order of 22 May 2013: *"The incident is most unfortunate occurrence which has lowered the reputation of India in the estimation of the world. Foreign investors are not likely to invest the money in India out of fear of labour unrest."*

Today's judgment has arrived at its

conclusion by association and not by evidence severely compromising the independence of the judiciary. The court has taken it upon its shoulders the task of advancing what employers and the government would like to tell workers: if you join or form a trade union this is where you will end. This judgment is a fundamental attack on workers right to freedom of association. It also confirms that the judiciary is entirely conjoined with both employers and government in pushing the working class towards criminalisation for even their just and fair demands that are protected by the constitution.

The NTUI stands in solidarity with entire membership of the Maruti Suzuki Workers' Union and especially the comrades convicted of murder and their families for their extraordinary sacrifice and forbearance in this struggle. Your struggle is our struggle too.

The NTUI salutes the determination of the 25,000 Maruti-Suzuki workers who boycotted their factory canteens yesterday in a show of solidarity in advance.

The NTUI has from the very start stood with the membership of the Maruti-Suzuki Workers' Union from the very start. This we will continue to do.

Today's judgement is not an isolated event. It is in a continuum of court orders of recent years including those of Pricol, Graziano and Regency Ceramics. These decisions cannot be fought in the court room alone but has to be fought in every factory and at every picket. This too the NTUI will do with every militant trade union force willing to fight this fight together.

**Gautam Mody, General Secretary of the NTUI,
New Delhi, 10 March 2017**