

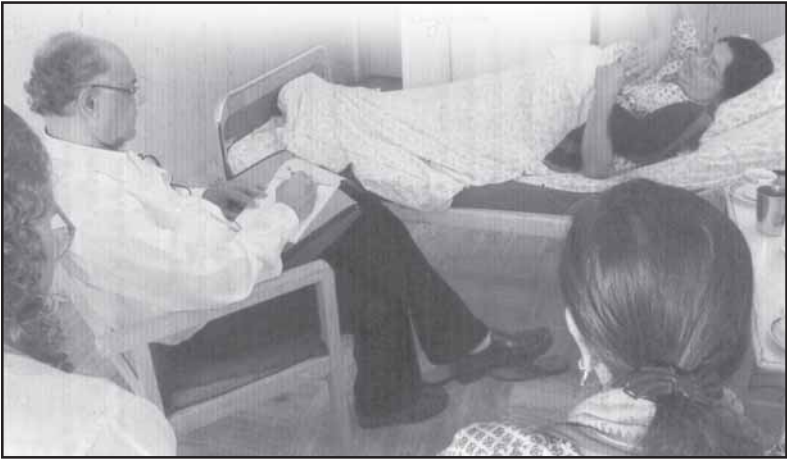
STATE TERRORISM - TYRRANY
(A REPORT ON THE ATTACKS ON MINORITIES AND
THEIR PLACES OF WORSHIP IN KARNATAKA)

PEOPLE'S TRIBUNAL ENQUIRY

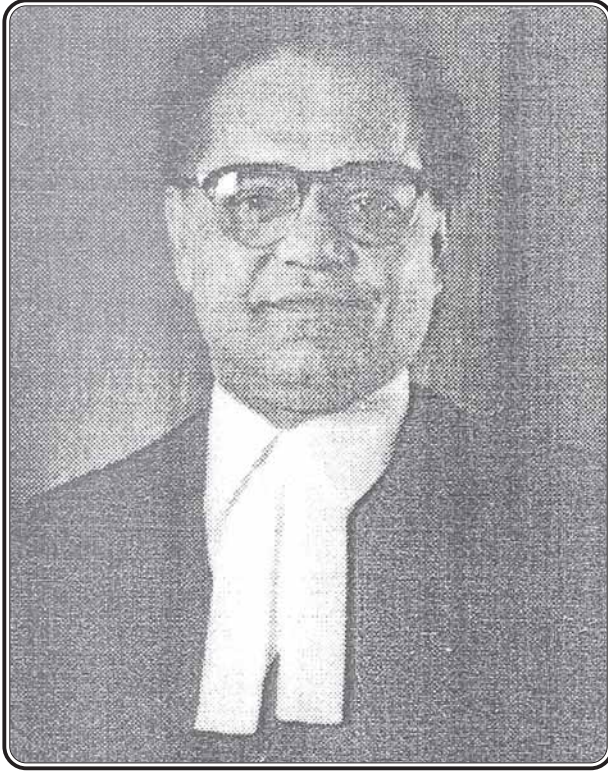
THE TRUTH, THE WHOLE TRUTH
AND
NOTHING BUT THE TRUTH

Conducted at the instance of the
People's Union for Civil Liberties, South Kanara
And
Transparency International India, Karnataka Chapter

By:
Justice Michael F. Saldanha,
Retired Judge, Karnataka High Court.
President, The Catholic Association of South Kanara.
Chairman, Transparency International India, Karnataka
Chapter.

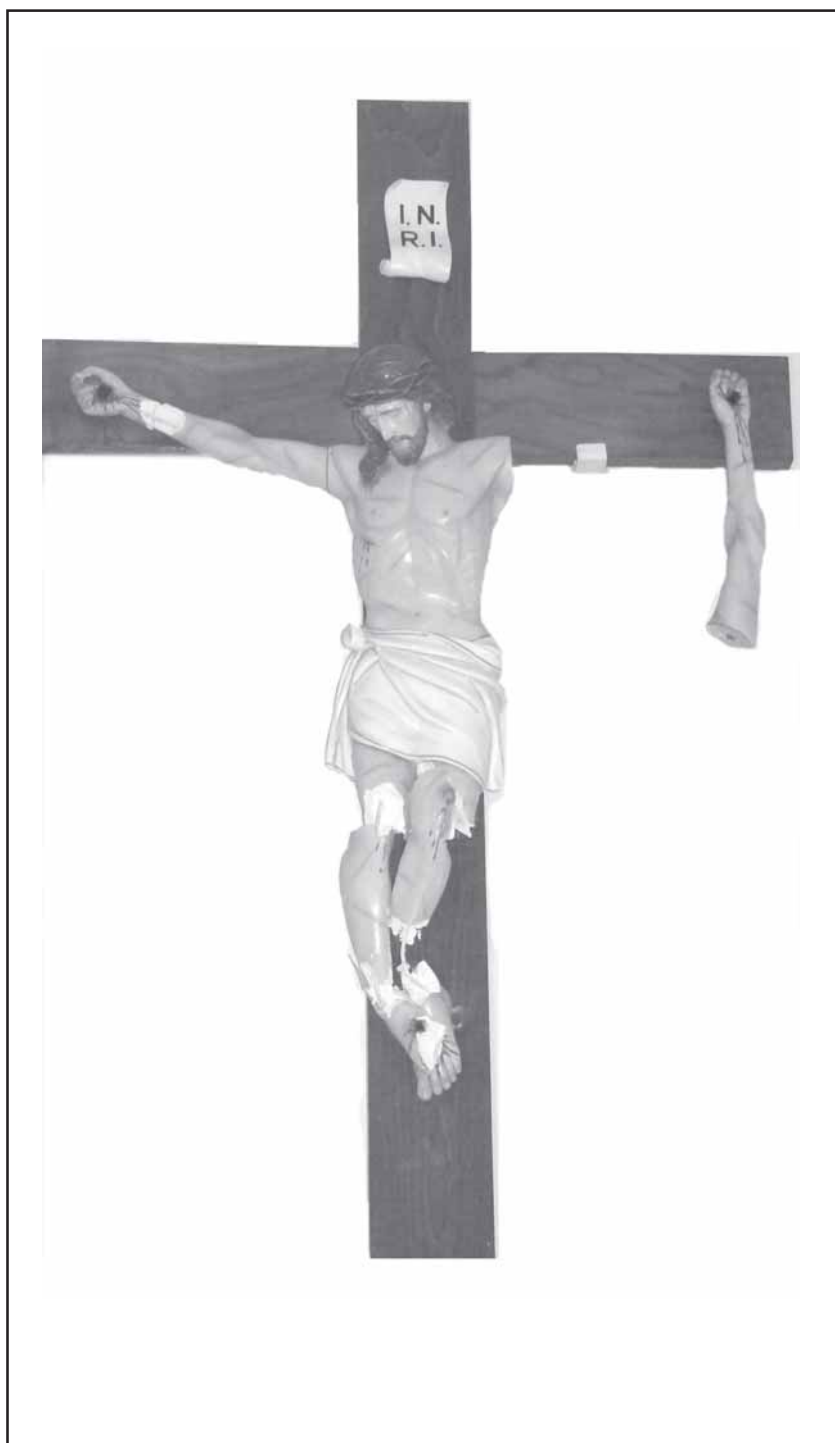


Justice Saldanha visiting one of the victims at a hospital and taking notes.



Justice Michael F. Saldanha (Retd)
Chairman Transparency International India
(Karnataka Chapter)

God grant me the
Serenity
to accept the things
I cannot change...
Courage to
change the things I can
and Wisdom to
know the difference...



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BRIEF BIO-DATA OF JUSTICE M.F. SALDANHA

Why did the People's Union for Civil Liberties, Transparency International, 21 other NGOs and thousands of right thinking citizens of Karnataka unanimously request Justice M.F. Saldanha to hold the one-man Peoples' Tribunal Enquiry ? The reasons are immediate. Through the 32 years of his brilliant and distinguished career as one of the finest Lawyers in this country, he was known for his academic excellence, unparalleled expertise in Law, but more importantly, as a man who became famous for his compassion and impeccable integrity. It was these qualities that took him to the position of Advocate General of Maharashtra, after which, the higher Judiciary requested him to join the Bench, which he did in the year 1990, as Judge of the Bombay High Court. In those four years, he has produced some of the most outstanding and Internationally renowned Judgments.

In 1994, Justice Saldanha was transferred to the Karnataka High Court and he is remembered by the Bar and the litigants of this country for the speed, fairness and brilliance. To have delivered 29000 reported Judgments in his long career as a High Court Judge and to have been listed by the International Law Journals as one of the outstanding Jurists of the century may have been an achievement but few know that the International Jurists' Association in the U.S. listed Justice Saldanha as one of the world's ten best Judges for three years in succession, an honour which no other Indian Judge has achieved. He is Visiting Professor at some of the world's

famous universities, the Harvard Law School and the London School of Economics to name a few and he was recently requested to deliver the Annual Endowment Lecture at the International Court of Justice at The Hague.

Categorized as being “Fair and Fearless”, he was the ideal choice for this exercise. I have had the privilege of working with him for over a year and was amazed at the industry, labour and devotion to detail that characterized his investigation. His rich experience and knowledge were of immense advantage and we have a Report of unsurpassed quality which will undoubtedly impress every person and authority who reads it.

MANGALORE
DATE : 09.02.2011

(P.B. D'SA)
PRESIDENT, P.U.C.L.,
KARNATAKA

JUSTIFICATION

In academic presentations of consequence, it is essential that the justification for the exercise be set out and I am doing precisely that. As my report is being printed, a huge National and International alarm has been created over the Report submitted by the Justice Somashekar Enquiry Commission. The crucial part of it, namely the findings, has been released and I do not propose to debate them here as that would be improper. This Report is independent, factual, no compromises have been made and no pressures or influences have manifested themselves.

Five days after the initial attacks in 2008, at a well attended official meeting with the Chief Minister Yediyurappa, Home Minister Acharya, other Cabinet Ministers, Bureaucrats and Officials, when the C.M. resorted to the familiar political ploy of diverting the mega problem and virtually killing it by announcing a Judicial Enquiry, I strongly opposed it. Apart from the disastrous track record of the Judicial Enquiries which carry on from anything between 3 years to 17 ½ years and produce Volumes which nobody reads long after the entire matter is dead, the worst part of it is that the atrocities are whitewashed and the officials and Politicians are all exonerated. The public impression is that since the Commissions are financed by the concerned Government and since the Presiding Officer is carefully hand-picked in the confidence that he will not go against the hand that feeds him, that the outcome is not only zero but is exceedingly damaging. The obvious reason for this is because where a verdict exonerates the guilty persons, not only are they encouraged to repeat the atrocities but more importantly,

they do it with reinforced vigor in the confidence that the Judicial body has given them a clean chit. Public confidence in the Criminal Courts is bordering on zero because every time a gangster or a mafia don is sought to be apprehended, they get anticipatory Bail, and ultimately what they call “an Honorable Acquittal” after which they become uncontrollable.

In this case, I pointed out to the Chief Minister and the Home Minister that I know very little about the incidents because I was out of the country when they started but that I have studied all the data which prima-facie indicts the Home Minister, the Chief Minister and the State Machinery particularly the Police Department along with other fundamentalists, individuals and organizations. In this background, where the highest authorities of the State and the State itself are virtually the Accused Nos.1, 2 and 3, it would be downright wrong for that very State to choose its own Judge. It is like asking an Accused in a Criminal case as to whom would he would like to preside over the trial. I, therefore, insisted that if at all such an Enquiry Commission is to be set up, the first sacred principle of transparency would require that it must be appointed by an outside authority, namely the Central Government and it should be headed by a Retired Judicial Officer of impeccable repute and public confidence to be chosen by that authority. For obvious reasons, this was rejected. I am informed by the Shimoga Bar that the Chief Minister and Justice Somashekar, apart from hailing from the same place, are very old Associates and close friends and if this was the case, the Ld. Judge himself should have declined the appointment.

At the interim stage, the Report very strongly indicted some of the real culprits namely the Extremist Organizations

and even recommended that they should be banned. Immediately, the Chief Minister called a Press Conference and both he and the Home Minister made some very untenable statements there to the following effect:

- (a) That this Commission was appointed by us and is completely funded by our Government (though the Government refuses to disclose the figure, the Experts in the field who have done a very responsible calculation put it at Rs.19.00 Crores) and the least that we expected was that the Report would be loyal to us (though, I do not understand what it means, I was astounded when such an official statement was made though this is always the unwritten expectation and everything is done to ensure it).
- (b) We make no secret of the fact that we are totally unhappy with this Interim Report which is contrary to our expectations.
- (c) We propose to wind up the Commission before it does any further damage unless we are assured that the situation will be “RECTIFIED” (whatever that was supposed to mean.)

We assume that this warning had the desired effect because the Commission was not wound up, there was a perceptible swing in the Opposite direction at the hearings which was more than noticeable and was even objected to. Whatever extensions were asked for were granted by the State Government and there was a 360 Degree turn around and the Final Report has totally cleared and exonerated everyone of the guilty individuals and institutions not to mention authorities. The warning had worked and it had the desired effect.

Transparency International, Karnataka, which I head and more importantly, PUCL, Mangalore and a large number of right thinking individuals and NGOs took the decision that if an enquiry is to be held, it should be fair and fearless, it should be unbiased and that it should serve the desired effect by unabashedly recording the culpabilities and nailing the responsibility. A unanimous request was conveyed to me that I should conduct this enquiry which I agreed to do in the public interest.

This is the first such exercise in this country and I hope, it will be the precursor to many more. It fulfills the basic ingredient of total transparency. I also decided to discard the traditional trial procedure and the antiquated Judicial norms and instead of evidence being carried to the Forum that the Forum itself would go to the scene of offence, investigate, collect the evidence, assess and evaluate it, sift it and produce the end result. To my mind, it is far superior to the traditional method because every crucial aspect gets covered, nothing is left out and more importantly, there are no adversarial interested parties who have their own games to play when they take sides.

This is the Justification for the setting up of the People's Enquiry Tribunal, for the procedure adopted and for the Report that is now presented to the country and to the world.

Bangalore
7th February 2011

(JUSTICE MICHAEL F. SALDANHA)

FOREWORD

I was in London on Sunday, 14th September 2008, when my very close friend whom I have known for over half a century, Mohan, who virtually grew up with me in Mangalore, rang me up from Delhi. There was anguish in his voice and he asked me what on earth is going on in Mangalore and how it was possible. Both of us graduated from Mangalore's famous St. Aloysius School & College in the year 1962. Prior to that, we had spent over 10 years in that institution, and in those days, grown up with at least four religions represented on one bench in school and college. For us, whether it was Eid, Diwali, Gurunanak Jayanthi or Christmas, it was all the same and a cause for joy and celebration. We did not consider a Mosque, a Gurudwara, a Temple or a Church as something different, unacceptable or hostile; nor were the followers of other faiths to be either preferred or disliked. I am in this context reminded with deep adulation of the excellent book authored by His Excellency Bharadwaji, a man whom I have admired for over forty years for his qualities of head and heart, the present Governor of Karnataka, entitled "India – a Fellowship of Faiths." My best friend through my school days was a boy by the name of Gopalakrishna Bhat who was the son of the Head Poojary of Mangalore's famous Ganapathi Temple and I have been into and around this temple in his company for longer or equal periods of time as I used to spend in our own Churches. This was representative of the harmonious blend of religious culture during those years and this held good in the subsequent decades when I have gone back to Mangalore for various periods of time as my late Mother continued to live there till 2001 when she was called away to her heavenly abode. This

was merciful because the recent happenings in the Karavali area with particular emphasis on Mangalore would have been too much for her!

The first thing that Mohan said was that he could not believe what he was seeing on TV. Mangalore, for its number of Churches and the strong representation of Catholics, was at one time known as the Rome of the East. It is also a well known pilgrimage centre because of many Hindu temples and shrines around the District, the Shringeri Mutt being very well known and the Kadri temple having a history that goes back to the days of the Ramayana. There is a strong representation of Jains and some very famous and beautiful monuments and temples starting with Dharmasthala, Moodabidri, Karkala and Shravanabelagola. While you have all the different faiths or religions represented in the coastal area or the Karavali which extends from Karwar to Mangalore, there is also a significant number of Muslims and there is hardly a City, town or village in the region where the beautiful outlines of a mosque, big or small are not to be found. Despite all of this, the harmony was significant and there has not been a single recorded incident till the year 2000 in the whole of this region that can be put down to communal or inter religious conflict.

Mohan was right when he expressed his utter disbelief and horror when he watched the police mercilessly assaulting the congregation around the Milagres Church and when the camera focused on about a dozen instances of violence that had been simultaneously executed on that morning. The broken Crucifix at the Adoration Monastery sent shock waves across the whole world and the live coverage by the media of incident after incident depicting the highest levels of hatred being portrayed by the Police in partnership with Hindu Fundamentalists in the devastation of the most sacred of areas belonging to the Christian community, but above all, the

unspeakable levels of cruelty, sadism and horrifying levels of violence, shockingly enough, at the hands of the State Machinery made the headlines in the International Media. BBC and CNN carried all of this as its main headline for the next 24 hours and even when we went to Heathrow Airport for our flight from London, this was the talk of the terminal. The nation watched in disbelief, because the atrocities against the Christians in Orissa for over a year, particularly in Khandamal had reached intolerable levels, the most distressing feature being that the BJP Government which was in power in that State had completely identified itself with the Bajrang Dal. There were some serious blemishes as far as those incidents were concerned because the memory of Dr. Steines and his children being burnt alive and Dara Singh and his Bajrang Dal associates openly claiming responsibility was something unbelievable. Ironically enough, the Government of India set up an enquiry headed by Justice Wadhwa of the Supreme Court which was good enough to give the miscreants a clean chit and even compliment them as being good citizens ! The Indian experience of Judicial Enquiry Commissions has been absolutely pathetic barring a few that can be singled out like the ones conducted by my esteemed friend and colleague the Hon'ble Justice Srikrishna where the proceedings were time bound, the culprits were identified, the recommendations were first class and the expenditure absolute minimum. In all the others, they seem to have been a clear mandate that the atrocities should be whitewashed and even justified and more importantly that the culprits be exonerated and the guilty Politicians be given a clean chit. Most of the Retired Judges have even bent over backwards and complemented and even praised the people in power who set up the enquiries. The incidents in Gujarat, again a BJP run state, portrayed levels of crime, cruelty and horror that could only have been matched by Nazi war crimes and after this, came Mangalore. Once again, a BJP Government in power and

Karnataka OUTDID Orissa and Gujarat.

Historically, Dakshina Kannada District has been a very long standing RSS / VHP stronghold. Right from the days of the freedom movement and thereafter when Gandhiji was assassinated by a group of fanatics who maintained that his brand of politics was unacceptable to the Hindu fundamentalists, the District has always been the nerve-centre of these movements with regular morning drills on the maidans, processions, baithaks and sammelanas. These activities took a violent turn after the year 2000 when it was found very convenient to target the Muslim community on the ground that they are allegedly anti-nationals and that they are disloyal to this country. It is an offence under the IPC to indulge in any form of communal disharmony but the offensive articles kept regularly appearing in the Press headed by a leading Kannada daily owned by some industrialists from Manipal, particularly after the Bombay Bomb Blasts and violent incidents in different parts of the country. Mangalore in particular, and some of the other towns in the Karavali area were prone to Hindu Muslim violence though on a relatively small and isolated scale but this was definitely a disturbing factor. Never had it happened before that the Christian community had been attacked.

The attacks that took place on 14th September 2008 were well planned, pre meditated and executed with precision as I found out to my distress when I conducted this Enquiry. What was very significant was the fact that wherever this took place, the police protection was zero vis-à-vis the victims though they were providing the leadership and cover to the attackers, shocking as it may appear; but in the immediate aftermath it was the police who were the main assailants, aided and abetted by the saffron political activists. Again, there was absolutely no doubt about the origin of the violence because Mahendra Kumar, the local President of the Bajrang Dal wherever the

attacks took place, has appeared repeatedly before the Media (on 37 recorded occasions) claiming full responsibility for what was done and even promising to step up the violence. The same position holds good as far as Pramod Muthalik, head on the Rama Sene goes. I have devoted one Chapter in this Report towards recounting the double standards of the State Government which targeted the Editor of a particular paper and he almost lost his life in the process, only because he reported the incidents regularly and chastised the State Government, particularly Home Minister Acharya for its support, instigation funding and abetment and more importantly, total cover up.

Immediately after my return to Bangalore, a representative group of citizens officially called on the Chief Minister and the Home Minister and demanded immediate and deterrent corrective action. The National and world public opinion had swung so heavily against the Karnataka Government that the Chief Minister and the Home Minister immediately came out with the usual assurances that all necessary steps would be taken to prevent any recurrence of any of these activities. In actual fact, nothing was done. What was atrocious but virtually tell-tale was that these highest authorities from the earliest point of time JUSTIFIED the attacks on the ground that the Christians had invited it and asked for it because of alleged conversions! A lone Police Constable or sometimes two of them, and that too unarmed, were asked to make an appearance around Churches and whenever anything unpleasant took place, the police were absent as happened at Yadavanahalli near Bangalore, where the constables had been recalled by plan when the miscreants attacked the Church, vandalized and burnt it. Both the Chief Minister and the Home Minister tried to repeat the charge of the Bajrang Dal that conversions were the cause for the attacks; when I asked them to substantiate this before

the media, they were unable to do so and when conclusive evidence to the contrary was pointed out, there was no answer. Shortly after the attacks, the local RSS Chief in his public exhortation before Dasara incited his followers by stating that “this Dasara when the Ayudha Pooja is done, do not do the pooja of your implements of trade as was the old custom but do the pooja to trishuls, knives and talwars (swords) as these will have to be used against the CHRISTIANS and the MUSLIMS.” This sensational speech was carried on the front pages of all the dailies in the State and by the TV Channels and I had personally brought this to the notice of the CM and the Home Minister at the Circuit House in Mangalore and demanded that this man be arrested for inciting Communal Disharmony which is a serious Crime. They told me that they had already seen the papers, but both of them said in one voice that they had spoken to the RSS Chief who claimed that he had been misquoted. I pointed out that the maker of the speech had neither retracted nor denied it and there was complete silence. In the super charged atmosphere, such an incitement was actionable in law but nothing was done. On the contrary, immediately after 14th September, 2008, oral instructions had been issued by the Home Minister personally, which the Heads of the Police Stations admitted on over a dozen occasions to me, that whenever a complaint was received against any member of the Christian community on the allegation that attempts were being made to convert, that the person should be arrested, bail should be opposed and that they should be given a good beating while in custody. Whereas prior to 14th September 2008, there had not been a single arrest under these provisions of Law anywhere in the State, suddenly, hundreds of cases were being registered. The shocking part of the incidents were that the local Courts refused bail for months in every case.

The sequence is illustrated from what happened outside the Mangalore Market. An institution run by nuns had adopted an orphan Hindu girl by the name of Savithri, who was working for the convent as a maid on salary, apart from being given food, clothing, shelter and education. Savithri and a nun were on their way to the market to make their daily purchases when a group of activists surrounded them. They were physically assaulted on the road and dragged to the local police station. At the police station, there were more activists present than police. A complaint was lodged that the girl aged 16 who was a Hindu was being converted. An FIR was immediately registered. The violent incident on the road brought the media to the Police Station. The girl herself pointed out that she had spent eleven years at the institution, that nobody had asked her to convert and that she still professed the Hindu faith, that she was happy and well looked-after, and that she had absolutely no cause for complaint. This was recorded live by the Media as also the fact that there were about 50 activists, five officers and nine constables present in the Police Station. The Police even threatened the girl and ordered her to sign the false complaint that had been written out but she refused to do it. They were detained for four hours on the ground that the higher authorities were being consulted and only because of the presence of the Media, they were then released. The next day, a complaint was registered by the same Police Station on behalf of one Chandralekha, also from Mangalore, stating that she had been paid Rs.100/- to convert to Christianity. The media questioned her when she frankly admitted that she was asked to sign the complaint and that she had never received the money and further that the complaint was directed against an unknown person.

At a subsequent meeting with the Chief Minister and the Home Minister, a demand was put forward that the three Police

Officers, SP, Sathish Kumar, Inspector, Jayanth Shetty and PI Ganapathy against whom there was overwhelming documentary evidence of violence of the most extreme form and incidentally, who had been found guilty of the highest form of misconduct by no less a person than the additional DG and IG Police, should be transferred out of the District and subjected to disciplinary proceedings.

At that time, the strongest encouragement to errant police officers came from the fact that not only would they get away with criminality of this type, but furthermore, that they were assured of full protection by the Home Dept. This public demand for action against these officers who had disgraced the Department was naturally rejected and these three officers continued to play havoc in the District. All of them were even promoted.

There was also a demand that the incidents / attacks should be enquired into by a Commission headed by a Supreme Court Judge and not somebody from Karnataka. The reason for this was pointed out by me, because this was a case in which there were serious charges not only against the Police but also against the State administration, all the way up to the Home Minister and the Chief Minister and that therefore, an Enquiry under the Commissions of Enquiry Act, was required and that the State Government which was the real accused, should neither fund the Enquiry nor have anything to do with it. The reasons for this were obvious, because unless the enquiry was wholly independent, it would be a total waste of time and money and above all, it would not inspire any public confidence. Despite all these reasons being put forward, the Chief Minister went ahead and instituted an enquiry to be held by a Retd. High Court Judge from his hometown of Shimoga. The Enquiry was instituted and funded by the State Government which is the very body against whom the most

serious charges have been made. Experience has shown that in situations such as these, an Enquiry is set up as an eyewash and it is a convenient ploy for the State Government to contend for years together that the Report is awaited and every form of corrective action is put into cold storage. To quote a specific example, in the present instance, there is unassailable evidence against the DC, the SP and two other Police Officers to name a few, as also against some of the top politicians, but the ground that is being given is that nothing should be done until the Enquiry Report is available. We have several precedents in this country, in fact, in almost every one of these cases, where the Enquiries have gone on for so long, that the incident is buried and forgotten long before the Report emerges. The classic instance is the Liberhan Commission Report which took seventeen years and eight months. The notable exception is the Justice Srikrishna Commission Report, wherein the Judge has indicted a very large number of persons but again, for over ten years, the Government has done nothing by way of action taken. Invariably, these reports not only cover up but defend and justify the actions like happened in the case of the Wadhwa Commission where the self proclaimed killers of Dr. Steines and his children were not only exonerated but were complemented. The Enquiry Commission headed by Justice Somashekar has been holding sittings for years and the hearings themselves are no where near ending. Again there are serious complaints with regard to the procedure that is being followed and more than one Petition was filed before the High Court alleging serious bias. To quote just one example, where the local police used muscle power and unjustifiably locked up a small prayer centre at the instance of the saffron brigade, the Commission issued a direction when requested that the place be opened at least for the festive season of Christmas that the pastor and the congregation will have to abide by the decision of the local police and the administration in the matter. In the

first instance, there was no ground for the police intervention and the locking of the prayer centre by them was 100% illegal. When an application was made to the local Court, the proceeding was dismissed on the ground that it should be made before the Commission. The Commission has neither the power nor the jurisdiction in a dispute of this type in spite of which, it passed a detailed order virtually remanding the Applicants to the very wrong doers against whom they had complained namely the police and the local administration. While setting aside this order and directing the immediate reopening, the High Court had occasion to pass severe strictures against the Commission.

One of the main limitations in the manner in which these Commissions operate is that since, an office is set up, a car is provided, staff made available and lawyers are appointed all of whom are well paid, apart from a hefty allowance to the person heading the Commission, it is found highly desirable for the proceedings continue almost endlessly. There is no difficulty in holding sittings at different places asking for mountains of affidavits and documents, calling for tons of records and examining unending numbers of witnesses. Apart from the time factor, it is customary to reproduce all of this in the Report as a result of which, it usually runs into a large number of volumes out of which even the relevant portions have to be culled out from thousands of pages. Not only does nobody do this, but the Report invariably gathers dust on the government racks, because, the date of the Report is so far removed in point of time that the incident has faded out of human memory, most of the culprits, be they politicians, public officials or local leaders are either dead or not traceable and nobody is really interested in the Report. The happiest part of the story is that the culprits get away.

BY ITS VERY NATURE, WHEN A COMMISSION OF

ENQUIRY IS SET UP, IT PRE-SUPPOSES THE FACT THAT SOMETHING OF IMMENSE PUBLIC CONSEQUENCE HAS TAKEN PLACE. IT IS VERY NECESSARY TO EXAMINE THE CAUSES AND EFFECTS AND TO IDENTIFY THE CULPRITS AND MORE IMPORTANTLY, TO PRESENT THE REAL PICTURE, HOWSOEVER UNPLEASANT IT MAY BE, SO THAT, IF THE NEED ARISES, THE MAIN PERPETRATORS OF THE OFFENCES AGAINST HUMANITY CAN BE IDENTIFIED, SHAMED, PUNISHED AND DEBARRED FROM PUBLIC LIFE. IF THIS DOES NOT HAPPEN, THE VERY PURPOSE OF SETTING UP THE ENQUIRY IS TOTALLY FRUSTRATED - ON THE CONTRARY, IF IT TURNS INTO AN EXERCISE OF EXONERATION AND COVER UP, THEN IT CAN ONLY BE TERMED AS DOWN RIGHT SHAMEFUL.

In my capacity as Head of Transparency International in Karnataka, I agreed to the wide-spread demand that a wholly independent People's Enquiry be instituted even if for the first time. The main demand came from the Peoples Union of Civil Liberties (PUCL) which is one of the very credible and well respected institutions that has fought for over 50 years for human rights and propriety. I was also the President of the Catholic Association of South Kanara (CASK) and it was decided to associate this body also, though the new Council which is very loyal to the Sangh Parivaar and the Saffron lobby has revoked that decision, which is why I have deleted references to CASK in the title pages. It was finally decided that these two institutions would jointly assist in holding an independent, totally unbiased investigation into the incidents relating to the Church attacks and incidental matters. That is the genesis of this enquiry. I am happy to point out that it is a one man enquiry and I was requested to conduct it, principally because of my track record that has been defined as

unimpeachable and also because of the fact that through my 15 years in the Judiciary, I have never ever compromised with regard to the right verdict irrespective of whether it involved the rich and the powerful or the highest in the land. I was considerably gratified when this happened and even though it would involve about a year of extremely tiresome traveling and delicate fact finding, I decided to do it in the national interest, more importantly from the human rights angle which is a concept to which I have been deeply devoted over the last 50 years.

Even if it was a question of breaking new ground, I decided to completely do away with the court-room procedure of holding formal sittings. What inspired me was the fact that at one of the World Conferences on Environment which I Inaugurated in Monteray, U. S. A., a young lawyer from the Philippines, Antonio Opposo, brought the house down when he pointed out that in one of the cases, instead of the traditional method of bringing loads of evidence to the Judge which is expensive, difficult and time consuming, that they followed the innovative procedure of taking the Judge to the evidence which they did by using a helicopter. The results were amazing. That is the procedure that I followed in this case, as in many criminal trials, when the Judge visits the scene of offence, I have gone to each of these spots, most of the time incognito which has helped immensely. I have met the victims, I met the people of the area and I have looked for independent corroboration all of which I have intelligently sought out, thanks to my 35 years experience as a top Criminal Lawyer. On many of the expert areas like injuries, effects of stale teargas and the like, I have gone to the experts, sat down with them and have been guided by the best brains in the field. At the same time, since the State Government was virtually on the mat in this case, I have called for explanations from the individuals concerned by meeting

them all the way up to the very highest. While the State Chief Minister, Home Minister, DG Police and the top bureaucrats did in fact meet me, when it came to the lower officials such as the SP of Mangalore, the DC Mangalore and different ranks of Police Officers, they refused to meet or cooperate or produce any records. Though, under the Evidence Act, I would have been justified in straight-away drawing an adverse inference, the procedure followed by me was to proceed on the basis of the intrinsic evidence. My very long experience at the Bar and on the Bench did provide me with enough experience and guidance with regard to the need to be cautious, particularly in the case of evidence from the victims and to look for independent corroboration before recording findings.

In preparing this Report, I have had to avoid to a very large extent the mentioning of names because the situation is still far from comfortable and I cannot punish and penalise small and innocent persons most of whom have already suffered or many others like taxi drivers, shopkeepers, residents of the area etc. who would be vulnerable and who have asked that their names should not be disclosed. All the material that appears in this Report is essentially in the form of findings and conclusions, briefly supported by reasons wherever necessary.

This is not on the lines of a Court Judgment where charges, evidence and points of Law are elaborately reproduced and debated. In these days of environmental conservation, I cannot get myself to producing a Report running into 30,000 pages which no sane person will even want to look at. What you have here is a digested version. I am conscious of the fact that it is hard hitting in many places but that is only an under statement because one look at the videos of the incidents would be exceedingly disturbing. Secondly, the Report is possibly "DAMNING" but that is inevitable because it has to fix the blame wherever necessary.

Undoubtedly, this is a departure from the conventional norms but it is something that the situation requires and which is the need of the hour. I have broken new ground in many areas and concepts while at the Judiciary which has been commended nationally and internationally because of the speed and efficacy factors and the fact that it has served the interests of Justice. Though, I would have liked to have completed the exercise in a shorter time-frame, my academic commitments and traveling has contributed to some delays. It is my earnest desire that this Report which is totally unbiased and which is also for a change, fearless and correct, should be acted upon in the public interest.

In conclusion, I have been guided by my commitments to propriety and principles on which there can be no compromise and this Report is dedicated to my favorite Indian poet, the one and only Rabindranath Tagore and to his immortal words from the Gitanjali:

Where the mind is without fear and the head is held high;

Where knowledge is free;

Where the world has not broken up into fragments by narrow domestic walls;

Where the words come out from the depth of truth;

Where tireless striving stretches its arms towards perfection;

Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;

Where the mind is led forward by thee into ever widening thought and action;

Into that heaven of freedom, my Father, let my country awake.

MY ENLISTMENT AS A BAJRANG DAL MEMBER!

During the months of September to December 2008 and to a large extent, in the months that followed, the BJP Government in Karnataka had given the Bajrang Dal a free hand to run wild, particularly in the Karavali area. Groups of young activists would be driving two wheelers, jeeps and cars prominently flying saffron flags as an intimidatory gesture to all other communities. This had never happened before. These persons would indulge in violence at the slightest pretext, most of the time, without any cause. The police stations and the hospitals had been instructed by the Home Department not to entertain and register any complaints from the victims and within a few weeks, it was clear all over the State particularly the Karavali area that it was useless approaching any of these forums. What distresses me particularly is the fact that this infection had spread both to the Bar and to the subordinate judiciary in the whole of the area. A good percentage of the lawyers openly proclaimed allegiance to the BJP, which as citizens they were entitled to do, but this did not mean that they should side with and defend atrocities that were going on and conversely, refuse to entertain litigants who were victims. I consider it a matter not of regret but of absolute shame that this epidemic had completely taken over the subordinate judiciary as a result of which all the remaining lawyers openly proclaimed that they were completely helpless because applications for bail, were summarily rejected and all other complaints filed, were also summarily dismissed.

It was in this unpleasant atmosphere that I was required to do my investigations. I invariably went around incognito, did not by and large hold any formal sittings, concentrated on visiting every spot where the incidents had taken place and on meeting the victims, the witnesses and members of the media and others who could provide me with reliable and authentic

data. This involved a lot of travel and I would use a private taxi. Most of the time, I was accompanied by Mr. P.B. D'sa, head of PUCL or one other person who knew the exact locations and the persons to be contacted.

On the very second day, our car was stopped at Nantoor by a group of Bajrang Dal activists. The Driver was made to pay Rs.100/- (Rupees One Hundred Only) and he was given a flag which had to be attached to the car. He was also made to pay Rs.50/- (Rupees Fifty Only) in return for which, he was given a piece of saffron cloth which resembled a mini shawl. The instructions were that these must be displayed on the vehicle, as otherwise, there was a chance of the vehicle being stoned and injuries taking place.

I was asked to get down which I did and was asked to pay a contribution of Rs.500/- (Rupees Five Hundred Only) to the Bajrang Dal, in return for which, I would be given membership. I told them that I did not have that amount of money, where upon, after some negotiation, they settled for Rs.110/- (Rupees One Hundred Ten Only). One of them got into the car and we were taken to a roadside shed near pump-well; inside, it was a full-fledged office with good furniture, telephones, computers, and even Air-conditioning! I was asked to write my name and address in a register there and to sign it which I did. I was then informed that I was now a member of the organization. I asked for a receipt and membership documents and I was told that I would receive these in the post. These never arrived.

Why did I so voluntarily agree ? First of all, I did not have any choice because under the BJP State Government with the Rule of Law having disappeared, I would have been assaulted or possibly killed if I did not agree. It was too dangerous phoning the Police who would have definitely arrested me, STRIPPED ME NAKED AS IS THE CUSTOM IN THE

DISTRICT and beaten me up and my colleagues in the subordinate Judiciary would have denied me bail! I was more interested in completing my assignment and was not worried about the small amount of money that I had to part with. If the Bajrang Dal is willing to produce their register from the pump-well office, dated the 9th November 2008 (time 10.40 a.m.) which appeared to be a full fledged official register, there is an entry in my handwriting both in English and in Kannada in the name of Justice Michael F. Saldanha with my full residential address and telephone numbers. More importantly, I was interested in meeting with these people and getting from them a first hand account of the nature of their activities. Both at Nantoor and at the pump-well office, the activists who were around were in the age group of 15 to 30, extremely well dressed wearing very fashionable footwear and speaking to each other in Konkani, Tulu and in Kannada. I tried to find out in my own way whether they belonged to the category of unemployed persons, but they told me that they were all fulltime Party workers and therefore, had no other jobs. This was not the only occasion when we were stopped because it became a regular feature when we were driving around but the saffron flag and shawl gave us immunity from any attacks. The good part of it was, it also provided for me a friendly approach and disclosure of whatever I wanted to know.

The first interesting area was with regard to the income of these persons. They admitted that they did not draw any salary from the Organisation, but referred to two interesting heads called collections and donations. According to them, they extracted whatever money they wanted from members of the public, shopkeepers and businessmen under these two heads and told me that nobody refuses. To a direct question as to whether money was extorted under threat, they were quick to tell me that they never needed to threaten anybody because

the atmosphere was such that people VOLUNTARILY gave them money whenever they asked for it. FULL MARKS TO DR. ACHARYA, THE STATE HOME MINISTER!

Then comes the most interesting disclosure. I was informed that I was entitled to a new two-wheeler free of cost and that this would be given to me from the Party Office. For this however, I had to go there and meet the Committee and satisfy them that I would do fulltime activity, upon which, I would receive the vehicle which would not be registered in my name but that I would be free to use it without any restrictions. What was even better was the news that once it carried the requisite flag that I would be entitled to unlimited fuel because one was required to drive into any petrol station, draw the fuel and drive off without paying and I was assured no questions would be asked. This arrangement explains how these activists were able to parade around the area day and night, terrorising the public. Interestingly enough, though, I assume that the petrol pump operators were too frightened to ask for the money, the information that was volunteered was to the effect that the pump operators were Party members who assisted these activities as their contribution! I never got to claiming the two wheeler, I could not verify anything in this area regarding the fuel but all of this was obviously correct.

Then we come to an even more interesting area. I was informed that I would be free to enter any shop, pick up whatever items of clothing I wanted and walk out without paying. This possibly explained how well dressed these activists were, but again, I have not verified on this as I had neither the time nor the desire. What I found really unpalatable was what followed. One of the nicest entitlements of becoming an activist was that one could enter any Bar / Hotel or eating house, partake of whatever one wanted and leave without paying. There were wide spread complaints right through this period,

of incidents where these persons would enter the hotel and if they were asked for payment against their food or drink, they would threaten to use violence and smash the place. For some reason, they would always frequent the Bar-cum-restaurant selling non-vegetarian food and the universal threat was that they would smash up the establishment on the ground that they were selling beef. (When I chatted these fellows up they told me always to ask for Beef as the Mutton was very bony! SO MUCH FOR THE BJP'S DEMAND TO BAN COW SLAUGHTER- WHERE WILL THEIR ACTIVISTS GET THEIR BEEF FROM?) Through the whole of the Karavali area, the majority of eating houses are run by Muslims and Christians where non vegetarian food is served and they were the regular targets. I am aware of how hard the owners work, how small their margins of profit were and how they could ill afford to have their place attacked. To exploit small persons of this category was to my mind, the height of wickedness, but this is what was going on. It was only after several weeks when the minorities got together, regrouped and decided that they would protect themselves from these anti social elements and the Government machinery both of which were synonymous, that there were some improvements to the situation.

The last part is probably the best! Having got an insight into the life-styles of the fundamentalist mafia which is no different from any other, in lighter vein, I asked them about the "other" rather pleasurable benefits- whether the no-pay rule held good in BROTHELS? I never got a straight answer but I was assured that "NOBODY DARES ASK US FOR MONEY." I refer to this bawdy aspect because I am horrified that some poor women have to sell themselves to keep alive and that the exploitation goes right down to this area. ALL THIS IN THE NAME OF RELIGION.

Having got a first hand account of the lifestyle of these

activists, the last area that was really concerning me was the question as to how ultimately all these nefarious activities were being financed. Through the weeks and months, I made it a point to investigate into this area and I found that there were three main areas. The largest amount of money which ran into crores of rupees was siphoned out from the Government funds. The Chief Minister, the Home Minister and their colleagues would announce massive amounts of money being earmarked for all sorts of activities, celebrations, sammelans, donations to Mutts and Temples and so-called grants for developing areas around these places. The aggregate runs into thousands of crores and it is not a small amount. Also, many of the big businessmen and institutions in the District were active supporters who channelised large amounts of money for these activities. The third source came from amounts that were extorted from unwilling persons under the threat of violence. The aggregate of these channels was enough to attract not hundreds but thousands of young men and women who wanted a carefree life with all the good things on offer.

I was under the impression that the basic driving force was religious fervor, but I was wrong here because in all my investigations, I did not find a single individual who had even the remotest of such commitments.

The end result of this operation was that I was left with a very sad taste. As is happening in many other parts of the world, large sections of the youth are being diverted into a form of fundamentalism that breeds violence and hatred and which is the root cause of all the unfortunate incidents that are taking place.

FRIENDSHIP WITH THE RAM SENA

Through the years, I had no occasion to hear of the organization entitled Ram Sene which came into prominence

around this period of time, because many demonstrations took place under this banner, but more importantly there was a long series of violent incidents that took place under the so-called patronage of this organization. I read a lot in the Press about these activities and the Head of the Group repeatedly issued statements to the effect that they were basically concerned with all aspects of public morality.

On a number of occasions, our car would be stopped by the activists belonging to the Ram Sene and my curiosity got the better of me, so, I would spend considerable time with these persons trying to find out what exactly their philosophy or commitments were, but more importantly as to how they had drifted into this organization. My research indicated that most of them were doing petty jobs such as working as Mechanics, Welders, Carpenters and the like where the earnings were modest. They would spend most of their time away from their jobs carrying out whatever activities they were asked to perform. Unlike the Bajrang Dal, they did not work fulltime or part time but were in fact called up whenever required. They were not provided with vehicles nor did they seem to collect money through extortions. Over the large number of occasions when I met them and spent time with them, I was never once asked to become a member, but they did suggest that I should donate some money, but I was not forced to do it when I politely stated that I did not want to. It finally emerged that they were being funded very generously by the leader of one of the Other Political parties who was hell-bent on embarrassing the State Government.

It was extremely perplexing to find out as to where the finances came for these activities. The explanation was that it was a political organization and that it was financed by some of the top politicians but no specific names were disclosed. There were allegations in the Press that under the guise of moral

policing, hotels, restaurants and particularly pubs and bars were being blackmailed and that this was a substantial channel of finance, but I did not get to verify any of these nor do I consider it necessary. The closest indication came from the fact that many of these youngsters were quite naïve and told me that whenever they were ordered to do any “Galata” that they did so. I gather from this that they were essentially used to disturb the peace and cause trouble.

One area where their activity was very prominent was in relation to the student community and the teenagers. The pub attack in Mangalore not only made International headlines but virtually disgraced the country all over the world. There were no less than over a hundred incidents within a short period of time where boys and girls belonging to the Muslim and Christian communities were mercilessly beaten up, kidnapped, abducted and terrorised on the ground that they were associating with members of another community. There were as many as 218 such incidents reported from all over the State, the bulk of them from the Dakshina Kannada District. In not even one of these cases was anybody arrested. Anticipatory Bail was freely available and in the small number of instances, where some limited action was taken by the Police principally under public pressure, the subordinate judiciary was quick to grant bail within minutes with the police and prosecutors actively cooperating.

At a later stage, when the DC of Mangalore issued a Show-cause notice to the Head of this Organisation under the Police Act, for purposes of externing him; where the procedures were followed and a perfectly valid and legally sustainable order was passed, it goes to the discredit of one of the Judges of the Hon’ble Karnataka High Court to have intervened and stayed the Order in question. With all my knowledge of Criminal Law and 15 years of deep seated experience of this class of cases in

the Judiciary, I find it impossible to either justify or defend this Order. It is sad that such things are happening because the Judiciary is the last resort of the citizen and when that institution fails or creates a let down situation, it is total disaster.

14th September 2008 to Republic Day 2010, approximately 500 days and the 1000th attack on a Church has taken place at Mysore. The Central Government has issued more than one warning to the State Government. The citizens are told that the situation is happy and under control, principally because the greater part of the media is being fed/appeased with massive publicity advertisements which have cost the State exchequer over 4000 crores of rupees, most of the money clandestinely billed to the various Govt. Corporations and Public bodies. All of these extoll the State Government and its leaders for so-called progressive measures and development whereas in fact, the statistics show that the State had been pushed back by half a century. This publicity which is a desperate cover for non performance is only second to the BJP's India shining publicity program but is as expensive and in return, the media have been asked to black out or down play every single attack. These have been continuing all over the State at an accelerated pace and Republic day was the 1000th attack at Mysore. Again, prior to 14.09.2008, there was not a single case registered in Karnataka on the ground of alleged conversions. After the attacks and all the allegations made under this head, even if anybody wanted to attempt anything around these lines, it would never have been done. Every police station in the State had been asked to register at least 20 cases a month under this head, people are dragged to the police station under false allegations, immediately locked up, beaten up and denied bail by the lower judiciary which functions as the loyal partner of the Police Department and refuses bail on the ground that "the police have objected." 468 persons who function as

Pastors or Priests in rural areas have been targeted in this short period of time, numerous others have been threatened and beaten up, the police are totally out of control with the lower judiciary having abdicated its constitutional obligation of safeguarding the citizens' rights particularly from a tyrannical State machinery, while the State Government proclaims that everything is peaceful. Nothing is further from the truth.

State Govt. disqualified from continuing in office

The State Home Minister, Dr. V. S. Acharya has made an official announcement that his Govt. is unable to protect places of worship from attacks- this is in response to TWO more attacks in the week- ironically enough from elements from his own party. The reasons cited are meaningless and unacceptable in law. After the performance of Acharya's Police Department which was the main assailant in all the cases of attacks on the Churches the community would feel safer if he and his police force were to stay away from the Churches! More importantly, he would prefer his friends to have a free hand in all future attacks, which however will never happen because the community is now well equipped to deal with these elements.

More crucially, what is the legal implication of this official pronouncement by the Home Minister on behalf of the State Government? It is a public admission of the fact that the State Govt. refuses to uphold the Constitutional guarantees of freedom to practice and propogare religion vis-s-vis the minorities; that it is unable to maintain security and prevent serious crimes that would lead to communal riots, deaths and destruction- in other words a total breakdown of the law and order situation. Such a Government, in law, has no right to continue in office for even a single minute and will have to be dismissed forthwith. It is not surprising that the Chief Minister has not dismissed this man from the Cabinet for these

statements- unfortunately, it is obvious that the CM too supports his Home Minister and his pronouncements. This Report clearly indicts the Home Minister personally for having instigated, colluded in, supported and covered up for all the attacks and acts of violence, and so has the SOMASEKHAR COMMISSION in its Interim Report- the Government's case is virtually defenceless.

To those who contend that the Church attacks of 2008 were a one- time affair or that the situation is under control and that communal attacks have stopped, the last paragraph should come as an eye- opener. Many persons asked me at the Republic Day Parade as to who is the biggest offender when it comes to ignoring the Constitution and offending its mandate and I have to regretfully tell them that it is not individual citizens but the Governments themselves and in this case, the State Government. Many others asked us to what is the relevance of a Report such as this one, long after 14.09.2008 – I reminded them of how the destructive and communal forces are on the INCREASE and that a Report which is an eye-opener is intended to be an antidote. This Report is as timely and relevant today as it would have been in September and October 2008. As I look back in anger at these incidents I see venom and hatred all the way.

Bangalore
Republic Day
26th January 2011

(Justice Michael F. Saldanha)
Retd.

CHAPTER-I

ATTACK ON THE ADORATION MONASTERY, MILAGRES, MANGALORE.

On the morning of Sunday the 14th September 2008, six persons, five ladies, all around the ages of 50-60 years and a man in his early fifties, were silently praying in the modest little Perpetual Adoration Chapel of the Monastery of the Poor Clares located at Falnir Road, right in the centre of Mangalore city. There is a tiny sign at the entrance of a narrow lane leading to the Monastery which itself is insignificantly tucked away in a small structure about fifty metres from the main road. A small open space adjoins the front of the Monastery. A little door which is always open, leads to the Chapel which has a few benches for the use of the odd devotees who decide to spend time in silent prayer. If ever there was a place that could be called the **House of God**, this was it. The Nuns never enter this side of the Chapel, they pray from a secluded area at the back of this Chapel or from their private Chapel where they were when the incident occurred.

After Mass daily, The Blessed Sacrament is exposed in a Monstance which is placed in a slightly elevated niche behind the altar. To the left of the Altar is a large Crucifix which is a heritage work of rare art, imported from Italy, vividly depicting Christ nailed to the Cross. The CRUCIFIX is universally accepted as the centre-point of Christian devotion and is of special significance. **The Blessed Sacrament which represents the Body and Blood of Christ is THE most HOLY and SACRED object for all Catholics and any form of disrespect or desecration is simply intolerable.** The sacred hosts are normally kept in the Tabernacle which is kept locked and in

this case was covered by a small veil. What is of relevance is that the Blessed Sacrament is exposed in the Churches only for short periods only at designated prayer times. This Chapel is special-it is a PERPETUAL ADORATION MONASTERY where the Blessed Sacrament is exposed for prayer during the whole day. This is a fact to the special knowledge of only those who come there for prayer. The Chapel is OPEN TO ALL in the sense that there is no restriction on whoever wants to pray there. People drift by in small numbers at different times. **My investigations indicate that a few young men on motorcycles were casually visiting the Chapel at different hours for about three weeks prior to the incident obviously to keep a watch on the place and ascertain a time when there would be the THINNEST ATTENDANCE which happens to be on a Sunday morning after 10 a.m. Also on that day the Flour Mill and the Printing Press in the lane are closed and there is nobody around. This was noticed by all the people of the area who asked them why they were coming there and they got out of the embarrassment by stating that they were devotees.**

The Monastery houses Ten Nuns and two trainees, all women. This Order of Nuns is totally dedicated to prayer round the clock, they have renounced the world completely and never come out of the Monastery. Their only contact with visitors, who are extremely rare, is by speaking through a thick metal grill- they live a very stark and abstemious life of solitude and simplicity, even growing their own vegetables in the small area behind the building. **They hold no religious services for the public-** a visiting priest says Mass daily and conducts private religious services for the inmates of the Monastery.

These Nuns have absolutely no dealings with anybody, they pray for the well-being of all humanity and IT IS UNTHINKABLE THAT A MURDEROUS ASSAULT WAS ATTEMPTED ON THEM. No offerings are made at this Chapel, there is no money or anything of saleable value there.

Copies of the Holy Books are placed around the Chapel. THERE IS NO QUESTION OF CONVERSIONS, OFFENSIVE LITERATURE OR FOREIGN MONEY- THIS IS A MONASTERY OF SAINTLY WOMEN IN THE TRUE SENSE OF THE WORD.

Around 10.15 a. m. on Sunday the 14th of September a white Maruti Omni and Four motorcycles arrived on the main Falnir Road at the entrance of the lane. **A Police Jeep was behind them and stopped behind the parked vehicles.** Being Sunday, the shops on the main road as also the establishments in the lane were closed. In all, twelve persons alighted from these vehicles. Two persons remained near the vehicles. The remaining Ten persons entered the lane and went towards the Chapel. All the twelve persons were dressed in saffron clothes and the five vehicles displayed Bajrang Dal flags. Four of the youth were carrying Swords and two were armed with Iron bars. The other four were armed with wooden clubs. They stormed the outer area of the Chapel and started smashing everything in sight shouting slogans. Two of the sword-carriers stood guard outside while the remaining entered the Chapel area.

The six devotees were terrified- they were given a mild beating and warned to keep still which they did. **The attackers went straight for the Crucifix and hit at it. They SPAT on the image and kicked the pieces that had fallen down thereafter smashing everything in sight. They enquired where the Nuns were- they were told that they were inside behind locked doors. Some conversations took place over the Mobile phones in Tulu and Konkani with their bosses and they were apparently instructed to break open the doors of the monastery and attack the nuns which they tried to do unsuccessfully. This was also reported to their control room over the Mobile phones and they were then instructed to go for the Blessed Sacrament. Since it was placed in an elevated place they tried to smash it amidst loud and filthy abuses.**

Since the blows came from the front and there was no protection from the back, the Monstance fell through the niche into the secluded area used by the nuns. Unable to get at it the attackers were infuriated and ran wild breaking everything in sight- the six persons in the Chapel received several blows but none of them were fatal because the swords were not used on them. One of them has sustained two fractures, the remaining five have suffered injuries of considerable seriousness requiring expensive medical treatment. All the sacred books were collected in a pile on the FLOOR and amidst vile abuses a decision was taken to BURN THEM. The six persons were made to move out of the Chapel- they were very graciously told in Kannada that their lives were being spared as the targets were the Nuns who might have escaped but that they will get them on the next occasion. An attempt was made to break open the door leading to the nuns' quarter but this failed.

The Mobile phones were ringing madly and a message seems to have come to leave the place immediately as they had already spent considerable time there. The fire operation was fortunately abandoned as we would have been otherwise told by the venerable Home Minister that it was an accident or better, **A SHORT CIRCUIT AS IS SUPPOSED TO HAVE HAPPENED IN the case of the fire at the YEDAVANAHALLI CHURCH.** The vehicles were telephonically summoned, the Maruti van and one of the motorcycles came inside to the entrance.

What was the cause for the alarm? Apparently, the regular taxi-drivers opposite Moti Mahal were curious because the number-plates were removed from all the vehicles and all the twelve persons had their faces covered with shawls as is characteristic with dacoits. It was the curious enquiries from these persons that saved the Chapel from going up in flames. The taxi-drivers asked the two persons standing near the vehicles as also the Police as to what was going on? Realising that the situation would get out of hand,

the POLICE INSPECTOR in the Jeep called the Assailants on the Mobile and asked them to rush out. The twelve persons then drove through the CITY-CENTRE i.e. Hampankatta with the motor-cycle riders waving their swords in triumph and the Police on duty smiling as though it was a huge joke. This created quite a sensation at the City Centre and the staff of the Tajmahal Hotel gave me an elaborate account of the Victory procession complete with the POLICE- JEEP BEING PART OF IT. I would have expected the Police to clap and cheer! Ironically, the joke making the rounds in Bangalore is that very soon the Police will be attired in saffron and not khaki uniforms. Under the special orders of the Home Minister!

It took me a lot of labour and time to track down the six persons who are the eyewitnesses- they had been warned not to open their mouths and spoke to me in confidence on assurance of anonymity. The four taxi-drivers are similarly traumatized and I have assured them of confidentiality. IRONICALLY ENOUGH, ALL OF THIS INVESTIGATION HAD TO TAKE PLACE UNDER A TREE IN A CORNER OF THE MILAGRES CEMETERY! I have carefully cross-questioned each of the eight of them who were interviewed separately on different days - they do not know each other but their versions tally to the letter. I have no hesitation in holding that they are speaking the truth.

Few things shock me at my age - I have seen many many very good Police Officers and excellent work by the Police but I have regretfully also seen the other side of the picture. **There is a charge that all these attacks have political sanction and cover which is more than fully established.** In that context I must record that the taxi-drivers were unequivocal that the Police Jeep which had been parked behind the Bajrang Dal vehicles left within SECONDS of the miscreants' vehicles setting off- were the Police not COVERING THE CRIMINAL ASSAULT and in the present political set-up were they not even

protecting and escorting the criminals? Desperate telephone calls were made to the police by the nuns and the neighbours and the Police made a pretence of rushing to the Monastery and pretending to show concern but only after the culprits had left. **IRONICALLY ENOUGH ONE OF THE NEIGHBOURS STATES THAT IN ANSWER TO HER DISTRESS CALL TO THE POLICE SHE WAS TOLD THAT THE POLICE JEEP WAS ALREADY THERE.** Little did she know that this was a **dacoity, Karnataka style, under Police escort and protection? Does one need any more evidence to establish the Government hand in this crime?**

One month has passed. This was a Dacoity on a place of worship, it is a clear case of attempt to murder armed with deadly weapons, the most sacred objects of Christianity were desecrated, but for being indoors the Nuns would have most certainly been butchered; the head of the Bajrang Dal has owned responsibility for the attack despite which **NO OFFENCE HAS BEEN REGISTERED** nor have the offenders even been arrested. At a later point of time Home Minister Acharya when questioned by the Media about non-action by his Government boldly stated that the culprits were **NOT CRIMINALS- THEY WERE POLITICAL ACTIVISTS!**

What are the irresistible conclusions;

1. The attack on the Adoration Monastery with the use of lethal weapons was a premeditated, deliberate, carefully planned assault professionally executed under State/Police protection and further that the entire operation was monitored and supervised. It was not an accident as claimed in the Press by the Bajrang Dal chief but was an integral **PART OF THE MASTER-PLAN TO ATTACK** Christian Religious centres that took place on that day, the underlying objective being to **SPREAD TERROR** by attacking the Holy of Holies.

2. The most shocking, damaging and astounding aspect of this attack was that it was done under official police cover. The unanimous version of the witnesses from the Moti Mahal

area establishes that a police jeep escorted the assault vehicles, that it was parked some distance away and that when the culprits finally fled that this jeep left with them driving behind their vehicles to give them cover until wherever the destination was. The obvious reason for this was because operations of this type sometimes backfire in so far as a crowd collects and the culprits get nabbed or beaten up. If the police are present, they can shield the assailants from this as invariably happens. The implications however, of this seemingly insignificant circumstance are that official patronage from the Government machinery in the case of arson and dacoity can never be provided at the District level, the decision can only come from the Vidhana Soudha. Also, it was sought to be argued that since there is no justifiable reason for attacking a holy monastery where only prayers are recited round the clock that it was a possible mistake. I have researched this angle and in the light of the finding that the attacks were carefully planned on a state-wide basis just like serial bomb blasts, I refuse to accept this defence. The Arch Bishop of Bangalore was right when he told the Chief Minister that the attack on the Blessed Sacrament at one of the most holy monasteries was a virtual stab in the heart of Christendom.

2. Once the organization has publicly owned up the responsibility, any novice could have tracked down the twelve assailants and those who were monitoring them on the mobile phones- the fact that this has not happened conclusively establishes political patronage to the crimes. It is not merely a case of Police inaction/collusion but much deeper. It goes all the way up to the State Government and particularly the Home Minister who has made no secret of his Party's hatred for Christians.

3. The most serious aspect of the case is that this was a HATE CRIME directed against the very most sacred symbols of Christianity a virtual stab at the HEART OF THE CHRISTIAN COMMUNITY. THIS IS SHAMEFUL. The Chief

Minister and the Home Minister rushed here and promised stringent action. NOTHING HAS HAPPENED. WHAT ABOUT THE CONSTITUTIONAL GUARANTEES AND THE DUTIES OF THE STATE TO THE MINORITIES? HAS THE LAW AND ORDER MACHINERY BROKEN DOWN? THIS CASE ANSWERS THE QUESTION IN THE AFFIRMATIVE.

4. Was this a pre-planned attack after taking the police into confidence? The answer can only be in the affirmative because throughout the latter half of the 25 minutes spent by the assailants at the monastery, desperate phone calls were made to the Police by the nuns and by the neighbours. The Police would not have taken more than SEVEN minutes if they had responded- instead, they repeatedly kept asking if the offenders were still there and only after making sure that they had left did they appear on the scene. This is a tell-tale circumstance that establishes total complicity.

5. A very conservative and carefully considered estimate of the property damage would put it at Rs.3.00 Lakhs (Rupees Three Lakhs Only). Without going into the permanent disability, pain and trauma aspects, the straight compensation payable for the medical expenses incurred by the injured come to Rs.2.00 Lakhs (Rupees Two Lakhs Only). In the special facts and circumstances of the case which have been outlined above, the liability of the State would be absolute.

(This investigation has taken three weeks of minute and painstaking research- we have interviewed the nuns, neighbours, persons of the area/ hundreds of citizens in our quest for the truth. It had been difficult and tiring and I am deeply indebted to the team that has assisted me through the October heat particularly Mr. Patrick D'Sa head of PUCL Mangalore. We have been working simultaneously on the remaining cases and the findings will be presented, each under individual heads.)

CHAPTER-II

PROMULGATION OF ORDER UNDER SECTION 144 Cr.PC:

My careful analysis of the sequence of events unmistakably establishes that the attacks were meticulously planned and that contrary to the wide spread allegation that it was the Hindu fundamentalist groups alone who were in the forefront of the execution, that this assumption is not only wrong but is fallacious. This was a conspiracy between the State Government acting in total collusion with the Hindu fundamentalist elements, in which the State took the lead. After the attack on the Adoration Monastery on the morning of 14th September 2008, it was inevitable that the Christian community would react with concern and many of them came to that spot. Neither the small Chapel nor the lane leading to it could accommodate these persons and they therefore congregated on the Main Falnir Road. The traffic which was light being a Sunday, proceeded unhindered and there was a group of about 200 to 300 concerned persons at that spot at any given time. Three factors are crucial:

- (a) Members of the community who came to know of the attack on the Monastery principally because the T.V. channels had almost relayed it live in so far as they got there within minutes, came to the spot to see for themselves. It was a hot sunny day, it was Sunday and therefore, there was a continuous stream of persons coming and going. They expressed concern, discussed the matter and left the place.

- (b) That none of these persons indulged in any form of violent activity, not even to the extent of slogan shouting. They had rushed there out of concern and naturally, they had no form of any weapon with them.
- (c) What is most important is that this is a broad tarred road with walking areas on either side and even if one looked for stones, there was not a single one around. This is of crucial importance because the police justified their resort to violence and lathi charge on the ground that the persons there resorted to heavy stone throwing which started the trouble. It was a mystery to me as to where the stones came from because though the police collected all their stones and took them away, several remained and these were picked up by the boys from the media and mercifully preserved by them and produced before me. These were rock pebbles which are found in river beds and were a common factor in all the cases of violence and it was initially a mystery to me as to how they could have got there. That is why I have superimposed the chapter relating to the origin of the stones/rock pebbles because that was where it was established that the Police had chartered a tempo in each case which was taken to the closest river bed by the activists, filled with rock pebbles and then brought to the scene of offence. Being conscious of the fact that they would come into trouble, after the incident was over, the Police and the activists collected the stones, reloaded them into the tempos and took them away possibly for future use.

There are independent buildings both residential and commercial in this area. I went through the labour of contacting many of the residents who were eye-witnesses and none of whom belonged to the Christian community, the

unanimous evidence is to the effect that the group of persons collected there never went beyond 200 to 300 at the most, that they were absolutely peaceful and further more, that there were many religious persons most of whom were reciting prayers in reparation for what had happened.

This factual position is very crucial because the then DC – Rao is supposed to have promulgated an Order under Section 144 Cr.PC, that too on a Sunday, and the Police and the State Government contend that because the Assembly was of more than five persons, it became illegal and that is why they used violence to disperse it. This is totally untenable in Law because even if the Section 144 Cr.PC Order was valid, (which it was not), there was zero justification for the use of violence by the Police because the assembly of persons was not armed and nor were they resorting to any unlawful or violent activity.

It is very essential for me to deal with the law and the facts relating to the Order passed under Section 144 Cr.PC; the principle reason in this enquiry being that in all the cases where the police have resorted to violence, it has been their defence that an Order under Section 144 Cr.PC had been passed by the DC and that the assembly of five or more persons constituted a breach of that order which was why the police resorted to violence in order to disperse the crowd.

The law with regard to the promulgation of an Order under Section 144 Cr.PC is quite well settled. The authority, i.e. the District Magistrate or any other equivalent officer empowered to pass such Orders is required to strictly abide by the requirements of law. The pre-conditions for the passing of an Order under this Section are as follows:

(a) That there has been a history of violence such as situations

in which gangs of persons indulge in targeting rival groups such as when communal violence breaks out.

- (b) Situations of industrial unrest where a large number of workers assemble and create law and order problems such as indulging in violence. There could be two types of situations, the first being where the assembly is peaceful to start with but has the potential of resorting to violence or where the assembly itself straight away resorts to violence, in which case, the need to defuse the situation arises.
- (c) There are exceptional cases where a huge mob of persons even though not indulging in any violence, create a serious law and order problem by obstructing public roads or refusing to allow entry and exit to places which they are not entitled to obstruct in Law.

The pre-condition for the passing of an Order under the Section, is that an emergent situation has already erupted or is imminent, where as indicated above, it is essential, in order to avoid a breach of peace and consequential

loss of life and property, that the number of persons who have assembled must be dispersed. The authority concerned has to do an assessment of the factual position and record such satisfaction in the Order after giving reasons as to why it is necessary to pass an Order under Section 144 Cr.PC. Let me also clarify, that there are two further requirements which are as follows:

- (a) That an omnibus Order cannot be passed unless there is specific justification. It is essential for me to clarify that if there was a riot taking place in the Mangalore City centre and it was permissible or necessary to pass a prohibitory order that it must be confined to the area

where the trouble has taken place or is apprehended. A blanket order covering the whole District or the whole city would be bad in Law.

- (b) Since the consequences of a prohibitory order seriously affect the day to day activities and life in the area, the duration for which the order is to be in force has to be specified. The Courts have held that an Order passed for an indefinite duration would necessarily be bad in Law. The reason for this is more than obvious because this is an emergency provision intended to be used for as short a duration as possible.

In the light of the above legal position, It is very necessary to examine as to whether the Order under Section 144 Cr.PC which the DC, Mangalore is alleged to have passed on Sunday, 14th September 2008 is at all valid. Though, there are repeated references to the passing of this Order by the DC and the SP and the other Police authorities repeatedly, the copy of the Order

in question has never been produced despite my calling for it THREE TIMES officially in writing. **Not only does this give cause for suspicion, but to my mind, it is indicative of the fact that no such Order was ever passed and I am supported in this view or rather conclusion, by the following circumstances:**

- (a) That the incident in question relates to a Sunday morning which admittedly was a weekend and a day when the Office of the DC was closed. Where was the Order passed by him, did he have the Office opened, did he send for his staff and did he prepare the Order in his Office, or was all of this procedure completed in his house or in some unknown third place is a total mystery. More

importantly, since the Law requires publication of the Order and further, wide dissemination of the Order both of which have not taken place, the circumstances strongly point to a position whereby no such Order was passed and that the DC and the SP had lied when they announced this. Had there been an Order in operation, even an invalid one, it would have been prominently displayed, read out or even shown to those present which has not happened. **I am supported in the view that the Order had not been passed on Sunday, 14th September 2008, till 5.00 p.m., because, all the Journalists who met the DC and the SP on that evening and who asked for the copy of the Order were told that it was in the file and that no copies were available. This fully establishes the rank falsity of the claim.**

- (b) That as indicated above, the subjective satisfaction of the authority is required to be recorded justifying the necessity for an Order before it can be passed. The admitted position is that there was no police presence on the Falnir road at any time prior to 5.00 p.m. and the same applies to the fact that the DC had not visited that area. It was therefore not his personal knowledge or personal observation nor could there have been any report with regard to the assembly of persons on that day. There is a further requirement namely that if he found the persons were armed or that there were two groups likely to clash or that those assembled had resorted to violence or that violence was imminent or that they were creating a law and order problem, then alone, could he have validly come to the conclusion that an Order was necessary and justified. It is very clear from the sequence of events as also from the facts of the

case which I have checked meticulously, that the man (DC) has never come to the spot prior to 5.00 p.m. that this was a peaceful assembly and that therefore, there could not have even been any adverse report from any quarter. It therefore, leads to the conclusion that even assuming the Department now produces some so-called Order, that it was definitely **fabricated**. I hasten to add that the passing of any such Order in the above said circumstances was completely and thoroughly unjustified. Assuming that some Order is produced, for the reasons set up by me above, it would be non-est and void.

These findings are extremely far reaching in-effect for the following reasons:

- (a) That the very premise on which the police commenced the violence on that day is rendered illegal and unjustified. **While the records justify the position that there was no Order under Section 144 Cr.PC in existence, I consider the possibility of a cover-up action through the production of a fabricated Order, which again is a void Order. Consequently, the ground on which, the police justify their action disappears and makes them the unprovoked aggressors.**
- (b) There is a requirement of Law that even in the case of a validly promulgated Order that it must be duly published and communicated and there is a very substantial reason for this namely that the persons against whom it is directed must have reasonable time and a fair opportunity to disperse or leave the place before coercive steps are adopted by the police. This is a rule of safety in order to avoid obvious injuries and also because where

unjustified violence is used by the Police, it invariably provokes and equally violent reaction from the victims. In the present case, the videos very clearly indicate the SP and the DC announcing that a Section 144 Cr.PC Order is in force. They did not direct the persons there to leave the place. These were not super charged elements involved in an unlawful assembly, rioting or communal violence, they were a middle aged group of respectable citizens assembled in prayer and therefore, given a chance, they would have left the place. **The present record indicates that no such reasonable time was afforded. All the videos indicate that there was less than a minute gap between the announcement and the action. Almost simultaneously with the announcement regarding the Order, violent stone throwing from the two blue tempos commenced and within hardly two to three minutes, the SP and the other Officers ordered a lathi-charge. This was thoroughly unjustified, it makes the police and their Bajrang Dal partners unprovoked aggressors.**

- (c) The law with regard to the use of violence by the Police in such situations lays down certain well defined stages. Assuming that a riotous mob refuses to disperse, the next step is to resort to the use of teargas. The object of using this gas which irritates the eyes immensely and forces the victims to run away from that place is intended to work as a harmless crowd dispersal measure. There are situations in which, despite the use of teargas, the crowd does not disperse or the violence does not subside and it is only then that a lathi-charge can be ordered. In the present instance, we have a situation whereby the police blocked the exit routes and it was therefore, a difficult

and slow process for the persons to leave that place. This was deliberately done by the Police so that, they could target the victims. Even if they did not leave the place and just continued to stay there, it would have been necessary to **FIRST RESORT TO THE USE OF TEARGAS, SINCE, IT WAS AVAILABLE, BEFORE ORDERING A LATHI CHARGE.** What the SP and the Police did was exactly the opposite. A lathi-charge was ordered without using teargas and after the people had been beaten up, in order to increase their torture, teargas shells were indiscriminately thrown all over the place. This is down right atrocious and indicative of the fact that the SP and his colleagues had come there with the pre-conceived idea of using violence against the members of the Christian community which they did without any legal or factual justification. In numerous cases, the High Court(s) and the Supreme Court have clarified that if a crowd takes time to disperse, that unless the crowd is violent and is continuing with the violence that there is no justification for the use of coercive steps.

In the light of the aforesaid position, the irresistible conclusion is that the resort by the Police to violence on that evening can never be either justified or condoned. It was part of a pre-conceived conspiracy on the part of the State Machinery acting in collusion with the communal elements that illegally and unjustifiably, and may I add, falsely targeted and injured and maimed a group of respectable Christians without there being an iota of justification. Not only does this action require condemnation in the strongest of terms, but it is also indicative of a total breakdown of the Constitutional Machinery where the State forces are channelised for unlawful means.

CHAPTER-III

THE MYSTERY OF THE LETHAL ROCK PEBBLES:

An analysis of the sequence of events that took place on Falnir road on the evening of 14th September, 2008 will indicate that the violence commenced with a volley of stone throwing. The police have tried to justify the lathi-charge and the use of teargas on the ground that the persons who had assembled there attacked them violently with stones and other weapons and that therefore, the police had to retaliate with a lathi-charge and the use of teargas. The factual position requires a careful analysis. I have already recorded the conclusion that the area in front of the Monastery gate on Falnir road is totally bereft of any type of stones. Secondly, Mangalore being on the coastal belt, the only few stones that may be available are pieces of laterite which is a very soft and crumbly stone somewhat like brick and hardly capable of being used as a weapon of assault nor can it cause any injuries.

The record also establishes that the persons assembled at that spot came there in response to the disturbing news that the Church had been attacked and desecrated. Those who came were mainly women, pious citizens, nuns and priests. They rushed there on hearing of the news principally to find out what had happened and to pray in reparation. They could not have come armed with stones nor did they do so. There were no stones in that area for them to use against the police or the Bajrang Dal. Where did these stones come from and who brought them ?

In order to find the answer to this difficult question, one needs to examine some tell-tale circumstances, firstly, the video sequences indicate that the stones were in the two blue tempos carrying the Bajrang Dal activists who in turn used these stones.

That gives us a clue to the origin of the stones and the stone throwing. What did trouble me for sometime was the fact that after the incident, the police took special care to collect all the stones and teargas shells and carry them away. What was so incriminating about this material that it had to be removed from the scene of offence ?

The answer lies in an examination of the stones in question. Those that were left behind were picked up by the Journalists and a few of the victims and these were produced before me. The stones in question are granite stones of reasonable size and weight. These stones can only be found along river beds. They are essentially granite stones which are rounded off due to the flow of water. They are extremely hard, relatively heavy, can cause serious injuries like fracture and even death. That is why I have termed them as lethal. They do not belong to that area and the question would therefore arise as to how did they come there? No authority would accept the contention that the victims who were praying at that spot could have gone all the way to a river bed and brought them in large quantities. Another interesting aspect of the matter is that since they had to be brought from some distance and since the Police did not desire to leave this incriminating evidence behind that they took them away and I shall point out presently that the additional reason was so that they could be used somewhere else.

While inquiring into the incident that took place on 15.09.2008 at Bajpe town, one of the ladies present pointed out that the few stones that were still lying there after the incident did not belong to that area and I asked her and others as to how they came there. These ladies told me that they had been brought in a tempo by the Bajrang Dal activists at the instance of the Police. In order to prove this, they brought a Tempo Driver by the name of Prakash. This man told me that as always happens, his vehicle is requisitioned by the Police whenever they want it and it goes without saying that he gets no payment for the trips and that they are under duress. This Prakash told

me that on the day of the incident, the Police called him and loaded a group of about 20 Bajrang Dal activists in the Tempo, who in turn directed him to the local river bed. He even took us to the river-bed and showed us the place from where the rock-pebbles had been picked up. It was here that a relatively large number of rock pebbles were loaded into the vehicle and it was these small rocks that were put into use. Once this information was received, I cross-checked with the records and with the witnesses at all the other attack places where identical stones had been used and it was confirmed in all of them that the same modus-operandi had been followed.

What emerges from this is extremely serious. Not only does it conclusively establish that the attacks executed by the Police who are a State Machinery had been planned and executed in collusion with communal forces, but more importantly, that the police had no respect for life and that they were prepared to permit the use of lethal weapons against vulnerable, unsuspecting persons belonging to the minority community.

It is true that mercifully, nobody died in these incidents. The record, however, indicates that over 418 persons sustained fractures, that as many as 198 persons sustained head injuries and that over a 1000 persons sustained painful injuries to different parts of their bodies, some of them extremely painful. More importantly, it was these stones that were used to start every one of the incidents and it is in this background that I record the clear finding that these stones which come under the category of dangerous implements or weapons had been procured and used by the State Machinery in collusion with communal elements. Again, this can neither be defended, condoned or justified and can only be condemned. I do not share the view that merely because the individuals concerned and responsible for these atrocious criminal acts cannot be singled out, that the liability which devolves on the State is in any way diluted.

CHAPTER-IV

ATTACK AROUND MILAGRES CHURCH

On the morning of Sunday, 14th September 2008, as indicated in Chapter-I, an unprovoked attack took place on the Adoration Monastery which is situated hardly 200 mtrs. away from the Milagres Church, which in turn is located right in the centre of Mangalore city. Both the Church and the Monastery are located on the main Falnir road which is a broad main road, the well known Moti Mahal Hotel being located in the same vicinity. It is also necessary for me to record that opposite the Monastery there is a relatively large area occupied by the Milagres hall which is a considerably big new building housing two auditoriums. What is important is that this property, like the hotel, the shops and the other buildings on that road is surrounded by a fully paved area and it is of significance to record that there is not a single stone, large or small anywhere around the entire area. Between the Milagres hall and the church is a large cemetery which in turn is fully enclosed by a relatively high compound wall. The only gate to this cemetery is located on the right side of the main church which is a considerable distance away from the main road and about one kilometer away from the Monastery gate. I need to record this because a series of incidents of immense seriousness took place on that day on the road in front of the Monastery which involved violent stone throwing where in granite “rock-pebbles” were used. There are no stones of any type leave alone rock-pebbles to be found on the Falnir Road or anywhere in the vicinity. There is no access from the road to the cemetery. However, I personally checked the whole cemetery in order to

reassure myself that there were no stones, more so “granite-rock pebbles” anywhere in the whole of the cemetery. It is a very old cemetery with hundreds of graves neatly laid out in lines with monuments over most of them and paved pathways leading to the graves. There are a number of trees in the cemetery but one will not find even a single stone even if one looks for it.

(On a personal note I must clarify that I go to this Cemetery on every one of my Mangalore visits as I say a prayer there for my Mother. That also explains how the Staff of the Hall gate and the Cemetery know me. It was these persons who gave me a complete account of the Monastery attack and even brought the Taxi Drivers who were eye-witnesses and interveners. The only sad part of the matter is that all these small persons were so terrorized that they all insisted that I meet with them in a secluded part of the cemetery where nobody could see us and that their names should not be disclosed. **When I asked them the cause for this intense level of fear they told me that the Bajrang Dal boys were extremely violent but that the Police were a hundred times worse and that they were all on the same side. None of these persons are Christians but quite inadvertently they had revealed the close nexus between the State Machinery and the Hindu fundamentalists.**)

I have taken special care to inspect the entire area because all the stones used in the afternoon’s incident were **MEDIUM SIZED GRANITE ROCKS WHICH ARE TOTALLY FOREIGN TO THIS AREA.** WHERE DID THEY COME FROM AND WHO BROUGHT THEM THERE? The answer to this mystery is in Chapter III.

As indicated in Chapter-I, the incident wherein the Monastery was attacked and the Chapel and the Holy Objects therein were desecrated took place in the earlier part of the

day around 10 to 11 a.m. As soon as this happened, the news of the attack spread rapidly in the whole city and particularly in the Milagres Parish and many people rushed there. THE LOCAL TV CHANNELS CARRIED THE NEWS LIVE. THE INCIDENT SO SHOCKED THE WORLD CONSCIENCE THAT ALL THE WORLD CHANNELS CARRIED IT- I SAW IT ON BBC AND CNN IN LONDON. Being a Sunday, and since it was a hot sunny afternoon, many of the men folk were probably resting at home because my consistent investigations show that the majority of people who gathered there fell into three categories; women, nuns and priests. They were all in the age group of around 40 to 60 years. Most of them were Christians who were distressed and alarmed at what had taken place. I say this because it is of importance to point out that their reaction was one of shock and perhaps a level of disappointment over an attack on a religious place. They had gathered in the lane or small narrow road leading to the Monastery and the rest of them were on the main road. Being a Sunday and around noon time, the traffic was relatively light and the group of about 200 to 300 people who were

assembled as time went on and as the news spread, never got to more than about 400 persons at the very highest because very few continued to remain there- the TV channels were covering the incident live and the videos are quite clear. The local representatives of the International media channels also came there and took videos of the incidents as also of the people gathered at the spot and the Press also took a relatively large number of photographs between noon and about 5.00 p.m. I had requested these agencies to show me the videos and the copies of the photographs from which the following significant aspects emerge:

(a) that all those persons who had assembled there were

essentially devout Christians who were deeply offended by the incident and basically came there with the idea of praying in order to make reparation for the attack on the chapel. They had come there at short notice for a devout purpose and they hailed from a respectable background. None of them had any weapons with them. **THEY WERE A PEACEFUL GROUP OF SENIOR CITIZENS GATHERED IN PRAYER.**

- (b) A careful scrutiny of the material available establishes that there were no unruly or anti-social elements in or around the area as this was not a planned assembly nor was there any occasion for such elements to reach that place. This is also established from my personal enquiries with well placed persons in society who included Senior Doctors, Chartered Accountants, Businessmen, retired people and members of the clergy.
- (c) The set of taxi drivers who normally park their cars in that area and who are all non Christians and totally independent persons and the Security staff of Moti Mahal Hotel who also belonged to the same category, as also the staff of another hotel located next door, who are again totally independent persons, and lastly, the residents of a high rise building located opposite the cemetery who are also eye witnesses, all confirmed that it was a peaceful devout group of respectable citizens all of whom were either standing in silence or praying and that there was no slogan shouting violence or any incident that could be construed as a law and order problem or disturbance of public peace. For a full **FOUR HOURS** i.e. till about 5 p.m., for some strange reason, the police did not appear on the scene; the obvious reason being that after their collusion with the Chapel attackers in the morning, they

had probably realized that they may be answerable for what had happened. MORE IMPORTANTLY, THIS FULLY CONFIRMS THE FACT THAT THE SITUATION WAS TOTALLY PEACFUL.

Sometime around 5.00 p.m, the SP of the area along with about 20 officers of different ranks, all in uniform, with helmets and riot-control gear arrived at the place armed with lathis. They had come in a number of jeeps and police vans. The police constables were also armed with lathis and other equipment that is normally carried by the police while dealing with a violent mob. The records also indicate that apart from the SP and other police officers, the then DC was also present. The strange part of the operation was that these vehicles came from the City Centre and since there were a relatively large number of them, the majority of them were parked on the main road adjoining the Church, while about one third of the vehicles drove through the persons assembled there and stopped on the road beyond the assembled group opposite the Moti Mahal Hotel. Why the persons assembled there were blocked-off from both ends was not apparent at that time, but as I shall presently indicate, it was part of the Police master-plan which subsequently became apparent.

Now comes the most significant part of the incident. The police had brought with them two blue coloured tempos which were private vehicles (**not Police vehicles**) bearing yellow coloured number plates. One of these was brought to the front of the Police vehicles on each of the two sides, with all the assembled persons sandwiched between the vehicles. What is very significant is the fact that each of these tempos was carrying about 20 young men per vehicle, ALL IN PLAIN CLOTHES. Each of these persons was armed with lathis or sticks. The Videos clearly show a fellow sitting above the driver's cabin of each Tempo carrying a TRISHUL! I have done considerable

research in trying to ascertain the identity of these persons. I have written to the SP asking him for an explanation with regard to the presence of these tempos and the occupants of these vehicles. Neither this man nor his subordinates have tendered any explanation nor have they remained present on any of the **eleven** occasions when asked to do so. The occupants of these tempos had nothing to do with the police department. The victims in this and in all the other incidents where the same modus operandi was followed, have clearly identified these armed miscreants who occupied the two tempos as local Bajrang Dal activists. When I discussed this matter with the Hon'ble Dr. Acharya, Home Minister, he told me that they were **CONSTABLES IN PLAIN CLOTHES!** (One of this many witticisms)

From the day the BJP Government came to power in the State which coincided with Dr. B. V. Acharya assuming the portfolio of Home Minister, militant activity of all the saffron brigades took an ugly turn. Open war was declared on the Christians and the Muslims. The Saffron brigades took charge of all the Police Stations in the District and dictated terms to the officers and staff, most of whom willingly fell in line. What was the immediate fall-out?

- (A) the members of the saffron brigade could commit any atrocities or crimes, they had total immunity from the law enforcement authorities.
- (B) any member of the minority community who had been threatened, beaten up or looted who went to complain at the Police Stations was assaulted and arrested under a host of **NON-BAILABLE OFFENCES** and put behind bars. It soon became evident that it was extremely dangerous to go to a Police Station or call the Police even in the most serious of cases. It is not surprising therefore that the police

brought their partners in crime in the two Tempos openly, brazenly and brandishing TRISHULS!

The DC and then the SP who had led the convoy had megaphones with them and they announced at around 5.00 p.m. that Section 144 Orders had been promulgated and that all those present there must disperse. Strangely enough, the unanimous evidence is that being peaceful law abiding persons, the crowd of about 400 to 500 persons decided to leave the place when asked to do so. Nobody argued with the officers nor did anybody put forward any resistance to the direction. **THOUGH THE POLICE AND THE D.C. ASKED THE PERSONS TO DISPERSE, THEY HAD TAKEN THE PRECAUTION TO ENSURE THAT BOTH THE EXIT-ROUTES WERE BLOCKED SO THAT NOBODY COULD IN FACT LEAVE.**

Without any provocation from any quarter, the persons assembled on the road were subjected to a violent attack of stones **BY THE OCCUPANTS OF THE TWO BLUE TEMPOS** from both sides i.e. the Church side and the Moti Mahal side and the attackers were all the saffron activists who were in the two tempos that were stationed there. Almost every single person sustained injuries, some of them on vital parts of their bodies. As soon as the stone throwing started, the police who were stationed on virtually all the four sides of the persons assembled there were ordered by the SP and the Officers to lathi-charge those present and **SIMULTANEOUSLY** to use teargas shells. In the face of this attack, people tried to flee the area and they were chased and mercilessly beaten up.

There is a Church service i.e. a Sunday Evening Mass, which was at 5.00 p.m. in the main Milagres Church and about 500 people had come to the Church for the Mass. This incident wherein the police and their partners from the Bajrang Dal ran

riot on the adjoining road took place around the time when the Mass was about to commence. In order to protect themselves, people started running off the road into the Church compound right up to the front verandah and the side verandahs of the Church and the Parish House which is adjoining. They were chased by the police and over 200 of them were mercilessly assaulted in the Church compound and in the precincts of the Church.

I have confirmed these facts from three sources which are as follows:

- (a) Over 300 of the victims who have shown me the injuries sustained by them. I had called a public meeting requesting all persons who knew anything about the incident to come forward and give their evidence and I am satisfied from the status and the credibility of each of them, all of whose versions tally one hundred percent to the letter, that the attack by the police was totally unprovoked and that it was started by the Bajrang Dal Activists who had been brought by them and who commenced the stone throwing, which was not only naked aggression but was completely unjustified. From the nature of the incident and the injuries sustained, what also emerges is the fact that the attack was savage, barbaric and brutal. The most serious aspect of the matter is that it was carefully planned by the SP and DC and those who had accompanied them and executed with a level of aggression and brutality that would categorize their action as serious criminal offences. This attack took place at a point of time when the Bajrang Dal activists had been attacking and terrorizing members of the minority communities all over the Karavali area for over three months. At two meetings called by me, what was pointed

out was that there had been as many as 168 recorded attacks on members of these communities on roads, public places, residential areas and the main target was shops and hotels run by members of the Muslim and Christian community. Pursuant to the complaint that not even one offence had been registered anywhere in the District, I had called on the SP and the Heads of the Police Stations concerned to explain how and why this had happened. There was no response. I had also written to the Home Minister Dr. V. S. ACHARYA BY NAME, to the Chief Secretary to the Govt. of Karnataka and to the D.G. Police recording these facts and asking for an explanation- nothing forthcoming, not even the customary paper denials! What is more incriminating is the fact that the Bajrang Dal Chief has gone on record **twenty-eight** times accepting responsibility for all the attacks and no action was ever taken against him.

- (b) When this incident took place, the Mass service was disrupted and about 10% of the congregation ran out of the Church out of fear that the police would enter the Church. While the evidence indicates that the lathi charge and the teargas was used even in the Church compound and the verandahs and front porch of the Church, mercifully, the police did not resort to any violence inside the Church. The Priest who was conducting the service, requested those present not to react, which most of them did. (It so happens that the neighbour to my mother's house, who is a Senior and well respected professional remained in the Church and escaped injury- he is one of those who confirms the veracity of the incident as he had seen the Police taking up positions shortly earlier when he was on the way to the Church for the evening Mass) Those who ran outside were eye-witnesses to the police

violence and to the brutality and a few of them sustained injuries. Over 100 eye witnesses have deposed to the fact that the persons in plain clothes created very interesting evidence by breaking a few glasses and damaging some of the Police vehicles in order to support the allegation that the crowd had retaliated. I have carefully checked the possibility of this taking place, because if those present had been attacked, even the Law permits them to retaliate in self defence. This did not happen because none of those present had any weapons with them, most of them were in the age group of over 50, again, a majority of them being women and the possibility of returning the stone throwing was also eliminated by the fact that the attack from the police was so sudden that there was no chance for any of them to have even picked up a stone and hurled it back. I have considerable experience of the intelligence levels of the Dakshina Kannada Police particularly in their favorite area of ENCOUNTER KILLINGS- they are incapable of even lying intelligently! The Videos are eloquent on the point of who damaged the vehicles. As happened in the Gulf War where the Americans shot their own partners, the minor injuries to the police were from their own associates **VIRTUALLY SELF INFLICTED TO CREATE FALSE EVIDENCE.**

- (c) One of the eye-witnesses is a senior Lawyer who had come for the Church service. He was not a member of the group that had been attacked. His son, also a Lawyer of some seniority was present along with his father. They had brought with them a family visiting from the US who had expressed the desire to see the Church. All these six persons who are independent and again persons of unimpeachable credibility have stated that it is the police who indulged in the unprovoked and unjustified violence,

that there was no resistance or counter attack and unfortunately, all the six of them had to leave the Church because of the after effects of the teargas. They were required to seek medical relief but none of them were hospitalized. They got into their vehicle and drove towards the closest hospital which is the WENLOCK Hospital at the City Centre and it is their evidence as also the evidence of those who fled along that road that after the incident, the occupants of the two tempos were joined by several of their companions all waiting on motorcycles with saffron flags who ran wild on the City Centre and the adjoining roads and even looted and damaged some of the shops in the area.

- (d) The police claim to have rounded up and arrested as many as 28 young men on the allegation that they had indulged in rioting and that they had damaged the police vehicles and attacked the police. The police also took away as many as 48 two wheelers from the Church compound on the allegation that these were involved in the offences. These were not returned for several weeks and the poor owners were blackmailed into paying large sums of money to the police to get their vehicles back. There is no record available with the police in respect of the seizure of the 48 vehicles obviously because it was wholly illegal. Also, the allegation that all those arrested were involved in the incident is fully established to be false because my investigation indicates that in order to create evidence against the Christian community, a few of the vehicles were damaged in keeping with the pre-conceived plan. Incidentally, in the course of investigation conducted into as many as seven encounters carried out by the police in Dakshina Kannada District in the previous one year, I found that the same pattern is followed whereby evidence

of a so-called attack on the police and their vehicles was fabricated in order to justify the cold-blooded murder of so-called anti-social elements. In the case of eleven of the boys who had been arrested and who happened to be students, my investigations indicate that four of them were pulled out by the police from the Taj Mahal Hotel, two of them from the adjoining sweet stall and the other five from shops and restaurants located more than one kilometer away from the incident. After running wild, in order to support themselves and their illegal activities on that evening, the police indiscriminately picked up persons from all over the place. NOT ONE OF THESE ARRESTS CAN BE JUSTIFIED OR DEFENDED.

THE CLEAN-UP OPERATION:

This incident did not last very long and I would put it down to about half an hour. What follows is something absolutely unprecedented. The police went around meticulously picking up all the stones that had been used and replaced them in the two tempos which then drove away WITH THE ROCK-PEBBLES. Initially, I was amazed and impressed at the unbelievable action of the Police to clean up the mess that they had made. What was more interesting was that they took the trouble to retrieve as many of the teargas shells as they could find and these were also taken away. As I shall point out subsequently, this was 100% guilty conduct and the police did not want to leave this damaging evidence there. Unfortunately for them, a few of these stones and the teargas shells were left behind and these were picked up by Journalists and some of the victims who produced them at the time when I held the public enquiry at the Milagres Hall and at several other places. The short reason for this was that the attack was pre-planned and if the stones were left there, the question would arise as to how they came there and who brought them, certainly

not a group of elderly devout persons who had come to pray over the attack on a place of worship; secondly, as I shall indicate later on, the teargas that was used was outdated by SIX YEARS, the gas that emerged was 100% toxic which could have proved fatal; this was not an accident and the Head of the Police Department i.e. the SP and the Officers who were accompanying him were fully aware of these facts and did not want to leave behind damaging evidence.

After a very careful assessment of the evidence of what happened on Falnir Road on the afternoon of 14th September, my conclusions are:

- (a) That there was zero justification for the promulgation of the so-called Section 144 Order by the DC as there was absolutely no indication of any breach of public peace, there was not even the slightest material to support the view that there would be resort to violence or that it would create a law and order problem and more importantly, that the persons had assembled for prayer and not for any unlawful purpose.

WHETHER OR NOT AN ORDER WAS PROMULGATED OR THE AUTHORITIES WERE LYING IS IN SERIOUS DOUBT BECAUSE THE ORDER IS NOT FORTHCOMING DESPITE TWO WRITTEN NOTICES, THOUGH I CONCEDE THAT IT COULD EASILY HAVE BEEN FABRICATED LATER.

- (b) That the attack on the congregation was pre-planned and executed by the State Machinery for which the culpability rests entirely with the State.
- (c) That over 400 persons including 80 members of the Clergy i.e. Priests and Nuns sustained injuries in the incident.
- (d) **That the violence used by the police in the Church compound and around the Church while the religious**

service was going on, was thoroughly unjustified. More importantly, what stands out from the nature of injuries and the parts of the body on which they were inflicted is that the force used was not only excessive but **SAVAGE and BRUTAL**. While the law requires the degree to be **MINIMAL** in all these cases it was abnormal and impermissibly excessive. While the law allows a lathi-charge only for purposes of **DISPERSING** the crowd- here it was used to injure, maim and possibly kill. What was most horrifying was that the Police had given the assailants **Lathis** which were freely used and further that the victims were **FOLLOWED** all the way to the Church and assaulted even there.

- (e) That further, the commencement of violence was also unjustified because nobody had refused to leave the place, when asked to do so. In actual fact, what was done was that the police sealed off the exit routes by stationing themselves on either side, so that, they could virtually beat up all those who were present.
- (f) That the arrests which took place were thoroughly unjustified as all those who were picked up were not even present when the incident took place. The tell-tale circumstance is that the stone throwing and the lathi charge was so violent **THAT NOT A SINGLE ONE OF THOSE PRESENT ESCAPED INJURIES**. None of the boys arrested had any injuries on them which is impossible if they were participants. The same applies to the vehicles seized as none of them were damaged (apart from being blackmailed for money, the owners reported to me that every one of these vehicles had been virtually stripped at the police station and the owners were told that they would be locked up if they complained).

- (g) That the looting of the shops in the area was done at the instance of the very anti-social elements who had been brought by the police in the two tempos to start the trouble.

In totality, this incident was shameful and unpardonable and I hold the State Machinery 100% responsible for what had happened. There can be no extenuating circumstances pleaded. At a subsequent point of time, the State Home Minister –Dr. V.S. Acharya tried to put forward the plea that he had some videos and photographs which were shown to me indicating so-called damage to police vehicles and his contention was that the incident was started by the Christians assembled there who turned violent and attacked the police. This is absolutely false. Interestingly enough, in every one of the attacks by the police, the Home Minister states that they were accompanied by persons who took videos and photographs which he seeks to rely on. This conclusively establishes my finding that the attack was preplanned even to the extent of taking photographers to record so-called evidence in support of the false plea that the police were the victims. In some of the subsequent incidents, the Home Minister claims that the police had sustained some minor injuries. My conclusion is that these were self inflicted in keeping with the beautiful fabrication that is done by the police in all cases of false encounters.

Lastly, it is most regrettable for me to have to record that the conspiracy goes all the way up. The DC and the SP would never have dared to plan and execute the incidents of these proportions even if they were 100% in collusion with communal elements who had been attacking the minorities unless they had the full blessing and sanction of the State Government represented by the Home Minister and the Chief Minister. While, I find the role of the Home Minister totally incriminating what is unfortunate is that the Chief Minister who visited Mangalore immediately after the incident in every statement

fully justified the Police atrocities and came out with allegations that there had been conversions taking place which had provoked the members of the VHP, RSS and Bajrang Dal and which in turn gave rise to the attacks. I find it inconceivable to connect this charge with the incident because there is no nexus between so called conversions and state violence against minorities. **What is more important is that I had asked the Chief Minister and the Home Minister to justify their charge regarding the alleged conversions both in writing and personally on two occasions in public before the Media and on both occasions, they conceded the fact that there was zero evidence in support of this conversion charge.**

The Constitution of India forbids State Machinery to be used against minorities that too for CRIMINAL PURPOSES, but this is precisely what happened on the afternoon of 14th September 2008. The conduct of the DC and the SP on that afternoon is so very reprehensible that it is surprising that these men are still continued in service. Even if they were acting on instructions from communal elements supported by the Heads of Governments, their personal misconduct can never be condoned AS WAS HELD AT THE NUREMBURG TRIALS OF NAZI OFFICERS. An indication of the patronage is evident from the fact that despite over a 100 written representations, the Home Minister and the Chief Minister refused to shift these two Officers out of the District and fully and completely supported their actions which is conclusive evidence of collusion. The Government bosses were so pleased with their performance that they were rewarded with promotions!

This was the incident in which the hate factor manifested itself in all its gory dimensions. While going through the hospital, I met a middle aged man who had nothing to do with the incident because he runs a small little shop on the main road which sells newspapers and odd items. This shop

is his livelihood, he opens the place at 5.00 a.m. and closes it after 10.00 p.m. because his turnover is very small and the longer he sits there, the better for his business. The hotel staff and taxi drivers establish the fact that he was seated inside the little shop when for no reason the lathi wielding police smashed the place. He ran out and he was mercilessly assaulted and fell unconscious. One of the taxi drivers who knew him put him in the car and took him to the hospital. He was hospitalized for three weeks till he recovered from his injuries, mercifully he had no fractures but one of his kidneys was severely damaged and the other one was also injured. He has had to take huge loans to restore his shop and his family is in a bad way because his health has completely broken down due to kidney failure. He has not received a rupee of compensation because in order to defend themselves, the Police contended that his injuries were because he was hit by a vehicle which also smashed his shop and that it was a hit and run case.

What is worse than this is the fact that an old Nun, aged 69 years, was hit on the head and on the face by the Police. She was hospitalized for three weeks but the injury on the face was so serious that she has lost her eye. As indicated earlier, the majority of persons present were Senior Citizens and this factor alone is enough to indicate that there was zero justification for assaulting them through a lathi charge and teargas as they were incapable of causing any law and order problems. This is a special circumstance of which I have taken serious note and an aggravating factor against the State. **The position of the State Government is virtually defenceless because these persons were not very mobile due to their age and the evidence indicates that not one of them escaped without injuries which again grossly compounds the culpability of the State.**

CHAPTER-V

USE OF OUT DATED AND TOXIC TEARGAS SHELLS BY THE MANGALORE POLICE

Whereas the Police had sufficient assistance from their partners in crime as far as procurement of the lethal rock pebbles that were used in the attack incidents, when it came to the use of teargas, they had to depend on their own armoury. The police are invariably stocked with teargas shells because it is used as a very effective crowd disperser. The gas in question is harmless to human life even if inhaled in small quantities, but, it does have toxic side effects if there is a large and constant intake. The gas in question is commonly known as mustard gas and it has a very harsh and irritating effect on the eyes. It causes almost unbearable burning and the eyes keep watering very heavily as it irritates the tear ducts. The victim is therefore left with no option except to run away from the gas to the nearest water source and seek relief. The authorities are permitted to use this gas in appropriate cases because research has shown that it does not cause any short term or long term damage to the human eyes. While the authorities in many countries prefer to use safer systems such as water cannons for crowd dispersal also for the reason that in cases of industrial action and situations where the crowd consists of seasoned and experienced persons, they invariably come equipped with protective gear for their eyes such as riding goggles and they also carry wet cloth to withstand the gas. The limitation is also because such seasoned mobs immediately pick up the cylinder and throw it back into the police lines and it is the police who also face the consequences.

The universal rule is therefore that a sufficient warning should be given to the mob to disperse and that the teargas shells should be fired from the dispenser initially in front of the assembled people, so that, they cannot throw them back and very progressively, that the distance be increased in order to push the mob backwards and force them to run away, because by then, the entire area is saturated by the gas in question.

Coming to the facts of the present case, I have already held that no reasonable time was afforded to the victims to leave the area and that the exit routes were deliberately blocked, so that, even if they decide to leave, it would be a slow process. It is only if they were defiant, refused to leave or turned violent that the next step of using teargas would have been justified. In this case, that stage had never been reached and like the objective of the lathi-charge which was in order to target, hurt and injure the victims, the use of teargas was directed solely with the purpose of torturing them. Let me add here that the aggravating factor was that the Police CHASED the helpless victims, followed them and even used the teargas up to half a kilometer away in the Church compound and the verandahs of the Church, for which, there is absolutely no defence or justification.

I, now come to the most incriminating aspect of this part of the case:

Why were the police so keen to retrieve and take away the empty teargas shells ? These cannot be reused and they are of absolutely no scrap value. A lot of effort was put in at every one of the places where the teargas was used to collect all the empty shells and take them away. Characteristically, our Police rarely do a perfect job, as happened on these occasions which explains how the Journalists and the victims found quite a few of the empty shells. Teargas cartridges are

not available with any source other than the Police. Even illegal ammunition or illegally purchased cartridges are available with many sources but not teargas shells. These are specially manufactured and supplied to the Police and they have distinctive markings. These include the date of manufacture and the expiry date. It is not permissible to use the shells after the expiry date and I shall straight away indicate the reason for it.

While, I was Judge of the Bombay High Court, I held an enquiry into a serious case of fire and there were also disturbances, after the incident, where the police used teargas. During the enquiry, it emerged that the fire extinguishers had been used after the expiry date and that not only were they ineffective, even though, they discharged a lot of gas which did not extinguish the flames but the serious aspect which emerged was that after the expiry date, the gas turns extremely toxic and life threatening. In that enquiry, the set of persons who were involved in fighting the flames mainly the firemen were hospitalized for up to four weeks after inhaling the toxic gas and their lives were somehow saved after protracted medical treatment. The second set of persons on whom the police had used teargas which was found to be just 40 days after the expiry of the shells complained of vomiting, acute dizziness and other toxic symptoms which lasted up to two to three weeks. The effects of the toxic teargas were comparatively diluted because it had got dissipated by the atmospheric air, since, it was an open road.

Every single one of the victims on whom the teargas had been used by the Police not only in the Milagres incident but at the other five places complained of the same symptoms indicated by me above. They had to take medical treatment at their own expense for up to 2 to 3 weeks. None of them

were able to attend to their work during this period of time and in as many as 187 cases totally, they were required to be hospitalized for intensive detoxification. In the course of my investigation, I visited the Fr. Mullers Hospital in Mangalore, where a large number of these persons had been treated. The Doctors confirmed that they were suffering from acute toxic side effects due to the teargas, about 19 of them were admitted to the Hospital and some of them had to stay there for as long as 2 to 3 weeks. What caused this toxification ?

The teargas shells that were retrieved were carefully inspected by me. **NOT A SINGLE SHELL WAS WITHIN ITS EXPIRY DATE.** The incident has taken place in **September 2008** and the expiry dates on the shells were all of the years before **2004** or **2002** making them between **4 to 6 years beyond the expiry date.** This is the answer with regard to why the gas in question was acutely toxic. **Again, it was virtually, the Hand of God that saved the hundreds and thousands of these victims, because in some of the subsequent cases, the teargas was extensively used inside a Church as happened in Pemmanur and in the Primary School at Kulsekhar, possibly because of the dilution of atmospheric air and the fact that the victims were running away, none of them died but the fact remains that they were subjected to intense agony, torture, expenditure and loss and exposed to a life threatening situation.** This is the level of seriousness that is involved in this case and nothing can condone the police authorities in Mangalore for having acted in this callous manner which was deliberate and totally avoidable at the same time it is necessary to highlight the fact that this was Criminal Negligence which was definitely life-threatening. **Not one of the Police Officers starting with the SP and everyone of his associates can plead ignorance because they used these shells on at least a dozen occasions,**

despite the fact that the local TV channels had noticed that they were outmoded and dangerous and this was highlighted in the Electronic Media and in the Print Media as early as on 14/15.09.2008 itself, even after which, they continued to use them. That the Police were conscious of this danger is self evident from the fact that special efforts were made to collect the empty cartridges in the hope that this evidence would not go public.

Apart from the expert evidence in the Bombay case, which consisted of the best brains in the field, I had occasion to do considerable research into the subject in that enquiry which fully confirmed the above view. In the Mangalore case, I first consulted two of the leading Eye Specialists who told me that if the teargas was as it should be that it would not cause any damage to the eyes, but, when I pointed out that it was beyond the expiry date by 4 to 6 years, the immediate opinion was that it would have turned toxic and **would have caused blindness**. The Doctors in the hospital confirmed that this toxic gas did have extremely harsh and far reaching effects on the victims. I also consulted the experts from the Department of Chemistry from two of the leading institutions who confirmed the view that once the expiry date was over, the gas was rendered toxic and that it would have been life threatening.

What was the attitude of the Government at different levels ?

- (a) The SP was confronted in writing with the facts and the above conclusions and asked for an explanation, none was forthcoming. Since, he ignored every written communication, I telephoned him personally and told him that I would come to the Police Conference Room and hold a sitting, because I want an explanation from his

Department, he refused to fix up the meeting. What could be worse guilty conduct ?

- (b) Notice in writing was sent to the D.G. Police at Bangalore, recording the facts and the aforesaid material and he was asked to explain how the Police Department could endanger human life by using such toxic substances. The letters were not even acknowledged. Several reports appeared in the Press. The Correspondent of the Times of India confronted him personally and he smiled and answered that nobody looks at expiry dates when using material from the armory and that the Mangalore Police must have overlooked this. To a specific question, as to why then if they were not 100% guilty were the Mangalore Police so particular to destroy the incriminating evidence, the worthy Gentleman who has since retired had no answer.
- (c) A letter was addressed to the Home Minister – Dr. Acharya, by name as the Police Department comes under him, asking for his explanation as to how the Police Department could have endangered thousands of lives using toxic gas. I will say to the credit of Dr. Acharya that he is an extremely nice person whom I know well, he is also very pleasant. Despite all this, neither he nor anybody from the Home Department replied the letter nor was there any explanation forthcoming. In view of the seriousness of the matter, it exploded in the Media and the Press asked for an explanation from Dr. Acharya, he smiled and gave them the following reply:

“It is an extremely small matter because nobody had died. The police might have overlooked the expiry date. Even if the shells are used beyond the expiry date, my opinion is that like medicines which have gone beyond the expiry date,

at the most, they will not be effective.”

With great respect, I disagree totally because I have set out above an indefensible case against the State Government, to which, there can be no answer. It is merciful that this Doctor is not practicing as otherwise he would have been cheerfully treating his patients with expired drugs and would have reduced the population of the State!

(d) In view of the seriousness, a letter was officially addressed to the Chief Minister and the Chief Secretary to the Government along the same lines as set out above which was neither acknowledged nor has any explanation been tendered – in this case, there can be no explanation except to admit criminal negligence.

It is pathetic to say the least, that the State of Karnataka has endangered the lives of over 2300 persons who were directly involved in the incidents where teargas was used and this number excludes the 618 young primary students of the Parish School in Kulsekhar where the gas was extensively used inside the school building. In any other part of the world, not only would the State have had to compensate each of the victims to the extent of at least a million Dollars, the Ministers concerned and the Head of the Police Department would have had to resign and all the Police Officers who used the gas would have been dismissed from service and would have gone behind bars. In Karnataka, there is not even an apology and the entire bunch of culprits have so far gone scot-free – some of them even rewarded with promotions on the personal Orders of the Home Minister and Chief Minister. ARE THERE NO LIMITS TO CALLOUSNESS?

CHAPTER-VI

SAVAGE ATTACK BY THE POLICE IN THE PRECINCTS OF ST. JOSEPH'S CHURCH, KULSEKHAR.

Kulsekhar was once regarded as a suburb of Mangalore, but with the expansion of the city, it has become a very busy part of the main stream. The Church of St. Joseph which is a relatively large Church has an office adjoining the Church. There is a Parish Hall located in the opposite part of the compound. The Church has a big area of land surrounding it and the Church itself is located almost one kilometer inside from the main road. There is a school which is situated between the Church and the entrance gate on the Main Road. This school is essentially a primary school and is run by the nuns who have their convent next to the school. There are approximately 600 to 700 young children in this school.

On the morning of Monday, 15th September 2008, a very very serious incident took place in the Church compound. Prior to dealing with that incident, it is necessary for me to record that when I met the Parishioners and all those who were present when the incident took place as also the victims, they were extremely agitated and in a state of fear. The reason for this was because for months preceding the incident, the activists of the Bajrang Dal had been terrorizing the members of the minority community in the entire area. I am summarizing what precisely had happened:

- (a) That large number of youth who came under the category of persons with no known occupation, were going around

the area on motorcycles with saffron flags on them. They would tease and abuse mainly Christian girls and women as there is a large representation of the Christian community in that area. In the case of the men folk, they were abused in vile language and assaulted for no reason. The Christian shops were systematically targeted because these lawless elements would enter the place, pick up whatever they wanted and walk out. If the payment was asked for, the shopkeeper was assaulted.

- (b) There are a few garages in the area where these miscreants would come with their vehicles and insist on free service. What was really bad was that not only would they not pay, but if the vehicle had to be left there for any length of time, they would pick up whichever vehicle was lying at the premises and drive off with it. Needless to say, no money was ever forthcoming.
- (c) That the same bunch of persons whose numbers had risen to about 200 would go around the entire area even to the residential houses behaving in a rowdy and uncivilized manner shouting and disturbing the peace, on whichever occasion somebody tried to check them, they would resort to violence.
- (d) The most offensive part of the operation was that the nights were the most difficult time. These fellows would walk to whichever Bar or Liquor Shops they found in the area and help themselves to unlimited quantities of alcohol, after which, they would roam the area dead drunk, eat whatever they wanted without paying for it and beat up anybody who was found on the roads. It was impossible to control these people because they were under the direct protection of two police officers, a Circle Inspector by the name of

Jayanth Shetty and one Inspector – Ganapathy. None of the victims dared to go to the Police Station for fear of being beaten up and arrested on a false charge.

According to the local residents, the situation had become extremely precarious. On the one hand, they were the victims of various forms of violence/exploitation and secondly, even though they knew who was responsible, it was impossible to do anything. Attempts have been made to complain to the higher police authorities i.e. to the SP by the name of Satish Kumar. This man turned out to be more rabid than the others and warned those who went to him that if they lodge any complaints against the Saffron activists that he would personally see to it that the Complainants were thrown into prison and that every bone in their bodies would be broken. Having seen the brutality that this SP Satish Kumar is capable of, he needs to be categorized as a sadist and a savage, even by Police standards.

What was even more serious was the fact that these persons were interfering with every aspect of community life. They were around the markets intimidating and terrorizing the vegetable vendors who were mainly Christian women who brought their fruit and vegetable from the villages, they were interfering with the sale of meat on the ground that they were against Cow slaughter, they would intimidate the transporters and collect mamool from them on the ground that it was protection money and in these areas, the result of their aggression was that every member of the minority communities was their victim regardless of age, sex or occupation.. **In other words, there was a total breakdown of the law and order situation with absolutely no relief available.** As I have indicated earlier, the SP and the Police were totally on the side of these anti-social elements. According to the residents of the

area, while the Bajrang Dal activists were bad enough, the ones who were far more dangerous were those who belonged to the Sree Rama Sena. While they generally acted together, most of the time, the Sena activists would target the young girls and women. There was also an open demand that nobody should attend the Churches, as a result of which, the Parishioners found that they were not able to practice their religion.

It is in this general atmosphere of terror that the attack on the adoration Monastery took place on the morning of Sunday, 14th September, 2008 and this was followed by the violence let loose by the police and their partners on the afternoon and evening of that day. These incidents had been showed live on the TV Channels. Shock waves had spread through the entire city and the members of the Christian community felt extremely agitated over the incidents and it was decided to hold a mass in the Church on the morning of Monday, 15th September, 2008 as an act of reparation. The mass was attended by a congregation of about 200 persons, the majority of whom were women. This was a purely religious service, but since it was a working day, the number of boys / men who attended the mass were relatively few. When the mass got over, strangely enough, it was noticed that the police had arrived on the scene and stationed themselves on the Main Road outside the Church gate. As soon as the congregation started coming out from the Church, the police came into the compound along with their vehicles and the convoy of vehicles was led by a tempo full of Bajrang Dal, Ram Sena activists. In this case, every one of the witnesses / victims were quite emphatic about the identity of these fellows. Identical to the pattern followed at Milagres, on the previous day, the tempo came in front of the Church and the congregation was pelted with stones (the rock pebbles which were lethal missiles) The bad part of the situation was that more

than 200 to 300 persons who had come to escort their children to the school, the teachers and several other visitors to the Church and the Parish were all assaulted. The police immediately resorted to a lathi charge, whereupon, everyone present tried to save themselves by running into the adjoining buildings. The police and the other miscreants who had accompanied them went into the buildings and mercilessly assaulted all those who were present there.

Several of the women in order to save their lives ran into the school building and hid themselves there, and it was here that was one the most horrifying parts of the incident took place. **The police decided to storm the school building.** There were over 600 children apart from more than 50 teachers and nuns in the school building. When the Officers instructed the police to enter the building, the headmistress ran to the gate and locked it. Inspector Ganapathy took out his service revolver, threatened her and fired it at the lock, breaking it open and ordered the police to enter the place. The nuns and the teachers tried to close the grill that led to the school, but this was also broken open. Inspector Ganapathy was armed with a huge lathi. He entered the office of the Headmistress who is a nun and warned her that he would break her head if she tried to obstruct the police. He gave two violent blows on the table and smashed the glass to pieces. The flying glass caused multiple facial injuries- luckily she was wearing spectacles which saved her eyes-her glasses were shattered. The nun ran into the toilet out of fear and the police officer kept kicking at the door warning her to come out or else he would break it open, he finally kicked the door open and when the num came out, he landed half a dozen blows on different parts of her body.

The police had been ordered to burst teargas shells all over the building in order to flush out anybody who was hidden

there. **They did not care for the fact that there were 616 school children between the age of 5 and 15, all of whom were terrorized. This excluded the teachers and other staff members who numbered about 73 persons. Teargas shells were hurled into the corridors and even into the classrooms and the children screamed in panic and fled for their lives.**

The police had gone out of control and were beating up everybody inside. Had they landed any of the lathi blows on the young children, there would have been a couple of hundred fatalities. The children were extremely swift, were able to dodge the police, they ran out of the building and disappeared. Many of their parents and guardians were not so lucky and were assaulted. The Police were ordered by Ganapathy and other Officers, one of whom was recognized as Jayanth Shetty who was directing the operation to even go up to the terrace and bring anybody who was found there. It so happened that the miscreants who had accompanied the police had already taken up positions on the terrace from where they were hurling whatever they could find including roof tiles at the persons who were running away near the entrance to the building. This continued for about 45 minutes until the building was completely vacated. This attack was unprovoked, it was unjustified and to my mind, every single member of the police force and those who accompanied them should be awarded the most deterrent sentences for having entered a primary school building, seriously endangered the lives of over 600 young children and over 200 adults. Nothing can condone an attack of this type. Ironically enough, the Home Minister of the State tried to tell me that some persons threw tiles from the terrace at the police and that this was justification for the police to enter the building and assault the nuns, teachers, staff members and children. There is complete Video evidence of

the entire incident and I have carefully checked the Home Minister's version. The only occupants of the school building were the school children and the teachers almost all of whom were women. The only males in the building were the assailants who consisted of the police and their Bajrang Dal / Rama Sene activists. While the Police were smashing everything inside and mercilessly assaulting whomever they could find, their accomplices had gone up to the terrace and were throwing missiles at those who were trying to escape. One of the good things about Acharya is that he never gets his facts correct !

One of the special features of this case is the fact that the area was swarming with the Bajrang Dal activists who took up their positions on the main road and at the gate of the Church. So perfect was the planning of this assault that these persons who were armed with sticks, chains and iron rods started assaulting those who tried to escape the police assault inside the compound and virtually drove them back. This was the reason why we have the very high number of injured persons running into 288 because those who were driven back could only run into the school and they were mercilessly beaten by the police who cornered them inside the building. An indication of the police brutality is evident from the fact that 22 women who ran into the toilets to escape the attack including two of them who hid in the toilet attached to the Head Mistresses Office were pulled out and beaten by the Police. NOT A SINGLE STAFF MEMBER OR EMPLOYEE OF THE SCHOOL HAS ESCAPED WITHOUT INJURIES, SOME OF THE TEACHERS RECEIVED AS MANY AS 12 TO 15 LATHI-BLOWS. As many as eleven of the nuns were also assaulted. Sr. Salma, aged 61 years, received as many as 14 lathi-blows. A retired nun, Sr. Denezia, aged 71 years, was assaulted on her back with lathis and it took her eight weeks to be able to recover from the

injuries, but in her case, the Bajrang Dal activists who were mixed up with the police cornered her and tore her clothes in an attempt to physically molest her.

Though, I have avoided setting out the names of the victims as they have requested me as far as possible not to disclose the identity, since the police and the Bajrang Dal would target them, I shall only set out the initials of a few of the persons who were more seriously assaulted in order to indicate how serious the incident was. According to the witnesses and victims, one of the Police Officers apart from **Ganapathy** who was leading the assault and ordering the police to mercilessly thrash everybody around was **Jayanth Shetty**. The name of **SI Prakash** also figures among the Police Officers who have been identified. As far as this incident is concerned, we do not have the full and complete coverage on video, because even though, the Press and TV persons arrived on the scene, they were prevented from entering the premises for sometime by the Bajrang Dal and Ram Sena volunteers who had taken up positions at the gate. I must mention here that we would probably have had a couple of hundred deaths due to the police savagery and inhalation of teargas from among the over six hundred school children, but it so happened that when they panicked and ran towards the gate, the persons there allowed the children to run out. I would not give them credit for this kindness, but it is obvious that having planned the assault, they did not want it to take a serious turn and therefore, preferred to allow the children to escape. Apart from the two nuns whose injuries I have set out above, the following is a list of a cross Section of those who were badly injured:

Mrs. G. G. who is a diabetes patient, aged 52 years, received atleast a dozen lathi-blows and was hospitalized for two months.

Mrs. A. M. who is a Parishioner, aged 32 years, was slapped on the face by a Police Inspector, who then caught her by the hair while two of the miscreants removed her gold earrings.

Mr. F. D. aged 54 years, had come to pray in the Church and was not able to escape the assault because according to him, the few persons who tried to take shelter in the Church were chased out by the Police who had entered the Church and were beaten in front of the Church. When he was assaulted by the Police, he fell on the ground and the Police Officer present joined those who were beating him saying that he should be finished off. He was beaten unconscious and ended up with 37 injuries including a fracture of his arm. He was out of action for eight weeks.

Mr. F.M. aged 35 years, who had also come to the Church to pray as was his daily practice before going to his workshop where he repairs two-wheelers, was chased out of the Church and beaten up by the police. He was so badly injured that he had six stitches on his head and three stitches on his elbow. He was treated in the City hospital. He was found lying unconscious outside the Church and was taken to the Hospital by the nuns after the assault was over. He informed me that he received lathi-blows initially, but that the Police Officers thereafter KICKED him with their boots until he lost consciousness. He showed me the injury marks on his back and scars all over his body. What was really sad was the fact that his right wrist was bandaged due to a dislocation and he informed me that he had not been able to work for weeks after the assault.

Mr. R.D. aged 43 years, is one more person who was pulled out of the Church and beaten by the police. In these three cases, the victims seem to indicate that it was the Bajrang Dal activists

who were using more violence than the Police. This person was injured on the face both hands all over his legs and mainly on his back. He tried to run into the Office but was chased and beaten unconscious and he remembers regaining consciousness in the hospital. (I have at the request of the victims also not referred to the hospital records. There are two reasons for this, the first being that at the relevant time, the Police and the Bajrang Dal both of whom were ruling the District had also taken the precaution of intimidating the Doctors and hospital staff to such an extent that no proper records were maintained even in the case of injured victims, the Doctors themselves told me that they were afraid to speak or disclose any information orally and further more that the anti social elements were walking into the hospitals and tampering with the records and case papers. When I deal with the horrifying atrocities visited on a Senior Editor at the instance of the Home Minister and his Doctor son (both of whom are Doctors), it would be self evident that medical certificates and case papers were hard to come by. That is why I spent hundreds of man hours personally meeting each of the victims and cross checking their injuries and the veracity.

Sr. S.P. aged 24 years was a young trainee nun who tried to run away when the assaults started. She was followed by two young policemen and two activists. They finally cornered her in one of the corridors. She was not assaulted but these persons virtually attacked her physically, her clothes were torn and she would have probably been outraged except for the fact that some of the staff members started screaming and threw a whole lot of water on those persons. In the confusion, the young nun was able to escape from there and hide in the building. All those who had come to her assistance who were women were physically manhandled and badly beaten up.

As indicated earlier, over 70 of the injured persons were women i.e. teachers and staff members out of whom, only a small number are Christians. So serious were the injuries and so traumatic was the effect that the school was seriously handicapped for over six weeks after the incident. Though, it was several days after the assault and the place had been cleaned up, I found the walls and the corridors of the school which included the official toilet and classrooms extensively blood stained.

THE SHEER TERROR AND HORROR WHICH THE POLICE LET LOOSE IN THE SCHOOL IS EVIDENT FROM THE FACT THAT FIVE OF THE SCHOOL CHILDREN BETWEEN THE AGE OF SEVEN AND NINE WHO RAN UPTO THE TERRACE AND WERE TERRIFIED WHEN THEY SAW THE POLICE COMING UP THERE, OPENED ONE OF THE WATER TANKS WHICH HAD VERY LITTLE WATER IN IT, GOT IN AND CLOSED THE LID. THEY REMAINED THERE FOR TWO AND A HALF HOURS AND WOULD HAVE PROBABLY DIED IN THAT TANK EXCEPT FOR THE FACT THAT ONE OF THE TEACHERS WENT UP TO THE TERRACE ON BEING TOLD THAT SOME INJURED PEOPLE WERE LYING THERE. SHE HEARD THE CHILDREN SCREAMING AND BANGING ON THE TANK FROM INSIDE AND COULD NOT BELIEVE HER EYES WHEN IT WAS OPENED AND THE CHILDREN WERE FOUND THERE. THIS IS THE MAGNITUDE OF THE TERROR THAT HAD BEEN LET LOOSE BY THE POLICE, BAJRANG DAL – RAM SENA COMBINE IN A PRIMARY SCHOOL ON 15TH SEPTEMBER 2008. WHEN I CONFRONTED DR. V.S. ACHARYA, HOME MINISTER AND C.M., YEDIYURAPPA WITH THESE FACTS IN THE MANGALORE CIRCUIT HOUSE, BOTH OF THEM CALLOUSLY TOLD ME THAT THE

INCIDENTS HAVE BEEN EXAGGERATED, THAT IT WAS NOTHING MUCH AND DR. ACHARYA ADDED HIS CLASSIC LINE “NOBODY HAS DIED,” SO, WE DO NOT NEED TO WORRY TOO MUCH ABOUT IT. HE WAS QUICK TO PRODUCE SOME PHOTOGRAPHS AND A VIDEO TAPE STATING THAT A FEW POLICEMEN HAD SUSTAINED SOME MINOR INJURIES. (THIS HAD HAPPENED WHEN THE MISCREANTS STARTED THROWING OBJECTS DOWN FROM THE TERRACE IN ORDER TO TRY AND STOP THE CROWD FROM EXITING FROM THAT AREA).

A few more of the injured are as follows:

Mrs. F.D. aged 53 years, received lathi-blows on both her knees and has not been able to walk thereafter.

Mrs. C.D. aged 47 years, ran to protect her daughter. She was mercilessly beaten and fell unconscious. The child ran away in panic and could not be found till late that night.

Mr. R. D. aged 36 years, who had come to visit the Priest and was caught up in the incident, ran into the school. He was chased by the Police caught on the first floor and thrown down from the Balcony. He sustained four fractures, was in hospital for three weeks and immobilized for a long period of time thereafter.

Mr. P.C.R. aged 45 years, who tried to run away from the violence, was chased by the miscreants, not the police, sustained 45 injuries on the back, legs and head and was found unconscious in the sun one hour after the incident.

One of the saddest cases related to a young student, R.D. aged 12 years, who unlike the other students who ran away, hid in the corner of the second floor of the school waiting for his mother to come for him. The Police Inspector who was

chasing some other persons caught hold of this child and hit him on his head with a lathi. He sustained a bleeding injury which required 11 stitches. The only reason why his life was saved was because his mother arrived there in time, and was able with the assistance of another person to hide the child under the staircase, till the police left the place.

Mr. C.P. aged 36 years, who is a shopkeeper rushed to that place because he heard about the incident and found his two brothers had been badly assaulted. He had them removed to the hospital and went to the Police Station to lodge a complaint where the police arrested him on a long stream of false charges including attempting to murder the police. He has produced unimpeachable evidence to establish that he was not even present when the incident took place.

Mr. V. V. D. aged 21 years, is a student. This case is interesting because he was forced to become a member of the Bajrang Dal by the hoodlums who infested this area. His evidence is invaluable because he has in turn stated that the SP, Jayanth Shetty and Ganapathy were the Police Officers who planned this incident, who again arranged for the tempo with the stones and the activists to be brought into the church compound and incidentally, that it was the police who provided the miscreants with the lathis and interestingly enough, helmets to give the impression that they were plain clothes policemen. This witness personally knows the names, ages and identity of as many as 87 of the young men who rule that area, all of whom are unemployed and who live by looting and mugging. They are all provided with two wheelers and Bajrang Dal flags. According to this witness, it is one of the leading Politicians from Bangalore who finances all these persons.

Mr. S.D. aged 29 years, who was only passing by on the

main road. His only fault was that he was wearing a black cord around his neck with a cross hanging from it which was visible. He was assaulted for no reason, he fell unconscious on the footpath and he woke up to find that he was in the police lock-up having been arrested for allegedly taking part in rioting and attempting to murder Police Officers.

What characterizes this incident is the following special features:

- (a) That incident took place **inside** the Church compound and **inside a school building** also located in the compound at places which are well away from the main road. The congregation had attended a Church service and were coming out peacefully when the police and their criminal associates entered the Church compound and started assaulting them for absolutely no reason. There was zero cause, zero provocation and zero justification. The Police Officers who planned this incident and executed it, not only deserve to be dismissed from service but should be put on trial for a host of criminal offences and sent to jail for a long periods of time.
- (b) That like all the other attacks, the majority of victims happened to be women. These included a number of nuns who were not only assaulted but were also molested. This exemplifies the hatred levels that were shared equally by the police and the saffron elements who had instigated the incident. It was all part of a master plan to replicate the horrifying atrocities that had taken place at Khandamal in Orissa at the hands of the Bajrang Dal. The other similarity is that as happened in Orissa, there was full assistance from the Police and from the top politicians of the State Government. There is more than ample evidence

on record to establish that all the incidents that took place starting from the 14th September 2008 were with the full knowledge and sanction of the State Home Minister – Dr. V.S. Acharya. It is not very clear whether this man was in Mangalore or Udupi on that day. Many of the witnesses say that he was directing operations from a village close to Mangalore by the name of Kalladka where his guru, the local RSS Chief holds darbar and issues instructions. Dr. Acharya's ground for being found in this place whenever he visits the District is that his chief is an old friend and he was there for personal reasons.

- (c) What is downright atrocious is the fact that over a hundred teargas shells were used by the Police **inside** the school building. Not only is there zero justification for this but the more serious aspect of the matter is that the action was not only downright illegal but the aggravating factor that these shells were six years beyond their expiry date, all the persons who inhaled the gas required prolonged medical treatment and had the school children not being able to run away, hundreds of them would have died. This action was life threatening and to think that it was the State Machinery that indulged in it is something for which there can never be any defence.
- (d) Seldom does one come across, anywhere in the world, riot police and anti social elements storming a primary school for absolutely no reason with blood thirsty intent and running wild with dangerous weapons against members of the educational fraternity. It is only representative of the dismal levels to which the State Government has sunk.
- (e) Despite extensive media coverage nationally and internationally, the Chief Minister and the Home Minister

refused to institute any action against the Police Officers concerned and despite persistent demands which I had conveyed on three public platforms in their presence, they defended the Officers by refusing to even transfer them. There can be no stronger evidence of criminal conspiracy and collusion. The SP was rewarded for his loyalty after several months as he was given another District of his choice. The other hero, Jayanth Shetty who has very close links and connections with the saffron politicians but who changes colour depending on the party in power, has been rewarded with a promotion !

- (f) One of the highly placed and most respected DIGs was deputed to carry out an investigation into the role of the police during all these attacks. He has submitted an excellent Report which I have seen, in which he has held the police hundred percent guilty for the atrocities and he has recommended immediate suspension and disciplinary action against at least five of the Police Officers. The then DG Police forwarded the record to the Home Minister with the recommendation that action was extremely essential against these Officers in the public interest. The Home Minister made an endorsement on the file to the effect that no action should be taken without the approval of the CM. The CM in turn made an endorsement to the effect that the file be closed. This is not a confidential file and these findings can be verified from the original documents.
- (g) This was one more in the chain of events of violence that had been let loose by the Bajrang Dal. The BD chief was gloating over the incidents and held a series of press conferences where he has gone on record on TV and in the print media not only claiming responsibility but stating

that his organization would not rest until every member of the minority communities was exterminated from the District. The man was not even arrested for a considerable period of time after which due to mounting pressures at the National level, he was placed under arrest and released at the earliest opportunity. THE RECORD SHOWS THAT THE STATE GOVERNMENT AND THE POLICE HAD CONSENTED BEFORE THE COURT TO HIS IMMEDIATE RELEASE.

My findings are that this is one of the most serious atrocious and horrifying incidents which have taken place around a religious institution, a place of worship and a primary school. The consequences of the violence have been horrifying and to my mind, it was all part of a master plan to spread terror. Like the other incidents, the Police made a very special effort to collect the rock pebbles that had been brought from the GURPUR river some distance away, and these were taken away, but the Journalists and the victims found a few of them and produced them before me. **A meticulous effort was made by the Police to collect all the teargas shells but three of them were found after the police left and these belonged to the same batch of teargas shells which were over six years beyond the expiry date.**

This was a pre-meditated attack directed essentially against the Catholic community. It had been meticulously planned and every effort was made to hide the evidence which included the medical evidence. FORTY NINE OF THE INJURED VICTIMS INFORMED ME THAT THE HOSPITALS AND CLINICS WHERE THEY HAD BEEN TREATED REFUSED TO GIVE THEM EVEN MEDICAL CERTIFICATES ON THE GROUND THAT THE POLICE AND THE BAJRANG DAL HAD ORDRED THEM NOT TO DO SO. AGAIN, AT A

LATER POINT OF TIME, THE HOME MINISTER ANNOUNCED THAT COMPENSATION WOULD BE PAID TO ALL THOSE WHO GOT INJURED. 197 PERSONS INJURED IN THIS INCIDENT APPLIED FOR THE COMPENSATION AND THEIR CLAIMS WERE REJECTED ON VARIOUS GROUNDS. ONLY ABOUT A DOZEN OF THEM WERE GIVEN SOME MEAGER AMOUNTS.

As a face saving device, the Home Minister and the State Government publicly announced that all the damage done to places of worship, buildings, fixtures etc. in the course of these incidents would be compensated for. There was no massive damage that took place in this incident unlike some of the other ones but on a conservative estimate, the damage would not be less than Rs.4.00 Lakhs (Rupees Four Lakhs Only). Not a rupee was received.

In sum and substance, I have done considerable research to try and find out as to why and for what reason this particular Church and School have been attacked. The Chief Minister and the Home Minister were amplifying the saffron charge that conversions were the cause for the attacks. Admittedly, there had been neither any actual conversions, attempts at conversions or even the vaguest allegations of conversions in this area. It is self evident therefore that this ground was false and non existent and that the use of violence which had shocked the world in Orissa and in Gujarat, both BJP ruled States was being replicated in Karnataka. Why Dakshina Kannada ? The obvious reason was because there is a relatively large representation of Christians in this part of the State and the attempt was to finish them.

CHAPTER-VII

BLOOD CURDLING CARNAGE AT PERMANUR:

Of all the incidents that took place in the State of Karnataka during the planned attacks against the Christian Community and their places of worship, there is none so distressing and at the same time, so utterly horrifying as the Permanur incident which took place on the 15th of September 2008. It is first necessary for me to record the background perspective which is that this area is located a few kilometers away from the Centre of Mangalore City and it is a short distance off the National Highway that leads to Kerala. It is an area that has developed very rapidly in the course of the last 30-40 years, particularly after the road bridge was constructed and it can be regarded as one of the busy suburbs of Mangalore. There is a very large Christian population living in this area quite possibly because the property prices in Central Mangalore started rising which gave rise to development of housing in the suburbs and since, it is relatively easy to commute to the City, the area got very densely populated. There is a cross section of persons residing here, all of them belong to the lower middle class and middle class sector of society, many of them are associated with the fishing business, others are essentially salaried persons who travel to their place of work and back.

A little further on from Permanur towards Ullal, one finds that there is a very large representation of Muslims, but as far as this area is concerned, it is predominantly Christian which would make it about 60% and the remaining residents are Hindus. They have lived in harmony for the last half century

and in peace and the local police admit that there has never been any form of unrest nor a law and order problem in the last 20 years. It is also a certificate to this part of Mangalore that the crime rate has almost been zero and I mention all of this because what happened on that day and the justification of the State Home Minister, Dr. V.S. Acharya at the Press Conference addressed by him and the Chief Minister, shortly after the incident when they were asked as to how and under what circumstances could a fully armed contingent of riot police be taken to that place on 15th September and the Hon'ble Gentleman has gone on record as saying that it was a communally sensitive area prone to violent flare ups and that this was the reason why the S.P. and another Senior Officer by the name of Jaynath Shetty along with five other Officers and 160 fully armed riot police in a convoy of about 20 vehicles had gone to that spot. **The Press & TV Channels asked Acharya to direct the DIG of Police and the SP and Jayanth Shetty both of whom were present at the Press Conference to give the dates and the number of communal flare-ups and the details of the action taken when all of them cut an extremely sorry figure because they had to admit that in truth, there had not been a single incident either recorded or otherwise.** Since, I have found that each of the attacks and in fact every one of them was pre-planned and that it was executed in collusion with and had the active assistance and participation of Bajrang Dal activists with a representation of the Ram Sene activists, this aspect of the matter assumes importance.

The allied aspect of equal importance is the fact that the communal harmony between the two communities despite the saffronisation of the Karavali area had not had any effect on Permanur because this was the only part of the District that was completely free of the abundance of the Saffron flags hung

from every tree, lamppost and buildings etc. I shall have occasion subsequently to point out that in all the remaining cases the occupants of the tempos who were armed with stones and police lathis and who virtually led the assaults as far as violence was concerned were all clearly recognized and identified by the victims and the local witnesses as the Bajrang Dal activists from the area who have been terrorizing the locality for quite sometime. In this case, there is an abundance of videos and photographs which show these activists in action assaulting innocent men and women with lathis on their heads and other parts of their bodies and it took me a couple of days of cross checking before it was revealed that they were the persons from the adjoining areas where violence from these activists was very prevalent. It is clear that there was a master plan executed by the State Government Machinery at the instance of the Saffron organizations to target and terrorise the Christian community by physically attacking them and damaging and vandalizing their places of worship, Since these attacks have been planned on a state-wise basis and victims were taken by surprise, they were virtually soft targets. It was also a known fact that the relatively large community would always congregate at the local Church for their services and that this was the best area selected to attack them. They would also be totally unprepared since they had come there for a religious service, they would not be able to resist and the maximum damage could be inflicted on them.

I need to also record two other factors of immense importance. As one drives to the Church of St. Sebastian which is the Parish Church of this area, one passes a temple which is located on the opposite side of the road, a short distance from the Church. This is a medium sized temple and serves the religious needs of those professing the Hindu faith. The

undisputed position is that all the religious activities in the temple were being held without any interference, obstruction or any other impediments. I spent about 15 minutes at this place because it is my habit to always go into and pray at a temple. The reason for this is because during my school days in Mangalore, my best friend was a boy by the name of Bhat who was the son of the Chief Poojari of the Ganapthy temple in the Centre of Mangalore. We were very close friends and I have spent lots of time at his house in the temple compound. I have attended numerous poojas and arathis and developed an abiding and deep devotion to these places. The reason why I spent sometime at this temple was because I desired first hand information with regard to the all important question as to whether there had ever been any problems between the two communities and the answer was a definite No. To a definite query as to whether any of the services held at the temple or the Church had caused problems to the other institution, the answer was No. Next came the all important question as to whether there was any complaint to the Police before or on 15th September 2008, and I was informed frankly that nothing of this sort had happened. These persons were all eye witnesses to the incident that followed and they told me that they themselves were surprised as to why the Police came there in such large numbers which was something that was totally unprecedented. This aspect of the matter assumes crucial importance because the Home Minister unsuccessfully tried to defend the police action on the ground that the Christian congregation had stoned and attacked the temple. The temple authorities flatly denied this. They were quite certain about the fact that there was no attack and no damage. This contention of Dr. Acharya is total and complete fabrication. I would have expected greater levels of honesty from this man especially in official matters of crucial importance.

In order to understand the gravity of the incident, it is equally necessary to picture the topography of the area. The Church in question which caters to the Catholic Community is a relatively large Church which can accommodate around 500 persons. Next to the Church, at its rear is the residence of the Priest, where two or three of them reside. There were a couple of small bedrooms or living quarters, a dining room, a kitchen and a small store room apart from the toilets and other common areas. The front of the Church has the altar with the sacred tabernacle. Behind the altar is a small area known as the Sacristy. It is in this place that the vestments or sacred robes which the priests use for the mass and other religious services are kept in cupboards. Next to these cupboards, is another locked cupboard which houses the gold plated chalices, gold plated patens (plates) and other sacred objects that are only taken out for use during the mass or other religious services. There are also the religious books stored in this cupboard known as the Missal and other Prayer books. The lower portion of the cupboard has a collection of prayer books which are used for reciting prayers or singing hymns during the religious services. Hymns are religious songs which the community sings during religious services.

Apart from the lights, fans and other electric fixtures, this Church had a new sound system with speakers located in different parts of the Church. There was also a musical instrument like a Piano which is called an organ. This is a very valuable and highly sophisticated instrument present in all Churches on which sacred music is played and it is also used during the services to accompany the singing. The organs in the bigger and older Churches in different parts of the world are huge instruments costing millions of rupees and are known as Pipe organs. They are priceless and are even used for special

concerts. The one in this Church was a new electronic organ which I was told cost over a lakh of rupees.

Some distance away from the Church in the same compound, there is a school which is run by the Nuns. Unlike in the Kulsekhar incident, the police did not go into or near this school. As one enters the Church compound, there is the Parish Office where the Priest conducts their community work. The Church and the Office as also the residential quarters of the Priest are relatively new being only about 10 years old and are all well furnished and well equipped. Between the Church and the road leading to it, there is a relatively large open area which could accommodate about a 1000 people. I am informed that this area is used for functions and religious services occasionally. What is of special importance is the fact that the whole of the compound is completely paved with concrete blocks and there is not any unpaved area i.e. no mud or stones anywhere around. One enters the compound through the gate and proceeds through it for some distance to the Church. The whole of the area belonging to the Church is enclosed by a compound wall.

As indicated earlier, the first of the attacks which was directed against the Adoration Monastery was on the morning of Sunday, 14th September 2008. This was followed by the savage attack on the congregation outside the Monastery along the Milagres Church Road on the afternoon and evening of the same day. All of this was projected live on the local TV channels and by all the local papers. It had created alarm and sent shock waves around the community. All the Churches immediately announced that special services and prayers for reparation would be held the next day i.e. on Monday, the 15th September 2008. The whole of the community was deeply concerned and involved and this explains why the service on the late morning

of 15th September was attended by 400 to 500 members of the congregation, about half of this number being women. The mass service took about 45 minutes. It was a normal service conducted with deep piety and all those present were specially requested to pray for peace and communal harmony. The wrong assumption at that time was that the violence directed against the religious places on the previous day was at the instance of some misguided miscreants and that the police had over reacted. I have cross checked from the Priest and the congregation that in the sermon, the Fr. who had officiated at the mass had told the congregation that they should not react violently, that they should on the contrary maintain a dignified approach and pray for communal harmony. This is important because there was no incitement or provocation.

The eye witnesses from the Parish Office which is facing the gate are unanimous about the fact that when the mass service was about half way through, the police arrived on the scene in a convoy of vehicles. They were led by the SP and Jayanth Shetty, both of whom are extremely well known Officers in the District known for their arrogance, rough behaviour and so-called close political contacts. These two Officers were attired in battle dress, complete with helmets and lathis and were also carrying fire arms. The same was the position with about six other police officers who accompanied them. They drove their vehicles up to the Parish Office, got down and asked as to what time the service would finish. They were told that it would take about 10-15 minutes. The Officers then went to the gate closed it and sealed off the exit with the vehicles. The two tempos carrying about 20 young men in plain clothes armed with lathis were brought into the compound and parked about 20 meters from the Church with the occupants still in them. The remaining police vehicles remained on the

road but all the riot police were brought into the Church compound and ordered to form a big semi circular ring around all the exits of the Church. The fathers from the Office and the Staff and about 10-12 persons who had come there for work in the Parish Office got alarmed and asked the SP and Jayanth Shetty as to why the police had come there. They were told by the two Officers that the members of the Christian community were indulging in violence and that the Government had decided to teach them a lesson.

Adverting here, I need to point out that after the incidents that had taken place on the previous day, the Press and the TV channel personnel state that they had expected further incidents thinking that communal clashes would break out. The SP and his Convoy had started off about half an hour earlier from the Police Headquarters which are located at Pandeshwar which is a good 10-15 Kms away from the suburb. The route chosen by them was through the City Centre and immediately the Media was alerted because they were of the view that something serious has happened and that the police in large numbers were heading for that spot. Making allowance for the media persons to follow the convoy, they managed to get there around the time when the SP and Shetty were positioning their persons around the Church. According to the media personnel, the riot police who had sealed off the entrance and closed the gate told them they had orders not to permit anybody inside and this was why they had to initially stand on the road. The Church is at a spot slightly elevated from the road and consequently, all of them had perfect visibility at close quarters of what was happening. Moreover, the incident was in broad day light, so, there was no problem as far as even the clarity aspect is concerned.

This aspect of the case is extremely serious because it

demonstrates the totally uncivilized and barbaric behaviour of the S.P. and Jayanth Shetty and the entire bunch of Officers who had come there. They have no respect for places of worship or for sacred services or for the deep seated sentiments of pious people in so far as the mass was not complete when they stormed into the Church and disrupted the service. Towards the end of the Mass, there is the Communion Service which is about the most sacred part of the Mass when the body and blood of Christ is symbolically received by each person. This was the point of time when the Police Officers stormed in, shouted at the priest in Kannada and ordered him to stop the service. When he requested them to wait outside, he was slapped and physically pushed into the Sacristy. The members of the congregation were wild but were unable to do anything because the S.P. and Shetty as also the other Police officers took out their Revolvers and at gunpoint ordered the Congregation to go out of the Church immediately. The entire congregation had no option except to comply and started moving out into the compound. What happened inside the Church is not recorded on video but there is the unanimous testimony of over 200 persons who swear to this. Additionally, having seen the general make up of these two uncivilized and uncouth brutes who headed the police force, I have no hesitation in accepting this position also because the exit videos have recorded the timings and there is no reason why the congregation should have come out 10 minutes before the normal conclusion time of the service. The priest who had been manhandled was a visiting Priest from another town, so I was unable to take his statement but that was not necessary.

The first set of videos is very interesting because it records the whole of the unsuspecting congregation coming out of the Church. The SP on one side and the Shetty on the other who

had megaphones told them that the Church should be emptied and that the doors should be closed. The Church Staff were in the process of closing the doors as everybody had come out into the compound and they were now surrounded by the police and the two blue coloured tempos. Without any provocation, the volley of rock pebbles were hurled at the congregation who were caught between the Church and the Police and who were not allowed to exit. There was a lot of panic, shouting and screaming at this unprovoked attack. Since, it was impossible to move forward, out of self reservation, everybody tried to run into the Church. This was when the Officers shouted to the police to chase them into the Church and to beat them up mercilessly. In order to save themselves from the stones and the lathi charge, the entire congregation ran back into the Church through whichever of the doors were open. They were followed by the Police and the 40 odd activists from the blue tempos who had jumped out and who were leading the assault.

What followed was absolutely horrifying. The SP, Shetty and the other Officers immediately ordered the use of teargas shells INSIDE THE CHURCH. Since, the windows were still open, though, it was extremely suffocating, nobody died. The Media persons had by then entered the compound, they got to the doors and windows of the Church and have recorded something very interesting. The altar in the Church is extremely sacred. The SP and Shetty were standing on top of the ALTAR which is very Sacred in their boots and realizing that the use of teargas inside the Church would equally affect the police, they immediately ordered the police to beat up everybody present, chase them out of the Church, but ensure that they were surrounded and that nobody escaped. This was when the Police ran wild. They beat up everybody inside and even smashed the furniture in the Church. Everything which inside was

attacked and smashed to pieces. Even the altar and the sacred areas were vandalized by the SP and Shetty who broke everything inside with their lathis. The police were also ordered to go into the Sacristy which is the room behind the altar where all the sacred objects are stored, as also, into the Priest's quarters and I shall summarise what they did there.

The whole of the Sacristy was violently ransacked, the cupboards where the sacred objects were kept were broken open, all the sacred books were thrown out and set on fire. The vestments were also desecrated and torn and the majority of them were burnt. All the sacred objects which are gold plated possibly because they are valuables were carefully carried out and deposited in the SPs vehicle. There were several statues in the Church and in the Sacristy all of which were smashed. The Nuns who were there ran out from the rear exit and escaped with minor injuries. The police then proceeded into the residential quarters and destroyed furniture, fixtures and everything which was inside. They did not find anybody present there except for one elderly lady in the kitchen who was doing the cooking. All the food was thrown on the floor, the plates and crockery were smashed. The old cook was caught by her hair and dragged out of the building and violently flung out of the rear exit. She escaped with relatively serious injuries but, to quote the favorite expression of the State Home Minister, "she did not die." According to media reports in another gory gang-rape case from Davangere where communal elements were involved, Acharya took the matter very lightly by stating "there is nothing so serious because the GIRL DID NOT DIE" Karnataka is very very unfortunate to have such a Home Minister- when I had insisted that he be dismissed from office I was told that he is a very senior RSS PRACHARAK, which is true, and that he is extremely close to Advani and cannot be touched.

The whole of the Church had been completely vandalized and everything which was inside including the sound system and the organ were mercilessly smashed. All the glasses were destroyed, the statues broken and the statue at the entrance of the patron saint was also badly mutilated. The level of violence was so very high that even wooden furniture like benches and chairs had also been smashed to pieces.

Meanwhile, the congregation who had been driven out of the Church had been surrounded in the compound. Every single person there was injured, many of them were bleeding and in addition, most of them were in a bad way having been exposed to large quantities of teargas inside the Church. The Officers who were directing the operation then ordered the police to send all the women away. All the women were ordered to leave the place and were given a set of very painful parting lathi blows mainly on their backs and legs. This reduced the number of persons surrounded to about 200, all of them young men and older men.

One would have imagined that even at the highest levels of hatred, that the violence let loose on the congregation in the earlier half an hour by the police and the saffron partners would have been enough but not for these savages. That was when the SP and Shetty joined by the remaining Officers suddenly transformed themselves into raving maniacs. They started screaming to the police to break every bone in the bodies of the victims who, have been brought out of the Church with their hands over their heads and were made to squat in the compound in the same position. They were assaulted mercilessly with lathis and the videos and the photographs have clearly recorded this. There are at least 170 of the men with head injuries, blood flowing over their faces and their clothes, drenched in blood. Not only were the SP, Shetty and the Officers

inciting the police into savage violence, but they had joined the operation and the close-ups of some of the photographs show them clearly enjoying what they were doing. I have many times had occasion to refer to the fact that after the BJP Government had taken over, the whole of the Karavali Police force had been saffronised, but indication of how big the damage was is reflected in this incident where the Christian community who have been subjected to the levels of violence that can only be described as ghastly. This was not a riot control operation, but a one way assault on a large group of helpless and unarmed persons.

Once again, Acharya maintains that nobody had died in this incident. After having long standing experience of four decades into cases of violence, I am really amazed as to how no deaths took place and with due apologies to the Late Ayatulla Khomeini, it can only be attributed to the “hand of God”. There can be no other explanation. Days after the incident, when I visited the place, though, every attempt had been made to clean up the area, the whole of the compound and the Church was still virtually bathed in blood and looked like a battlefield. This was the magnitude of the savagery and brutality of the police on that day.

Providentially, the commotion and particularly the firing of the teargas shells and the fact that the school children ran away screaming in terror, brought a couple of hundred people to the scene. They were absolutely livid at the behaviour of the police and threatened to lynch them. This stopped the assault. The first instruction given by the SP was that all the teargas shells should be collected and taken back by the police, secondly, he ordered that the stones should all be collected and put back in the tempos. He also instructed the police to carry every single one of the injured person who numbered between

150 and 200 and put them into the vehicles. He and Shetty had made a series of phone calls over their mobile phones and in the next 15 minutes, about 20 or 30 vehicles turned up, most of them civilian vehicles. At that stage, the intentions of the police became evident.

Though, for obvious reasons, all the injured females had been beaten up and chased away earlier, every single one of the male injured persons was ordered into the vehicles or was dragged into them with the idea of covering up the evidence of the assault. So complete was this operation that all the vehicles in the area, which numbered as many as 106 two-wheelers, many of which had been damaged in the course of the violence were loaded into trucks and taken away.

As happened in the case of the Milagres incident, these vehicles were taken away to different Police Stations and it took the owners as long as 4 to 6 weeks to retrieve them after paying the usual amounts of money and running from pillar to post. Not a single vehicle was intact. They were not only damaged but were stripped virtually down to the bare structure. It is obvious that the police and their agents had decided to have a field day by selling everything that was removable from these vehicles. No complaints were entertained on the threat that the owner would be thrashed and locked up and in every case, the poor owners had to pay for retrieving the skeleton of their vehicles.

The story of what happened to the injured persons is absolutely gory and unbelievable. No relation or friend was able to trace them for almost a week. In order to cover up for their maniacal assault, the police loaded them into vehicles that had been forcibly requisitioned and sent them to Madikeri, Mysore, Bangalore, Bellary and even as far as Belgaum on the ground that they were under arrest and that there was no place

in the local jail. They received neither medical attention nor food and again, how they survived this journey is a miracle. **The Mangalore Police have no record of any arrest or of any medical treatment made available.**

At all the places, where these injured persons had been taken, the local social workers and particularly the Nuns visited the jails, gave them food, medical treatment and clothes. The State Government had ordered that none of them, how so ever seriously injured should be taken to any hospitals. It is thanks to PUCL, the right minded citizens, the social workers and I must say, the Lawyers in these places that some assistance came to these victims. It was an extremely difficult operation getting them released on bail because the Police had indiscriminately charged them with serious criminal offences such as assaulting public servants in the discharge of their duties, causing injury and attempt to murder. I have seen the type of remand applications filed by the police in respect of all these cases and having been part of the higher judiciary for 15 years, I wish to record that it is a shame on the subordinate judiciary that every single Magistrate blindly supported the police, refused medical treatment as also to hear the Bail Applications and kept the Accused in custody. I have seen through this shameful sequence to which the judiciary was a party and what amazed me was that in order to cover up the fact that every one of them was injured, though, the Law mandates that they must be produced before the Remand Court, in every single Remand Application, a statement is made that since there were a large number of Accused, no escort or transport was available and the police be excused from producing them in Court and despite violent protests and written Objections from the Lawyers, the Police were allowed to get away with this. This is a serious blot on the subordinate judiciary in Karnataka, my remark applies to those of the Magistrate(s) before whom these sort of

Applications were filed and who blindly granted them. It was very clear that the police did not want any of the injured persons to be released in a hurry and even when they ultimately came out of custody, they were distinctly told that if they make any complaint, they would be rearrested.

I have made several trips to the area and to the Church, on the first of them three teargas shells were recovered from the secluded parts of the Church, all of these were hopelessly outdated by 6 to 8 years and this is the reason why the police were anxious to retrieve all the shells and take them away. Again, about half a dozen of the stones were recovered, these are the same rock pebbles that had been brought from the river bed and it was self evident that this incident followed the general pattern. It was the Saffron activists in the tempos who were assigned the tasks of bringing the stones from the river bed and of starting the proceedings by using them. I have carefully checked the videos and the photographs and on this occasion, there was nobody sitting on the top of the driver's cabin brandishing Trishuls, but the saffron flags were very much in evidence on both the vehicles. It is amazing how brazenly the Government machinery was identifying itself with the saffron brigade and after the performance of the SP, Shetty and the Officers, I would have expected the saffron flags to have been flying from the police vehicles also! If and when Acharya becomes the Chief Minister of Karnataka, which is a distinct possibility if the BJP continues in power, this will be his first official order!

How many persons were injured in this incident ? We took meticulous care to hold a series of meetings over two and a half months for purposes of getting a reliable estimate of the nature and magnitude of the injuries which I am summarizing below:

- (a) Nine of the Nuns suffered bruises and injuries on their arms, back and legs. None of them resulted in fractures, but almost all of them were immobilized for periods between 1 to 4 weeks.
- (b) None of the Priests suffered any injuries.
- (c) Among the women, 72 of them had sustained bleeding head injuries from the stones and from lathi blows. There was almost half a truck load of blood stained clothing that was produced. They are all middle class persons who had to avail of medical treatments over long periods of time and spend amounts of money which they could not afford. Not a single one of them received any compensation on the ground that their documents did not pertain to the Government hospitals. I need to amplify this last aspect because in almost all the cases where the Priests, the social workers and the Lawyers had instructed the injured persons to report to the Government Hospital, in every single case, they were told that it would be treated as a medico-legal case, that they would be immediately arrested on criminal charges and that it was in their own interest to seek medical assistance privately. Where did these instructions come from, if not from Acharya and his colleagues in the Government Head Quarters at the Vidhana Soudha ?
- (d) Among the injured women, as many as 62 persons had suffered compound fractures and dislocations and 46 had suffered crack fractures.
- (e) There was not a single one of the victims who did not have multiple injuries on their bodies, most of them attributable to stones and lathi blows, even if these injuries did not come within the definition of grievous hurt.
- (f) Another head which is serious is that unlike the Kulsekhar

incident, where teargas was used inside the school premises, but where fortunately, most of it was in open corridors and empty classrooms, in this case, the **TOXIC** teargas was used **INSIDE A CLOSED CHURCH** and it would have most certainly resulted in a large number of deaths, because it emerged from outmoded shells and was 100% toxic. The Police Officers quickly realized this and ordered the Church to be evacuated. All the same, the victims report that they suffered vomiting, nausea, dizziness and serious body complications which required expensive medication and continued for between 1 to 3 weeks.

- (g) One cannot in this context overlook the fact that when the members of the congregation came for the Church service, they came well dressed. All their clothes were damaged, torn and heavily blood stained and had to be discarded. The individual loss under this head alone comes to over Rs.500/- per individual on an average.
- (g) In the panic that ensued, the first casualty was the footwear. Both the men and women wore sandals or chappals or other forms of light footwear with a sizeable number of them using slip-on shoes. In the course of the commotion, every one of the owners got separated from their footwear and it got so badly damaged and scattered that even after one month, the huge pile of footwear could not be restored to its owners. This is another head of personal loss averaging from Rs.50/- to Rs.400/- per person which none of them could afford.

Findings:

- (a) This incident represented the biggest and the worst of the police assaults, because the violence levels reached

horrifying dimensions and as pointed out earlier, was continued long after the victims had been rounded up. The DIG Police, one of the finest Officers the Department possesses has done a very thorough enquiry and has recorded that every single one of the Police personnel who took part in these incidents ought to have been prosecuted in a Criminal Court and further more, that the SP and Jayanth Shetty as also their companion officers should be suspended forthwith and proceeded against for grave misconduct. This has not happened. And the file notings show that it was the Home Minister and the Chief Minister who Ordered in writing that no action should be taken. AFTER ALL, NOBODY HAD DIED!

- (b) The State Human Rights Commission has passed severe strictures against the State Government and recommended stringent action against all categories of the police who were involved, but nothing has happened.
- (c) Not one of the persons who were injured have received a single rupee by way of compensation.
- (d) Though the Chief Minister of the State and the Home Minister were proclaiming from every public platform that the Government would compensate for all the loss to person and property, this has not taken place. The damage to the Church property alone on a conservative estimate is computed at Rs.92.00 Lakhs. The holy objects which according to the videos were stolen from the Sacristy and placed by the Policemen in the SP's vehicle were never found. The damage and loss to the vehicles that were illegally seized runs into over Rs.62.00 Lakhs.
- (e) Over 170 innocent victims are still facing prosecutions under the gravest criminal charges because despite

assurances, not a single one of the false cases instituted by the police have been withdrawn. The fall out of this has been really horrifying. Whether it was due to illegal detention, injury or other reasons, as many as 47 persons have lost their jobs as they were small persons who have been thrown out because they did not report for duty. Over 118 others have been driven almost to bankruptcy by having to pay for medical bills and Lawyer's Fees for attending Courts which they can ill afford.

This is one of the most deplorable and shameful incidents that have taken place in Karnataka in the last century and to record that, it is at the hands of the State Government, only adds to its gravity. I have no hesitation in holding that like all the other incidents, it was preplanned, and that it was part of a deep seated conspiracy to replicate Kandhamal in Orissa where the Bajrang Dal had let loose violence that has shocked the world conscience.

Quite apart from the liability which is 100% as far as the Police, the State Government, the Bajrang Dal and the Home Minister and the Chief Minister who never once expressed regret but covered up and supported what has happened, the Human Rights violations in these attacks had crossed every conceivable limit. We have one of the finest Judges in Justice S.R. Nayak as the Head of the State Human Rights Commission. He has passed strictures in over 600 cases relating to these atrocities and the State Government has thrown the Orders in the waste paper basket. They still maintain that there is a Rule of Law in Karnataka nothing can be further from the truth.

CHAPTER-VIII

BURNING OF THE ST. ANTHONY'S CHURCH AT YEDAVANAHALLI, POLICE STATION ATTIBELLE, HOSUR TALUK, ON THE OUTSKIRTS OF BANGALORE- MIDNIGHT OF 12TH OCTOBER 2008.

(Priority is accorded in my Report to this incident which was in fact the last in the order of sequence time-wise because of its extremely dangerous complexion. This was a replication of the Orissa-style of attack using **Fire as the weapon of assault**-the world has witnessed the horror of persons being burnt alive and Churches and homes being destroyed in Kandhamal District of Orissa-Karnataka cannot allow that deadly virus to infect this pristine State).

Yedavanahalli is a modest village about 1 Km. off the Hosur Highway, within the limits of the Attibelle Police Station, which in turn is about half an hour's drive from the closest town. The Catholic Church is devoted to St. Anthony. The Church stands alone on a plot of land with a few trees around but there are no other structures adjoining it, not even a Priest's house or a school. It is a medium-sized building, relatively new and well-maintained. The electrical wiring and equipment such as switch-boards, main switches, fuses etc. are of a high quality. It is a modest Church with a few benches for the congregation and a coir mat on the ground down the centre. This Church caters to a congregation of about 300 devotees. It is not a Parish Church and the religious services are mainly on Sunday mornings. The Priest who officiates at the services is resident

at the Parish which is about 5 K.Ms away (about 20 minutes drive on a two-wheeler). The Church is locked after the services are over. There are a few residential buildings and shops across the road from the Church. Several Catholic families reside in these buildings. The area is relatively well-lighted even at night. The shops close by about 9 P. M. after which there is very little activity in the area. The roads are muddy and narrow, vehicles are few and slow-moving and are very noticeable; more importantly, very audible to everyone in the area, particularly in the stillness of the night. This last aspect is of crucial importance.

After the attacks on Churches and Prayer-centres in different parts of Karnataka on 14th and 15th September 2008 and thereafter, and the extreme brutality of the Police directed against the Christian congregation in different parts of Mangalore in and around the Churches there, a delegation of well-placed citizens led by me, met with the Chief Minister, the Home Minister and his Cabinet colleagues to demand immediate preventive and corrective steps. Most of these were very graciously acceded to, one of them being that the C.M. ordered round the clock Police protection to all the Churches in the State. This Order was implemented and Police personnel were posted around all the Churches. (To my mind Acharya being the Home Minister saw to it that the so called security was really ineffective in so far as at each place where it was provided, the Police were either absent or sleeping- they had no weapons, not even a lathi and more importantly, no fire-arms or even Mobile phones!) Two unarmed constables were assigned to the St. Anthony's Church by the Attibele Police Station, they did duty in shifts and were required to sign the Register when they came on duty and left.

An obvious human problem arose for the policemen as there was no shelter for them from the elements, more so when

it rained as also when it got cold. They requested the Priest to leave the small side door of the Church open so that they could sit inside or rest as the case may be. Accordingly, the door was left open for them and some facilities were provided. **Apart from the Police, nobody else knew about the side-door being left unlocked.** There is no hasp for locking this door from the outside but this did not present any apparent security risk as the police were supposed to be present round the clock, even if they relieved each other from time to time. The change of guard was always accompanied by the arrival and departure of a noisy Police vehicle which the residents of the area were used to. What is of consequence is the fact that the van would drop off the new pair of constables, proceed left, turn and comeback, pick up the departing pair and drive off. There was never any occasion for the van to remain there for any period of time. On the night of 12th October all this changed.

I spent several long hours meeting **every single resident and shop-keeper of the area** and my persistence paid off as I wanted to re-create the whole incident. One of the residents who lives in front of the Church who fearfully spoke to me in confidence under assurance of anonymity, states that he was watching TV till a little past midnight and that he had come out for some fresh air. He saw a white coloured Toyota Qualis **DIESEL which is a rather noisy vehicle, stop in front of the Church gate. What excited his curiosity was the fact that this was not the usual Blue Police vehicle. He saw five persons walk towards the Church, two of them carrying white plastic cans. He assumed that the police constables were carrying their supply of water. These persons had their heads and faces covered and he thought it was because of the cold.**

What made our good friend suspicious was the fact that instead of **TWO** policemen, **FIVE** persons, that too not in uniform, had pushed the side door open and entered the

Church- there was already a light on inside. He decided to wait and watch! The White vehicle was parked near the gate of the church and had a saffron flag on the bonnet. The driver was outside the vehicle, talking on the cell-phone with a saffron shawl over his head. Hardly ten minutes passed and he saw the five persons running back to the vehicle which drove away with a lot of commotion. IT WAS THIS GOOD SAMARITAN who immediately raised an alarm at the top of his voice. Within minutes every human being from the area woke up because the Church was on fire by then. They all rushed to put it out but were unsuccessful.

Mysteriously the Police appeared from nowhere- they telephoned the fire-brigade who rushed there from the Electronics City and extinguished the flames. The Priest was telephonically informed and he rushed there. The heat levels were abnormal and nobody could enter the Church till the next morning.

As news of the attack on the Church spread, the S. P. put out the version that the fire was due to an **electrical short-circuit and that it was a case of accident**. THE COMMISSIONER OF POLICE, BANGALORE SHANKAR BIDIRI WHO IS FAMOUS FOR STATEMENTS THAT MATCH HIS BOSS ACHARYA, IMMEDIATELY WENT LIVE ON TV AND HELD PRESS CONFERENCES BOLDLY STATING THAT IT WAS AN ELECTRICAL SHORT CIRCUIT- IT TURNED OUT THAT THIS MAN HAD NOT EVEN VISITED THE PLACE WHEN HE MADE THESE STATEMENTS! THIS SHANKAR BIDIRI IS UNANIMOUSLY RATED AS THE MOST INCOMPETENT MAN TO HAVE HELD THE POST OF POLICE COMMISSIONER, BANGALORE- HE WAS SPECIALLY BROUGHT TO THIS POST BY YEDIYURAPPA AND IS BEING RETAINED THERE DESPITE THE LAW AND ORDER SITUATION HAVING COMPLETELY BROKEN DOWN. THE

CHIEF MINISTER YEDIYURAPPA AND HOME MINISTER ACHARYA INSISTED ON PROPAGATING THIS THEORY IN ORDER TO SHIELD THEIR SAFFRON HENCHMEN WHO WERE THE REAL CULPRITS. This ruse did not survive for long because there was too much evidence to the contrary. **Despite the fire, the electrical installations were found to be faultless and intact and have been so certified by the Govt.'s own Electrical Inspector. THE SHORT-CIRCUIT/ ACCIDENT THEORY OF THE POLICE IS ESTABLISHED TO BE FALSE.**

Why are the Police trying to cover up for an obvious blatant crime? Why did they not register an offence and proceed to nab the offenders? Was there a conspiracy at a higher political level to recall the police and facilitate the crime? The answer is yes. **The Police were posted at the Churches under the express orders of the CM and no Police officer howsoever corrupt or bold would have dared to divert the duty constables in defiance of these orders. The fact remains that the two constables were ordered to leave the Church and report at Hotel Guestline a long distance away from where they were to return only after 1 a.m. by which time the operation would be over! The instructions to do this have come from very high up, obviously the Home Minister himself. The implications are grave. NOT ONLY DOES THIS ESTABLISH A COMPLETE BTEAKDOWN OF THE CONSTITUTIONAL MACHINERY IN KARNATAKA BUT AN OPEN CRIMINAL CONSPIRACY BETWEEN THE HIGHEST OFFICERS OF THE STATE GOVERNMENT AND CRIMINAL ELEMENTS OPERATING IN THE GARB OF COMMUNAL FORCES**

In order to uncover the truth, a virtual microscopic investigation was undertaken and what has been revealed is disturbing. Through my 35 years of experience as a Criminal

Lawyer and knowledge of Forensic Science, I carefully checked every area of the Church and it was confirmed that it was a Petrol fire. I have requested to friends who are experts in the field who confirm this and we verified from the Fire Brigade personnel who also confirm the fact that it was not an ordinary fire but a Petrol fire as they had to use chemical extinguishers to control it. Even after a fire of this magnitude, surprisingly enough, the electrical installations right upto the wirings on the walls, the switches and the MCBs were all intact and the Government Inspector has certified that there was no short circuit. The fire was therefore a clear case of arson at human instance.

The meticulous investigations done by me reveals that the adjoining areas are a Bajrang Dal stronghold and that the activists are extremely militant.

On the night of the incident around 10 P. M. a group of six young men arrived in a white Toyota Qualis at a small hotel not too far from the Church and spent about two hours there eating and drinking. What was unusual about their visit and why it was remembered was because they asked for two plastic cans, paid for them, and then sent a boy to get them filled with petrol from the petrol pump which was some distance away. (Since their vehicle ran on **Diesel**, the boy found it unusual that they had asked for **Petrol** but he obeyed orders and was generously rewarded for his labour.)

They left the hotel only after midnight when the whole area would be asleep and there was nobody around on the roads. They had obviously been assured of the fact that the Police had been diverted as also that the side door of the Church was unlocked. They drove to the Church, parked near the gate and five of them went in while the driver stood guard near the vehicle.

On getting in, the sacred objects were vandalized, petrol was poured on the Yamaha music system that is used for prayer and all around it. The altar was desecrated and it was doused in petrol. All the prayer-books were piled on the main altar around the sacred tabernacle and petrol was poured all over the area as the tabernacle was made of metal, was locked and they had no tools to break it open; the next best thing was to destroy it by fire. Petrol was poured over and around the amplifier and music system in the sacristy. The cupboards were opened and all the sacred vestments were vandalized and thrown out. The Holy Books and sacred objects like chalices, monstrance etc. were vandalized and thrown on the floor. The entire area was liberally doused in petrol. The last remnants of petrol were poured on the coir mat. Once the vandalism was complete, the fires were ignited and the miscreants ran away to safety. They boarded the vehicle and disappeared because this was when the neighbour raised the alarm. But for the timely action of the people who rushed there, the police who had reappeared and the Fire Brigade, the Church would have been burnt to the ground. All the same, being a petrol induced fire, the heat was so very intense that the glasses have all shattered and even the plaster has fallen off the ceiling. All the sacred objects in the Church have been totally destroyed. The building has suffered massive damage and the overall loss is not less than Rs.45.00 Lakhs.

It is abundantly clear that the objectives were three-fold:

Vandalise everything sacred to the Christians- a HATE CRIME. Desecrate the holy objects- an aggravated form of HATE

Burn down the Church in an attempt to stamp out Christianity

After the Report of the Electrical Inspector was published

and the “short-circuit theory of the Police was publicly rubbished” the State Govt . has ordered a belated CoD Enquiry, The fact remains that no offence has been registered nor has anybody been arrested to date. My investigations reveal that the assailants are known anti-social elements from the ADJOINING AREA. IT WOULD TAKE ONLY FIVE MINUTES TO PICK THEM UP PROVIDED THERE IS THE POLITICAL WILL.

There is complete communal harmony in the village- members of the other communities have unequivocally condemned the incident. Nobody has at any time attempted any conversions- there is not a single convert in the congregation; it took a lot of time and labour to verify all this. Not a single item has been stolen, on the other hand, the religious items have been viciously desecrated. **Why then did the attack take place? This was the starting-point in Karnataka of the unleashing of the Orissa type of violent attacks using FIRE and terrorising the Christian community.**

As in Orissa, a village was chosen, fire was used in order to DESTROY and not merely to vandalise and desecrate. What comes across most strongly is that it sends out a clear message that nothing will happen to those who commit these offences- that encourages them to repeat the crimes as has happened in this case. Again as in Orissa the Police who are an instrumentality of the State have facilitated the crime and shielded the culprits. The consequences are dangerous. What is far graver is the fact that the Police and the Government REPEATEDLY TRIED TO MISLEAD THE PUBLIC BY PUTTING OUT THE FALSE THEORY OF ELECTRICAL SHORT-CIRCUIT. Both in the case of the Mariannapalya church and this one, the incidents have taken place in the suburbs of the State Capital despite so called Police protection signifying a total breakdown of the rule of law. Each of these

cases raises the vexed question: on whose side are the Police? Not on the side of the victims, most certainly.

How was the identity of the culprits revealed?

I made extensive enquiries from the persons around who told me that after the incident when word spread in the village that the owner of a Bar-cum-Restaurant near the Main Road stated that it was obviously the group who had spent two hours eating and drinking at his hotel prior to the fire who were the culprits. The reason for this was because they did something very unusual in so far as they insisted that he should give them two large Jerry-Cans which he did not have. He sent his Helper Boy Khader to get these cans which they willingly paid for. Khader was then told to go to the Petrol Pump in an auto and given the money to fill them up with Petrol. The boy was a little over-smart, he went all the way to the Gas Station and came back. He asked those persons whether they wanted Petrol or Diesel, the reason being that their vehicle ran on Diesel and he thought that they had wrongly asked for Petrol. They told him that their other vehicle had stalled on the high-way as the fuel had run out whereupon he went to the Pump and returned with the two cans of petrol. **This sequence of events is extremely unusual and it is this last aspect that imprints it in human memory. Both the hotel owner and Khader related the entire incident and their versions tallied perfectly.** They also recall the fact that being a small place, the customers usually leave by about 10.00 pm or 11.00 pm but that on this occasion, since the Group had a lot of money that they were eating and drinking a lot and left close to midnight. This timing tallies with the incident and more importantly, the number of persons and how they were dressed tallies with the version of the eye-witness.

How did I land at that hotel ? After the eye-witness, residents and shop-keepers had given me a detailed account

of the incident, the fact that it was a white Toyota with a Bajrang Dal flag on the bonnet and occupied by six persons, I tried to find out their identity. That was when several of them told me that these persons had spent quite sometime at the hotel and that I should go there and make further enquiries. This was almost like detection work but it paid off. Khader even told me that the cans were heavy and that he opened the rear door to place them there, whereupon he was made to put them in the Passenger cabin and he was told that they were required to be taken out and hence, this was more convenient. He states that these persons had told him that they were heading back for the highway to retrieve their vehicle which was in the opposite direction and he just could not understand why they went INTO THE VILLAGE. And, interestingly enough, he was liberally tipped and asked to bring a pile of newspapers and a matchbox because they stated that their car was parked off the road at a very dark place and they may need to light a fire in case any repairs had to be done. This last tell tale circumstance fully fits in with the modus-operandi. It is too dangerous to ignite a Petrol fire inside a Church, because it blazes rapidly and sometimes even causes an explosion, so the safer method is to ignite a bundle of papers close-by and then allow the flames to reach the petrol and this is exactly what happened because a good percentage of the newspapers were not burnt and nobody could explain as to what newspapers were doing in a Church.

FINDINGS:

The facts and circumstances of the case unmistakably establish that this was a calculated, preplanned, premeditated attack on a Church on the lines of the September 14th attacks for which the head of the Bajrang Dal has openly boasted of responsibility. It was neither an accident nor a case of electrical short-circuit as falsely contended by the Police In this case the attack was more serious than the earlier ones which were

confined to mere vandalising. It is a duplication of the carnage let loose in Orissa. **The State Govt. is Constitutionally obliged to take all effective measures necessary to ensure that what has happened in Gujarat and in Orissa does not manifest itself in Karnataka. 23 incidents in five weeks and no action in a single case rings alarm bells, seriously shattering the faith and confidence of the minorities.**

Undoubtedly, the State or the Police Machinery had no hand in the Church fire but the fact remains that the two Constables had been deliberately called away and that too Departmentally for which there is documentary evidence. It is very clear that the assault was pre-planned and that the removal of the police facilitated it. This could not have happened at any lower levels unless instructions came from the top because it was under the C.M's Order that the Police were posted there. Again, the desperate attempts made by Shankar Bidari, the Police Commissioner and the repeated statements from Acharya that it was an accidental fire were clear instances of guilty conduct. If the fire was an accident, the Police and the Government would not have been so desperate to put out false reasons. The fact that the State Machinery was covering up for the Bajrang Dal is evident from the fact that within the next few days when the Bajrang Dal Chief openly claimed responsibility, there were persistent demands for action from the Government – no action was taken and no arrests were made. This is the ground on which the liability of the State is as high as that of the culprits who set the Church on fire.

The liability of the State for the loss and damage that has occurred is ABSOLUTE. The State is obliged to compensate monetarily to the extent of Rs.45.00 Lakhs (Rupees Forty-five Lakhs Only) in order to at least restore the confidence in the minorities, if at all it is serious about this. To date nothing has happened.

CHAPTER-IX

ATTACK IN AND AROUND THE VAMANJOOR CHURCH

The attack on the Church and the school which was jointly conducted by the Police and activists had taken place on the morning of 15th September 2008. The Kulshekar Church is located on the main highway leading out of the city of Mangalore heading towards Karkala etc. A few kilometers further down this road after Kulshekar, one comes to a suburb called Vamanjoor. Originally, a quiet village, it is today a very busy area with a large number of residential areas, commercial activity and even some very big educational institutions in the vicinity. There is a Catholic population of a few thousands in this area. On the right side of the road, as one heads out of the city, there is the Vamanjoor Church which also has a few structures attached to it, including the residential quarters for the Priests and some of the staff members. This Church is not located as far in from the road as the Kulshekar Church.

It has required a lot of minute investigation including examination of a couple of hundred persons to recreate what exactly happened on the morning of Monday, 15th September, 2008. The material indicates that the Milagres incident of Sunday, 14th September 2008 and the atrocities that took place there had been widely carried by the television channels and the newspapers but possibly by personal communication because there was a sense of alarm and deep concern through the whole of Mangalore city, particularly, among the members of the Catholic community. What is really more important is that the attacks that took place around this period of time were pre meditated, pre-planned and carefully executed almost like

a pre-empted strike at the Christian community all over the District. The timing of these attacks and the severity clearly establish that it was not sporadic and that it was directed towards the community and against it on a vicious and violent scale. Though, the incident at Vamanjoor was not anywhere as serious as what happened in many of the other areas it assumes importance for some other reasons which need to be highlighted.

The evidence indicates that on the morning of Monday, 15th September 2008, there was hectic activity on the road which is a very busy road. This activity consisted of Bajrang Dal activists on two wheelers carrying flags, thrishuls and sticks with a large number of jeeps and cars full of angry young men along with loud speakers driving up and down the road. This began as early as about 7.00 a.m. and created the impression in the entire area that they would destroy the local Churches. Then followed the Kulshekar incident which not only created a reign of shock but also of terror. All the Christian residents of Vamanjoor and the surrounding areas stated that they were extremely worried that they would be attacked if they attempted to proceed to their place of work and that is why none of them attempted it. The masses were held as usual in the Church early in the morning. The attendance was relatively light as happens on week days, but gradually, the congregation started converging to the Church premises as the situation on the road was getting unpleasant. More than a dozen calls were made to the police who refused to respond and the SP in response to every single call gave extremely rough answers to the effect that the Christians were creating trouble for the police and that they would all be beaten up if they did not behave themselves. What is merciful about this incident is that even though there was an aggressive presence of the Bajrang Dal activists in the entire area near the Church, all of whom have

been clearly identified by the local residents as also from their photographs and videos, these persons neither entered the Church nor the compound nor did they assault anybody till the police arrived on the scene. It is not very clear whether the SP came with the Police party or whether he came a little later on, but he did make an appearance because, like every one of the other incidents, the man is given to extreme degrees of violence and there are at least three clear pictures of him mercilessly beating people up himself. The most prominent police officer in this incident is Inspector Ganapthy who assumed the role of Commander-in-Chief, though, Jayanth Shetty seems to have been more active than him at times.

Vamanjoor is a few minutes drive from Kulshekar and it is very difficult to really justify the police presence there because no violent incident had taken place, all the activity was concentrated at Kulshekar. There was a white coloured Maruti Omni with loud speakers on it parked on the road near the Church gate and loud announcements were made saying that everybody should leave the Church compound or else the police would be brought there to give them a sound thrashing. My conclusion is that about 150 persons, most of them women, remained there because they felt safer than if they came out on to the road and many of them had essentially come in order to be around the Church, so that, it was not attacked. After the warning, the announcements were made that the police were on their way from Kulshekar and within hardly 5 to 7 minutes, the convoy arrived. The leading vehicle was the tempo carrying the activists and the rock pebbles. I have recorded in respect of each of the incidents that these lethal stones were gathered from the river bed and brought in tempos to be used as the first round of attack also because there was the possibility that some of them would be hurled back and the Hon'ble Home Minister has repeatedly gone on record saying that because the members

of the Catholic community threw stones at the police that they used teargas and lathis in their defence ! Nothing can be further from the truth.

What was done in this case was very interesting. My research shows that as a cover-up in each case, the rock pebbles were carefully retrieved and reloaded into the tempos also because they were to be used elsewhere and it is only a few stray ones that were found by the Press and others. It is the same tempo that had started the incident at Kulshekar and it was brought and parked in front of the gate of the Church. Immediately, the stone throwing was commenced, but having regard to the distance and the topography, the persons inside either ran for shelter or ran backwards and apart from four persons who sustained minor injuries, the stones did not hit their targets. This seems to have infuriated the activists and the police but what followed was interesting. The activists in the tempo were joined by another group of about 50 to 100 persons from the vehicles on the road and this entire mob charged into the Church compound armed with lathis and weapons and they started chasing everybody who was in the premises. The entire group of persons were finally rounded up between the Church and the gate, at which time, the Police Officers told them that they will be unharmed as long as they leave the premises immediately. On being told this, the entire group of persons started moving towards the gate when to their complete horror, they were pelted with a volley of stones from the tempo that was parked there. Before they could take evasive action or run back, the activists from the tempo followed them with lathis and started chasing them in all possible directions. The victims were not equipped to run and therefore sustained several injuries. The entire lot of victims were chased out of the Church gate on to the main road. In the meanwhile, the police had stopped the traffic by placing their vehicles across

the road and when the victims came out, they were stopped in a group and completely surrounded by the police. The Officers started shouting at them on the ground that they had blocked the main road, when in fact, it was the police who had prevented their exit from the place. An order was issued to use teargas and to lathi charge them at the same time. Since, the entire operation had been planned, the police took immediate action, this resulted in not only injuries to all those there, but they virtually ran for their lives. The shopkeepers and the persons from the area are very clear about the fact that the police prevented the congregation from leaving because they wanted to target them and that there was massive intervention from members of the public who objected to the assault on innocent persons. As soon as this happened, it became possible for all the victims to run away. The Officers directed that a clean up operation be undertaken, the stones were reloaded in the tempo, the teargas shells were collected and the police and the activists very hurriedly left the place, the main reason for it being that the Press and TV had recorded the entire incident and it was obviously embarrassing for the Officers.

No damage was done to the Church neither inside or outside nor to the Priest's house. The entire assault had taken place in the open area mainly the Church compound where the activists had launched the initial assault and thereafter on the main road where the subsequent attack took place. I had visited the area on two occasions and had personally met 137 of the victims.

EVERY SINGLE ONE OF THE 137 VICTIMS HAD VISIBLE INJURIES ON THEM. 46 OF THEM HAD HEAD INJURIES WHICH WERE OBVIOUSLY SUSTAINED IN STONE THROWING AND IN THE COURSE OF THE LATHI CHARGE. FOUR OF THE WOMEN STATED THAT WHEN THE TEARGAS SHELLS WERE THROWN AT THEM, THAT

THESE METAL OBJECTS HIT THEM ON THE HEAD AND CAUSED BLEEDING INJURIES. AS MANY AS 29 OF THEM HAD SUSTAINED FRACTURES DUE TO THE LATHI BLOWS. The majority of victims had between 8 to 10 injuries on them which were sustained on their backs, hands, forearms, shoulders and generally, the upper areas of the body.

The Law requires that if teargas shells are to be used that they have to be hurled in such a way that they do not cause any injuries – in this case, the police deliberately aimed them at the victims and that too at their heads which are the most vulnerable parts of the body and which could have endangered life. The Law also postulates that a lathi charge, like firing, has to be directed essentially towards the lower parts of the body where the injury would be minimal and the danger to life is avoided as the blows should not be directed towards vital parts of the body. In this case, every one of the blows was aimed at the upper parts of the body and at vital areas.

As indicated earlier, the entire incident has been recorded by the Media who produced the photographs and videos. The activists who took part in the assault were completely aided, abetted and supported by the police. The operation was directed essentially by Inspector – Ganapathy and Jayanth Shetty with the SP, Sathish Kumar taking over subsequently. Despite the best efforts of the police to collect the teargas shells, one of them was picked up by a media person who put it in his bag and this shell clearly indicated that it was outdated by six years. All the victims very clearly stated that they suffered the after effects of inhaling poisonous teargas for at least two full weeks after the incident despite medical treatment. In this case, the pre-planning by the Police and the Government Authorities was so perfect that even though, 27 of the victims tried to obtain treatment at the Government Hospital or to get admitted that

they were turned back and all of them had to obtain private medical treatment. Not a single one of the victims got any compensation, the ground being that they did not have any documentary evidence from the Government Hospital.

One fact which stands out in the case of this incident is that on advice, as many as 46 of the victims made the effort to go to the police station to lodge a complaint regarding their injuries. They were told that if they lodge any complaints, they would be straightaway taken into custody. I was shown a file full of complaints which had been addressed to the IG directed against the Police in respect of this incident, all of which had been sent under Certificate of Posting. The Office of the IG maintained that they have not received a single one of these complaints.

My findings in respect of this incident are as follows:

- (a) That there was zero justification for the police to have arrived on the scene and the sequence of events indicates that after the activists started the trouble that the police were asked to come there and assist in the assault.
- (b) That there was neither provocation nor cause from the congregation in the Church compound and that the activists and the police were the aggressors.
- (c) That the entire operation was pre-meditated, pre-planned and executed according to design. There was a total conspiracy to target and assault the members of the Christian community and to generally create absolute terror in the area.
- (d) **THAT THIS WAS A HATE CRIME BECAUSE THE LEVEL OF VIOLENCE USED AGAINST A GROUP WHICH CONSISTED PREDOMINANTLY OF HELPLESS, MIDDLE AGED WOMEN WAS**

DIRECTED TOWARDS CAUSING THE MAXIMUM AMOUNT OF INJURY AND PAIN AND WAS TOTALLY AND COMPLETELY UNPARDONABLE.

- (e) That the facts fully establish that this incident was a part of the general attacks on the Christian community, that it was planned and executed by the Bajrang Dal activists with total support and collusion from the police and that the State Government was not only aware of this, that it had been approved of and sanctioned even to the extent of issuing directions to the hospitals and police stations not to entertain the victims, so that, there will be a zero record of the incident.
- (f) The liability of the State Government in this case would be absolute. The President of the Bajrang Dal boldly proclaimed before the Press and the TV that his organization was the militant wing of the BJP State Government and that the Christians in the District would receive the same treatment which the members of the Muslim community had received in Ahmedabad and that the Bajrang Dal would give them the same type of treatment which the Christians had received from this Organisation in Orissa.

It is quite shocking and unimaginable where the Rule of Law is supposed to exist in this country that atrocities of this type are not only committed but that it is the State Government and its agencies who are the main perpetrators of the crime and that they get away with this type of horrifying acts against humanity. The Lokayukta and the State Human Rights Commission had occasion to pass severe strictures in respect of these incidents on a responsible basis, they are serious enough to merit dismissal of the State Government, but the agony of the matter is that nothing has happened.

CHAPTER-X

ATTACK ON THE BAJPE CHURCH AND THE COW SLAUGHTER INCIDENT

Bajpe is a small town about 20 Kms. away from Mangalore, but it is important and well known because the Airport is located here. The population consists of different communities, the two largest being the Christians and the Hindus with a sizeable number of persons professing the Muslim faith. The communities have lived together in harmony and happily over the decades and it is significant to record that there has not been a single incident of communal hostility in this region. Immediately after the Yediyurappa Govt. came into office aggressive activity began with saffron flags and banners appearing all over and groups of young men on motorcycles parading the roads and posting themselves at street corners. Home Minister Acharya who had never been seen in the town started coming there for RSS BAITAKS and the general atmosphere was polluted. I was shown a lot of literature in Kannada alleging that the Christians are “FOREIGNERS” who should be kicked out of this country and that the Muslims are all “CRIMINALS AND TERRORISTS” and who should be attacked mercilessly.

On the day I visited the Church an incident took place which is representative of the Saffron Terror. At the junction near the Church the Saffron musclemen had stopped a Three-wheeler carrying a cow and a 70 year old Muslim farmer named Kader. The cow had been seized by these miscreants and sold to one of their agents for Rs.2000/- on the allegation that Kader was taking the cow to the slaughter-house. The

cow had disappeared. Kader had been severely beaten-up. The vehicle owner Michael, a Catholic was also thrashed for abetting the so called crime of attempted cow slaughter. His vehicle was also damaged. The nice part of the incident was that the Police were present and they refused to intervene. I insisted that an offence must be registered. The Police Officers told me that both Kader and Michael had REFUSED TO LODGE A COMPLAINT. This turned out to be true because the saffron brigade told them in our presence that their legs would be broken if they complained. This is an indication of the communal violence that Acharya had let loose in the Karavali area that had seen 378 attacks on minorities in 4 months!

We decided to follow up the matter and retrieve the cow because Khader pointed out that the cow was under treatment at the Veterinary Hospital and he had the case papers. The cow had been taken by the person who had bought it for Rs.2000/- in another green coloured vehicle which had returned to that place, and I was told by the leader of the Bajrang Dal Group that it had been sent to a go shala. It appeared suspicious because then there would have been no question of the person paying Rs.2000/- for it. Realising that the situation would become uncomfortable, the Police and the Bajrang Dal activists left the place, whereupon I asked the Driver of the green tempo to take us to the place where he had dropped the cow. He took us to the Beef Market and to our horror, we found that the cow had already been slaughtered and the Butchers told us that it had been sold to them for Rs.6000/-. Poor Khader was in deep distress but this incident was an eye-opener to me with regard to the so-called love for the cow which has been made the main plank for all anti-cow slaughter campaigns by the BJP. I also recalled

how the persons who had enrolled me as a Bajrang Dal member told me that I was entitled to free food in any Non-Veg. hotel and they give me the brotherly advice that one should not ask for mutton because it is very bony and there is very little meat and that one should ask for beef because it is more tasty.

The two incidents or rather attacks that took place on 14th September 2008 sent shock waves through the entire coastal area and the Christian community reacted sharply. Attacks on the minorities were going on ever since the BJP Government had come to power which was about five months earlier and the volume and intensity of these attacks had been increasing. Dakshina Kannada District witnessed the worst of the violence because the RSS is very militant in this District. The Bajrang Dal which is an associate unit had been terrorizing the State of Orissa for over a year and it was alleged that the State Government there was turning a blind eye to murders, rapes and every form of brutality against the Christians which have attracted global concern. The Dakshina Kannada unit of the Bajrang Dal claimed full responsibility for all the attacks and the militant units were extremely active in every town, city and village. The universal complaint from every quarter to me was that this was because the Home Minister – Dr. V.S. Acharya who is a hard core RSS leader from his youth had instructed the Police Department which was under him to give a free hand to the communal elements and not to register any cases against them irrespective of the nature and number of attacks against members of the minority community and their institutions and further more that no complaints should be registered from the victims and that they should be severely beaten up if they come to the Police Stations. I personally visited a poor driver from the suburbs of Mangalore who was

assaulted by these elements for no reason except that he was a Catholic and when the injured man went to lodge a Police Complaint, he was assaulted so brutally by the Police that he landed in hospital for two months. He suffered a fracture of the cheek bone, underwent surgery and his family had to spend Rs.26,000/- which money they had to borrow. The police in their defence registered a case that he had suffered an accidental injury. In another case, a Muslim vegetable vendor in a village close to Dr. Acharya's home town, was beaten up in the market because he was not a Hindu. When he went to the Police Station, he was arrested on the false charge that being a Muslim, he was suspected of anti-national activities. In the process of so-called interrogation, he was so badly beaten up that he has suffered permanent damage to his kidneys and sustained multiple fractures and he is maimed for life. In order to get out of their culpability, the Police brought him all the way to Mangalore and dumped him on the footpath near the State Bank of India and a case of accidental fall from a bus was registered. After extensive treatments in hospital which his family could not afford and which the community paid for, he has now been sent back to his village as a handicapped person. I can cite atleast 119 more instances of these types of atrocities committed during this period.

On the morning of 15th September 2008, a mass was held in the Church at Bajpe, which was attended by about 200 members of the Catholic community. Being a working day, the entire congregation consisted of women with hardly a dozen men. After the Church service, the congregation came out of the Church into the compound. For some strange reason, they found the Police Officers led by one Inspector Chandrashekar along with a relatively large group of police

standing in front of the gate. As the congregation came out, the gate was opened and the police came into the compound. There was a tempo stopped at that place apart from the police vehicles and identical to the Milagres incident, a shower of rock pebbles were directed at the congregation from the Tempo. Since, the majority of persons were closer to the gate than to the Church, their instinctive reaction was to try and get out of the place. Chandrashekar and his men physically pushed everybody back and he immediately gave instructions to lathi-charge all those present. The police and the Bajrang Dal activists severely beat up the entire congregation, even those who had gone back into the buildings and simultaneously, for no reason, atleast 30 shells of teargas were thrown at them. Every single man and women present sustained injuries and had to undergo prolonged medical treatment. One of the victims who had sustained a serious back injury, a young lady, was admitted to the hospital in Mangalore. I verified from the case papers and the Doctors that she had sustained an injury of considerable seriousness to her back as a result of lathi-blows which could affect her seriously for the rest of her life. She was also suffering from acute toxic conditions due to the toxic teargas that had been used. One of the shells which the police left behind after the clean up operation was taken by a Journalist to Mangalore. This shell bears the markings of the expiry date of 2002. Ironically enough, the granite rock pebbles used in this case were identical to those used by the Police in the Mangalore attacks. The number of injured persons in this incident exceeds 300 and as many as 187 of them had sustained serious injuries. This attack was totally unprovoked and unjustified, again because it was a peaceful congregation who had emerged after a prayer service and when the police were asked

as to why they were there, Chandrashekar stated that they were being given the first dose of what would happen to them if they protested, demonstrated or reacted to any of the Mangalore attacks. In this case, the police did not enter the Church, even though, it was open, but, they smashed the glass of the grotto in the compound with the warning that next time they would finish the Church.

This attack assumes deep significance because it was away from Mangalore, but it was intended to strike terror in the entire region. Secondly, the hostility and hate levels are indicated from the fact that the police attacked an almost all women congregation, and did not hesitate to mercilessly assault and injure almost every human being around. The operation was being directed by two Senior Police Officers, but, in the confusion, the victims are unable to clearly identify them. The Press and TV were not around, but more than two dozen of the victims insist that the two Officers were the SP from Mangalore and one Jayanth Shetty. As far as the SP is concerned, the local people were not too familiar with his identity, but they seem to know Jayanth Shetty better, because the view is that, he is as aggressive and brutal as the SP. He is very much feared in the District because he is supposed to be extremely close to some of the local Politicians and one of the Ministers. Though, I cannot record a conclusive finding as far as this incident is concerned regarding the participation of these two Officers, in view of the timing, the pattern and the modus-operandi, the needle of suspicion does point strongly at them.

The most important and useful feature that emerged from my investigations in Bajpe emanates from the fact that it was here that I was able to get to the source of the rock pebbles. It was at this place that the ladies called the tempo Owner

Prakash, who confirmed that the Police had loaded the local Bajrang Dal activists in his tempo and he was made to drive to the local river and load the stones in his vehicle and park it in front of the Church where he was an eye witness to the use of the stones against the congregation. The humorous part of the narration from him was that after the incident, he was made to join the policemen in collecting the stones, loading them back in the tempo and taking them all the way back to the river bed. In order to save fuel, for which the police were not paying him, he requested them for permission to dump the stones close by, when he was told that they must go back to their origin as they did not want any problems if they were found in the vicinity. In Criminal trials, the Police always highlight guilty conduct on the part of the accused persons, this is a case in which, the guilty conduct on the part of the police stares one in the face.

My conclusions are that like the earlier incidents, this was also a hate crime instigated by communal overtones. That it was executed essentially by the State Machinery i.e. the Police, abetted by the communal activists speaks volumes for how deep the rot had spread and how close the collusion was. It is again a total break down of the Constitutional mandates and an indication that the State Government itself was responsible for destroying the law and order situation in the District. That this should have happened in an area of the State where the communities had lived happily together for centuries is indicative of the fact that a small percentage of fundamentalist bigots with political patronage can target and destroy an entire area.

ATTACK ON PERMUDE VILLAGE CHURCH

A few kilometers ahead from Bajpe town, one comes across a village by the name of Permude. This place has assumed some prominence because the Mangalore SEZ authorities, taking advantage of the fact that the area consists of vegetable gardens, paddy fields, coconut groves and fruit orchards as also small farms where poultry, cattle, goats, pigs etc. are reared and these activities form the livelihood of the families in that areas. What is extra special about Permude is that among the few hundred families who live there, almost all of them profess the Christian faith. None of them are affluent, they live off the land and the City of Mangalore benefits from the fact that every day the women from the Village take their organically grown vegetables, eggs and other modest farm produce to the city and the town and sell it at prescribed areas. In addition to these items, they also carry the local flowers such as the very special scented jasmine, the orange coloured “abolim” which is a must for weddings and celebrations and the strings of yellow “sevanthi” which are used in all forms of poojas, prayers, garlands etc. This is a century old tradition and in and around Mangalore, it is these catholic women who are the only and regular suppliers of these items that are known for their quality and speciality.

These rural folk were suddenly attacked by the SEZ authorities headed by a bunch of thoroughly dishonest officers and aided and assisted by a bunch of musclemen under the guise of contractors. Without following any legal procedures

and in rank breach of the specific directions of the Government of India, that no agricultural land or farm land can be touched, the SEZ Authorities decided to use muscle power because the poor Christians most of whom were tribals, had absolutely no capacity to resist and possessed no fighting power. Undoubtedly, the lands were valuable because if converted into commercial, it was a virtual goldmine. It did not matter to the Pais and Hollas and Shettys who headed this operation that they were destroying precious paddy fields, village families and destroying a whole generation of tribals under the guise of so-called industrialization. The entire matter had taken a communal turn because there were a small group of very prosperous and influential persons belonging to the Bunt community whose area was included in the SEZ. They were most willing to trade in for money, but they insisted that they must be resettled in this particular area along with their family deities or temples. Under the law, it was necessary for these persons to be resettled in non agricultural areas and you cannot destroy paddy fields, fruit orchards, farm lands, farms and an entire generation of tribals for such resettlement. Some of the local organizations had taken up the issue and were trying to resist the action but without much success. Two of the country's very prominent Swamijis did not approve of these atrocities, Swami Agnivesh from Delhi and the Swamiji from Pejavar Mutt openly stated that no such atrocities should be permitted. This virtually took a communal turn because the equation was that the Catholic Village be totally destroyed in order to turn it into a prosperous residential colony for another community.

To my mind, not only was the whole action illegal, but it was barbaric and unpardonable. Even when I visited the area, I have personally seen the paddy fields being bulldozed by

the SEZ Contractors and the Press and TV have recorded this. The vegetable gardens were destroyed in an identical manner, the poultry and livestock was physically lifted by these thugs and taken away to the slaughter houses. THIS INCLUDED A LARGE NUMBER OF COWS. The houses were physically pulled down, the occupants beaten up and thrown out from the area and the wells were filled with mud. The SEZ Officers whom I questioned told me that they had opened bank accounts in the names of the villagers and deposited the compensation there.

These Officers led by a fellow by the name of Raghavendra Holla were extremely insolent and aggressive. They had a bunch of anti-social elements with them who beat up the villagers in our presence with the assistance of the Bajpe Police who were obviously on their payroll. I have vivid memories of an old man by the name of Giria Gowda telling me “these people have finished my family, destroyed my home and even my grand children have been taken out of the school. We are left to die on the footpaths of Mangalore, but before that happens, I will kill atleast 20-30 of them particularly the police who have taken the leading role. I do not care what happens to me.” I pointed out this incident at a lecture delivered by me on the origins of the Naxal movement and the so-called Maoist terrorists, both of whom are regarded as anti-social and anti-national emphasizing that they are villagers who have been subjected to what I briefly described above and thrown out of whatever little they possess and driven into the jungles like wild animals. This has been done by the Government of India, the State Governments, the Police and the Revenue Authorities and a set of shameless and thoroughly corrupt bureaucrats who in the name of so-called developments, such as the Mangalore SEZ have committed

crimes that are worse than what the Nazis did in Europe. I have related these facts because I am fully supported by the findings of the Lokayukta who has held that the revenue records were tampered with and fabricated and forged by the Government Officers at the instance of the SEZ Officers in an attempt to try and create false evidence that these lands were infact barren lands and not villages and agricultural and farm area. The State Human Rights Commission has passed severe strictures on the State Government and the SEZ as also the Police and the revenue authorities for the brutal and horrifying manner in which the Kunbi tribals in the area have been illtreated. Despite all this, the SEZ Authorities continued unphased. The sad reason being that the Karnataka High Court dismissed every PIL filed on their behalf holding that all the atrocities committed by the SEZ authorities were in the PUBLIC INTEREST!

As mentioned earlier, what was basically an economic and social problem had taken a communal turn because all the Christian families were to be destroyed to make way for rehabilitation of the deities, the temples and the influential members of the Bunt community. Several of the local organizations held dharnas in the areas, moved the Courts and tried their best to help the poor villagers. The media was so well taken care of by the money power of the SEZ that they refused to record any of the atrocities. I did not find it strange when the High Court kept adjourning the cases without granting any relief(s) though it is a matter of life and death and the Petitioners had a 100% case. I recall in my junior days that under similar circumstances, the late Mr. E. M. S. Namboodari pad had defined the Courts “as the bastions of the vested interests and the enemies of the poor and the down trodden.” The Kerala High Court convicted him for

contempt and the Supreme Court confirmed that Order. The only bright spark of that very sad proceeding was that Mr. Namboodari pad never apologized and in a celebrated Judgment, the then Chief Justice of India said that “I am constrained to hold that it would be difficult to disagree with this view.”

It was in this special background that the small village of Permudi was virtually in the eye of the storm. The SEZ has enlisted the saffron power to assist them in their illegalities and no opportunity was lost to attack the poor Christians. Even those who were outside the SEZ area were being beaten up on their way to back and looted of their earnings. These incidents were repeated with impunity in broad day light with the full assurance that nothing would be done to the culprits. Every thing that is being related above is a matter of record and it would be interesting to further point out that on the 8th of November, 2008, when the Media along with a Swamiji and myself went to personally verify the facts that we were all severely intimidated, the SEZs hirelings had threatened to kill the Swamiji on the spot and the police who were present told me that they had been given instructions to only take the side of the SEZ. The photographs and the videos of the incident speak volumes. The man who was leading the operation was an SEZ Officer by the name of Raghavendra Holla who told me that he was the brother of the State Advocate General – Mr. Uday Holla. When I verified with the AG – Mr. Uday Holla, he told me that this was absolutely false and that serious action would be taken against the Officer including a prosecution for impersonation. Nothing happened and I was informed that Raghavendra Holla was liberally rewarded monetarily and through promotions. It is necessary for me to present the total picture of the situation because the Church

incident at Permude was never reported in the Press and it was treated as small and insignificant. To my mind, the implications of that incident in this background are very grave, because it was almost the last nail in the coffin and an attempt to eliminate the entire community of Christian tribals.

On the same day when the congregation was attacked by the Police and their partners in crime, the daily mass was held at the Permude Church. The entire community which consisted of about 300 persons came to this small Church for the religious service and special prayers were offered by all of them for their survival. The Police and the Saffron people who have been targeting these poor people individually and in small numbers but who were a little worried by the presence of the local Media and the activists who were fighting for them decided to take full advantage of the fact that they were altogether in a secluded place, that the Media was absent and so were the persons who were fighting for the villagers and they decided to capitalize on it. There was the background of the attacks in Mangalore and several places in the District on the previous day and more importantly, the police had organized the entire operation for the attack on the Bajpe Church. Permude was very close-by, the entire Army was available, they drove to the little Church which is on the side of the road and completely sealed off the single entrance to the property. The tempo with the stones was parked in front of the gate which was closed and the police were standing armed with lathis and teargas shells. The unsuspecting congregation came out of the Church into the compound. Without any ground for even provocation, a volley of rock pebbles was rained on them. Simultaneously, the police entered the compound. The victims who were all adults, 70% women and 30% men had no form of escape except to run

back into the Church. The police and the persons from the Tempo ran into the Church, beat them up and chased them out. Once they were trapped in the compound, unable to exit, teargas was used. There was only one reason why these people were saved from being beaten to death or gassed out which was the fact that hearing their shouts and screams, a relatively large crowd rushed to the spot and about a dozen vehicles stopped. Seeing the police mercilessly attacking helpless people, the bystanders opened the gate and rushed inside to their rescue. It was this that saved their lives because the police realizing that they would be lynched and further more, that they would get into serious trouble, suddenly halted the attack. The victims were helped away from that place and the eye witnesses state that the Officers who were incharge of the operation insisted that all the teargas shells be picked up. Only one of them which had rolled behind a tree was later found by the Media people who visited the place. The entire quantity of stones were collected and carried away. The Media only found four stones which were obviously brought from the river bed and which totally matched every one of the stones used in the earlier incidents.

In this case, there are no photographs or video recordings of the incident. With the assistance of all those who knew about the incident and who had seen it, we spread the word around that everybody who was in the Church that morning must come there on the 9th of November, at 10.30 in the morning. I considered it almost unbelievable that there was 100% turnout and all the 307 persons came to the spot, what almost brought tears to our eyes was that we met each of these persons and we found that all the 307 of them were injured. There were 172 persons who had sustained head injuries probably because of the stones. The majority of persons had

severe bruises on their arms and backs which is attributable to lathi blows. As many as 63 of them had sustained fractures. Out of the 307 persons, every single one had relatively bad injuries on their hands and it is their version that this had happened because they tried to protect their heads when the lathis were used. Again, very few of them had sustained any injuries below the waist. The implications of this are extremely serious because even where a lathi charge is justified, the police are required to aim at the lower part of the body where the least damage can be caused and injury should not be to a vital part of the body like the head or the chest. In this case, it was obvious that the object was to maim or to kill and that assumes extreme seriousness.

I have earlier pointed out that when the police attacked the congregation and sealed off the only exit that they were forced to run back into the Church. In this case, the police did not damage the Church but they made liberal use of teargas to get the persons out. I have already held that all the teargas shells were hopelessly outdated and shells used in this batch were obviously of the same type which is why the special effort was made to take them away, but the one shell that was recovered had the expiry date of the year 2000.

Without our even asking them, all those present stated that for varying periods of time from one to three weeks, they were severely immobilized through bouts of vomiting, breathlessness, dizziness and general toxicity. They all had with them slips of paper from Doctors and Medical Centres where they had been treated and evidence of the medicines that they have been forced to use.

It has already been recorded that the cries and screams raised an alarm which brought almost everyone within a

radius of over one kilometer rushing to the spot. These are all complete outsiders to the incident but they were people who are living and working in the area. The interesting aspect of their evidence is that their versions tally 100% which is why I have attached a high level of credibility to it. Secondly, as many as 107 of these villagers state that there was a lot of commotion prior to the commencement of the incident because the police were obviously preplanning the assault and were aware of the Mass timing and the fact that there was the entire congregation attending it. The service normally takes between 30 and 45 minutes and the police decided to get into position well before it was over. What they did not realize was that when a large contingent of police arrive in vehicles at a small village, it creates such a stir that everybody rushes to the spot to find out what has gone wrong. The other aspect of the matter is that the Officers and Police and the Saffron brigade were intent on sealing off the exit that they positioned themselves with their backs to the road facing the Church. The property is slightly recessed and this explains why the crowd that had gathered on the opposite side of the road and who had a ringside view of the entire event did not readily attract the attention of the police who were concentrating on waiting for the congregation to exit from the Church. The admitted position is that the police did not try to disperse them for whatever reason and this is why we have almost 200 eye witnesses to the incident apart from the victims. They are all simple villagers and they felt very strongly about their own co-villagers being mercilessly beaten up for nothing. When they gave evidence before me, they were still under the impression that this was a terror tactic adopted by the SEZ Authorities who had been using a lot of violence in the area. I did not find even the slightest flaw in

the evidence of any of these persons.

What is the balance sheet of this so-called small and insignificant attack?

- (a) To quote the words of the Home Minister who went on to say that nobody died and according to him, there is no record at the Government Hospital of any injuries. The man should be ashamed of himself because unlike the other incidents, in this case, we have cent percent injuries.
- (b) All the victims belong to the category of the poorest of the poor and the proper definition would be extremely meek, humble and helpless. For the State Machinery, to target this category of Society with zero justification is not only illegal, unpardonable, atrocious and unforgivable but above all else INHUMAN. In some of the other incidents as a face saving device, some meager compensations were paid. Permude is too small and remote and not one of these persons received even a paisa by way of compensation. City dwellers can at least manage to find the money to meet with medical expenses when they are injured. None of these persons could afford it and it is just horrifying to hear how they went deeper into debt because of this merciless attack.
- (c) Though, the SEZ had been wining and dining and heavily bribing the police to do their dirty work, in this particular instance, though, the violence cannot be said to be unconnected, I am satisfied that this was part and parcel of the State-wide planning and execution of the Church attacks. The reason for this is because, I have unimpeachable tell -tale evidence of the fact that the police had made very detailed enquiries with regard to the nature of the service that was to take place in the

Church and further more, to make sure about the exact timing. I am fortified in my view that this was a 100% attack against the Christian community and the Church because of the fact that it was an **extension** of the Bajpe Church attack with the same police contingent, the same vehicles, the same modus operandi and the same Officers.

- (d) The fact that no damage was done to the Church is merciful but is also a pointer to the fact that it was an attack on the Christian community i.e. human beings. The use of teargas inside the Church makes it also evident that the object was to target the persons and not the property which only worsens the nature of the attack.
- (e) As earlier recorded, the intensity of the blows which are evident from the type of injuries caused and secondly from the fact that so much force was used that this was the only incident in which as many as eleven of the lathis were broken into pieces and these were collected and thrown in a corner plus the fact that the blows were aimed at the higher part of the body along with the all important aspect that the entire congregation was trapped inside the Church compound and not allowed to escape, all goes to show a definite criminal intent to maim and to kill.

FINDINGS:

This was a deliberate, pre-planned, cold blooded, not brutal but savage attack on the Catholic congregation in a private and secluded area. The presence of the police itself was unjustified and uncalled for because the villagers had come for a simple prayer service. They were decent and harmless people. They were unarmed. There was not even the slightest provocation or possibility of violence and I would say that the State Government is 100% guilty for what had

happened. Even in banana dictatorships, these sort of incidents do not take place.

The attack was pre-planned as was 100% evident from the fact that the police came with everything from lathis to teargas and their saffron accomplices in the tempo armed with the rock pebbles. When confronted by the Press, the Home Minister stated that the Police had information of a communal clash between the Christians and the Non Christians and that is why they had come there. When asked who informed the police about the so-called false clash, the Home Minister stated that they had gone to the Bajpe Church because they had anticipated violence there and that they “received information”, but that the source is unknown. One lie requires a cover up of a multitude of lies. There is zero evidence of any communal clash at Permude which is something that has never happened in the last century, though, the Hon’ble Home Minister is ignorant of this.

Lastly, what makes the incident to be categorized as one of the worst in the chain of incidents of Church attacks in the State, is that in this case, all the victims were poor tribals who were already fighting for survival and who were virtually pulverized. I have categorized the other attacks as hate crimes and I would rate this even higher by defining it as hate mixed with the worst form of venom. The State Government will have to take 100% responsibility for these atrocities and the consequences.

CHAPTER-XII

ATTROCIOUS ATTACK ON THE MARIANAPALYA CHURCH AT BANGALORE

Three weeks after the main set of attacks which I have dealt with in the earlier chapters and after almost a dozen assurances on Press and TV by the Chief Minister of the State and his worthy Home Minister that stringent steps have been taken in order to ensure that there are no attacks against places of worship belonging to the minorities or against any of them personally, Bangalore City and the State woke up on a **Sunday morning** to one more horrifying incident at the State Capital itself. This was a clear act of defiance and was a very strong signal from the saffron brigade that they would still not spare the Christians.

After the incidents that took place around the 14th of September 2008, there was a continuation of these attacks, but the targets in the following weeks were mainly smaller prayer halls, shrines, grottoes etc.. From the reports that are available, which took considerable amount of time and labour to verify, in the coastal belt running from Karwar to Mangalore, there were as many as 31 incidents, all of which, were categorized by the Home Minister as being of a very minor and trivial nature. There are a number of shrines otherwise known as Grottoes which are erected often times in the Church compound or even at various places by pious persons and over the years, it has become customary for the local people to pray there, to place flowers or to have a special little service on feast days etc. These are what I would categorise as mini Prayer Centres. Invariably, there will be a picture or a small statue of Jesus

Christ or his mother or of some other saint and in many of the cases, there is a protective glass in front of the statue. Some of these are lighted at night but the majority of them are not. I have ascertained in all these cases and found out that none of the targeted grottoes was new one. They are all in existence for upwards of 50 years and most of them for more than 100 years. They are also located at such sites that do not cause either obstruction or problems to anybody, those which are not around the Churches have been privately erected in private properties on the roadside etc. As is inevitable in our country, whether it be a temple or a grotto, the local people consider the object a sacred one and it was quite usual for persons of all denominations to oftentimes pray before them. These places were systematically targeted because it only required a stick or a few stones to cause the damage. When this happened, the local police were instructed to issue a statement that it was the handiwork of vandals or of a drunken person and that the culprit was not traceable. In one case at B.C. Road, where it was pointed out to the police that the location is such, in an isolated area, that neither of these two categories of persons would have occasion to reach that place, the Police issued a press statement that some school boys were playing cricket and that the glass was smashed by the cricket ball. The Press people questioned the Inspector because there is not even 10 sq. ft. of play area in that place nor is it on the path of any school boys. It was very clear that this was a cover up action.

We inspected each of these sites and found that it was a clear case of deliberate vandalism out of hatred and what was interesting was that on every occasion where the sacred place was damaged, they had boldly put up a whole lot of saffron flags. The assailants were not interested in hiding their identity. To quote one example, right from my school days, I remember a shrine dedicated to St. Francis of Assissi, the Patron Saint of

Animals, Birds and Nature, at the corner of the Friary at Bijai in Mangalore. The statue had been imported from Italy and was a piece of art and persons passing by irrespective of their religious loyalty would always say a silent prayer. The local Bajrang Dal activists threatened the Priests several times that they would smash the place if the statue was not removed. The priests tried to reason with these people that it was not causing any problem to anybody and that it had been there for **85 years** and requested them not to cause any harm to it. Five days later, the entire front of the grotto was smashed by these fellows not clandestinely but in the day time, and huge saffron flags put up there.

The matter was reported to the Police who came there and refused to register any offence. They stated that Mr. Acharya had ordered the authorities to make good the damage wherever it happens and within the next few hours, persons were brought who replaced the glass, restored the lights and undid the damage. The Fathers told the police that they would have got the work done at a reasonable cost and the police told them that the Government would pay for the damage. After a week, the persons who had done the restoration demanded Rs.65,000/- for work that should not have cost more than Rs.10,000/- on the ground that the Government had not sanctioned any money. When the Police were asked to honour the commitment of the Home Minister, they stated that it was only done in order to remove the evidence of the assault at the earliest point of time, that no funds had been sanctioned and that the bill must be settled by the victims. The nice part of the story was that the workmen were Bajrangdal members who collected **FIVE TIMES** normal bill! This was the story in all the 31 cases during that short period of time. There was no doubt about who was doing the damage, Mr. Acharya had directed that no complaints be recorded on the ground that the State would undo the

damage, the evidence was immediately destroyed and the victims were made to bear the costs.

What is even more interesting is the fact that in every one of the incidents, where prayer halls were vandalized also, the police and the local authorities would immediately order a total clean up of all the debris. The glass, lights, grills or any of the damaged fixtures were immediately restored and repainted in an effort to destroy the evidence so that no action was warranted. In the majority of these cases, where the priests and the local people objected to the immediate restoration on the ground that they wanted the damage to be recorded and assessed and the culprits to be punished so that there was no recurrence, the authorities stated that they had instructions from Bangalore to immediately undo the damage because the state was very concerned about what had happened. This was not a process of undoing the damage but it was a very intelligent form of encouraging the culprits because through what was commonly called the ACHARYA FORMULA, no case was registered, nobody was arrested and 48 hours later, there would be one more target. Initially, it perplexed me as to how the costs of restoration were being accounted for. It was not surprising in the BC Road and Kuloor incident that the local people brought the glass repairer, the electrician, the carpenter and the painter all of whom have small local businesses who frankly admitted that under the Orders of the SP, they had been brought there, made to do the needful and were paid nothing. I must credit Dr. Acharya on his craftiness and unusual brilliance because even in these two cases the priests had to make good the bill.

The purpose of recounting the above is in order to establish that the functioning of the State Government at this point of time was exceeding the devious. While open assurances were publicly made that the situation was being monitored and

controlled the truth of the matter was that a subtle formula had been adopted whereby the terror tactics would continue but the evidence was wiped out. It is in this background that while the reaction both national and international was one of shock, horror and disapproval, the incidents continued unabated. I have earlier dealt with the incident at Yedavanahalli and the immediate public statement by the brilliant Police Commissioner of Bangalore even before he visited the place that it was a case of electrical short circuit and it was very clear that these incidents were being carried out not only in the coastal belt but all over the State and that Bangalore had to also have its share. What happened at Mariayanapalya on the Sunday morning, three weeks later was therefore an extension of the earlier chain of events.

This particular place resembles a small town, because it was one of the suburbs of Bangalore off the Ring Road not very far from the highways. With the location of the New Airport close by and the Ring Road etc., the area has developed and there are approximately 2000 Christian families who belong to the local Church. The Church itself is a medium to large structure not capable of accommodating a large gathering and this is why on Sundays and feast days, there is more than one worship service or mass, the first at about 7.00 a.m. and the second one, at about 10.00 a.m. Both these services are largely attended by devotees from the whole of that area. The Church is quite recessed from the road and hence, it does not cause any inconvenience or disturbance to the area even when services are going on. There is also a small structure adjoining the Church in which the priest resides and another small structure where one or two of the staff members reside. Adjacent to the Church, is a school which caters to the educational requirements of the area. What is of significance is the fact that children of all denominations are educated in

this school and the local persons, several of whom I spoke to tell me that the school is extremely well run' that everybody is happy with it and that there has never been any incident of communal disharmony in the area for as long as one can remember.

On the Sunday in question, the Priest left the residential quarters on his two wheeler at about 5.30 a.m. and proceeded to another Church to conduct the Mass and he was to return after about one hour. At about 5.45 a.m., one of the staff members went to the rear left side of the Church to open the door and to prepare the Church for the Sunday services. The Church used to be locked from the inside and the exit was through this door which was also locked. Some of the devotees as also two of the nuns would arrive by about 6.00 p.m., put the lights on, open the Church and make all the necessary arrangements for the Mass. The staff member was completely taken aback to find that the lock broken, the door was open, the inner door was also open and SACRISTY had been vandalized. As this person was alone, he decided to wait until the others arrived and until the Priest returned at about 6.45 a.m. Only the two nuns came there at about 6.00 a.m. and were completely horrified to see what had happened. They found that the SACRISTY had been completely vandalized. All the sacred objects from the cupboard which was lying open had been thrown on the floor and badly damaged and these included a crucifix (cross) as also altar objects that are used for the mass. The vestments had all been torn to pieces. The statues there had been broken and even the light fixtures had been destroyed. They immediately telephoned the Priest who came back in a short time.

They then went into the Church and to their complete shock and horror, they found that the Church had also been vandalized to the extent that everything around was broken

but the main target was the holy area namely the altar where the Mass is celebrated. This had not only been damaged but it appeared that some filthy material which looked like cowdung had been thrown on it and around the sacred areas. What was really intolerable was the fact that the Tabernacle was lying open. It is customary to keep a Chalice which contains the consecrated hosts inside the Tabernacle which has a metal door. The Tabernacle is kept locked and the key is kept in the cupboards of the Sacristy. The Churches really have no security problems and the usual procedure was that the key was brought from the cupboard and kept on the altar during the Mass services so that the Priest could open the Tabernacle and take out the Chalice when required.

It was very clear that the object of the attack was to desecrate the holiest areas of the Church and the hate levels were so high that the Chalice had been thrown on the floor, the hosts scattered on the ground and there were obvious marks in the area of footprints clearly indicating that the hosts had been **“TRAMPLED”**, which is the highest form of desecration and contempt. I need to record here that the consecrated hosts are regarded by devout Catholics as being the body of Christ, because during the mass, the hosts are consecrated in keeping with Christ’s directive to his disciples to repeat what happened at the last supper. It is universally known and accepted that the consecrated hosts are extremely sacred objects which are treated with the highest levels of reverence, so much so that even if one is accidentally dropped, that special prayers are said as reparation. The Priest immediately gathered the hosts and the chalice after the entire damage had been photographed. The unanimous version was that when the local police were informed telephonically, they stated that nobody was available as they were busy with the RSS BAITHAK and that they would come after three hours. Word spread like wild fire particularly

in the background of the earlier Church attacks and within less than 45 minutes, the media arrived on the scene. The Press and TV representatives state that none of the local police were either present nor were they responding even to phone calls from them. They contacted the Bangalore Police Commissioner whose response was extremely interesting. He put three questions:

- (a) Has anybody been killed ?
- (b) Has anybody been injured ? and
- (c) Has there been any large scale loss of property ?

When informed that none of these three things had happened, he stated, he would instruct the local police to look into the matter because it was not a serious incident. What is even more interesting is that according to the version of the media persons, in the background of the earlier Church attacks and the assurances from the State Government that preventive steps would be taken to ensure that such incidents do not recur, they telephoned the Home Minister to ask him for his reaction. Interestingly enough, his reply was that he was aware of the incident **which according to him was trivial**, that it is a problem of the local politics and that he had instructed the police to look into the matter.

In the course of the next one hour, the incident took a serious turn, because it was photographed and relayed live on all the morning TV channels around the State, around the country and even Internationally. A huge crowd of devotees arrived at the Church and they were visibly agitated. The videos indicate that several of the Congress leaders arrived on the scene and that they tried to pacify the crowd. Several of the other political leaders including from the JD(S) also came there and mercifully enough, they were able to prevent a flare up. What is significant is that for a good two hours, while all this was going on, not a single BJP MLA, Minister or any other leader

came to that spot. The videos indicate that long after all the others had left, the BJP Chief Minister made his way there. By this time, tempers had run high and irrespective of a relatively large police force led by the Police Commissioner himself, the CM was not able to reach the Church. The videos indicate that the Police Commissioner had even ordered the Police to use force and to lathi charge all those present, but seeing the mood of the persons and the fact that it would lead to violent consequences, this did not happen. The reason for this is because it was very clear by then that this was not a case of theft as the Police Commissioner was trying to put across but was infact a hate attack at the instance of the local RSS leader. This had caused a violent eruption because the crowd that had gathered consisted of all the residents of the area only 30% of whom were Christians and they were worried about the fact that a place of worship had been attacked, that it was obviously a preplanned job, **that the police had not even responded, that they had been obviously taken care of and that there was good reason for the State Government leaders right up to the Chief Minister to be the last to come there even though all the other politicians had come and gone.** In view of the hostile situation, the CM, the Police Commissioner and the entire group of persons with them left the place hurriedly. It must be said to the credit of all those present that a decision was taken not to escalate the matter and to maintain peace and after about three hours, a Prayer service was held and the persons were asked to disperse.

In the other incident, the Bangalore Police Commissioner, had loudly proclaimed that it was a case of short circuit. In this case, he stated that it was a case of theft. **The next day the TV channels pointed out to him at the Press Conference that a detailed inventory had been made and that not a scrap of paper was missing, everything had been vandalized but not**

even a rupee worth of property had been taken away. He stated that Churches have collection boxes at different points in the Church and these are full of money and that these were the targets. He was immediately confronted with two pieces of irrefutable evidence:

- (a) The fact that many of the valuable objects such as chalices, monstrance etc. which are all gold plated had been vandalized and thrown there. Not a single one of them was missing.
- (b) More importantly and surprisingly enough, the four small collection boxes which had tiny locks on them were all intact. After a statement on the previous day that the object was theft, these four small boxes were opened by the Priest in front of the Media. They were found to contain small amounts of money, all of which totaled 127 rupees – very few notes and mainly coins.

Obviously, the Police Commissioner had no answer.

Who was responsible for this incident ?

A detailed investigation done by me indicates that the local RSS Chief by the name of C had been throwing his weight around and using a lot of muscle power in relation to illegal acquisition of property mainly through the use of force. He was very close to one of the local ministers who was obviously a beneficiary of these deals and who used to visit the area often and it is common knowledge that the man wielded tremendous influence and that all the local authorities including the police were on his payroll. He had a fleet of vehicles, but his favourite one was a white Scorpio which was characteristic because of the heavy decoration. There had really not been any conflicts between the RSS / VHP / Bajrang Dal, all of whom were under the control of this man and the Church or the Christian community except for the fact that on the previous Sunday, an

RSS Baithak has been organized by this C and a couple of hundred persons had attended this function which was at a distance of about one and a half kilometers up the road from the Church. Two things had happened, the first thing that the persons attending the Baithak had come in a number of jeeps and other vehicles and were playing very loud music and creating a commotion as they passed by the area. According to the local shopkeepers, persons attending the Church service, had requested them not to disturb the Mass to which they took serious offence and there were several arguments near the Church but nothing beyond that.

During the Church services, for no reason at all, persons attending the Baithak which was at a sufficiently long distance came in a group to the Church and objected to the singing on the ground that it was offending their proceedings. This interrupted the Mass and there would have been an unpleasant incident. Fortunately, the Priest immediately came out and pacified those who had come there to object and told them that the service was effectively over and that there was no more singing. The eye witnesses to these incidents state that there was a reaction from the congregation who came out after the Church service and they told the objectors who were carrying saffron flags and thrishuls that they had no business to disturb the Sunday mass and it was at this stage that a number of threats were issued to the effect that they would see how the services were conducted in the area.

There is a further nexus to C and the incident. About 100 meters from the Church, as one approaches it from the highway, is a little bazaar. There are several shops there and it is a slightly spread out area where it is easy to park vehicles. In fact, when I had visited this place, I had always parked my vehicle there. There are persons who sell non-vegetarian food namely a small chicken stall, there is a meat shop and there are also small shops

which sell various types of vegetables and fruits. On week days, this place gets operational by about 6.30 a.m. but on holidays and Sundays, the customers come earlier and hence, the activity starts by about 5.00 a.m. Since, it was obvious from the timing of the incident that it had taken place sometime prior to 6.00 a.m. and since the shops opposite the Church open around 9.00 a.m. I decided to ask the persons in the market as to whether they could throw any light on the incident. As is always the case, they showed some hesitation but they willingly wanted to disclose whatever they knew provided their names were not indicated and provided they were not made any parties to court cases or legal proceedings. The interesting picture that emerges is as follows:

- (a) Those who were selling the non-vegetarian items such as chicken, meat and fish stated that their customers usually came in very early when the climate was cool because all the stuff deteriorates after the sun comes up and none of them have any cold storage. The birds or animals are slaughtered and the meat is kept ready for the customers. In view of this pattern, the vegetables shops also get their stocks, open them and display them quite early. In fact, the market is active between 5.30 a.m. and about 8.00 a.m. but I was informed that the bulk purchases from the hotels and restaurants are the earliest. That explains why the place is busiest between 5.00 a.m. and 6.30 a.m.
- (b) That there is a fair amount of movement on the road which is a single access and therefore, they find it easier to get the vehicles carrying all their supplies coming in and leaving between 4.00 a.m. and 5.00 a.m. More so, on Sundays and weekends when the demand is very much higher.

The investigations reveal that on the date of the incident,

C had come to that area with a group of persons in his vehicle and parked it at that place and this was around 5.00 a.m. There was also a convoy of five other vehicles, mostly jeeps with the saffron flags very prominently displayed and these six vehicles had been parked there. All the occupants who numbered about 20 to 25 persons had got down and proceeded on foot towards the Church. **This incident was unusual because none of these persons had come to do any marketing.** They were seen entering the Church compound. The occupants of the jeeps were in the usual RSS attire of khaki shorts and white vests and black caps and carrying lathis. They did not interfere with the shopkeepers nor did anybody take any special notice of them except for the fact that they all came back after about half an hour, got into their vehicles and drove away. The only reason why they were noticed is because the white Scorpio and its owner are both very well known and he never visits that area nor does he park his vehicle there. Similarly, the five jeeps and their occupants had nothing to do with the marketing, they had nothing to do with anybody in that area and it was therefore a little unusual as to why they came there so early in the morning and left soon thereafter. The answer became obvious after about an hour when news spread that the Church had been attacked.

These are all very simple people but even as far as they are concerned, the nexus was more than clear. They remember the previous Sunday when some unpleasant arguments took place in the vicinity around the Church and the fact that just one week later, on the following Sunday, the Church had been ransacked in order to make it impossible for the service to take place. It is true that there was no investigation by the police into the Church incident and therefore, none of these persons were either asked by the police nor was there any other investigation. It was not accidental that it occurred to me that they would be the persons most likely to know as to what had

happened because the only access to the Church compound is from the Road, this is a relatively quiet area and whoever did the vandalizing would obviously have come on vehicles which would have been parked at that spot. From the scale of vandalism, it was also clear that a group of persons were responsible and that this would attract attention. More importantly, from the manner in which the Vandalism had been done, it was very clear that sticks or iron rods had been used extensively and anybody carrying such implements would again attract attention.

The most important key to the incident arises from the question as to who is most likely to have committed an attack of this type. The needle of suspicion points to the persons involved in the previous Sunday incident who had even openly threatened that they would see how services were conducted there. Secondly, they were people belonging to the RSS baithak and this was the organization that was behind the series of attacks that have taken place. Thirdly, the degree and nature of the vandalism which was directed towards desecration is a common factor in all these attacks.

One does not really need to go by circumstantial evidence when one has the unanimous evidence of 18 eye witnesses from the area who have seen and identified the culprits. It is most deplorable in this background that the Police Commissioner tried to cover up a motivated, pre-planned vandalism of the Church and desecration of the sacred hosts as an act of theft. The local police contend that they have not registered any offence because nobody has reported loss of property nor was there any complaint lodged. This is contrary to the evidence because apart from the whole series of oral complaints, a written complaint was also lodged with the local police which is not traceable.

The overall conduct of the authorities is reprehensible and unpardonable. I have assessed the damage in monetary terms at Rs.16.00 Lakhs (Rupees Sixteen Lakhs Only), but more importantly, the nature of the incident, whereby all the holy areas of the Church were deliberately vandalized and desecrated. This was most certainly a **HATE CRIME**. It was again preplanned, pre-meditated, deliberate and totally unpardonable and from the circumstances of the case, it had the full and total support of the State Machinery. According to the Law Enforcement Authorities right upto the DG Police, no offence has been registered and consequently, there was no investigation conducted, though, the Government Authorities and the Police at all levels were bending over backwards to cover up and justify what had happened.

This case is extremely important because even though nobody was hurt or injured that the sacred hosts were desecrated which is the highest form of a hate crime against Christianity. Secondly, this incident has taken place in the suburbs of the State Capital at a point of time when the Chief Minister and the Home Minister had assured the State that every preventive step would be taken to ensure that no attacks of this type would take place. The conduct of the Chief Minister who arrived at the place approximately six hours after the incident, did not express even an apology and who walked off, very clearly indicates the arrogance and hostile attitude of the State and above all, the fact that no offence was registered and no action followed clearly shows that the State Government fully approved of the incident and colluded with it. In Criminal Law, facts speak for themselves and this is a case in which, the local RSS Leader and his followers had vandalized the Church after their open threats and their institution is an integral unit of the BJP. The irresistible conclusion that arises in Law is that this was just one more of the series of Church attacks by the

saffron units which had the complete approval and backing of the State Government.

I would have expected that at least as an indication to the public, that the State does not approve of crimes of this type, the Chief Minister and the Home Minister would have made a pretence of ordering immediate action. This was not done and it was no accident and it is therefore, quite clear that the incident met with the full approval of the State Government which is something extremely unfortunate. The media questioned the Home Minister as to why State Security as promised by the Chief Minister has not been provided to this Church, to which, his answer was that it was not possible to protect every place of worship. He was quick to volunteer that according to him, this was a case of attempted robbery but that the culprits ran away because the Staff came there. They alleged that the Churches were asking for trouble by using gold vessels at the mass which they should stop doing. This is an inane and untenable reply from a man who is proved to be neck deep in these attacks and who seems to forget that unlike these gold plated vessels which are worth nothing and which were not stolen, that the temples invariably have very valuable gold and jewellery and that there is just no sanction for anybody to lay their hands on any of these sacred items. The State is 100% guilty and there is no getting away from this.

CHAPTER-XIII

ATTACK ON THE BONDEL CHURCH HILL

The road from Mangalore City to the Airport crosses the National Highway and continues for some distance to a place by the name of Bondel. In earlier times, this was a village suburb of the City, but in the course of the last three decades, it has turned into a busy residential area. This particular part of the city is rather hilly and the Church itself which is located off the Main Road is on a slope. With the rise in population over the years, the Church has been completely renovated and it is relatively large, capable of catering to the population of over 1000 families of Christians. A visit to this area will indicate that about 50% of the houses are still the old structures with little compounds around them but with the pressure on accommodation, there are also a large number of new buildings. It so happens that the residents of this area are predominantly Catholic. Most of them have been living there for several generations. The original Church which was smaller is about 200 years old, but the structure has given way to the new Church which is about 40 years old. There has never ever been a single incident of communal disharmony in this area. There is a fair representation of persons of other communities apart from the Catholics, but as is characteristic of village life in India, they have lived together in friendship and goodwill for the last few centuries.

After the BJP Government came to power in Karnataka, one of the agendas was that all areas howsoever small where there was a predominance of minorities should be penetrated, attacked and terrorized. I am constrained to observe this

because there is no other ground or reason why these muscle flexing exercises should have been indulged in. The young activists were provided with free two-wheelers, the license to drive into any petrol pump and fill up the fuel free, the liberty to enter any eating house and not to pay the bills after consuming unlimited amounts of food, similar liberties with the bars, the clothing stores and the footwear shops. The photographs and videos show these totally unemployed young men with saffron scarves around their necks, carrying sticks, thrishools and at times swords riding through minority areas shouting slogans and putting up saffron flags and banners. They would station themselves at the cross roads and beat up people for no reason at all. This background had created an air of uncertainty, but the general reaction of the minorities was one of fear, because even in the case of serious incidents where little hotels were attacked and the employees were beaten up, the police were on the side of the law breakers. The victims who went to the police stations were beaten up by the police and even arrested on false charges. Every single time, an eating house was attacked, since it was run by either a Christian or a Muslim, the excuse was that they were serving beef. This was the general background and the situation was extremely uneasy.

The Bondel Church adjoins a small hill. This is a totally barren hill with absolutely no residential structures on it. My enquiries indicate and establish that ever since the Church was set up there, which is over 200 years ago, this hill was part and parcel of the Church property. It is true that there was no occasion to develop the hilly part because it is relatively steep, stony and extremely difficult to negotiate. Some religious services used to be conducted on this hill because it became a pilgrimage place not only for the persons from the area but also for people from far and wide. The Church authorities have

enclosed the entire hill and the walls themselves indicate that they are over a 100 years old.

According to the Catholic history and tradition, Jesus Christ was put on trial in Jerusalem, condemned to death and was made to walk all the way up Mount Calvary to the top where he was crucified. The Catholic religion has a very holy ritual which is called the Way of the Cross. This consists of a historical reproduction of some of the main events that occurred since Christ was condemned to death and what happened after that. For instance, he had been tortured to such an extent that he was in no condition to carry the Cross, the soldiers kept whipping him and forcing him on and he actually fell to the ground on three occasions. Finally, realizing that he would die if they torture him anymore, another man was forced to help with carrying the Cross. Many painful incidents took place in the course of this last journey and they are vividly depicted in the 14 stations of the Cross. Wherever there is adequate space available, these 14 stations are represented in the form of statues or images and those of the devout persons who make the Way of the Cross stop and pray in front of each of these stations. It is a very sacred and special form of prayer for Catholics. Wherever possible, all over the world and even in this country, these stations are replicated on a hill side as a memento of what happened 2000 years ago. To quote an example, in Lourdes in France, huge life like images have been made all the way up the hill and it is almost a true life representation of the original way of the cross.

The Bondel Church is one of the very few places in India where the entire way of the Cross has been reproduced on the hill adjoining the Church. Regular services are held every Friday and during the sacred season of lent everyday. During the services or even if people decide do it privately, the devout do the entire journey up the hill and stop and pray at each

station. At the top of the hill, there is a small Chapel which is really a prayer house containing a few statues and other sacred objects. It is customary to end the way of the cross with a short prayer service here. Over the last about 200 years, devout Christians started coming to this hill from all over the District and even further, because it became a special pilgrimage centre. During the holy season or on special days like Good Friday, thousands of devout Christians would assemble on the scene for prayer. Since, it is a secluded place, away from the main road, there was never any occasion for interference from outsiders.

There is a road leading from the Church around the hill upto the top. The exit gate is at the top of the hill and it was customary for people to go out from this gate after the service was over and the Prayers were finished. This is a motorable road and over the years, a housing colony had come up on top of the hill. There are a couple of hundred families who live in those buildings and the occupancy is mixed, since they belong to different communities. After the BJP Government came to power in Karnataka and the muscle flexing activity was commenced, for absolutely no reason at all, the young activists decided to target this area. My research indicates that these fellows were in the habit of coming to the top of the hill with liquor bottles and using it as a site for drinking and lots of other anti-social activities. This included womanizing particularly late in the evening and at night. The gate is a short distance away from the housing area and these fellows decided to use the chapel as the centre point for their activities. They broke the lock on the gate, entered the place and started dissipating in the area. This was objected to by the Church authorities who complained to the local police, but the police refused to interfere. The complaints were lodged all the way up to the SP and to their misfortune, the Church authorities realized that

not only was the SP on the side of the anti-social elements but that he was a regular visitor to the area himself. He told the Church authorities that this was an open place and that everybody had access to that area and further more that nobody could be prohibited from coming there. The only saving feature was that if these fellows interfered with any of the religious services, there would have been a serious flare ups and therefore, they refrained from doing this. The situation however, became extremely uneasy as the liquor, drugs and womanizing went out of control, the Police getting their share of the business and it becoming dangerous and unpleasant for any decent person to go there. The area was prominently decorated with a large number of saffron flags.

Since, this area was Church property, the Church authorities went to the DC and requested his intervention as the situation was becoming extremely unpleasant. The Chapel at the top of the hill had been broken open and was used for drinking and prostitution. There were also reports of wide spread drug addiction with a whole lot of drug addicts frequenting the place and misbehaving there. The DC made a pretence of looking into the case, but what he did was to not only come there and meet the persons who were creating the trouble, but he sent a written communication to his partner in crime, the SP to station some police there, on the ground that there was likely to be a communal flare-up.

Instead of improving the situation, it got worse, because the police started preventing the Church authorities and the pilgrims from entering the area on the ground that the Bajrang Dal activists were objecting to it. They told these persons that the SP had instructed them on the basis of direct instructions from the Home Minister that this was Government property and that they would not allow any religious services there. When the authorities went back to the DC, he stated that there

were written applications from the Bajrang Dal asking for the hill to be allotted to their organization and that they intended to conduct melas and RSS Baithaks at that place.

The residents of the area whom I met and interviewed extensively informed me that they were going through a difficult time ever since these anti-social activities started, because drinking, drugs and prostitution was going on round the clock and it was extremely unpleasant and obnoxious, particularly for the women and children to even go there,. Along with the anti-social elements, the police constables had also joined the fun and they were in the habit of walking into the nearby houses and demanding food and liquor and threatening the residents if these were not provided. The residents collectively had sent six written petitions to the SP, to the DC and to the DIG Police asking for appropriate action, but nothing happened.

All of a sudden, the DC is supposed to have passed an order under Section 144 Cr.PC whereby:

(a) he prohibited the assembly of five or more persons, but in actual fact, no member of Christian community was allowed to go there, and secondly, the DC passed some kind of so-called sealing order U/S 145 Cr.P.C. whereby he is supposed to have held that there was a dispute between the communities over the immovable property and that he had consequently temporarily taken possession of it and sealed off the area in order to prevent a breach of peace. Despite three written notices, to which there was no reply from the DC, these Orders were not forthcoming. The Church authorities desired to challenge these Orders, they applied for them several times, but the DC refused to furnish the so-called Orders.

The reason why the Church authorities could not take the matter to Court was because they were never furnished a copy

of a single Order, but the worst part of it was that the Parish Committee and the Priests were repeatedly threatened by these anti-social elements that if any action was taken, they would be finished off and the Church would be burnt. These terror tactics worked because the Christian community decided that it was better not to provoke these persons, since they had the full backing of the police and the Government authorities.

In order to verify the facts, I visited the place for the first time on the evening of 7th November. There was a lock on the gate from inside. There were three or four motorcycles with saffron flags parked near the Chapel. It was about 6.00 p.m. and a noisy party was going on inside the Chapel. The two police constables were part of the fun. There were about a dozen young men and about 15 to 20 young women. There was plenty of food and an abundance of bottles, most of them were beer bottles. When I asked the constables to open the lock, they initially refused. They asked for my name and then telephoned their bosses who were good enough to tell them to open the gate. I went around the entire area and did my verification, after which, I politely asked the crowd there as to who they were. They told me that this was a regular picnic site, particularly in the evenings and at night and that they had come there to have fun. I pointed out to them that this was a holy place belonging to the Church and that the structure which was occupied by them was a Church. Their reply was that it was a public place taken over by the Government and that they have every right to come there. Considering the mood of these fellows, I decided not to provoke them and left the place. In order to do a more detailed research study, I went there early on a Sunday morning at about 7.00 a.m. This time the gates were wide open, there was no evidence of the police, but there were a couple of two wheelers, lots of bottles and food thrown all over the place and three young couples were fast asleep

there. The last visit was on a Saturday afternoon when I had taken some of the elderly persons of the area who had offered to show me the statues and some other evidence of the fact that the wall and the structures were over a century old. On this occasion, again, the gates were open, there was a police jeep parked outside the gate and all the four occupants were fast asleep. There was a wild drunken party going on in the Chapel and about 20 two wheelers parked there. On this occasion, there were about 15 young men and 6 young women with them. Loud music was being played and from what I could see, a lot of dancing was going on. The old people who were with me requested that for our own safety, we should leave the area.

It is deplorable and pathetic that a two century old sacred pilgrimage centre should have been converted by the State Government into something that is worse than a brothel. All of this was officially done under the patronage of the SP and the DC. When I personally brought this to the notice of CM, and the Home Minister, at the Circuit House in Mangalore, and asked them what they had to say about it, the CM pleaded ignorance. The Home Minister told me that it was a deserted area and that it was difficult for the police to patrol that area all the time. I specifically confronted him with the history of that sacred place and how it had been forcibly taken over by the Government authorities and handed over to the anti-social elements where every form of obnoxious and illegal activity was going on under the police protection. Initially, he told me that the newspaper reports were false, but when I showed him the photographs which the media had taken, when they accompanied me, he stated that he would look into the matter and put a stop to these activities if it was true.

The only encouraging aspect of this meeting was that when the CM and the Home Minister were shown my findings that this was Church Property which should be protected as such, I

was assured that the Revenue and the Police authorities would be instructed accordingly. Dr. Acharya who obviously knew much more told me that the Bajrang Dal had contended before him that this was Government land and that they had a claim to it. He told me that he was aware of the fact that this claim was false and that he would instruct the DC and the revenue authorities to pass appropriate orders confirming the possession and ownership of the Church.

In the course of two meetings at the Church premises which were largely attended where I had asked the eldest members of the community to remain present, over 70 aged men and women confirmed the fact that during their lifetime and to their knowledge, this hill had been part and parcel of the Church and that the religious services were regularly held there right from their childhood. From the dates given by them, my finding is that there is overwhelming evidence to confirm that both the ownership and possession of the hill vested with the Church for at least the last 70 years. A careful examination of the walls and other structures which I had asked knowledgeable persons to do confirms my findings that they would be much older at least 100 to 120 years.

In all the other attacks on the Churches, the Government authorities and the saffron brigade showed zero respect for the fact that it was a sacred place. In this instance, they have gone miles ahead in so far as this hill which was a holy pilgrimage centre and the Chapel which was a small Church have not only been forcibly taken over from the Church with the full blessing of the Police and the Government authorities, but what is atrocious, shameful and utterly unpardonable is that the area has been converted into a den of vice and a Brothel thanks to the orders of the DC and the State Government. My personal inspection confirmed the fact that since it is a secluded place around and on the top of a hill that it is an excellent area for

every form of illegal activity and under the muscle power of the Bajrang Dal and with the Police and Government protection, Crores of Rupees worth of illegal business is running there. As indicated earlier, there can be no dispute about the fact that it is Church Property and despite assurances from the highest authorities in the Government, no Orders for restoration of the property to the Church have been forthcoming for over two years. To my mind, there is no need for the Church to go to the Court to reclaim its own property but there is also a procedural difficulty in so far as I have already indicated that the Priests and the Parish Council have been warned of dire consequences if they take this step. The bigger hurdle is that the performance of the subordinate Judiciary all over the District indicates that it is pro-saffron and this is why even simple Bail Applications are not disposed off for 3-4 months, injured persons are not provided medical assistance and wherever custodial beating and torture is alleged, the Complaints are rejected. In this background, where the subordinate Judiciary is ever willing to issue Non Bailable Warrants against innocent citizens as happened in the Editor - Seetharam case, where nine NBWs were issued in respect of the same Complaint; It is extremely dangerous because an adverse Order can land the party in greater difficulty. That there is a total breakdown of the Rule of Law is an under-statement.

CHAPTER-XIV

ATTACKS ON CHURCHES / PRAYER HALLS BELONGING TO OTHER DENOMINATIONS- ALLEGATIONS OF CONVERSIONS/FOREIGN MONEY

Apart from the Catholic community, there are several other Christian denominations who conduct their own form of Prayer and worship in the State of Karnataka. Some of them have regular Churches like the very prominent Shanti Church in Mangalore which is one of the oldest and is a heritage building which dates back to the years of the BASEL MISSION. This particular Church was spared and was not attacked or damaged. However, what the activists did was that they targeted all the small Prayer halls irrespective of where they were located and I shall very briefly summarise on a representative basis, some of them which had been visited by me. The modus operandi and the damage and the pattern followed were the same all over the State. It was a pre-planned operation, it was executed on Sunday, 14th September 2008 and in the period that followed and there is absolutely no need to try and find out as to who the attackers were because the Bajrang Dal chief in the course of the next one month repeatedly stated in his speeches, press releases and appearances on TV that it was the Bajrang Dal activists who had taken these steps. He put forward the justification that these groups had indulged in large scale conversions to Christianity and that this was the reason why they had been attacked.

I have already dealt with this allegation in other parts of the Report and only need to reiterate that on verification with the authorities right up to the highest level, this Conversion

charge was established to be absolutely groundless and false. No complaints with any authority leave alone the police had been filed in respect of these allegations. No cases registered and no action taken. Irrespective of this, in each of the places visited by me, I followed a uniform pattern in so far as I made independent enquiries with regard to this allegation from persons in the area, persons some distance from there such as Hotel Owners, Shopkeepers etc. and lastly, from the Pastors and the congregations concerned. In every single case, the conclusions are identical. It was a relatively small group of persons who would come to the Prayer Hall and conduct their prayers and most of the time, it was only once a week on Sundays. They would assemble peacefully and after their religious service was over, they would return. They did not cause any problems to anybody around nor did anybody object with regard to their prayer services. It is therefore, abundantly clear that there was zero justification for this allegation.

As far as one denomination is concerned mainly the New Life Group, there was an additional charge that they were responsible for circulating the publication Sathyadarshini which has been dealt with by me in a separate Chapter. I had asked the Pastors and the congregation wherever I had visited their Churches and they flatly denied having any knowledge of any such publication. Their version is that they are least hostile to any other religion or any other faith or belief and that they would never ever indulge in any such activity. There was also no allegation from any independent quarter with regard to anybody being in possession of this publication or circulating or distributing it. In fact, nobody had even heard of this book.

I made it a point, in order to resolve the issue, to ask the local police authorities wherever the New Life Prayer Halls were located about this allegation. They admitted that there were rumors to the effect that these books were being circulated

by the New Life people and that this was the only reason why they had been attacked. Two pertinent questions arose:

- (a) If the allegation was true, the activists who did not hesitate in using force would most certainly have been able to get hold of the publication from whoever had them or were circulating them and the fact that despite numerous incidents all over the State, not a single copy was seized or handed over to the Government or the Police Authorities conclusively establishes that this rumour / allegation was baseless.
- (b) Since, this was a serious charge on the basis of which the Bajrang Dal had indulged in a lot of violence and since, the Police at every centre were aware of this allegation, if the New Life people either possessed distributed or circulated the material, the police would have most certainly taken charge of it because in addition to everything else, the police are vested with the power of seizing any property or material that is involved in the commission of a criminal offence. My conclusion is reinforced by the fact that it was a sad reflection on the Police Department in these areas that it had virtually got saffronised. How this sudden transformation took place after the BJP Government came to power in Karnataka has a very simple explanation, since, the Home Department was headed by a person who instigated, encouraged, colluded and protected all such activity, the Police Department at all levels decided for their own good that they would fall in line. I am only concerned with the end result, namely the fact that with such a highly committed and dedicated police force, there is not even a one percent chance that anyone who possessed, circulated or distributed this offensive literature could have escaped. The fact that not a single seizure was made anywhere in

the State right through this long period of time, conclusively establishes that the New Life people had been wrongly accused.

Every single New Life Prayer Hall located in the State of Karnataka was attacked on 14th September 2008. The modus operandi was the same in all these operations and I shall only deal with one case from Udupi Town. The Prayer Hall is located in a commercial complex right in the centre of town. Though, it is a busy area round the week, the building is completely deserted on Sunday mornings because it is a weekly holiday for shops and offices and even if a small number are open for sometime, it is after about 11.00 a.m. The Prayer Hall in question consists of a single hall which can accommodate about 50 to 60 persons. There is a modest amount of furniture inside, some tables, a stand and a sound system for the speaker. There are a few cupboards which contain the Prayer books and some of the other items that are used for Sunday worship. This hall has more than one entrance but we are basically concerned with the two main ones, the entrance and the exit both of which lead on to the common corridor. The Prayer service commenced at about 9.00 a.m. and would have lasted about one hour. It was known to everyone around that the congregation met at this time on Sunday mornings for about one hour. The version of the Pastor and of the congregation is identical. About ten minutes after the group of about 30 persons had met and while their Prayer service was going on, about six persons armed with sticks and dressed in saffron outfits rushed in through the two doors. They immediately started assaulting everyone present including the Pastor. There was a commotion and naturally, people tried to avoid being beaten up. Nowadays, since everybody carries mobile phones, two of the ladies managed to run out into the corridor and phoned the police emergency numbers. I am told that the police station is next door and that the police immediately responded by rushing

there. One Officer with about four of his men immediately rushed to the spot. The attackers who had caused a fair amount of damage to the furniture, electrical fittings, glass and who had also targeted the prayer books and other holy items were alerted by the fact that a Police Jeep with a siren was heading towards that place. While hurriedly running out from there, they snatched whatever chains or mangal-sutras they could from the ladies and decided to leave the place.

Unlike in the case of all the other attacks which were identical, in this case, the police had responded so fast that they ran up the steps and the miscreants were all caught in the corridor. They were brought back to the prayer hall with the sticks that they had in their hands. They were all identified as local Bajrang Dal activists. The jeep with the siren happened to be the vehicle in which the SP himself came. He immediately ordered that all the six persons be arrested and that a proper investigation be conducted. The Pastor and the congregation were extremely impressed even by the fact that the six attackers had disclosed the names of another seven persons to the police and these consisted of the Drivers of their two vehicles and a support group who were supposed to wait downstairs to ensure that nobody interfered with them and that they could escape from the place. This was unusual because in the case of all the other attacks, the culprits got away, the police had refused to respond and did not even register the complaints in respect of the attacks. The Udupi case had a sad ending because the SP received a telephone call while he was still there not to arrest anybody and to leave the place without even making an inventory of the damage. Thirty two people are witness to this phone call and when the Pastor and the victims protested, the police only stated that the Orders had come from very high up and that there was nothing that they could do. As indicated earlier the over two dozen attacks on the New Life Prayer

Houses in different parts of the State that took place on this day and subsequently, was supposedly because of the offensive anti-Hindu literature but since that ground is found to be absolutely false, the irresistible conclusion which emerges is that the attacks were directed out of religious hatred. It is also obvious that even though these are relatively small prayer houses catering to a few dozen people, that the hostility levels were extremely high. Even the authorities of the commercial complex were pressurized into asking the New Life people to shift their prayer hall away from that place and it was only after a lot of persuasion that this did not happen.

We then come to a slightly different type of incident. There is a small place by the name of Kuloor which is a few kilometers outside Mangalore city. There is a three storied building which is known as Skanda Hotel building. The Third Floor was vacant for a long time and these premises were taken by a small group of persons who belonged to Blessing Assembly of God Prayer Fellowship. This is essentially a prayer group which does not belong to any particular religious denomination, though, the Head of the Group was earlier a Christian Pastor. Apparently, the Assembly of God people are a Christian denomination. They meet occasionally and pray together and the place on the Third Floor of this building was their Prayer Hall. The existence of their Prayer Hall was not even noticeable because unlike other places of worship, it had no distinguishing features like a Church or a temple. I visited the place and found that it has a little simple furniture, some rugs on the floor because most of the persons who come for Prayer used to sit on the floor. The usual sound system, lights etc. were present in this Prayer Hall. The persons who come there never exceed 20 to 30, they usually pray on a Sunday morning and go away and the rest of the time, the place is closed. My enquiries at the hotel and in the building indicated that they have never created any problems

or any nuisance in the area – in fact, there were only good reports about them saying that they are nice friendly people and that nobody has anything to complain about them.

On the morning of Sunday, 14th September 2008, while the Prayer service was going on, at about 10.15 a.m., a huge group of about 20 persons entered the place and without any provocation started beating up everybody including the Pastor. There is only one door to this hall and nobody could leave. The assailants were armed with cricket bats, wickets and wooden sticks. Though, they assaulted the congregation, the blows were mainly aimed at the back, arms and lower parts of the body and the attackers kept shouting out that they should stop Christian services, as otherwise, they would be killed on the next occasion. I would not categorise any of the congregation as being even upper middle class or rich. They all belong to the lower middle class and poor strata, about 85% of them were women, about 10% men and the rest children. The object of the assault appeared to be threat and intimidation rather than the desire to assault or kill because even though the incident went on for about five minutes, nobody sustained any injuries of any seriousness such as cuts, stab injuries or fractures. The bad and inhuman part of the incident was that they snatched every single piece of neck jewellery which the women had on whether it was a mangalsutra, a gold chain or even artificial. None of these poor people could afford to lose their small possessions. After threatening and beating the congregation and strongly assaulting the Pastor, they left the place.

What was most surprising was the fact that the corridor and the staircase outside the door were occupied by two Officers and a number of police constables. The Assailants had walked through the police lines and from what transpired, it was clear that they knew each other. What aggravates the situation even more is the fact that my enquiries in the area confirm the fact

that one police jeep, one police van and an orange coloured tempo with about 20 activists in it had come together. The activists went up and carried out the attack with the police sealing off the stair-case and the exit, firstly, in order to prevent the victims from running away, but more importantly, to prevent the outsiders intervening and apprehending the Assailants. As soon as they had left, the police came into the hall and pretended as though they had come to survey the damage. They did something very unusual in so far as they asked everybody to leave the place, closed it up and took charge of the key. The Pastor was told to come to the Police Station and to lodge a complaint. He informs me that an FIR Number 120/2008 was registered at 11.45 a.m. on that day, but that no arrests have followed nor has any action been taken.

The reason why I have singled out this case is because the police kept the key with them for the whole of that week. On the following Saturday, the key was returned and surprisingly enough, there was zero evidence of the incident because everything including the broken glass had been cleaned up, repaired and restored and it is only the Prayer books and holy objects that could not be replaced. The Pastor was told that the Government was extremely concerned about the incident and that the State had restored all the damage, so that, there should be no cause for complaint.

Later on, the persons who had been made to repair / restore the place threatened the Pastor and the Congregation that if they do not pay Rs. 28,000/- they would be severely beaten up. These were again Bajrang Dal persons who stated that they have not received the Government money and forcibly extorted it. The Pastor and the Congregation told me that they are an extremely poor group, that the damage could not have been of more than Rs. 800/- to Rs. 1000/-, that they had never asked the Police to restore the place and that they were put to

serious difficulty. This is a case of adding insult to injury – first, the Prayer Hall is destroyed virtually under police protection and cover and then, the very miscreants charged 28 times the price of the damage in order to restore it.

These are not alleviating circumstances but are aggravating ones for the reason that there is conclusive evidence of the fact that the attackers had been given police cover and assistance which clearly indicates that there was official Government sanction for the commission of the offences involved in the attack. Secondly, the fact that the police were present when the incident took place and that they greeted and allowed the attackers to leave is a highly incriminating circumstance. There is little doubt about the identity of the attackers because apart from the Bajrang Dal President openly proclaiming that his organization had carried out all the attacks on 14.09.2008, everybody from the area were unanimous that they were the local Bajrang Dal activists who had come in a tempo displaying the saffron flags.

Though, the police undid all the material damage to the Prayer Hall, obviously for oblique reasons in order to obliterate all traces of evidence, at the same time, though the Accused were local persons all of whom were known, none of them were arrested or proceeded against. Significantly, all the personal jewellery that had been looted was never recovered. Those of the women who tried to agitate the matter at the police station were asked to produce the purchase documents which they were not able to do, after which, they were summarily thrown out.

Though, no appreciable injury or serious damage took place in this incident, I have singled it out because it clearly establishes the complicity of the State Machinery in the attacks that took place on that day. Secondly, it was a small group of poor insignificant people and the fact that even they had been

attacked clearly establishes the hate levels that provoked the incidents. There was no allegation that this Group had converted or tried to convert anybody or that they had distributed any literature or had done anything against the Hindu faith. The fact that they had been chosen for attacks indicates one other very significant factor namely that the action on that day was directed to move all the way down to the poorest of the poor and the object seems to have been to terrorize every strata of Christians right down to the smallest. These people had obviously not done their home work because I had met the congregation on the Sunday that I went there and not strangely enough, out of the 27 persons present, only 9 were Christians, 11 were Hindus and 7 were Muslims. This was a cosmopolitan Prayer group and it is difficult to understand why even such a congregation was attacked. It is clear that it was reckless violence with a byproduct of looting that was behind the incident.

VANDALISM AT MADANTYAR

About 50 Kms away from Mangalore on the main road leading to Dharmastala and some distance away from Belthangady is the town of Madantyar. The population here consists of a good representation of Christians most of whom are Catholics but some belonged to another denomination namely the New Life Faith, and a small percentage are Muslims. This place has grown from a village into a prosperous town and most of the residents do agricultural work as also trading. There is a very good educational institution which is run by the Catholic fathers, maintaining excellent standards and catering to all the denominations. There are also several other schools in the town. Several of the persons educated in these institutions hold prominent positions in the City of Mangalore. For obvious reasons, I have refrained from quoting names as far as possible in this report as I consider it unnecessary. When

a public meeting was called at Mangalore, shortly after the Church attacks, a group of persons who belonged to Madantyar reported to me that on the same day i.e. 14th September 2008, a violent attack took place against the Mahima Prarthana Mandir at Madantyar and that apart from loss of property, injuries of some seriousness had been caused. They requested me to look into this incident, the reason being that in the course of the last century, there has never ever been any communal violence in that town or in the surrounding areas. The additional feature in this case was that unlike most of the District, there was no prominence of Bajrang Dal activity in that town, there was no looting of any shops or eating houses and it was therefore very disturbing that this incident took place. Again, they pointed out that the Catholic Church and the other institutions had not been attacked and it was extremely worrying that this incident had taken place.

I visited the Mahima Prayer Hall and met the person incharge of it who was a Christian aged about 48 years. He told me that the Prayer hall had been operating for 16 years and that he was the Pastor for the last seven years. He had a group totaling about 125 devotees who used to come there and pray. According to him, small groups of about 25 to 50 persons would assemble for prayers on different days of the week but this was not a fixed routine. On Sunday mornings, the fellowship service and worship used to take place at about 9.00 a.m. and it lasted for about one hour, an average of 100 persons would attend this service. Out of the total number of devotees, there were about 25 who belonged to the other communities who used to join in the prayer services and about 100 of them were Christians.

On 14.09.2008, at about 9.20 a.m., while the Prayers were in progress, a mob of 7 to 8 persons who were armed with knives, iron bars and sticks forcibly entered the Prayer hall and

started shouting at those present that if they move from their places, they would be severely assaulted. These persons first targeted the furniture which was all broken to pieces, the light fixtures were smashed, the sound system was destroyed, after which, all the bibles, prayer books and other holy objects were completely vandalized.

This hardly took a few minutes. There was a collection of Rs.2700/- (Rupees Two Thousand Seven Hundred Only) in cash which was taken away by these persons. Apart from the furniture, the tubelights and the fans, even the switchboard was smashed, a projector costing Rs.12,000/- (Rupees Twelve Thousand Only) was destroyed. The devotees were warned that they should not raise any alarm nor should they try to run outside because two vehicles with about 50 armed activists had been stationed there. These were tempos with saffron flags on them and in order to intimidate the gathering, they were shouting loud slogans.

The attack on the prayer-hall was completed in a few minutes, after which, all those present were ordered to come forward one by one and deposit their mobile phones in a bag. They were also ordered to deposit their wrist watches, gold chains and whatever cash they were carrying. Two of the group checked each person and they did not even spare the children, some of whom only had a few coins in their pockets. Out of terror, they parted with everything that they possessed. They were then told that they should leave the place one at a time and as each person left, they were given a sound beating and told that if they complained about the incident, they would be finished off. In this incident, every single man, woman and child sustained injuries. One of them sustained a bleeding injury on his head. Two of the young men, who incidentally were not Christians were hit on the face, as a result of which, they sustained severe bleeding injuries and each of them have

lost two teeth. The worst assault was directed against the Pastor. In spite of sustaining about 27 injuries, he was fortunate enough, he had no fractures and no internal injuries to any vital organs. It took him one and a half months to recover from the assault. Subsequently, a complaint was registered at the Belthangady Police Station around noon on that day. This police station is about 15 kms away from the place of incident. The Police registered offences of rioting, assault, mischief, causing hurt etc. against a group of unknown persons. The possible reason for this is because as indicated earlier, there had not been any noticeable saffron activity in that area prior to this incident and the attackers as also the group of persons who had accompanied them in the vehicles were not locals and from their conversations, it was apparent that they had come from the B.C. Road area. It is not surprising that the police took absolutely no action, nobody was arrested and none of the property that had been looted which would aggregate to over Rs.1.5 Lakhs was ever recovered. Also, unlike in the several other cases, neither the police nor the local authorities took any steps to make up for the damage or to restore or replace any of the property that had been destroyed.

I had occasion to meet almost all the victims because I made it a point go there on a Sunday morning when they had assembled. This was three weeks after the incident, they told me that the police had not even visited the area to assess the damage. The interesting thing that happened in this town was that on the same evening i.e. on 14.09.2008 itself, a public meeting was held which was attended by the leaders of all the communities and a decision was taken that if anybody either locally or from outside tried to create any trouble in the area or attack places of worship that they would be severely dealt with. In other words, a civil defence unit was set up of persons belonging to all communities, who expressed not only their

preparedness but their intent to meet violence with violence. This was also published in all the local papers and thanks to the warning there was no more trouble in this town.

The Prayer hall is located in a quiet area surrounded by a lot of vegetation and trees. Persons residing in that area state that there was neither any cause for disturbance nor did the Prayer hall create any problems. They put the attack down to the statewide violence that had been planned and executed by the Bajrang Dal against the Christian community on 14.09.2008.

This incident assumes seriousness because there was zero justification for it and it was directed against a group of persons belonging to the lower middle class who had assembled for Prayer. Though, extensive damage was caused to the Prayer hall and ever single one of those present was assaulted, it was very clear that the object was in order to attack and terrorise and LOOT these poor persons.

What distinguishes this incident from all the other attacks was that it was nothing short of an act of dacoity. The main object of the attack appeared to be to loot every one of the persons present. For a person belonging to the lower middle class, to loose a mobile phone, for a woman to loose whatever little jewellery they possessed and for even the children to be relieved of their possession, clearly establishes a case of dacoity. This is another angle to the attacks that took place on that day because it clearly shows that the so-called activists who were displaying saffron flags were in fact professional criminals. In this background, the non action on the part of the police is significant. It also adds a dimension of dacoity / criminality to the communal angle and is indicative of the type of persons who had been recruited by the party for carrying out these activities.

PERSONAL ATTACK AT KALLADKA:

There is a small town by the name of Kalladka in Bantwal Taluk which is about 30 Kms. away from Mangalore. This place was constantly in the news particularly during the Church attacks because the Head of the RSS operates from this place. According to the several articles that appeared regularly in the Press, this particular individual who is supposed to be very close to the Central Organisation is an extremely powerful person as far as the State Government is concerned. In order to highlight his influence, regular reports appeared in the Press that the Home Minister visits him on every occasion and one of the prominent Kannada papers even displayed a photograph of the Home Minister prostrating himself before the old man. The other aspect is that he is asked to play the VIP role in all the saffron functions organized in the District and his speeches are carried in the headlines. I was shown a number of them where he has not only incited communal violence on every occasion, but has also stirred up extremely hostile emotions against the Christian community. While something like 20 false cases for allegedly inciting communal disharmony were registered by the Police against Editor, Seetharam, all of which were false and devoid of substance, as far as this man is concerned, he could say anything, write anything and get away with it. **I had occasion to point out to the Chief Minister and the Home Minister from a file full of news reports and TV videos that he had exhorted Hindus in the District during the Dasara of 2008 to do poojas not to their implements of trade but to do pooja to knives and swords which should be used to eliminate the Christians from the District.** Both of them smiled and told me that they had met the person concerned and he had stated that he was misquoted. The videos were live recordings of his statements and yet, no action was taken. The reason was obvious.

Thanks to such leadership and official patronage, the situation around that area of the District was totally out of control as far as the Christian minorities were concerned. They were being attacked in their fields, in their homes, in their shops and even on the roads. I shall indicate only one such incident which is representative. There is a shop entitled "SOUZAS" which is owned by a Christian gentleman. It is a textile shop in the village of Kalladka and has been in existence for over 60 years. The husband and wife run the business, they are among the most respected persons of the place and are on extremely good terms with all the communities.

On 15th September 2008, at about 11.00 a.m., while the shop was open, 8 to 10 Bajrang Dal activists carrying Trishuls, swords and lathis came on a motorcycle and a couple of other vehicles and attacked the shop. They caused extensive damage to the material and also damaged the Maruthi Omni Car bearing Registration No.KA-03 MC 9419 belonging to D'Souza's brother. Both D'Souza and his wife who are elderly persons were attacked with deadly weapons and sustained serious injuries which included head injuries which started bleeding profusely. They were taken to the local Government hospital where they were refused treatment, the reason being that they were seriously injured and they were then taken to a private hospital in Mangalore. They were out of action for five weeks.

After the morning's incident, a bigger group attacked the shop again, at about 9.30 p.m., poured kerosene and set fire to it causing very extensive damage. The matter was reported to the police who registered an offence against unknown persons but nothing has happened thereafter. In my view, there was absolutely no difficulty in identifying the Accused in both the incidents because I had visited the place and asked all the adjoining shopkeepers who stated that the attackers were well known Bajrang Dal activists who have no known occupation

except looting and thieving and that they have the full support of the party and the police and that nobody can touch them.

That there was a total breakdown of the rule of Law in the District is an under statement because this paragraph will indicate what precisely was going on at that point of time. This old couple have nothing to do with conversions, they had nothing to do with anti-hindu literature. They were running a textile business which wasn't even connected with any religious activity, in spite of which, they were attacked and almost killed. The Doctors at the Mangalore Hospital confirmed the fact that both husband and wife had suffered fractures of the skull which was life threatening and yet, no police action followed. Their business has been completely ruined. The car was destroyed and the State Government has not given them a single rupee by way of compensation.

This place, as indicated earlier, was the centre from where all the hatred emanated and the individual who was spreading it was virtually running the Government. An article in the local press stated that there were long queues of people who were coming there from all over the State in order to get their work done. Prominent among these were the Government Officers who could arrange their transfers from Kalladka. The most prominent among these was the Police Department. Since, the Politicians headed by the Home Minister and the Chief Minister regularly visited that place, there was a prominent police presence there and if in the midst of this, an incident in a public place of the type mentioned by me has taken place, there is no doubt about the fact that it was with the full knowledge and consent of the State Government. What could be more conclusive evidence of misuse of power and breakdown of the Constitutional Machinery ?

ATTACK ON PASTOR'S FAMILY:

About 30 Kms outside Mangalore, there is a small town by the name of Moodbidri. At a place called Mastikatte, at Hosabettu Village, there is a Prayer hall belonging to the New Life Prayer Group. This hall is attached to the house in which the Pastor lives. It is used for prayer services which are sometimes held on week days and usually on Sunday mornings. A very small group of persons numbering not more than 30 to 40 come to that place for Prayers. It is a relatively secluded area, these prayers are being held for the last several years, there has been no problem or dispute from anybody and none of the other communities have had any cause for complaint.

14th September 2008, was the day on which every Christian Institution had been targeted for attack. This place is so small and remote that its existence is hardly known to anybody. On that Sunday morning, the service was held from about 9.00 a.m. to 10.00 a.m. after which everybody left the place. The Pastor himself had gone out. At about 10.45 a.m. more than 10 persons, some on two wheelers and some in other vehicles all displaying saffron flags came to the Pastor's house. They forced their way in and beat up the Pastor's wife and two minor children and started vandalizing the place. Apart from the furniture, they destroyed the TV and caused extensive damage. These persons were carrying sticks with them and the Pastor's wife screamed for help. Persons from the area came running to the spot whereupon all the attackers got on their vehicles and left the place. A police complaint was lodged by the Pastor with regard to the injuries sustained by his wife and children and the damage to his property. The police have registered the offence but nobody was arrested and no action was taken. He has not received any compensation from the Government. His wife had sustained grievous injuries and so had both the children. It took them about 8 weeks to recover from these injuries.

I refer to these incidents because in this case, the target was not the Prayer hall nor the Pastor nor the congregation. The wife and minor children were badly injured. The house is a very small one. They are not rich people. They have not created any hostility or problems to others and yet, they have been terrorized. All the non-christian neighbours and people of the area, none of whom are Christians have condemned the incident, more importantly, they have identified the attackers as the biggest and well known criminals of the area and persons whom the police know very well. It is their case that these fellows have obviously joined the BJP and are being used to spread terror against the minorities. Again, this incident is very representative of how even small unconnected persons in remote areas were being singled out for being targeted and terrorized.

ATTACK AT PUTTUR:

Puttur town is a saffron stronghold, principally because of its proximity to Kalladka. At any given time, the entire place is full of saffron flags, hoardings and activists riding the streets on two wheelers and the minorities are at the receiving end here. There is a small Church which is called the Believers Local Church which is located at Jodukatte. This Church is about 7 years old and is looked after by a Pastor. It has a congregation of about 100 persons who assemble there on Sundays for the Prayer service. The Prayer services have been going on uninterruptedly for several years without anybody either objecting or for that matter interfering or taking note of these activities. They are independent and harmless. All the persons who attend this Church which is located in a small hall are persons who profess the Christian faith. They belong to the middle class or lower middle class strata of society.

On 14.09.2008, the Pastor was conducting the Prayer service at about 11.30 a.m. A group of activists carrying sticks

and iron rods entered the place and immediately started damaging and vandalizing everything within sight. After they had damaged the property, they turned on the congregation, beat up the Pastor and started attacking the men, women and children present in that place. Out of fear, everybody started running outside. There were a number of vehicles displaying saffron flags with about 50 persons collected there. Not only were the devotees assaulted, they were also stoned and they were told that if any Christian Prayer service was conducted in that place, that they would not only burn it down, but that, all those present on the next occasion will be killed. As many as 78 persons sustained injuries in this incident. A Police Complaint was lodged but nobody was arrested nor was any action taken. Everything within sight in the Prayer hall was completely destroyed. No compensation was received and not a single one of the injured persons received any compensation. This is a relatively busy area of Puttur and the enquiries made by me with regard to the identity of the attackers reveal that they were all the well known anti-social elements of the Town and that the Police would not have taken more than five minutes to arrest them if they wanted to. The fact that this did not happen clearly indicates that the Government machinery which under the Constitution of India is mandated to protect the minorities has not only failed to do so but has on the other hand colluded with the attackers. One can only painfully record again that this is a total and complete breakdown of the law and order situation and the Constitutional obligations of the State Government.

ARSON AT JODUMARGA, B.C. ROAD, BANTWAL:

As indicated earlier, the Bantwal region has been the hotbed of anti-minority activity for a long time and the Pastor of the Believers Church at Modamkap, Bantuguri at Jodumarga, B.C. Road, reports that since the year 2006, there have been

repeated attacks on the small Church which is located

there. On 16.04.2006, during the service, a group of persons attacked the Church and severely beat up the Pastor who sustained serious injuries and was unable to continue with his duties. At that time, the Police registered an offence against unknown persons and the case was closed after a few weeks. The Pastor was unable to resume his duties and never came back to that Church. The Police, for some strange reasons asked for all the records and documents pertaining to the Church which were taken away and never returned despite several requests.

In the month of August 2008, the tension in the area was growing and hence, the Pastor and the Christian community requested for police protection. Two Police Constables were posted at that place round the clock. The Pastor was staying in a small house close by. At about 1.30 a.m., the front door of the Church had caught fire. A group of persons who had come there on motorcycles had poured petrol on the front door and ignited it. When this happened, the two police constables raised an alarm, the neighbours and the Pastor rushed there and extinguished the fire, though, considerable damage had already taken place. **The interesting part of it is that this incident took place when the police were present there.** Why they remained quiet until the fire was started and the culprits have fled is not known. When I visited the place and assessed the damage as being of the order of Rs.1,00,000/- (Rupees One Lakh Only), I asked the police as to what was their explanation for the incident taking place when they were present there. They tried to cover it up by saying that they were asleep and that they only woke up after the fire had started. They also maintain that they were not in a position to identify the persons or the vehicles in question. Once again, just 4 days later, a group of persons arrived at that spot around 5.30 p.m. and seeing the

Pastor and his wife near the Church, they pelted stones at them and told them that if they continued to hold any services at that place, that they would be killed. Again, this incident took place in the presence of the police, on this occasion, the Inspector had come there in his jeep to check on the presence of the police and there were six constables, apart from the Officer. **The sad part of the incident is that the attackers threw stones and threatened the Pastor and his wife in the presence of the police who did not interfere. Minor injuries were caused to the Pastor and his wife and when they asked the police as to why they had not apprehended the culprits, their explanation was that they have protection from the Government and that it was useless for the police to do anything against them.**

I have recorded this incident for the limited purpose of illustrating how total the breakdown of the Law and Order Machinery in the District was in September 2008. The attackers were running wild in broad daylight, attacking, looting, stoning and burning and this was even being done not only in collusion with the police but in their very presence. This particular Church is located in a remote area. There are not too many people staying around and it has not created any problems for anybody. Why was it then targeted? It is obvious that a lot of research and ground work had been done to identify each and every little place howsoever small or remote or poor it was, that was part of the Christian worship and the idea was to not only terrorise those who carried on their religious activities there but to virtually stamp them out. These were the same tactics used by the Bajrang Dal in the State of Orissa which had earned global disapproval and indignation. The State of Gujarat had also experienced similar activities where violence and fire were the main weapons and the identical modus-operandi came to be used in Dakshina Kannada. As in the case of those two States, all these illegal activities had the full blessing and approval of the State Government.

MURDEROUS ATTACKS ON PASTORS AND CONGREGATION:

For reasons that are more than obvious, I have, in this report avoided mentioning names and even sometimes, dates and places. The reason for this is because almost all the victims and even the witnesses had been so terrorized that they would always request me not to disclose their names as they were afraid of reprisals. As a Lawyer and as a Judge, I fully understand the implications of this fear because whenever an illegality takes place, the perpetrator of the offence and of course the advisors not only corrupt the police because the Police Department does not need any outside agency to corrupt it, but the combination of these factors is used to intimidate the victims and the witnesses. This is one of the main reasons for the failure of criminal cases though it has been my experience that the Prosecutors play an excellent role in withholding evidence and destroying the case provided they are well taken care of. In my Lawyer days, some of the most successful trial lawyers told me that when everything else fails, the Judge has to be “managed”.

In this case, a virtual reign of terror had been let loose and it took sometime before the Christians and Muslims organized themselves and various measures were undertaken to bring the situation under control. That still did not help the victims and the witnesses because it takes a long time for the fear to ward off. When I describe the status of the victims in these last two attacks, it will straight away become evident as to why I have not disclosed the names or for that matter even the locations. The victims are all very poor persons living in remote areas where they have zero protection and where their lives are in danger. With this background, I do not consider it at all correct to add to their problems.

The Coastal or Karavali area is a hilly terrain and there are

places in these small hills with tiny hamlets. The local people live off the earth in so far as these are essentially plantation areas and it is out of the produce whether it is agricultural or fruit or coconuts or arecanut or the like that they do some trading and earn their livelihood. The cattle and poultry act as a small supplement, even transport is difficult in these areas and it took a lot of effort and several hours for me to reach these places. There was a special reason why I went there mainly to assess the impact of the attacks but more importantly, to find out the gravity of the venom that impelled the organizations which had planned these attacks to target these areas. So deep was the hatred against the Christian community that elaborate research had been done to find out even remote unknown pockets where there was a very small and simple prayer room and to send a band of armed persons in vehicles to destroy it.

The first of these places is in a hilly area which is difficult to approach because though there are mud roads, they are not in very good condition. Even the hills provide a livelihood because they yield a lot of laterite stone which is building material and this has to be cut out of the hills. There is also some business in timber and minor forest produce and a fair amount of fruit trees, coconut trees etc. There is a small prayer hall which has been set up in this area by one of the Christian denominations. It is a very modest shed which can hold not more than 50 persons. Next to it there is a small house where the Pastor, his wife and two children live. This place is not a Church, it has no furniture because everybody sits on the floor and there are some very ordinary coverings, mainly gunny bags placed on the floor. There is one small table and an electric light and the usual set up for a simple prayer service. The congregation consists of about 40 persons from the adjoining area. They belong to the Christian faith but there are about 14 others who profess Hinduism and Islam. These persons have

been meeting on Sunday mornings for about an hour and they attend a Prayer service which is conducted by the Pastor. He is a middle aged man and extremely loved in the area because he is more a social worker who helps out the poor people in their various day to day problems than a religious head.

The absolutely horrifying feature about this case was the fact that after the initial stone throwing which virtually destroyed the roof and caused extensive damage to the structure because that was the intention of the assailants, they entered the prayer hall, smashed whatever little was there, at the same time barring the exit of the terrified congregation. They were beaten up rather badly with the Pastor and his wife being the main targets.

Though, they screamed for help, it was totally useless because it was such a remote area that nobody would come to their assistance. Every single one of the persons assembled here has suffered at least one fracture with the Pastor and his wife having suffered multiple fractures as also bleeding head injuries.

Then comes the even worse part of the incident when the entire lot of victims was made to come out of the prayer hall, they were surrounded by the persons waiting outside and they were all told that if ever any prayer service was conducted in that place that they would all be killed on the next occasion and the place would be burnt down. In order to display the level of hatred that the assailants had for the victims, they were then told that they should run for their lives as otherwise, they would be stoned and finished off. There were a small number of children in the congregation who are really able to run but the adults and old people were not able to do so. They were mercilessly stoned in the same way as one reads about the barbaric stoning to death of condemned persons in some parts of the world. Before the victims could get out of range, they

were virtually followed and mercilessly stoned and this added to the number of injuries sustained. There would probably have been number of deaths because relatively large stones were used and the victims were not in a position to run or dodge. An announcement had already been made that the prayer hall and the Pastor's house would be burnt and this would have also happened but for one providential fact.

There is a Railway Station relatively close by, but there are very few trains on this line in the day time and the place is deserted. Some project work was going on and hence, there were a number of workers there. Hearing the desperate screams, they got into two jeeps and rushed to the spot. Just as they arrived there, the attackers had taken out a can of petrol and were about to set fire to the place, but seeing a number of witnesses arriving, they got into their vehicles and hurriedly left. Thanks to the presence of the railway workers, several lives were saved and the prayer hall was not burnt down. One of the redeeming features was that both the jeeps chased these persons in the hope of apprehending them but did not succeed in doing so. Having seen them attacking the locals, these workers had shouted at them and also warned them that if ever they tried any mischief in the area, they would be finished off. This warning apparently worked because in the following days and weeks, they were no further problems in that area. As is to be expected, though a complaint was lodged with the police who was supposed to have registered an offence, nobody was arrested, the police did not even visit the place to make an inventory of the damage and the case was closed. Mercifully, none of the persons were looted, but this is probably attributable to the fact that they are all so poor that they have nothing of value with them.

Apart from the communal and human rights angle, this case requires to be highlighted because it is indicative of the

horribly deplorable levels to which the attackers have gone. First of all, they choose the poorest of the poor in an absolutely remote area, they attack them and cause injuries that have maimed many of them for life. Next, they have destroyed the little place where they used to meet and pray which is something not only deplorable but virtually disgusting. The worst part of it is that they have displayed unthinkable levels of venom and contempt in having virtually stoned these poor victims – a type of treatment that even wild animals would not be subjected to. The victims and the railway workers very clearly told me that all these persons belong to the Bajrang Dal which was very active in the adjoining area. Naturally, they were not able to provide their names and addresses and the police told them that unless the full names and addresses were provided it was impossible for the police to do anything. The other good feature about the police was that they wanted the vehicle numbers. Hardly any of the victims is even literate and naturally, they were unable to provide the vehicle numbers. The police even ridiculed all of them stating that the incident had gone on for more than 30 minutes and that it is impossible to accept that nobody had been able to note down the vehicle numbers. The railway workers told me that the reason for this was because every one of the vehicles had white paper pasted over the numbers.

My inevitable finding is that this was a preplanned communally motivated attack. There is no doubt about the fact that it was instigated by Bajrang Dal – in one of his speeches, the President had proudly proclaimed that stoning to death was a punishment that is referred to in the Bible and that they had got the idea from there that Christians should be subjected to this! I would like not only the whole of India but the whole world to be aware of what has been going on in the State of Karnataka with full Government patronage. Having been a Criminal Lawyer for 32 years and a Judge for 15 years, I can

say with authority that an incident like this in that particular area during broad day light could never have taken place unless the police authorities had been taken care of. This was more than obvious from the fact that where over 40 persons had sustained serious injuries, some of them life threatening, that no action was taken by the Department. One needs to condemn this incident in the strongest of terms and also record, that it is indicative of a total breakdown of the law and order situation, a human rights atrocity of the worst order and a breach of the Constitutional guarantees. This is one of the grounds on which the Central Government had issued a notice to the State Government calling upon it to show-cause as to why it should not be dismissed.

SAVAGE ATTACK IN A RUBBER PLANTATION

If the last incident is to be considered as having taken place in a remote area, then I would have to describe the next one as having taken place in an almost inaccessible area. A long distance away from Dharmasthala and virtually in the foothills of the western ghats, there are some rubber plantations. Half way up a hill near one of these plantations, there is a Prayer Hall that belongs to one of the Christian denominations. This place is isolated because there is not even a village close-by. The Pastor who has set up the Prayer Hall was one of the Plantation Workers who used to hold small Prayer meetings for some of the workers in the adjoining area. Due to illness and old age, he left the place and since there was nobody to conduct the Prayer meetings, he asked the present Pastor to take charge of the Prayer group. The Pastor and his wife with their two children live in a small house next to the Prayer hall. They carry out some agricultural activities and I would categorise them as lower middle class persons. Their economic conditions are not very favourable and it is with great difficulty that he maintains a two wheeler. Their children walk long

distances to the nearby village school.

According to the Pastor, the Bajrang Dal activists from the adjoining area came there about a week before the incident and told him that no Christian activities can be carried out at that place. He was also warned that if the instructions were not followed that they would resort to violence. He states that since it is a remote area and he was afraid about the safety of the family, he went to the police and requested them for protection. The police refused to provide any protection and told him to immediately close down the prayer hall and also warned him that they would not be responsible if anything happened to him and his family in case he did not follow the orders. On the morning of 14.09.2008, a small group of about 15 persons had come to the Prayer Hall. The Pastor told them about what had happened and that he was worried about safety and they decided that they would not hold their prayer service and that they would disperse. Just at that time, three motorcycles with Bajrang Dal flags on them drove up to the place. One of the pillion riders was carrying a sword, the second one had a Trishul and the third one had a lathi. They straight away entered the Prayer hall and smashed whatever meager items were there. Being a very poor set up, there is next to no furniture in the place as all of them sat on the floor and prayed. The doors, windows, glass etc. were all smashed and the bad part of it was that the persons present were trapped inside because the man with the sword was standing at the door. Everybody inside was mercilessly beaten by the fellow who had the lathi but the cruel part of it was that the man with the Trishul was also using it and he has caused bleeding injuries to almost everybody there including the children. The Pastor was the main target and apart from having sustained two fractures, he had not less than about 27 bleeding injuries on his person. His two children had over a dozen injuries each but no fracture. His wife sustained a fracture of her arm. Due to the beating, everyone virtually

collapsed and they were hardly able to move. They were told that if at all anymore Prayer meetings were conducted there they would not survive.

Before leaving, the main fellow who had the sword told the other two that they should finish off the Pastor, so that, there would be no more trouble in that place. The Pastor was in a sitting position unable to stand up. This man hit him with the sword and the blow was aimed at his head. In order to defend himself, he lifted his right hand and the full impact of the sword was taken by his hand and his arm. There was major damage done to his right arm because of this blow. Not only had it to be sutured, but the bones were also damaged and he had to spend two and a half weeks in hospital as an inpatient. When the National Television channels carried a report on the Church attacks in Karnataka, he was featured prominently in the National and International news and the whole world expressed shock and distress at what is going on in India. The Pastor had collapsed due to the blow and the assailant would have probably landed another one in order to finish him, but the other four persons had run out and started their vehicles and were shouting to him to leave the place as some of the other workers were coming in that direction. This probably saved the life of the Pastor.

The matter was reported to the police and in view of the serious injuries sustained by the Pastor, his wife, his children and the persons present there, an FIR was registered. Again, on the ground that the names, addresses and vehicle numbers were not furnished, the case was closed. The interesting part of this incident is that the small local publications carried a feature on the attack and mentioned that the local unit of the Bajrang Dal had taken a decision to attack the Prayer Hall and drive away the Pastor as they did not want any Christian activity there. When it was pointed out to the Correspondent that there

were no Christian services being held there that less than half the group were Christians and that the others belonged to different faiths and further, that it was a Cosmopolitan Prayer Group, the ground taken was that the original Pastor was a Christian and so was the present one and that was why they had an Objection. There is another interesting angle to this case in so far as the Pastor and his wife possess a small area of land which they have developed and are cultivating and according to them, the persons who had earlier warned them came and stated that it was a prominent area and that they wanted to build a small temple there. They did not offer to either buy the place or lease it out but stated that they will take it over by force and throw out anybody who tried to stop them. I have already dealt with the Bondel Church case in Mangalore where the Bajrang Dal activists forcibly entered the Church property, put their flags there and used muscle power, after which, the State authorities namely the DC and the police prevented anybody from the Church entering their own property and they handed over the area to the activists who have converted it into a liquor den and a brothel. This would have happened in the present case also except for the fact that the Plantation workers who do not like aggression from outsiders went to the local police station and told them that if any such steps are taken that they would be resisted by force. Also, after the Pastor was shown on National television as also on the International media, there were very strong reactions and the Minorities Commission asked the State Government to explain its position, at which stage, an assurance was given to the Minorities Commission that the Pastor, the Prayer Hall and their little property would not be disturbed.

This particular attack is indicative of the plan of action that was put into operation against the Christian community, but more importantly, the type of persons chosen to execute it. In all these incidents, it is not religious fanatics or party members

who have done the dirty work but the assailants have been identified as being the local anti-social elements and criminals or in other words, the local mafia. Whether they have been inducted into the party or whether their services are being used, it costs a massive amount of money to keep these people happy. The State Government and particularly, the Home Department had given them the absolute freedom to loot and plunder, to eat and drink where they want and to help themselves to clothes, shoes, electronic gadgets and the other good things of life without paying for them but history has shown that this class of people despite doing all of this, still want huge amounts of money for their services.

In order to provide these funds, the State Government has been announcing massive grants and donations to every temple, mutt or Hindu religious society in the State. These public funds have only been channelised to the hindu community but not to anybody else. The next thing that is being done is to organize massive melas and functions every few days and to sanction crores of rupees for these purposes. Swami Vivekananda was one of our very renowned Indians – I have immense admiration for him and for his teachings and he deserves to be revered and emulated. The State Government has so far undertaken forty three functions in different parts of the State in his honour and has released funds ranging between Rs.5.00 to Rs.15.00 Crores for each of these functions. There is zero accountability with regard to where all of this money has gone. There is no doubt about the fact that a fair amount of it has been channelised towards paying the trouble shooters.

To my understanding, the Chief Minister of a State is only the Legal custodian of public funds and public property over which he exercises powers. Under the present regime, this has been understood to mean proprietary interest giving the Chief Minister the power to grab whatever land areas he wants and

to Gift them to persons of his choice and to indiscriminately donate and gift hundreds of Crores of public money to whomever he chooses. This has led to serious repercussions legal and otherwise which I will not deal with here. The media reports that the Hon'ble C.M. is a very devout person and that he is a regular visitor to Mutts and Temples and the Media Channels and the Press publish huge reports of what he does when he goes there. On every occasion without fail, massive amounts of money starting with Rs.1.00 Crore to Rs.20.00 Crores are donated to the institution, some of which, are among the richest in the country. This generosity has been extended to the Temples in the adjoining States particularly Kerala and Tamil Nadu. A Professor friend of mine has kept an account of how much public money has been donated by the present C.M. since the time he has assumed office and the figure amounts to Rs.2,716/- Crores. Between him and the Home Minister, instructions have been issued that all the saffron organizations can freely use Government transport which includes the bus services and on every occasion where Melas, Baithaks and Sammelanas are conducted, all the public institutions have been instructed to foot the bills. Apart from this, the Government officially announces massive amounts of money as a grant for these functions. There is therefore, absolutely no dearth of funds but the only question being asked by responsible citizens is as to whether this activity is within the Constitutional framework? My answer is in the Negative. One of the T.V. Channels put a question to me as to whether this would constitute the offence of Criminal breach of Trust within the definition of Section 406 IPC and I answered in the Affirmative.

CHAPTER - XV

VICIOUS ATTACKS ON THE MUSLIM COMMUNITY

Karnataka is representative of any other part of India, in so far as there is no predominance of any particular community in the State. While the assumption is that those owing allegiance to the Hindu faith in all its diverse forms are in a majority and that all the other followers of Christian, Muslim, Parsi and other streams are in a minority is not really true. We are in this enquiry basically concerned with the West Coast Region i.e. from Mangalore Northwards upto Goa and the surrounding interiors; a careful analysis will indicate that there are pockets in which one particular community dominates. For instance, in the City of Mangalore, the Hindus, Christians and Muslims are approximately in the ratio of 40 : 35 : 25. On the other hand, there are pockets where just one of the community dominates. Again, if one goes to the Udupi area, while the demographic proportions are more or less the same, the Hindu community plays a dominant role, where as the other two are comparatively overshadowed.

Over the last 50 years, there has been a significant growth in the numbers of the Muslim community. One of the reasons for this is because there has been a lot of migration from the State of Kerala and Maharashtra to this region. As a result of this, the number of Mosques have gone up. One of the friction points is the practice of installing loud speakers on the Mosques and of loudly reciting prayers in Urdu or Arabic at different parts of the day.

This has created problems all over the country and the Calcutta High Court in a celebrated Judgment had laid down that nobody has the right to disturb the public peace even if it

is pleaded that this is on religious grounds. This led to a violent reaction from the Muslim community, threats to the Judges and a very unpleasant record. I do recall that a PIL was filed before the Karnataka High Court on the ground that the practice of calling the faithful to prayer by loud proclamations from the top of the Mosques might have been justified in the old days such as when people were living in desert areas and that this is just not permissible or tolerable in the cities. I had at that time directed that every citizen is required to conform to certain rules and noise pollution is one of the important ones. It was therefore essential that the State Governments would hold a dialogue with the leaders of the community and bring about a situation whereby such compliance take place. Unfortunately, both in the States of Maharashtra and Karnataka, there are frequent eruptions between the communities over this issue and sometimes it takes violent turns.

The food habits of the communities sometimes cause unpleasant reactions. While the majority of Hindus are vegetarians, the practice of eating meat is common among the other communities and this country has seen a lot of debate over the practice of eating beef. The objection to the eating of beef is on many grounds, one of them being that beef is obtained from the cow and since, the cow is considered a sacred animal, it should not be slaughtered and used as a source of beef. What has happened in recent times is that the non-vegetarian homes and hotels have slowly shifted away from mutton which is more expensive and in relatively smaller supply to the practice of eating beef which is cheaper. This has caused a lot of public debate and there are many groups of persons who insist that the law of banning cow slaughter should be enforced and that in those of the States where there is no such law, that it must be enacted. When feelings run high, there are many of the vigilante groups who decide to enforce their regulations on those around and this has led to harsh consequences.

In the region with which we are concerned, the meat trade is predominantly in the hands of the Muslim community. In this region, beef is not the only form of meat that is eaten because in the markets, mutton which is derived from goats and sheep to which nobody objects, chicken which is produced in large quantities through farms which cater to the meat business and pork which is derived from pigs and which, has a selective market are all available. The slaughter houses for the reason that most of the meat trade is in the hands of members of the Muslim community as also the wholesale and retail meat business have a large representation of the Muslim community. Whenever the issue of cow slaughter comes up inevitably, these areas are targeted. Again, inevitably, since, it is a matter of one's trade business or livelihood, those persons stand their ground and there are unpleasant consequences. This issue has been simmering for a very long time but by and large, in the State of Karnataka and even in the geographic areas with which we are concerned, it has not assumed any alarming dimensions.

There is then another psychological area with which we need to be seriously concerned. After Partition, the country has witnessed the most horrifying type of communal riots and ever since 1947, there have been many occasions when such flare ups have taken place. What happened in Bombay after the bomb blasts and the Gujarat riots which assumed uncontrollable dimensions after the train burning incident are among the major issues. We have the India – Pakistan issue and the unsolved Kashmir problem and the constant terrorism problem faced by this country where all sorts of militant groups are involved. This has aggravated the relationships. I have briefly set out these delicate factors to illustrate that almost any justification can be pleaded when communal skirmishes take place and the Governments and all right thinking leaders of Society have been working hard to contain these feelings.

Mangalore and the Karavali area have had a history of

peaceful coexistence with all the communities living in harmony. It so happens that I spent long years both in school and college in the City of Mangalore where we respected, understood and loved all religions. There are a large number of impressive temples in Mangalore City and there is a very old and famous Mosque located immediately outside the huge educational complex where we received our education. We enjoyed all the festivals, visited Churches, Temples and Mosques on these occasions without feeling that we were entering “another” place of worship. It is only in the course of last two decades when the aforesaid factors started taking unpleasant dimensions that violence was resorted to.

In the last ten years, Mangalore City, as also some of the adjoining areas like Chikmagalur and Bhatkal got singled out for virtual communal riots. At one time, curfew had to be imposed in Mangalore before peace was restored. Unfortunately, after the BJP Government came to power, religious fundamentalism took the upper hand and these instances started increasing. Security problems in the country required the law enforcement authorities to be extra vigilant and in many of the instances, the Government claims that there was support to anti-national activities and to terrorism from different remote parts of the country. In at least two or three of the investigations, the Media reported that the persons or groups involved had their supporters and in some instances, financiers in the coastal area particularly Kerala and Mangalore.

If the Security aspects require measures to be taken from the point of view of ensuring security, there can be absolutely no objection, on the contrary, it is a necessity. What unfortunately happened simultaneously with the attacks directed against the members of the Christian community was that persons belonging to the Muslim community were also being targeted. In the City of Mysore for instance, repeated provocative acts such as the throwing of a pig’s carcass into a

mosque which is considered highly offensive, was deliberately done in order to infuriate the minority community and cause very violent eruptions. These acts are a combination of irresponsible behavior, mischief and hatred but the consequences are deadly.

During the period with which we are concerned, groups of activists started targeting and attacking shops and business places belonging to members of the minority community. There are thousands of them in the whole region, most are very small establishments whereby the person-in charge earns his livelihood through that little business. They have no fighting power or protection and if a group of persons enters the shop, loots it and vandalises it, the victim is virtually finished and the same applies to his family. The police never ever provided any protection, they would not register a single case nor were any deterrent steps taken to ensure that this did not happen. There is no justification for these acts and my investigation has revealed that it became the order of the day for these activists to enter the shop, pick up whatever they wanted and then beat up the shopkeeper if he asked them to pay. The position held good when it came to a small hotel or eating house. The argument was not that they objected to the type of food sold which under the Law, they have no right to do. On every single occasion, a group would enter the place, "EAT THE FOOD" and when it came to paying the bill, they would beat up the owner and vandalize the place and raise a huge issue that it was because beef was being served in that hotel. What amazes me is the fact that if you are genuinely and strongly opposed to the practice of eating beef, how is it that you enter the place and eat this very meat and thereafter, once your stomach is full, use this as a ground for violence. It just goes to show how hollow the whole objection is.

There is a very large cattle population in the whole of this region. Some of the cattle are undoubtedly taken to the

slaughter houses but this rule does not hold good whenever a cow or a bull is being taken from one place to the other. I have dealt with the specific instance in Bajpe wherein before our very eyes, the cow which was on its way to the hospital was forcibly seized on the ground that it was being taken for slaughter. Later on, when we followed up the matter and tried to retrieve the cow because the poor owner could not afford to use it, we found that it had been taken straight to the local market, sold to the traders and that it could not be retrieved because they in turn had already slaughtered it. This was roughly the fate of everyone of the cases where animals were forcibly seized.

Right through this period, vehicles carrying cows or bullocks or even if these animals were being taken from one place to the other, the activists would beat up the persons concerned and take away the animal, these were never returned and the consequences to the farmers, whether they were owners or traders were extremely painful. These instances would take place almost everyday, as a result of which, the meat trade suffered immensely and not hundreds but thousands of persons most of whom belonged to the minority community were economically ruined. This is not something that has come into focus but what I found happening virtually everyday wherever I went. When I asked the respective SPs and the DIGs of the areas, they flatly deny that anything of this sort is going on, on the ground that not even one offence has been registered anywhere in Karnataka. Significantly enough, the food habits of the communities has been exactly the same when all the other State Governments were in power but no incidents of this type were permitted because the Law Enforcement Authorities were ordered to ensure this. Immediately after the BJP Government came to power, the situation changed drastically. The truth comes out, sadly enough through the mouths of the smaller persons such as the Constables and the SIs who frankly and

often sadly admit that for the sake of their jobs they have to follow directions and that there were specific instructions not to interfere in these cases. The end result is summarized below:

- (a) That the small businessman and hoteliers as also the persons whose livelihood depended on the meat trade which is a perfectly legal activity went through absolute hell because their economics was ruined apart from which, they also suffered serious bodily injury whenever they were targeted.
- (b) Not only was there no legal redress but the humiliation and indignity which the members of the community had to face were extreme encroachments on their human rights. The State Human Rights Commission received virtually thousands of complaints during this period but there were tens of thousands of those who could not complain or did not complain.
- (c) That this situation represented a total and complete breakdown of the law and order machinery, that this was consciously brought about sponsored and encouraged by the State Government, that apart from the Home Ministry which was the direct culprit, the responsibility of the State Government to maintain the constitutional guarantees of the minorities was not accidentally flouted but was deliberately transgressed.

HORRIFYING ATTACKS ON INDIVIDUALS:

In the course of my enquiries, I was informed of virtually hundreds of instances where members of the Muslim community were targeted only because they were Muslims. If these were to be recounted, it would probably take at least 100 pages but it is necessary for me to illustrate in just two or three instances as to what was the degree of atrocity that was going on.

- (a) A vegetable Vendor in the Moolky market, a young Muslim, aged 23 years, whose livelihood depended on the sale of vegetables was targeted because he was the only Muslim vegetable vendor. The local activists first beat him up and destroyed his little stall. He was thereafter taken to a Police Station in another town and handed over to the local police on the complaint that he is a Pakistani Terrorist. The police mercilessly beat him up, threw him into the lock-up and since, nobody knew where the man was, he was not even produced before the Court. He was assaulted for about five days in the most inhuman fashion merely because he was a Muslim. The brutality was uncontrolled, as a result of which, he was severely injured and would have died. When the Police realized that they would have problems, he was put into a tempo which was proceeding to Mangalore with instructions to the Driver to deposit him on the footpath near the Mangalore Market. The man was unconscious and he was found on the footpath in Mangalore near one of the Mosques. The authorities took him to the Government Hospital which refused to admit him as a result of which he had to be taken to a private institution. It cost a lot of money to revive him and he was in the Hospital for two months with fractured bones and severe internal injuries. When he was finally discharged, the case papers indicated that he had suffered permanent kidney damage as a result of the police assaults. Written complaints were submitted to the D.G. Police in Mangalore and to the I.G. Police in Mangalore, but nothing happened.
- (b) In the suburbs of Udupi, a young Muslim boy who was working as a Driver but who used to supplement his income by distributing milk was attacked by the Activists who beat him up on the ground that he is a Terrorist. He was put into a vehicle and taken to a Police Station about

20 kms away and handed over to the local police. He was again mercilessly assaulted and this torture went on for six days. His family were unaware of where he was. At the end of this period, the police realized that their brutality had gone too far. There were no records of arrest nor had he been produced before the Remand Court. In this instance, he was thrown on the National Highway in a badly injured condition. To his good fortune, since it was early in the morning, the Traffic came to a halt, he was picked up and taken to the closest hospital because he was not only unconscious but his face had been badly mutilated. The Hospital refused to admit him, so the persons who had taken him there, did not know what to do. He was revived and on hearing that he is a Muslim, he was taken to the local Mosque, where the authorities arranged for medical aid. Apart from injuries which took one and a half months to heal, the worst part of it was that his facial bones were fractured and his face is so badly mutilated that even after two months of hospitalization, it is difficult to recognize him. When a complaint was lodged with the local police, they refused to register it on the ground that it must have been a hit and run case on the highway and that nothing could be done. It was only after he revived that he was able to disclose that the injuries had been inflicted by that very police station. Written complaints supported by medical documents were addressed to the Police Authorities starting from the SP, Udipi to the IG, Western Range to the DG Police, but nothing happened. The interesting part of it was that he was told by the local activists that if the social workers and community organizations persisted with the complaint, that this time, he would be picked up and finished off. With this track record, when the Home Minister was confronted with the fact that between August

and December 2008, there had been as many as 216 prominent assaults of this type, he stated that it is absolutely false because not a single complaint had been registered with the police.

- (c) That after the Pemannur Church attack, the Police from all the Police Stations around that area started targeting the members of the Christian and Muslim community, particularly young men and beating them up because this assault had been reported on International TV and several teams were visiting the area. This terrorization was in order to ensure that nobody came forward to complain. A young Catholic boy who was working as a Mechanic and who used to supplement his income by delivering newspapers early in the morning was intercepted by the activists and taken to the local police station. Though, he was a Catholic, unfortunately, he was caught in the vicinity of a Muslim area, his moped was taken away from him and has never been found and he was beaten unconscious. These very persons took him to the local police station, gave his name as Usman and told the police that he was a notorious thief who had been beaten up by the members of the public. The police threw him into the lock up. There are no records of his arrest nor was he produced before the Court, but for two days, he suffered horrifying physical assaults on the assumption that he was a thief and a Muslim. When his family members came to the Police Station, they were told that he was caught with stolen property, beaten up by the public and that a passing police jeep had rescued him. They were made to give in writing that they had no complaint of any type and that they would arrange for private treatment for his injuries. They were also warned that if they took up the matter, they would not be spared by the police. He had to be removed to a private hospital

and his family had to spend Rs.60,000/- on his medical treatment. They are extremely poor persons and since, it was a matter of life and death, they had to incur the expenditure, because the Government Hospitals would not admit the boy. Both his shoulders were dislocated and in the course of the assaults, he has suffered spinal damage which has made him an invalid for life.

What I have recounted above is merely representative but it is indicative of what was going on in the District during this period of time. It is true that the Media hardly reported these incidents because the victims were all small persons. The assailants were essentially the police and more importantly, they had absolutely no fighting power. It is characteristic with the Courts and all other quasi-judicial bodies or for that matter Departmental Heads who ask for evidence in support of the complaints and even when that is forthcoming, to accept whatever cover-up explanations coming from the establishment. It is a matter of great credit to the whole of the Police Department and most importantly, to the Home Minister and the Home Ministry that during this entire period, despite the couple of hundred recorded incidents of serious assaults, that not one case has been registered nor has action been taken against any member of the police force. One needs to congratulate all these people and particularly the Home Minister for this unblemished record!

ATTACKS ON THE RESIDENTIAL AREAS:

Starting from September 2008, the members of the Muslim community who lived in areas such as Ullal where there is a predominance of only one community started facing a very peculiar problem. After sunset, the local police would enter the area and start going around it on the ground that they had information about anti-national activities. On this ground, they would enter the houses and beat up persons for no reason at all. To quote one example, two of the school children were

doing their homework. The police got hold of an atlas and on the ground that it contained maps which according to them were being used for planning terrorist attacks, the children were beaten up and all their school books were confiscated. The parents and relatives were taken to the police station, threatened with detention, and released after spending the whole night there after they had agreed to part with all the jewellery in the house.

The so-called surveillance activities continued on a large scale and when the community complained to the SP, he told them that the police had information of anti-national activities in the Muslim areas and that from the point of view of National Security, it was essential to comb the areas and even do surprise checks of the houses. In the course of the surprise checks, the police were picking up whatever items of value they could lay their hands on. While money and jewellery were the main targets, they even went to the extent of taking away electronic gadgets upto the size of TVs. It was only after three Writ Petitions were filed in the High Court and Prohibitory Orders were issued after seven months that there was relief to the community.

Before I part with Chapter, it is necessary for me to illustrate how, even after the High Court Orders, the State Government Machinery continued terrorizing the Muslim community. A middle aged Muslim male arrived from the Middle East to visit his family. The documents show that within 30 minutes of his arrival, the local police arrived, took him to the police station and took away all the money that he possessed including a small amount of foreign exchange on the ground that he is a Pakistani spy. All the male members of the family were also taken to the police station, six of them were placed under arrest on the ground of suspicion that they were involved in the Mumbai Bomb Blasts Case. The Remand Court asked the police to produce evidence in support of this allegation.

They asked for one week's time to contact Mumbai and then filed an Application that the Accused should be sent to Mumbai as the police there wanted to interrogate them. This was done. The Human Rights Organisation in Mumbai after the Court had given the police one week's time, insisted on justification for the arrest as there was zero evidence on record. After detaining them in Mumbai for three weeks, they were taken to Delhi, on the allegation that they were connected with the Delhi Bomb Blasts Case. The same story is repeated in Delhi for two weeks and the Delhi Police told the Court that they had information that they were connected with the Ahmedabad incidents for which they were then sent to Ahmedabad.

The Human Rights Organisation here again asked for evidence which was not forthcoming, whereupon, after sixteen days of illegal detention in Ahmedabad, they were discharged. They had to travel back to Mangalore at their own expense, after going through absolute hell for almost three months of illegal detention. **I WAS INFORMED BY THEIR LAWYER THAT WHEN THEY FILED A PETITION BEFORE THE HIGH COURT, THE PETITION WAS DISMISSED ON THE GROUND THAT THEY SHOULD MOVE THE HIGH COURTS OF MUMBAI, DELHI**

OR GUJARAT ON THE GROUND OF JURISDICTION!

The purpose of my including this Chapter in this Report is in order to illustrate that the hate crimes were essentially directed against the minorities and that they extended beyond the Christian community. Secondly, what emerges is the disturbing fact that most of the violence and the real damage was at the hands of State Machinery which took full advantage of the communal activists with whom they were acting in tandem. More importantly, the irresistible conclusion is that all of this had not only the approval but the blessing of the State Government.

CHAPTER-XVI

THE SATHYADARSHINI CONTROVERSY

In justification for the attacks against the community and the places of worship, the saffron brigade, and particularly the Bajrang Dal leaders officially proclaimed that the Christian community has been circulating a publication entitled Sathyadarshini and that this publication contains highly offensive references to Hinduism, to Hindu deities and that the statements are so very bad that they are in fact obscene in many instances. Not only did the leaders proclaim this in writing and issued numerous press statements but for a period of about two months, they referred to this extensively on the electronic media and the TV statements put out the argument that since the Christian community had attacked Hinduism and Hindu beliefs, that counter attacks were necessary. In as many as 19 instances in different parts of the State, where the activists vandalized Churches and Prayer halls belonging to denominations other than the Catholics, the strange part of it was that copies of this publication were alleged to have been in circulation but were never seized.. Public statements were thereafter issued that it was the Christians who were circulating this highly offensive material. One of the denominations that was strongly targeted was the New Life Church and it so happened that the Chief Minister and the Home Minister repeatedly referred to the fact that it was the New Life people who were circulating this highly offensive material, that they had given cause and provocation for the attacks that followed because that literature was so very bad that it was absolutely intolerable.

In the two open meetings that were held with the CM

and the Home Minister where several of their Cabinet colleagues were present, I had asked that since the issue was so very serious, the Government should be in a position to produce at least one copy of this publication, so that, we could ascertain for ourselves as to what were the contents. The DG Police and the Commissioner of Police, Bangalore, as also the SPs of Mangalore, Udupi, Chikamagalur and Davanagere were present. None of them was in a position to produce the material and they admitted that the Police had not seized any such documents. We then asked the Government Authorities as to why legal action had not been instituted against whoever the culprits were as this was a very serious matter, that inciting communal disharmony was a criminal offence and that since it was an issue in the forefront of the attacks, as to why this material had not been seized, confiscated and those who were circulating it prosecuted. As a face saving device, the SPs in question stated that the Police had raided all the Churches and Prayer Halls as also other areas and searched them very meticulously but that they could not find a single copy with anybody. Since, the Government was caught out in its own falsehoods, we got it from the horses mouth that this charge / allegation had been pleaded by the Bajrang Dal in justification for the attacks and that the Police could have got the copies from their activists who would certainly have got hold of the material if it was in circulation as they had referred to it extensively. Then came the startling admission that the police authorities had repeatedly called upon the Bajrang Dal leaders in all the Districts to assist them by producing the copies of this publication but that not a single copy was forthcoming.

What then was the truth of the matter ?

There is something very curious about this allegation that has been made against the Christian denominations. As indicated above, none of the State Authorities right up to the

highest levels was able to substantiate this allegation which on the material indicated above is clearly established to be false. There can be no doubt about the fact that the police who were totally and completely hand-in-glove with the saffron brigade and who were acting at their command, all over the State, would not have lost a single opportunity of seizing this material and prosecuting all those involved in possession or circulation if the allegation was true. In an extremely volatile and serious matter like this, it is impossible to accept that not a single offence was registered anywhere in the State right through this long period of time which itself establishes the total falsity and hollowness of this charge. Since, this allegation had in fact emerged from no less than the Chief Minister and the Home Minister, I decided to find out the origin of the allegation. In the course of my visits to these Prayer halls which had been attacked, in every single case, I was informed that the attackers who had followed hit and run tactics tried to throw a copy in that place before vanishing. In every single attack, the pattern was identical in so far as within less than five minutes of the culprits leaving the place, the police would arrive. They would come equipped with persons to clean up the debris or damage whether it was torn religious books and the like right down to broken furniture, glass pieces, electrical fittings and sound systems. The so called copy of Sathyadarshini would be removed along with this material and no traces of it were available thereafter. Why the police did not draw up a single inventory in any of these cases and why they did not seize this material separately is not a mystery. It was an accident. The modus-operandi that was followed by the attackers and the police yields the following very interesting conclusion:

I have recorded in Chapter-1 that the attackers of the Adoration Monastery were given police cover for two reasons, firstly, that if there was a counter attack or if there was

resistance or if there was the possibility of their being caught, the police were there to intervene and assure that this did not happen. Secondly, it was equally important that the culprits should make a safe getaway and the police jeep was the best insurance if they were stopped or intercepted anywhere. This pattern was replicated with 100% precision in every single one of the attacks. In all the subsequent cases, it went a stage further. The damaged crucifix of the adoration monastery was projected by the Media all over the country and worldwide and it shocked everybody globally. The Karnataka Government decided that this should be prevented. So, the subsequent pattern in the later set of incidents was that the police would accompany the attackers to ensure that they did their job without disturbance and would also ensure a safe getaway. Before the Media arrived, or the aggrieved could complain, a total clean up job was done, so much so that there was almost zero evidence of the attack.

Then comes the nicest part of the operation. The Home Department had instructed the police to get hold of the local shopkeepers and workmen to immediately restore all the damage that had taken place. Broken glass was replaced, damage to all other items was undone and the Pastors were told that the Government has instructed the police to ensure that whatever damage has taken place is immediately undone. The speed at which this counter operation was undertaken was absolutely amazing. To my mind, this was a brilliant move on the part of the State Government because on the one hand, the congregation was beaten up, they were terrorized and in every single instance, items such as Mangalsutras, gold chains and other valuables including ladies handbags, watches and mens purses were physically looted, the place was vandalized and after all of this, a pious impression was projected by the police on behalf of the Government that the authorities were very concerned over the incident and had

decided to make good all the damage. By following such a brilliant procedure, the Government was able to officially state that not a single incident of this type had taken place and that the allegations with regard to these incidents are not only false but are motivated.

Despite the best of efforts, since no copies of Sathyadarshini were traceable anywhere, officially or unofficially, as a last resort, I decided to ask for them from the Bajrang Dal office near Pumpwell because this was the booth where I had been given my membership. The persons present were extremely cordial and I frankly told them that I was very much concerned with the allegation that this book had been circulated but more so because I was totally opposed to anybody writing, publishing or for that matter distributing or circulating material of this type. It is a matter of truth that I have done a lot of deep study as far as the holy books and literature of Christianity, Islam, Hinduism, Jainism and Sikhism are concerned and I was genuinely interested in first of all finding out the origin of this publication and secondly, as to who exactly was circulating it. Since, the allegation had come from the Bajrang Dal and there were extensive references to the deplorable contents, I tried this avenue as a last resort. I even offered to pay for the copy and assured them that I would be the last person to circulate it but that they must help me. Several phone calls were made and I was asked to come on the next day. I was however, told that the copy in question was one of those which had been seized from a Prayer hall and that I could see it, read it but could not take it away because it was the official record. I requested that five copies be called for or that I be allowed to xerox the copy as we were a team of five persons. After some discussion over the telephone, I was told that we would not be allowed to take the copies out even for xeroxing because there was a possibility that we would make more copies and circulate them which

was intolerable. To this, I pointed out that their own persons could go and get the copies xeroxed and that I would pay for the costs, in which case, there were no security risks involved. This was also turned down but I was very happy when they told me that ten copies would be brought on the next day that all of us could read them and return them free of cost. The only restriction was that no notes were to be made nor could anything be copied.

I must say to the credit of my friends there that on the next morning at 11.00 a.m., when we went to the booth, there was a pile of 10 copies of the book on the table. Unfortunately, none of my colleagues could accompany them as they were all busy. I was also required to do lot of other work and hence, could not spend more than about 20 minutes to go through the book. I again requested them to give me a copy on payment since they had several of them but this was refused and so was my request to loan the book for a few days so that I could read it at night and return it the next morning with the assurance that I would not show it to other persons or copy it. This was turned down.

The interesting part of the operation is that it is a book of about 40-50 pages and that it is in English, which surprised me because I was all along under the impression that it would be in Kannada or some other language. There were no indications anywhere as to whether this was the original or whether it was a translation. **All the copies were brand new.** They were also unopened and unused because many of the pages had to be cut open. I casually pointed this out to my friends present who told me something amazing. **According to them, with great difficulty, the organization had been able to seize only one copy from a Prayer hall and since, it was necessary for everybody in the party to know what exactly the material was that it had been reprinted in large numbers and provided to those who ask for it.** If the

publication is offensive and obnoxious, my common sense view is that attempts would have been made to destroy the material and not to print hundreds or thousands of copies and distribute them, even if it was within party circles because something disgusting should never be disseminated.

Let me straight away come to the contents. The author claims to be a person who was born a Hindu and who practiced the faith for many years. He also claims to be a scholar and a sadhu. The book appears to be in the form of biography or rather his personal views about Hinduism. According to the author, he was disillusioned with the Hindu faith, its rituals in particular and its beliefs and his conclusion is that this not the truth. It is obvious from the tone of the language used that the author is a person who has not only fallen out with Hinduism, that he has revolted against it and that he has ended up as being a person who is violently hostile to Hinduism. It is true that there are many uncomplimentary references to the religion but particularly to many of the beliefs and more importantly to the gods and goddesses in the most uncomplimentary and unparliamentary language which I personally found positively revolting and disgusting. Any right thinking person will condemn a publication of this type and if the leaders of the Bajrang Dal came out strongly against the publication, they were fully right and justified in doing so. To my mind, publications of this type required to be banned, because they are offensive and inflammatory and in my view, all copies should also be destroyed. My friends were quite happy to hear what I thought of the book but they were not willing to share my suggestion that the copies be destroyed and they should not be circulated because according to them, they were required for official purposes.

From what I could ascertain, this publication first came out from a Publisher in the city of Shimoga in Karnataka. It also seems to have been published about 15 years back and

there is no indication as to whether it was at all reprinted. Also, since there did not appear to be any indication of the price from the copy which was given to me, I presume that it was not for sale but was for free distribution.

I have cross checked with the New Life Authorities with the Pastors and the congregations of all the denominations to find out as to whether any of them was responsible for the circulation of this material. Not only were they all ignorant of it but the unanimous view was that anything which attacks religion or religious beliefs is sacrilegious and that they would have nothing to do with any material of that type. When I went to Shimoga for a Law Conference, I contacted the Police Authorities and asked them as to whether they had tracked down the Press, the Printer, the Publisher and the Author. They told me that since there was an allegation that the book had originated from there, that the addresses were carefully checked. There was no such Printer or Publisher traceable nor was there any such publishing house and even the name of the Press which was indicated was false. It was very clear that either because of efflux of time that all of this might have disappeared or the second possibility was that all those details are false. In any event, the police were not able to get to the origin of this publication.

I need to end this sordid Chapter with the observation that even though the publication was briefly traceable, the charge against the Christian denominations of having circulated this material is totally false and baseless. As often happens, when rumours or lies are repeated as GOEBELLS had brilliantly pointed out in Nazi, Germany, **“when lies are repeated often enough and with conviction and vehemence, that they pass for the truth.”**

CHAPTER-XVII

THE EDITOR, SEETHARAM CASE - ATTACKS ON THE MEDIA

(THIS CHAPTER WAS SEPARATELY EXTRACTED AND PUBLISHED IN A BOOKLET FORM AS IT WAS ASKED FOR BY SEVERAL OF THE NATIONAL AND INTERNATIONAL INSTITUTIONS AND AUTHORITIES. IT IS REPRODUCED BELOW IN THE SAME FORM).

DEDICATION

In the year 1963, I completed my course in Journalism which I was doing along with the LL.B course in the then Bombay and I was required to work with different publications – I started off with the Indian Express, then the Times of India and moved on to Journals and it was only after five years of a journalistic career that I went over to Law as I had then completed my LL.M degree. Having started life as a Journalist, it ingrained in me a lifelong commitment and through the years as a Lawyer and thereafter as a Judge, I have relentlessly fought to uphold the rights of the media even to the extent of seven hard hitting and controversial judgments where I upheld the freedom of the Press even to the extent of being critical of the Judiciary and of Court decisions when they were wrong. Six other reported decisions followed refusing to uphold contempt charges in situations where the media was unjustifiably hauled up for critical reporting of controversial Court decisions. Finally, in the Vasudevan case

which made International headlines I emphatically laid down the principle that the fundamental rights which included the freedom of speech and expression, cannot be fettered by misusing the provisions of the Contempt of Court's Act. At long last, pursuant to this Judgment, which was confirmed by the Supreme Court, the Government of India, amended the Contempt of Court's Act, providing for a situation where truth is an absolute defence against contempt.

In several of my lectures, I have pointed out that during the emergency when every institution including the Judiciary failed the citizens of this country that there was only one set of human beings who risked their necks and liberty by acting as the “**conscience- keepers of society**”. If the emergency failed and fundamental rights had to be restored, it was principally because of the relentless and stout hearted battle that the media fought. I am proud of this tribe to which I almost belong! To those of you who read this pamphlet, it will be an eye-opener as to how there are dangerously evil forces even in a democracy which will not hesitate to kill, and which can corrupt and defile and which can seriously undermine the independence of the media.

This is the alarming but distressing story of how the Courts failed in a crucial area to curb the atrocities of the Government and how the Judicial Officers who are entrusted with the sacred duty of safeguarding fundamental rights and more importantly, the safety and liberty of the citizen can turn a blind eye to horrifying levels of human rights violations by the persecutors and destroy the rule of Law. **True, in this instance, it was Seetharam, but I want every media person in this country to realize that tomorrow, it could be you,**

because there is no knowing when the Government or the vested interests or the rich and the powerful could suddenly decide to target you. It is also a sad reflection of the fact that the confidence which once existed that the Courts would safeguard the citizen is now hopelessly shaken.

We have venerable institutions like the Lokayukta and the State Human Rights Commission, both of which are headed by two of the finest Judges that one could ever look for, but even they can do nothing in a situation where the politicians have deprived them of the requisite power, the requisite infrastructure and who callously, arrogantly and defiantly disregard their Orders and directions with impunity. The situation is alarming. **The Press Council has been set up with the specific purpose of ensuring that the rights and interests of the Media are rigorously safeguarded but even that institution has achieved nothing in this case. This is not sad, it is pathetic.**

Where do we go from here ? If the independence of the Media, its status and dignity are to be upheld, it is this fraternity alone which will have to fight for it and ensure that these guarantees are not illusory. There is serious work ahead and much to be done in this area. Let this case sound the alarm bells and send out the right signals. **I am deeply disappointed at the role of the higher Judiciary in this and other similar cases – the Constitution invests the High Court and the Supreme Court with unfettered powers to uphold the cause of Justice and more importantly to ensure that the Constitutional guarantees are living realities. Those powers are expected to be used and applied properly with a level of moral courage and fortitude that has become a rare**

commodity today. I have many times said in my Judgment that Justice cannot be divorced from Dharma and that Justice and Dharma when intertwined can lead Nyaya in its truest sense.

This little publication is dedicated to the Journalistic community, to the men and women who comprise of it and from whom I have the highest expectations. I travel a lot and feel extremely proud at International levels when there is an acknowledgement that the Indian Media is about the finest in the world, I want the standards to be raised even higher and for that to happen, the fetters will have to be eliminated. That is the sole purpose of circulating this publication globally.

To the People's Union for Civil Liberties which has relentlessly fought for human rights and has fearlessly taken up even the most difficult of causes, I pledge my support at all times. Transparency International, of which, I am the Chairman, has always stood for the elimination of corrupt forces and the maintenance of the Rule of Law and it is organizations such as these which are the finest safeguards of the citizen.

FOREWORD

Never in the history of civilized nations have the levels of State Tyranny plummeted to such deplorable depths as to witness a situation wherein the Editor of a prominent paper is arrested on an utterly ridiculous set of circumstances by the State Machinery, an attempt is made to eliminate him and his wife through a familiar “encounter” situation which fails, the Judge then compounds the matter by refusing bail at night and the next day, the Editor is produced in Court, **handcuffed and secured in chains, despite the Supreme Court of India having mandated that this cannot be done even in the case of dangerous criminals.** The Presiding Judge, in spite of vehement objections from the Bar, turns a blind eye to this. Then follows a month long horror story which the world must know about. That is the reason why I have been requested that this Chapter be published and circulated separately.

What followed is even more disturbing. I wrote officially to the Chief Justice of the State, as the case required an Enquiry to be held against the Judicial Officer who sided with and covered up for the Police by wrongfully refusing Bail and not taking immediate action when the Editor was produced in chains. Nothing happened. I had also demanded that the High Court take suo-moto action against the State Government for the inhuman atrocities and more importantly the human rights violations. I received no reply either from the Hon’ble Chief Justice or from his Registry. After about six months, a Lawyer informed me that my letter had been placed before the Division Bench and the Judges had **dismissed it** on the ground that I had not appeared before them. Ironically enough, I had spent TEN precious years of my life as a Judge of this very High Court and proud global

fame to the institution for upholding Human Rights, most of the time through suo-moto action because the victims were too poor or too weak to complain or to appear!

Thanks to this brilliant approach, the Government also got away. Even when Seetharam's Habeas-Corpus petition was disposed off by the High Court and his Counsel had effectively presented the horrifying details of five weeks of State Tyranny to which the Government had absolutely no defence, the Court awarded a princely compensation of a magnificent amount of Rs.10,000/- (the State of Karnataka did not pay the amount but went in Appeal to the Supreme Court and spent Rs.2,00,000/- and the Petition was ultimately summarily dismissed). **This was a case that called for exemplary compensation- had the High Court awarded a deterrent figure of Rs.Ten Crores which was perfectly commensurate with the atrocities and directed the culprits to individually pay a good part of it after identifying them, starting with the State Home Minister, there would never have been a repetition. When Flea-bite punishments are awarded it is the strongest inducement and encouragement for the guilty to repeat the offence-nothing is a finer slap in the face of the victim- sadly enough we call this NYAYA or JUSTICE!**

This case was placed before the Press Council of India to whom I had occasion to furnish all the details because such attacks on the Media are intolerable. A two member Committee was appointed, they verified all the facts, they even had a sitting with me in Bangalore, but nothing happened thereafter. The case was placed before the State Human Rights Commission which took cognizance of the matter but the result was zero.

This is disturbing, and in India, which is a Democracy and the rule of Law is supposed to prevail, the poorest of the poor are shot down every day and the media reports that they

are Naxalites, Maoists or Terrorists and the citizens believe that the police should be commended for killing them. I have investigated into **eleven** such encounter killings in Karnataka and found the charges to be downright false. The victims were all poor villagers who had been inhumanly thrown out of their homes and lands by the Government agencies on the ground that SEZs are other forms of so called “development” were being undertaken. They had been consigned to the hills and the forests and were perhaps fighting the very agencies who were responsible for their condition.

What is the strongest signal that emerges from these sordid facts – it is that **SECULARISM HAS BEEN A CASUALTY UNDER THE BJP GOVERNMENT IN KARNATAKA**. Media sycophancy is synonymous with media corruption and in this case, it was not the common desire on the part of unprincipled journalists to appease the State Government that was capitalised upon but a simple bold shameless situation where the media support was bought through money patronage channelised through hundreds of crores of rupees of useless self publicity of the State Government and those in power that has brought the exchequer to the brink of bankruptcy. **The few who resisted this bonanza had to survive on their own and the one who opposed it, was attacked and almost finished.** It is a strange paradox that whereas the Constitution of India mandates for secularism that the State of Karnataka, on the other hand, does everything that the Constitution prohibits and for that matter, what the IPC defines as Criminal Offences. **The right thinking citizens of this sub-continent and of the world need to take serious cognizance of this case because the repercussions are exceedingly dangerous. I would therefore like the contents of this pamphlet to be read and discussed and for decisions to be taken at every level to put a final stop to this state of affairs which is not only life threatening as**

Seetharam and his wife have experienced but would be democracy destroying.

When will the world open its eyes and understand where the truth lies ? How long do we have to wait before the Indian Courts effectively stop these atrocities by Policing the Police and more importantly jailing the errant politicians who are the real culprits. What have we set up specialist bodies like the Press Commission and the Human Rights Commissions if they are handicapped and cannot, or do not function as expected? Above all, what about an independent Press- IS ITS SURVIVAL THREATENED? This case suggests just that. NOBODY CAN ALLOW THAT TO HAPPEN IN INDIA- THAT WILL BE THE END OF OUR DEMOCRACY.

AN EDITOR IN CHAINS - HIS MIRACULOUS SURVIVAL - THE SEETHARAM EPISODE

The coming to power of the BJP Government in the State of Karnataka in the year 2008 was synonymous with incidents of violent hostility against the minorities and this was more perceptible in the whole of the coastal or karavali area which covers the South West Coast of India. As often happens, some of the publications openly supported what was going on and the most volatile and communally offensive type of articles and editorials started appearing in the Press. Though the Law prohibits this, no action was taken by the State Government- on the other hand the politicians in power openly instigated and supported these campaigns and those who propagated them. Interestingly enough, I was not aware of the fact that Chief Minister and the Home Minister were RSS Pracharaks- they regularly appeared in the media with RSS and BAJRANGDAL leaders at functions in Khaki Shorts and white banians carrying Lathis and more importantly, dressed in saffron with religious leaders. Hundreds of Crores of Rupees of State Funds were donated to Temples and Mutts- not a

Rupee to the minorities!

It was not the pro-hindu line that was alarming but the fact that there were open and direct attacks against the Christian community. The State Government, not only did not take action to curb this or to prosecute the persons advocating communal hatred, but on the other hand, encouraged it by going out of its way to organize various activities on a mammoth scale all over the State which were attended and presided over by the Chief Minister, the Home Minister, the Education Minister and their colleagues, with the BJP and Bajrang Dal leaders sharing the dais with the prominent pontiffs of the area. These mammoth melas were held in Udupi, Mangalore, Puttur, Chickamagalur, Shimoga, Davanagere and almost every part of the State on a regular basis. Public funds were siphoned out like water with the Chief Minister announcing massive donations at every function, only to his own community- the minorities got nothing.

Only that section of the Press & TV who were supportive were liberally fed with funds running into hundreds of crores of Rupees by the State Govt. through all sorts of dubious heads. For instance, seventeen huge functions were held in honour of Swami Vivekananda all over the State and Rupees Eight Hundred and Seventy Crores of Rupees were spent by the State Government in just SEVEN WEEKS. The two-fold objective of these activities was aimed at terrorizing the local population, because those attending would invariably indulge in a show of force on the way to these venues and on the way back. What was characteristic was the fact that apart from the leading politicians of the State Government at all levels attending these functions, hundreds of KSRTC buses and Government vehicles were all mobilized for them. Crores of rupees of Government money was diverted towards these activities. The Times of India which is basically a neutral paper published a news report on the 31st of August 2008 to the effect

that in response to a query under the RTI Act, that the Chief Secretary of the State Government had admitted that in the preceding period which covered just five months that the State Government had spent Rs.3,118.00 Crores on these activities. This was apart from an amount of Rs.289.00 Crores which the Chief Minister had personally (again out of State Funds) donated to various mutts and Hindu religious places which he had visited. The weak justification that was put out was that these were all places of pilgrimage which required to be developed.

The role of the media during this period was interesting in so far as since the Government was feeding them with a lot of money there was next to no adverse publicity. When violence was let loose, when other communities were attacked and when Churches and mosques were targeted, the Press and the TV would maintain a discreet silence by closing the other eye and the argument was that the Police have not registered any offences and therefore, no incidents have taken place. This chapter is devoted towards illustrating how in a democracy the Media can be virtually bought over and pressurized into not reporting incidents of communal disharmony. This was important because if the real stories were carried, the State Government would run into serious difficulty and could even have been dismissed from Office. Secondly, the World Media would have attached a lot of importance to these disturbing incidents and the repercussions would have been very serious. To illustrate, the incidents on 14th / 15th September 2008, when absolute violence was let loose by activists but mainly the police and the State machinery against the members of the Christian community and their places of worship, were impossible to suppress. The electronic media did carry the incidents live and so did the Press and the whole world took serious note of it and the President of the US and the President of France both made it

a point to personally highlight this matter with the Indian Prime Minister and the Government of India immediately stepped in and issued a notice to the State Government under Article 355 of the Constitution to show-cause as to why it should not be dismissed from Office.

Truth can never be totally hidden or suppressed and some of the publications ran the serious risk of carrying the stories as the incidents took place. Their reporters and presses, offices and staff were targeted by the Bajrang Dal and the Police refused to either protect them or to even register an offence. There is a small publication in the Karavali area which is a daily paper in the Kannada language and it is extremely popular in the whole of this belt. The name of this paper is "KARAVALI ALE". The Editor of this paper is B.V. Seetharam. He also brings out an English edition called Canara Times, which is published once a week. Seetharam popularly known as BVSEE not only carried regular reports and pictures of the communal atrocities, but he also wrote strong editorials disapproving of the atrocities and condemning them. He and his entire team received numerous threats over the telephone and were subjected to even physical violence from time to time with absolutely no relief from the Police. His office was regularly stoned and vandalised and despite whatever security measures he could afford, damage to property became a regular affair. Instead of being intimidated, BVSEE kept up the campaign.

One Sunday morning, a Jain Sadhu took out a procession through one of the Main Roads of Mangalore City. The Sadhu was nude, as that was his religious custom and he was leading the procession with a group of his followers. This incident created a controversy in the area because it was a predominantly Christian part of town and the procession went through the area at the same time when the majority of the residents were making their way to the Church for the Sunday

Mass. There were no confrontations but it raised a raging controversy on the question of whether it was permissible for a procession of this type to move on the Main Road of Mangalore when women, girls, children and the general public who also use the same road had to witness what was happening. One of the readers wrote a strong letter to the Editor, in which he stated that obscenity is an offence under the IPC and that even if it is done on religious grounds, if the offence is committed in a public place that it is actionable under Law, because it is highly offensive to the general public.

It so happened that BVSEE published this letter. The Government and the authorities were just waiting for an opportunity to hit back at him. He and his wife were arrested under half a dozen charges of inciting communal disharmony etc and TWO CRIMINAL CASES WERE REGISTERED AGAINST THEM, ONE IN MANGALORE AND THE SECOND ONE IN THE CHIEF MINISTER,S HOME TOWN OF SHIMOGA. His wife had nothing to do with the publication and she was only a Director of the Company. BVSEE also had nothing to do with the publication of the letter which was done in routine course by the News Editor and the Staff. The two of them were arrested by the Police late in the evening on a weekend. When they asked for bail, it was refused. What is most shameful is that when their Lawyers went to the Magistrate's residence and requested for bail, the Judicial Officer refused to hear the Application. **The two of them were put in the filthiest possible lock-up which was virtually stinking and it was infested with rats and every other form of vermin. They had the most notorious anti-social elements for company and the Police refused to even allow them clothes or home food on the ground that they had instructions from the highest quarters in Bangalore i. e. the Home Minister himself, not to allow this. (POLICE OFFICERS ADMIT)**

Seetharam had reported the matter to the Human Rights Commission, in which, he very clearly pointed out that normally the Police in Mangalore would not have the courage to treat an Editor and his wife in this manner without express orders from the highest quarters of the Government. He has also pointed out that because of the condemnation of the atrocities against minorities and the fact that the State Home Minister who hails from Udupi was actively instigating and supporting these activities because of his staunch RSS background, that instructions had been given to torture his wife and him. The State Human Rights Commission has passed strictures not only against the State Government and the police but also against the subordinate judiciary.

The behavior of the Magistrate was not only unfortunate but downright shameful. When BVSEE and his wife were produced in Court, and an Application was presented for their release on Bail, the Magistrate loudly proclaimed that these persons have indulged in serious offences and that they should be remanded to police custody for two weeks and that he will hear the Bail Application on the next day as he was busy. Since, the Application was not rejected, there was no scope to move the Higher Court. On the next day, the Magistrate passed an Order that the Prosecutor should file his reply within three days and that the Accused should continue in custody. An Application was presented to the Sessions Court which was promptly rejected by the Judge on the ground that the Lower Court had not yet disposed off the Bail Application.

After the lapse of three days, the Prosecutor asked for further time on the ground that the Police were busy and that they have not given him necessary instructions. Despite objections, this Application was granted. On the expiry of this period, the Magistrate heard the arguments for five minutes and adjourned the hearing to the next day on the ground that he had no time. On the following day, he heard

the Application for five minutes and adjourned it for the Prosecutor to reply. On the following hearing, the Prosecutor was heard and the Application was kept for Orders. No specific date was given. By following these dilatory tactics, the Magistrate illegally retained the Accused in custody all this time and made it impossible for them to approach a Higher Court because technically, the Application was still pending and no Orders had been passed though there was Zero ground to refuse Bail.

BVSEE's lawyers applied to the High Court pointing out the conduct of the Police and the Magistrate. Not only did the High Court straight away order the release of both of them on Bail, but passed severe strictures against the police for registering an offence which was supposed to be on the basis of the letter that had appeared in the paper regarding the naked procession of the Jain Muni. The refusal to grant bail by the Magistrate at his residence was held to be downright improper and motivated and the manner in which the Bail Application was deliberately delayed and dilated came in for condemnation from the High Court. The High Court even directed that a Disciplinary enquiry be held against the Judicial Officer for the biased manner in which he had conducted himself. Nothing happened.

My personal view of this incident is that the High Court should have suo-moto directed action against the police authorities and the State for having registered a whole set of unsustainable offences. The entire conspiracy was exposed when the Prosecutor before the Mangalore Court told the Magistrate that eight of the Police Stations in Mangalore City and suburbs have registered similar offences. This was seriously contested by BVSEE's Lawyers who insisted that the names of the Complainants be disclosed. When these were verified, it was found that the so-called Complainants were non-existent and that the addresses were also false. Mercifully

for BVSEE, the High Court while releasing him on Bail ordered that neither his wife nor he could be arrested on the same or similar charges in any of the other cases which are supposed to have emanated from the same incident. This matter created a nation wide sensation and one of the issues that was widely projected was the question as to why the High Court had not ordered exemplary compensation against the State Government for the illegal detention on false and malicious grounds for a period of 13 days. The cheerful reply that came from the Home Minister was that the Accused had not applied for compensation and therefore, the question did not arise. How could the higher Judiciary have closed its eyes to these illegalities? Not surprisingly, no further steps were taken in these nine cases on the ground that the Complainants had disappeared. After all of this the couple were rearrested and taken to Shimoga where they were harassed for another Five days in custody on the excuse that there was a separate case filed there. **WE ARE SUPPOSED TO BELIEVE THAT THE RULE OF LAW EXISTS IN KARNATAKA.** This incident had a chilling effect on the other publications all of whom decided that it was too dangerous to invite similar steps against themselves. It must be said to the credit of BVSEE that despite threats, regular attacks at his office and attacks to his editorial staff that they continued their campaign and not surprisingly, this was highly appreciated by the readers and the popularity of the paper increased by about 10 times. The Church attack incidents had swung public opinion heavily against the State Government all over the country and all over the world and this was the reason why the police and the State Government did not openly attack Seetharam for sometime. It was however, clear that they were looking for an opportunity.

All of a sudden, attacks were started against the distribution channels. The bundles of the newspaper were

targeted in the course of distribution, forcibly seized and burnt. More than a hundred complaints were filed with the police even pointing out the names of the persons doing this, but they refused to act. It became exceedingly difficult for the paper to be distributed to the Cities, Towns and Villages because it was being targeted at the distribution points. The more effective tactic that was used was that every newspaper seller was attacked and beaten up if he so much as kept even one copy of this paper. This was being done on a daily basis. One bold hawker opposite Moti Mahal Hotel still insisted on selling the paper until his little stall was smashed to pieces and he was told that on the next occasion, he would be finished off. In respect of this incident, since, I was in Mangalore, I had occasion to see the damage and meet the victim who told me that the police had refused to even register an offence. **He had identified and named the attackers who were known anti-social elements. He had also provided the vehicle numbers and he had personally gone to the SP with a written complaint. Instead of acting on the complaint, the SP told him that he would be locked up if he dared to come up with any false complaints.**

It was at this time that I had called on the IG, Western Range, who appeared to be a good officer, as I required certain information with regard to the attacks. He was extremely polite and courteous but the visit turned to be a waste of time, because I found that he was being totally bypassed by the SP and the other Police Officers who were receiving instructions directly from the Home Minister. Even as far as the attack on the hawker was concerned, the SP who was present had the gumption to tell his superior officer that the hawker had lodged a false complaint, that no damage had taken place, that the investigation indicated that the names of the culprits and the vehicle numbers were false.

BVSEE had taken up the matter seriously with the Press

Council of India and that body immediately deputed its team to Mangalore and because of their presence and the investigations that followed, there was a temporary lull in the situation. From the information gathered by me, which was carefully verified, I found that as far as these attacks on the newspaper and on the BVSEEs Offices, distribution network and hawkers were concerned, that the culprits were gang members of the well known Dons of Mangalore. One such attack was directed against the residence of the President of the People's Union for Civil Liberties (PUCL). His house was targeted and he suffered minor injuries in the incident. On this occasion, the Police pretended to act with a degree of expediency. They arrested half a dozen of the local petty criminals and issued a Press Statement that the incident was because of some personal quarrel and rivalry.

It was at this time, on a Sunday evening, that BVSEE and his wife had decided to visit a temple some distance outside the city. A jeep and two police vans turned up at his residence where his student daughter was alone. They forced their way into the house on the ground that they had to search the place. Extensive damage was caused, a lot of valuables and cash disappeared from the place and the police party left. They had obtained information as to where BVSEE was going and all of a sudden at a lonely place in the dark, the Police Jeep overtook his car and stopped it. The Police Officers told BVSEE that he was under arrest but refused to disclose the charges. His Driver was ordered to follow the Police Jeep with the two vans behind the car. For the next one hour, this convoy proceeded from area to area in the hope of finding a sufficiently lonely place. Despite attempts for over an hour, the difficulty that they ran into was that there was a regular stream of buses, cars and two wheelers and they found it extremely difficult to find the secluded spot that they were looking for. BVSEE and his wife were terrified principally

because the District Police have become infamous for the number of so-called “encounter killings” that they have been involved in. I had occasion to study the modus-operandi which had been identical in eleven cases over a period of less than one year. In all these instances, the victims have been shot by the police on the ground that they are supposed to have attacked the police party with fire arms that have been planted near the bodies. Some glasses of the police vehicles are broken and a false Panchanama is made that this happened when the police were fired on and that the victims were shot by the police in self defence. No records maintained, no questions asked and in the few instances where the relations or the Human Rights Organisation have taken up the matters, the High Court has dismissed the Petitions on the ground that, the deceased appeared to be Criminals, or Naxalites, or Anti-social elements and that they were the aggressors. I sometimes wonder whether these temples of Justice are dishing out NYAYA or AN-NYAYA?

When the attempts to assassinate BVSEE and his wife failed, they were driven to the Police Station in Udupi. They were made to sit there for about two hours and the Police refused to disclose the ground on which they were being arrested. Udupi incidentally is the home base of the State Home Minister. The operations were being directed by the Home Minister Acharya’s Doctor son. Finally at about 10.00 p.m., the Police informed BVSEE that there was a Non Bailable Warrant issued against him by one of the Courts and that he was under arrest pursuant to this.

What did that warrant pertain to? A long time earlier, a person in one of the small towns was arrested by the Police on a charge of molesting a young student and attempting to rape her. This incident had created a sensation and was reported by all the papers including BVSEE’s paper. The Police had investigated into the matter and filed a Charge

Sheet against the Accused as a prima-facie offence had been disclosed. This Accused filed a Private Complaint before the Magistrate alleging that BVSEE in his capacity as an Editor of the paper had defamed him. The Magistrate held a preliminary enquiry and dismissed the complaint, very rightly, on the ground that the Police Charge Sheet itself disclosed a prima-facie offence of molestation and attempt to rape against the Complainant and that it was absolutely absurd for him to contend that the publication of a factually correct news report constituted defamation. The Complainant is supposed to have gone in revision and the Sessions Court without hearing BVSEE, he supposed to have set aside the Order of Dismissal ex-parte and directed the Magistrate to hear the matter on merits. The Trial Court is supposed to have issued summons to BVSEE which were never served on him, after which, the Complainant and his Lawyer get a Non Bailable Warrant issued on the ground that the Summons was disregarded. Again, for weeks and months, this NBW was not even attempted to be executed and it is this particular NBW which pertained to a different place altogether that the Udupi Police were referring to and using on that night. Judicial officers who indiscriminately issue Non-Bailable Warrants on false, non-existent and unsustainable grounds deserve to be dismissed from service, but again, this is not happening. Instead, they get promoted!

Mrs. Seetham was not arrested, she contacted a Lawyer who came there and demanded that BVSEE be released. The police politely told him that they were acting on instructions from a very high authority. A Bail Application was then moved before the Magistrate. This was in a case of defamation where the NBW pertains to alleged **non appearance**. Any Judicial Officer was duty bound to order BVSEE to appear before the competent Court on the next date of hearing and to release him on Bail. **This Magistrate refused Bail and**

BVSEE was retained in custody for the night. I ask myself the question as to whether there were some outside influences at work- how else can you justify such an order?

As he was extremely unwell, the only concession made was that he could be retained in the Hospital.

Then follows something that is not only shameful and atrocious but which has brought a black name to the Karnataka Judiciary both Nationally and Internationally. **On the next morning, in order to humiliate him, BVSEE was chained hand and foot and was paraded through the Court Premises in Udupi. There are photographs of this in the National and International Media.** His Lawyer raised a serious objection to a Newspaper Editor being chained as though he was a dangerous criminal. He was also hand-cuffed and the Lawyer cited the Supreme Court Judgment totally prohibiting the use of chains and handcuffs in such situations on the ground that it is an aberration of human rights and human dignity. Instead of passing appropriate orders and taking action against the police and the State, the Magistrate told the Ld. Advocate that he should take up the matter with the police authorities and that he was not concerned with the condition in which the Accused Editor was produced before her. So much for the Judiciary's sacred duty and responsibility!

BVSEE was offered Bail. He pointed out to the Court that he was genuinely afraid of his life in Acharya,s hometown after the previous night's incident. The police told the Court that there were eight other Non Bailable Warrants pending against him on grounds of inciting communal disharmony and that they propose to arrest him in those cases if he was released in this one. Since, BVSEE stated that for his own safety, he would not avail of the Bail Order until appropriate orders were obtained in respect of the other so-called cases, he was remanded to Judicial Custody for the next two weeks. What happened in this Court Room would certainly bring a

black name to the Judiciary. I had occasion to write to the Chief Justice recording the sequence of events and pointing out that it was very necessary that appropriate disciplinary action be taken against the Judicial Officer after holding an enquiry. The letter was not acknowledged and months later, I was informed by the members of the Bar that it had been registered as a PIL, that it appeared before the Division Bench without any Notice or intimation to me and that the Division Bench dismissed it on the ground of Non Prosecution. So much for the manner in which the institution of which I was a member for 15 long years is now functioning.

BVSEE was retained in the Hospital for a few days, while his Advocates applied for Anticipatory Bail in the other eight so-called proceedings. **Though, he was in custody, these Applications were dismissed by the Mangalore Sessions Court on the ground that he should have been personally present. ABSOLUTELY BRILLIANT JUDICIAL REASONING!** As soon as these orders were passed, at about 9.00 p.m., the Doctors in Udupi stated that BVSEE should be moved to a bigger hospital in Mangalore. When BVSEE's Lawyers asked for the reasons, they were told that it was under directions of the Home Department which were in turn, surprisingly communicated by the son of the Home Minister who is supposed to be a Doctor in Udupi.

Despite requests from Mrs. Seetharam that he should be moved in an ambulance for which she would pay, he was put in a police van, HANDCUFFED and driven over horrible roads at break-neck speed for THREE HOURS and brought to the Government Hospital in Mangalore at midnight, virtually half-dead. Instructions had been issued to the Doctors in Mangalore not to admit him in the Hospital and to send him to the local jail. The Lawyers and the members of the PUCL strongly objected to this, principally because BVSEE was in a precarious condition, his blood pressure was 190/

120 and he would not have survived if he were not put in the ICCU. The poor Doctors kept arguing that they had telephonic instructions from the State Home Department. A large crowd of prominent persons had gathered, as a result of which, the Doctors were forced to admit him into the ICCU. He remained there for the next one or two days.

Why did the Home Department suddenly move BVSEE away from Udupi to Mangalore and that too without obtaining Orders from the Court, because technically he was supposed to be within the custody of the local Court in Udupi and could not have been moved without Court Orders. Irrespective of this breach, the conspiracy was to some how put him into the local jail in Mangalore. The reason for this was because there was a group of Bajrang Dal activists who had been arrested for some very serious criminal offences and had been remanded to Jail custody. **Three days earlier, they had mercilessly assaulted two muslim students in the jail with deadly weapons. This incident was widely reported in the local press. It was found that the assailants inside the Jail had used knives, chains, iron bars and other deadly weapons.No offence has been registered against the assailants.** They had caused multiple injuries and the victims who somehow survived because of the intervention of the other inmates, were hanging between life and death for the next one month. No offence was registered against the Assailants. **When questioned by the Media, the Home Minister stated that he had immediately transferred the Jailer to Bangalore and was looking into the matter. Again courtesy Home Minister Acharya!** It was to this jail and into the hands of these persons that BVSEE was to be sent. It was fortunate for him that the PUCL, some of the lawyers and a large group of his admirers were able to prevent this. Even if he was not assaulted in the Jail, he would have probably collapsed and died.

The horror story does not end there. Hardly three days later, telephonic instructions were received by the hospital in Mangalore late at night to shift BVSEE to the Jail in Mysore. Again, no Court Orders but instructions from the Home Department. Despite strong protests from the family and all those present and despite a request that at least he be shifted in an ambulance, he was put into a police van and driven all the way to Mysore where he arrived there 2.30 a.m. in an unconscious condition. Mercifully for him, the PUCL office bearers and a group of over 50 persons ensured that he was retained in the hospital and not sent to the local jail. This was done. Before he could be transferred to any other Jails in the State, because the Home Department had ordered the Mysore Hospital to shift him to Bellary, a Habeas Corpus Petition was filed before the High Court and the Court immediately intervened and stopped the atrocities of the State Government. This Petition was heard a few days later. The Judges were virtually livid, they directed his immediate release and ordered compensatory costs of Rs.10,000/- (Rupees Ten Thousand Only). Those costs have not been paid till today and the State Government is supposed to have gone in Appeal to the Supreme Court. BVSEE was also advised to collect the copies of all the so-called cases registered against him and to apply for quashing which he has done. That Petition cannot be heard because once again, all the so-called Complainants and the addresses are bogus and they cannot be served. Mr. Acharya's Police Department very shamelessly contends that they had registered these offences in good faith.

I often regarded the Media in India as the conscience keepers of society – during the emergency, when even the Judiciary of this country all the way up to the Supreme Court and to the then Chief Justice, failed India, it was only one institution which stood its ground and that was manned by the Journalists. The BJP Government in Karnataka which has

brought the corruption levels in the State to the highest in the country distributed largesse by releasing publicity material running into hundreds of Crores of Rupees to every publication that would support it in covering up for corruption and letting loose an unprecedented wave of fundamentalist attacks against the minorities. One by one, every publication and every TV Channel fell for this bait. I salute the few who did not because they lost out in terms of money and were mercilessly attacked in every conceivable manner. The world needs to know what happened to Seetharam because it is one of the blackest chapters in Karnataka's Judicial history and one of the most shameful in the annals of Journalism. The Home Minister Acharya's sons have a website that drips with fundamentalist venom. The man who wrote one of the most vicious articles against the Christian community has recently been awarded a Ph.D by the Karnataka University on the recommendation of the State Education Minister. The Editor of the paper, Vijaya Karnataka who published this and dozens of similar articles and editorials was also recommended for a Ph.D by the same Politician – when the matter was brought to the notice of the Governor and the University was asked to how such a man could qualify for an Hon. Doctorate, the guilty Vice Chancellor and his team removed the Award from the Convocation Agenda on the eve of the Convocation. Despite two FIRs against these two individuals, for inciting communal disharmony, the Mangalore Police openly admit that they were directed by Acharya himself not to proceed and to close the cases. Another newspaper in the City of Mangalore has been regularly targeting the Muslim community by publishing the most offensive articles and the State Government is protecting this Editor despite prosecuting others who did so and caused communal riots and curfew over the last few weeks. If this is not a total butchery of the Principles of Secularism, nothing else is. In sharp contrast, Seetharam's only sin is that his little publication stuck to its secular tenets

for which his office was attacked six times, his Journalists have been at the receiving end even physically, property is regularly destroyed, not only are the paper bundles systematically burnt, but the Vendors terrorized if they sell the paper and we are asked to believe that there is a Rule of Law in Karnataka.

The reason for my having included this Chapter in my Report which reads like a virtual horror story, is because it is necessary to illustrate as to what lengths the Government machinery in Karnataka would go to in order to cover their tracks and at the same time, hit back and destroy anybody who was willing to truthfully expose the atrocities that were going on. How BVSEE and his wife survived this ordeal has been vividly recorded by a High Powered Committee deputed to Mangalore, Udupi, Mysore and Bangalore by the Head of the Press Council who is a very fine and forthright Judge. They had requested me to share with them the evidence that I had gathered in connection with this incident and the members had occasion to express that there is just no rule of Law in Karnataka. This is illustrative of the atmosphere in which the Churches and the Christian community were mercilessly targeted during this period of time and the hatred levels that accompanied all these incidents. What makes Karnataka worse than Orissa is that all the incidents in that State which virtually shook the world conscience were at the hands of communally motivated violent groups where as in the State of Karnataka, it was State terrorism with these groups playing a sub-serviant role and the Home Minister, the reincarnation of Hitler. It is pathetic to have to record that whereas the Media is the only watchdog in situations of this type that in this instance, the State Government had succeeded in bribing and intimidating the media in to silence. Nothing can be more destructive to the Indian Democracy.

CHAPTER-XVIII

HORRIFYING HUMAN TRAGEDY CALLED MANGALORE SEZ

(THIS CHAPTER FROM THE REPORT WAS EXTRACTED AND PUBLISHED AS A SEPARATELY AS IT WAS REQUIRED BY SEVERAL NATIONAL AND INTERNATIONAL INSTITUTIONS AND ORGANISATIONS. IT IS REPRODUCED BELOW IN THE SAME FORM).

FOREWORD

I have often been asked as to why the SEZ issue finds place in an incisive report on communal attacks. Obviously, the basis for the question emanates from the fact that SEZs are related to economic and industrial development and are far distanced from communal overtones and sociological issues such as class war not to mention religious issues. The few of my friends who have read this chapter raise their eyebrows in shock and disbelief when they found that in the Indian context and more importantly, under the present Government in Karnataka, and the religious persecution that has been let lose in Dakshina Kannada that the euphemism of the term SEZ turned out to be a horrifying genocide. True, the dominant forces and the State Machinery did not physically hack the Christians and the poor tribals to pieces but they did was even worse. To my mind, an instant death howsoever horrifying would have been far more merciful to a horrifying fate ahead.

In Judgment after Judgment, I had struck down the misuse of acquisition powers by the State Machinery through coercive steps for the benefit of the richest of the rich and the

most powerful in the land. It is this fattest class who are given prime land at insane prices and all the possible tax concessions even to the extent of feeding them lavishly with scarce commodities such as power and water by physically throwing out lakhs of tribals and farmers from their little holdings because they have no power to resist. We are told that the Central and State Governments have strictly instructed the SEZ to concentrate on barren land and not to touch green areas such as paddy fields, farm lands, forests, lakes, rivers, wells and the like. The authorities contend that they have not touched any such areas. The truth of the matter is that the Mangalore SEZ does not cover even one square centimeter of barren land. Every single piece of land had paddy fields, vegetable and fruit gardens, fruit trees, small farms, lakes, rivers and wells. The Lokayukta has convicted the Land Acquisition Officer and several of the Revenue Officials all of whom were heavily bribed by the SEZ Authorities to forge and fabricate the revenue records and convert them to read that paddy fields and farm lands were barren areas. When I visited Mangalore, in connection with the Church attacks, I was informed that the entire area covered by the SEZ consisted of over 70% Catholics, all of whom grew paddy, organic vegetables, they owned fruit trees and this fertile belt was well irrigated by little rivers and thousands of wells have provided the highest quality of water. All these little hamlets had virtually hundreds of chapels, grottos and little prayer centres, all of which have been bulldozed by the SEZ authorities. It was this complaint which took me to the area after visiting Bajpe.

The villagers themselves met me and requested me to come and see for myself as to whether the horror story was true and I found that the reports were a gross understatement. On 8th November 2008, I personally witnessed the SEZ Officers led by a barbarian by the name of Raghavendra Holla

who was strutting around like a bad-shah, a bunch of dangerous looking thugs who were designated as the SEZ Contractors and a whole lot of earth moving machinery all of which was being protected by the local police. The paddy fields that were ready for harvesting were being covered with two feet of soil and thereafter leveled out and photographed to give the impression that it was barren land. The vegetable gardens which provided Mangalore with the choicest of organic vegetables were first bulldozed and then leveled under several feet of mud and again photographed to give the impression that this was a barren area. I told Holla and the Contractors that the wells, the streams and the little lakes were precious and that they should not be destroyed. Holla who claimed that he was the full brother of the then State Advocate General – Mr. Udaya Holla, a Senior Counsel of considerable merit, displayed his arrogance and if I may add, contempt for the High Court because I had told him that the Judges would take a serious view of what he and his hire links were doing there, ordered the machinery to be brought out again, all the wells, the streams and the two small lakes were filled with debris and leveled and photographed and he told me that nobody will believe that they ever existed. An elderly Christian lady who was a neighbor and outside the SEZs designated zone told Swamiji and me that on the previous night, the Contractors led by one Kotian who was an extremely dangerous looking man and threatened to kill me if I opened my mouth, had encroached into her little farm and taken away the cows, goats, four pigs and all the poultry and sold them to the butchers there itself. Merely because she came to complain, Holla sent the Machinery to her farm and within 15 minutes, all the fruit trees and vegetable gardens were destroyed and she was told that she should move her belongings out before afternoon as the house was going to be leveled down. All these under protection from the Police

Officers of the Bajpe Police Station who were also armed. Holla and his mafia got the police to threaten the media persons and all of us including Swamiji who was present that we would be arrested on the spot, taken to the police station and beaten unconscious if we did not leave. This is the summary of how the SEZ claimed to have acquired the barren land.

This particular spot was farmed by tribals who formed the poorest of the poor. In their own small away, they had set up a small prayer shed which was like a chapel and some grottos which had statues in them. There were also two or three similar religious structures put up by persons professing the Hindu faith. These were raised to the ground in our presence and Holla instructed the demolition squad to drive the earth movers over the debris, so that it was completely crushed and could never be recognized as being the remnants of religious structures. What almost created a riot was the fact that one small area was apparently used by the Christians as a burial ground and there were several graves and crosses there. When Holla had these demolished, sentiments ran high and the persons present reacted violently. There was a joint operation by the mafia and the police, I would equate one with the other who mercilessly beat the poor villagers and drove them away.

This is the kind of respect that the BJP Government in Karnataka has for places of worship and even for sacred spots like burial grounds. Not only is it deplorable, unpardonable, but shameful to the worst degree. All of this has been recorded by me in my letters to the SEZ Authorities, to the Chief Justice of the High Court and to the Human Rights Commission.

What I need to highlight is the fact that when arrogance reaches demonic levels, public servants such as Holla rise to horrifying heights or rather, sink to disgusting depths. This

man who was dressed like a cowboy wearing Rayban glasses with a string of gold chains dangling from his neck and sporting a two lakhs rupee watch, had four mobile phones with him which were being used constantly. For our benefit, these were kept on the speaker mode, so that, all could hear his conversations with two of his top officers by the name of Prasad and Pai, as I understand, these two fellows were the SEZ's big bosses. Holla was reporting his every movement to them and they were actively encouraging the fellow even to the extent of telling him that money is no consideration and that he should call in additional machinery and level the whole hamlet to the ground within the next three hours. They also told him to get the police and the revenue authorities to make an inventory that it was a completely barren area, devoid of human habitation and even any water source.

Not one of my letters to the SEZ Authorities was either replied nor have any of the above facts been disputed. The Judiciary of-course is so very busy that even when I reported atrocities of these horrifying dimensions to the Hon'ble Chief Justice, was any cognizance taken. Essentially, the atrocities was part of the SEZ mafia in collaboration with the police and the revenue authorities all of whom would have normally come in for severe action had the High Court taken cognizance, but this did not happen. It pained me to read in the papers that the High Court was celebrating some kind of Centenary for which the State Government had sanctioned over a Crore of rupees which excluded a Centenary Arch costing Rs.68.00 Lakhs which to my mind has disfigured the period building. The State Government was also kind enough to make a gift to the High Court of a fleet of expensive new cars. I did not feel sad because I spent fifteen long years using a broken down Ambassador Car that was sent to the garage on every working day. In my last year, I was thrilled to receive a substandard brand new Ambassador Nova which I used for six months

and the log book showed that it had made 100 trips to the Dealers in 180 days and the cost of replacements exceeded the value of the car. When I took up the issue with the Vehicle Department, I realized that the purchase of these vehicles is intended to feed a large number of parasites starting from the High Court Department to the State Government and the Dealers.

Later on, in this Chapter, I have dealt with the human trauma and what has happened to the human beings who occupied this area and what is to be done with that part of the District which is being turned into a new Hiroshima. The irony of the matter is that the media by and large fully supports the SEZs which regularly hold cocktail parties and other enjoyable functions for them apart from which, ads worth Crores of rupees are released. The entire population of the area as also the State and the country have been indoctrinated with the cheerful news that huge chemical complexes will generate immense wealth and employment and prosperity to the region and that even if it is at the cost of raping the earth, it is still worthwhile. I would like the population of the sub-continent and of the earth to whom thousands of acres of prime, fertile agricultural land has been gifted for one thousandth the market value to know who the stake holders in these SEZs are and how poor they are that the Central and State Government should be kind and charitable to them. One of the stake holders is the Oil and Natural Gas Commission, among the biggest and richest Corporation in the sub-continent to whom these concessions are being extended. I wrote to the Chairman of the Commission recording the atrocities, the man probably threw the letter into his waste paper basket, never even acknowledged it, but obviously could not dispute one syllable of the horror story. **The most unpardonable and utterly disgusting fallout of the SEZ Operation is that it has become a REAL ESTATE**

GOLDMINE OF UNIMAGINABLE DIMENSIONS.

In terms of sociological consequences, approximately 3.00 Lakh tribals and subsistence level farmers aged between 1 month and 80 years have been physically uprooted and thrown out of their lands and homes. The Law requires that if any such person is required to be uprooted, that they have to be rehabilitated. When I was Advocate General of Maharashtra, in the famous Nhavaseva Port Trust case, where thousand of acres of lands were acquired to set up a multi billion dollar port, it was at my instance and for the first time ever in this country that the Central and State Governments followed a broad formula that is set out below:

- (a) That every single family who was required to move because of acquisition of their lands was shifted into permanent alternate accommodation that was made available before they were divested of their possession. This was because citizens at this economic level would be forced to migrate to the closest city to die on the footpaths and the compensations would be pocketed by the Project Officers and the other officials after fabricating bogus documents. It was therefore necessary that they be around and available to receive their compensation. Several safeguards were observed to ensure that the compensation does not get diverted to Government Officers, Activists, Social Workers and Lawyers.
- (b) That at-least one member from each family was given permanent employment in the new project, so that, they did not have to starve. (irrespective of when the project was completed, they would receive an equivalent of subsistence allowance till their salary commence).
- (c) Steps were taken to ensure that in not a single case, was the education of the children disrupted even for a day.
- (d) More importantly, the principles of the Land Acquisitions

Act were not followed and the concept which later years as a High Court Judge, I incorporated in 17 of my Judgments was used for purposes of fixing the scale of compensation. The market value of the land at current rates in the hands of the new project was the barometer and this amount was computed. Undoubtedly, it came to much much more than the stingy impractical and disgusting levels fixed a hundred years back under the Land Acquisition Act (where the value of a yielding mango tree is Rs.18/-) and the bulk of this amount was really invested under a deferred payment scheme so that the beneficiaries did not blow up the money nor were they deprived of it by unscrupulous elements as always happens and it was equally convenient of the project authorities to pay the higher amount on a deferred payment scheme over a prescribed period of time.

In the case of the Mangalore SEZ, none of this has happened. Under the so-called rehabilitation scheme, the SEZ Officers have sold the plots for payment in cash to the highest bidders, as a result of which, these colonies have been fully populated by outsiders and the Officers of the SEZ have become Crorepathis overnight. One of the very convincing methods used by these corrupt officers is to arm each of the occupants with a false affidavit which can be executed for a hundred rupees stating that the person concerned was earlier residing at so and so place and has been rehabilitated. We cross checked 93 such cases and found that the results were 100% in that the documents were fabricated and the persons were total outsiders. As far as the Padav area is concerned, the position is even worse because the fields in question were sought to be converted into a kind of a temple colony. A large number of extremely suspicious looking thugs were present there and they stated that they were reconstructing temples belonging to family gods that were shifted from elsewhere

and each of these institutions is an extremely lucrative money centre.

What is the impact on the women and children? All those who were earning their livelihood by growing healthy crops, organic vegetables, fruit and farm products have had to work as coolies and construction labourers and sleep on the footpaths or slums of the cities. Not a single one of over one lakh children has been able to go back to schools and they will go back as beggars, criminals and drug addicts. The men who cannot work as constructions workers will turn into beggars, petty criminals, alcoholics and die a quick death.

The very worst consequence of these SEZ operations is that since the nearby towns and cities cannot absorb the uprooted human beings as every field right down to prostitution, crime and drug addiction is beautifully saturated in the sub-continent. They are required to migrate into the hills, forests and barren areas and live like wild animals. This is the transformation that the SEZs have achieved by converting a sizeable part of the population into so-called Naxalites and Maoists. They are desperate human beings, their days are numbered and their lives mean nothing and all they want is to settle score with the forces that reduce them to this position and that is why they are driven to violence. Once the situation gets as bad as these, the Law Enforcement Agencies brand them as Terrorists and are heavily rewarded and complimented for shooting them down. Unfortunately, the sociological problem has not been understood and is worsening and the Mangalore SEZ is one of the most shameful and horrifying examples of precisely this.

INTRODUCTION

If any state can lay claim to be “Gandhi’s own country” it is India, and sadly enough instead of venerating and perpetuating his sacred principle of ahimsa, on his death anniversary this year, the Home Minister of the country announced that every Maoist and Naxalite will be shot dead. Nobody protested – these human beings are regarded as dreaded terrorists and we are all led to believe that they are “**anti-social, a menace and a danger**”. Would Gandhiji have categorized them as pests to be eliminated at sight, but more importantly, would he have approved of the violence on either side? Many a time, he was quick to point out that an eye for an eye would leave the whole world blind! The real tragedy is that he is not here to stop these State atrocities.

The very Politicians who go around in Khadi and precariously climb ladders to garland statues of the Mahatma are totally committed to the so-called policy of development which sanctions Industrial Areas and Special Economic Zones. Nothing wrong in the policy as long as it is properly executed- not the way a lethal gas plant was located in the midst of the city- in the USA Union Carbide had to observe a 90 mile radius of a “no habitation zone “ as the gas was so lethal- in India life is cheap and happily **NO POLITICIAN OR BUSINESSMAN DIED OR WAS MAIMED!** There is a mad rush to create the show-pieces called SEZ’s on the graves of the villagers and by turning all the fertile green areas into disgusting concrete jungles and factories. **My research indicates that not even one single SEZ in this country has observed the basic norm that no green areas such as forests, no water bodies such as lakes and rivers and no human habitations such as villages and hamlets can be touched and that all these SEZs must be set**

up in the area comprising of the country's 39.68% of barren areas. The truth is that on an average 93% of the land that is forcibly acquired using muscle power and the state machinery riddled with corruption comprises of villages and green areas as also water bodies. IN THE CASE OF THE MANGALORE SEZ, THE FIGURE IS AS HIGH AS A DEPLORABLE 97%. Shamefully enough, we have the country's so-called richest and finest corporate bodies such as ONGC involved in the Mangalore SEZ - in West Bengal, it was the Tatas who were beaten back for the first time, but were welcomed in Gujarat. The wild life has been annihilated, the cattle has been butchered, the livestock has been eliminated, the villages have been bulldozed, the water bodies have disappeared and above all, the whole of the population has either been killed or driven into the barren hills and what is left of the forests. **It is these desperate human beings who are labeled as Maoists and Naxalites because, like the proverbial wounded serpent, they have decided to hit back at the very forces that reduced them to this condition.** Recently, when Arundati Roy told the Central Government that the Adivasis and Tribals and the poorest of the poor who have been consigned to the wilderness and whose homes have been given to the industrialists and the richest of the rich are not to blame for this humantragedy, that there must be a stop to the insanity of locating SEZs in the wrong areas and that rehabilitation and welfare measures required to be undertaken for these desperate human beings, instead of shooting them, she received strong criticism from the Media for "siding with the Terrorists."

I revere Gandhiji for many reasons, the most important of which was that he had compassion for the weak, he took up the cause of the underdog and he had his sense of values well grounded. We were brought up to believe in survival of the fittest- I ask, what about the survival of the weakest? When he

spoke of wiping every tear from every eye, he referred to this strata of human beings and not to the political class or the rich and famous who do not know what it is to shed a tear, but who reduce the lives of the poorest of the poor to an unending saga of endless misery and tears. Though he left us more than six decades ago, his ideals are good for all time and if the insanity of SEZs which he would never have approved of, is to be at all curtailed, it will be through a return to the Mahatma. Below is an extract from an inspiring publication “Gandhi’s Outstanding Leadership” authored by my esteemed and exceptionally brilliant friend Allan P. Nazareth, which I consider to be most appropriate:

“Because we are “The finite created for the infinite”, the leadership we need, and deserve, has to be rooted in immortal values. In the final analysis good and trustworthy Leadership calls for moral judgments on what is right action, because history has amply demonstrated that in the long run Truth alone triumphs. Decisions based solely on technical knowledge do not require leadership. To make right choices leaders need to have deep understanding of the lives and ideas of the world’s great moral philosophers and of those who have applied them to solve some of its most difficult problems.

Leaders who inspire, and command universal respect, are those who espoused Right rather than Might, and truth, justice and non-violent conflict rather than hate, violence and war. Lincoln’s words “Let us have faith that right makes might, and in that faith let us to the end, dare to do our duty as we understand it” are still as powerfully inspiring as they were a hundred and forty years ago when they were spoken. Napoleon’s words, uttered at his remote St. Helena prison are significant. “Glory is fleeting, obscurity is forever There are only two powers in the world – the spirit and the sword. In the long run the sword will always be conquered by the spirit.”

I would recommend the book to every right thinking Indian or for that matter human being, but it would be difficult to put its contents across to the political and business community neither of whom is amenable to the art of reading. To those who receive this booklet, another extract from the same book is worth reproducing:

“The prime component of Gandhi’s leadership was his elevated vision that humans, the highest manifestation of God’s creation, can and would live in harmony and peace, firmly adhering to Truth, Justice, Love and Non-Violence. “Non-violence is the law of our species as violence is the law of brute. The spirit lies dormant in the brute and he knows no law but that of physical might. The dignity of man requires obedience to a higher law – that of the spirit... It is the law of love that rules mankind. Had violence i.e. hate rules us, we should have become extinct long ago. Mankind has to get out of violence only through non-violence. Hatred can only be overcome by love.

In his historical perspective, he saw dictators and tyrants maintaining their fearful sway only temporarily. All empires built with the sword end up in the dustbin of history; only those built on the spirit with Truth, love and self-sacrifice by the great seers and prophets have survived and flourished. Since humans are created “in the image of God” and are imbued with the “Divine Spark” they have to be led by Truth and love, not by fear and hate. One has to live, and if necessary to die for Truth, but never to hurt or kill anyone.

For Gandhi, Truth (Satya) was as real and omnipotent as God himself. In fact, Truth is God, as Truth is what is and God is the only reality that always is. “The world rests upon the bedrock of Satya... which being what is can never be destroyed. This is the doctrine of Satyagraha in a nutshell.”

Truth is the 'Right Path' and it is 'Right that is Might' not its opposite. He often quoted the Bhagwad Gita's core philosophical assertion 'Satyanasti pao Dharma' (There is no greater duty than adherence to Truth).

Truth implies Justice, and both are essential requisites for the attainment of peace. "Peace will come when Truth is pursued, and Truth implies Justice". Justice requires that the adversary's views and requirements be given due consideration. "Three fourths of the miseries and misunderstandings in the world would disappear if we step into the shoes of our adversaries and understand their standpoint". Justice also requires that the final agreement made be acceptable to all concerned.

Whereas Gandhi was passionately dedicated to Truth even as a youth, particularly after he learnt about Harishchandra's unshakeable adherence to it despite innumerable hardships, his deep commitment to non-violence came only in his early thirties after he read Christ's Sermon on the Mount and Tolstoy's The Kingdom of God is within you. The strong non-violent traditions of the Jain community of his native Gujarat had of course mentally prepared him for this. Non-violence thus became his immutable path for realization of Truth. For him it meant complete abstention not only from all physical, mental and emotional injury to others but also cleansing oneself of all hatred and desire for revenge. One had to hate and confront evil but nonetheless love and evil doer because even he is endowed with the Divine spark which love can ignite and induce his conversion. "Non-violence is based on the assumption that human nature in its essence is one and therefore unfailingly responds to the advances of love... The hardest metal yields to sufficient heat. Even so, the hardest heart must melt before the heat of non-violence and there is no

limit to the capacity of non-violence to generate heat.

For him: “The objective of all non-violent activity is always a mutually acceptable agreement, never the defeat, much less the humiliation of the opponent” and “A non-violent revolution is not a programme for seizure of power. It is a programme for transformation of relationships ending in a peaceful transfer of power.”

Gandhi’s vision, though considered utopian by some and arcadian by others, was actually an elevated, wide spectrum, deeply spiritual yet practical one. Like the tall redwood tree, which views the farthest horizon, yet is fully aware of every environmental nuance around its sumptuous girth and at its deepest root, Gandhi perceived the macro and micro effects of human behaviour in diverse fields. His vision can justifiably therefore be described as extraordinary.”

Ultimately, the return to sanity and Gandhiji’s principles is the only answer to the problem. As the subsequent events in Central India have indicated, state violence has resulted in a backlash and the consequences will be horrifying if it spreads. The Mangalore SEZ is a horror story to beat all others and that is why, it is necessary to let the world know the truth. It does not make pleasant reading but like the bitter pill, if we are aiming at saving the sub-continent, it is a must.

THE GORY EPISODE OF THE MANGALORE SEZ

The greatest legal fraud and the social atrocity that has taken place in the last decade has been the setting up of Special Economic Zones by the Government of India and the State Governments, both shamelessly acting as the agents of the vested interests. A large amount of publicity is done creating the impression that the SEZ in question is an unmixed blessing because it will provide jobs and economic prosperity to the entire region. All the big and small businesses pour money

into the SEZ Company which in turn does high power publicity and the first casualty is the Media. Huge unnecessary expenditure on meaningless advertisements is undertaken and the whole of the media regularly invited for so-called briefings at Five Star Hotels, after which, the region is brain-washed into believing that the SEZ will create a paradise on earth in that region. **WE HAVE THE CLASSIC EXAMPLE OF BHOPAL WHERE THE WHOLE WORLD COULD NOT UNDERSTAND AS TO HOW A PLANT USING LETHAL CHEMICALS WAS SET UP RIGHT IN THE HEART OF BHOPAL CITY AND THE DISASTER HAS RIGHTLY BEEN DESCRIBED AS THE HIROSHIMA OF INDIA. THIS HAS NOT HAPPENED IN ANY OTHER COUNTRY ON THIS PLANET.**

The SEZ story has been a uniform social disaster all over the country because the first thing that the vested interests do is to ask for land which is extremely well situated i.e. close to all the facilities and further more, where there is the best infrastructure such as rivers, water supply and the like. The Central and State Govts. provide prime land belonging to the poorest of the poor to the richest of the rich as an INCENTIVE at 1868 acquisition rates in 2010 and all of these end up as Corporate Assets worth thousands of Crores of Rupees. To compound it all, the public are told that they will provide Revenue whereas the fraud is that they are given TAX HOLIDAYS! Next comes the Mega Fraud of providing jobs responsible research evidences that not even 1% of those who have **LOST THEIR EVERYTHING** get employed! **The harsh truth is that these so called SEZs are the biggest real estate scam of the Century. The world ago. Judging from the proposed dangerous Chemical units proposed for the Mangalore SEZ, this is another MEGA-BHOPAL in the making.**

All these prime lands in this sub-continent are occupied by villagers and they are all under cultivation producing different types of **ORGANIC** crops, fruits and vegetables and other farm products like milk, eggs, chicken, sheep and goats, pigs, cattle and the like. This is the normal structure all over the country. Whereas prior to the Mangalore SEZ the satellite images of the area reflect a total canopy of dense green resembling a rain forest area, after the butchering of over 30,000 trees by the kind-hearted officers of the SEZ today it compares with the SAHARA DESERT. The occupants are Adivasis, Tribals, Dalits and the poorest of the poor. None of these people have any fighting power and taking advantage of the situation, the following pattern emerges:

- (a) That the local leaders are bought over and they are asked to get the consent letters from all the villagers which are obtained virtually at knife point. The few who resist DISAPPEAR. While the SEZ officials naturally do not admit that as many as 427 persons have been murdered, they politely contend that they have LEFT. (for their heavenly abode!) I am not impressed by their honesty. It defies logic and human intelligence to contend that every villager would give up their everything for a pittance of money- whom are they fooling?
- (b) That documents are fabricated showing the receipt of so called payments which are usually in cash. In the case of the Mangalore SEZ, in many of the cases, bank accounts were created and the so-called compensation was deposited without the villagers even knowing about it. Thereafter, the same persons who created the Bank Accounts have withdrawn the money.
- (c) Documents evidencing surrender of possession were also fabricated by the local mafia and a record created that the

villagers had not only agreed to give up their lands, that they had been paid compensation and that they have surrendered the possession VOLUNTARILY AND WILLINGLY- the SEZ Officers forgot to add the word HAPPILY! **The whole operation virtually stinks.**

- (d) The same mafia provided the so-called contractors who were a bunch of thugs accompanied by musclemen and the local police all of whom are on the payroll of the SEZ. Bulldozers are brought, the entire village is demolished within an hour usually at night, trucks of soil and debris are kept ready, all the fields, farms and vegetable gardens are buried under two feet of soil, all the trees are cut and by the next day, before anybody can even raise a protest, the area looks exactly like a barren piece of land. **I HAVE PERSONALLY WITNESSED THIS BEING DONE ON THE MORNING OF 8TH NOVEMBER 2008 IN A VILLAGE CLOSE TO MANGALORE OCCUPIED BY CHRISTIANS WHO WERE ALL AGRICULTURISTS AND PROVIDED MOST OF MANGALORE'S ORGANIC VEGETABLES. THE REST OF THEM WHO CARRIED OUT THE SAME AGRICULTURAL OPERATIONS WERE KUNBI TRIBALS. THE POLICE WERE PRESENT IN LARGE NUMBERS PROTECTING THE MAFIA, THE SEZ OFFICERS WERE PRESENT THERE AND MAINTAINED THAT THEY HAD DONE EVERYTHING ACCORDING TO LAW. I HAD REGISTERED MY STRONG PROTEST AGAINST THESE ATROCITIES AND SO HAD THE SWAMIJI WHO WAS PRESENT THERE. THEY REFUSED TO LISTEN AND BY EVENING, WE CAME TO KNOW THAT THE POLICE HAVE REGISTERED CASES AGAINST ALL OF US WHO HAVE VISITED THE AREA UNDER SERIOUS CHARGES**

OF RIOTING, TRESPASS AND EVEN ATTEMPT TO MURDER. THESE CASES HAD BEEN FILED BY THE OFFICERS AND CONTRACTORS OF THE SEZ. THIS THE ROLE OF THE STATE MACHINERY. We were fortunate to escape with our lives on that day

- (e) What was even worse in this case was that all the land records were destroyed and replaced with fabricated documents to the effect that the area consisted of barren land. The Government of India directions totally prohibit paddy fields, vegetable gardens and farm lands being either acquired or used for SEZs and in order to get over this, the documents were fabricated. The matter was reported to the Lokayukta because the local police had been completely bought over and refused to register any offences. The Upa-Lokayukta after holding an enquiry has passed severe strictures against the State Government and even directed a prosecution against the Government Officers particularly the Land Acquisition Officer and the Revenue Officers. Till today, nothing had happened. The land in question was hurriedly allotted to some influential persons who are supposed to have been rehabilitated and they were told to hurriedly construct houses and temples there to make it a fait accompli. **THE HON'BLE HIGH COURT OF KARNATAKA, LIKE WHAT HAPPENED IN THE BHOPAL CASE, IS STILL HEARING THE PETITION LONG AFTER MOST OF THE POOR VICTIMS ARE DEAD.**
- (f) The most shameful part of the entire SEZ operation is that large and medium sized **PRIVATE** industry which grabs this land which is a virtual goldmine, is misusing the State powers under the Land Acquisition Act, These powers are only permitted to be used in the case of acquisition for

public welfare projects like roads, dams etc. I have in at least 10 Judgments struck down any acquisitions of this type which are entail public disaster and do not cater exclusively to public welfare. The compensation which is fixed at 18th century values never ever reaches the beneficiary and the money- bags gets these lands virtually free. In Judgment after Judgment, I have pointed out that even if in a given instance, the acquisition can be justified, nothing less than the **current market value has to be paid and this must reach the beneficiary before they are dispossessed.** In not one case has this happened and it is shameful that the Central Government and the State Governments are functioning as agents of the vested interests.

- (g) Every part of the country including Dakshina Kannada is being ruined and devastated by these SEZs and the simple results in terms of human mystery are unthinkable. We are then told that the country is facing a problem from Naxalites and Maoists. These human beings have not emerged from another planet nor have they come from another part of the world. They are all peasants villagers and farmers who have been forcibly thrown out of their lands as happened in the case of the Mangalore SEZ, and who have been driven into whatever is left of the hills and forests. Earlier, they used to die on the footpaths of the nearest city which is still happening but a few of them who survived decide that they will put up a fight before they are shot down by the police and the army. **A 69 year old man Giriya Gowda, with tears in his eyes told me that his paddy fields are gone, his vegetable gardens are destroyed, his coconut trees and fruit trees have disappeared, his cattle is finished, above all, the bulldozer has destroyed his house, he and his family**

are on the footpath and his grandchildren are out of the village school. Despite his age, he said that the Police and the Government Officers assisted by the local mafia who represent the SEZ and its Officers have done this to him and he had resolved that he will take as many of them with him before he dies. The Government will define him as a Naxalite or a Maoist, the police will shoot him down and the SEZ will come up over his dead body.

Why does this Chapter finds place in this Report ? It is because the incidents took place at the same time when the minorities were attacked and it forms an integral part of the State terrorism that Karnataka is facing. The victims consisted essentially of the members of the Christian community. The rest of them were the poorest of the poor, the KUNBI tribals. I have selected only one area, but this has been the story of the Mangalore SEZ in respect of every inch of land that they have illegally taken possession of. The elite of Mangalore, the leaders of the Church, the businessmen and the Chambers of Commerce who meet at the Five Star Hotels have commended the Officers of the SEZ who are acting in tandem with them. The farm lands that once produced organic vegetable for the full District, the fruits, the coconuts, the poultry, the livestock and everything else that was good for the region have been destroyed and we are told that Toxic and hazaedous chemical complexes of the same lethal character as the Union Carbide Plant at Bhopal will come up in this region.

CLASS WAR/GENOCIDE/ SLAUGHTER OF THE MINORITIES

It is the same class of human beings i.e. those belonging to the **upper class** who planned and executed the Church attacks, that have used the muscle power in the SEZ operation. They would not have targeted any village or any area or any person

who came within their social status but the oppressed classes are easy prey, as happened in Orissa. The minorities i.e. the Christians and the tribals, adivasis and the backward classes are all soft targets. This is one of the most shameful **CLASS-BASED** attacks in the history of Dakshina Kannada and it is not over, because the SEZ Officers have proudly proclaimed that the next phase of the SEZ is now being taken up!

Apart from the violence and the muscle power used by the State Machinery and the unlimited illegalities, what has characterised this operation is the fact that in this instance again, it is the State Machinery that has been 100% responsible for the human social and ecological disaster. What I can never condone is the fact that whenever there were protests or any resistance, that extreme form of violence was used by the State and the SEZ to put it down. One of the forms of State Terrorism is to register unlimited number of criminal cases against the victims and more importantly, any of the citizens who come to their assistance. Every one of the social activists and volunteers has been beaten up, arrested, the courts joining in cheerfully and refusing bail and each of them has 30 to 50 criminal cases filed against them. Nobody has been spared- **I HAVE TWO CRIMINAL CASES REGISTERED AGAINST ME BY THE OFFICERS/AGENTS OF THE SEZ FOR HAVING VISITED THE AREA THOUGH I HAVE NOT BEEN ARRESTED SO FAR! One Raghavendra Holla who claimed to be the Major Domo of the SEZ accompanied by a most dangerous and offensive looking thug named Kotian were driving around the area in an expensive SUV. Holla told me that he was the brother of the State Advocate General (the AG subsequently denied this and assured me that Holla would be dismissed from service and prosecuted. Instead, he has become the General Manager of the SEZ.) These were the two who threatened to KILL us in the presence of the Police. When**

some of the poor tribals begged that their standing crops be spared, they were kicked by these two. One Marybai came to complain that her house and vegetable garden which were outside the designated area were being targeted. Holla and Kotian sent the bull-dozers to destroy them immediately which was done. The insolence was such that when I told them not to destroy the fresh water wells, they filled them up with mud in our presence. Shocking as it may sound, this is a sample of the Human Rights violations in Karnataka's Dakshina Kannada! The next evening on my way to the Airport, I stopped at the Bajpe Police Station as I was told that it had been taken over by the SEZ. Holla and Kotian had thrown a big victory party, liquor was flowing like water, everybody was dead drunk and having a great time at the taxpayer's expense. I spent ten minutes there UNNOTICED and discreetly left. So much for Karnataka's Police under Home Minister Acharya.

What is even more pathetic is that apart from all of this appearing in the local TV and papers, right down to our being threatened, the kicking, bull-dozing and the drunken party, NOTHING HAPPENED. I have elaborately recorded all of this in my letters to the State Human Rights Commission Chairman, the C.M., Home Minister, D. G. Police, Central Minister Kamal Nath, Chairman ONGC and to the CEO of the SEZ- no replies, no denials, NO ACTION.

What did hurt me really was that I wrote to the Chief Justice recording all the above horrors with supporting material and requested the High Court to take Suo Moto Action in the case. NO REPLY, NO ACTION. That Hon'ble C. J. is now in the Supreme Court dispensing a higher form of justice. I ask myself the question - would this have happened if Infosys or Reliance were the applicants? Is it not true that the status of the victim definitely counts and makes all the difference. When will our

legal system make some time for the 98% of the Indian population who do not belong to the rich and famous class?

Hundreds of futile complaints have been filed before the Human Rights Commission on behalf of the victims. I must say that it has tried to do its best but it is a powerless organization, the State Government has deliberately deprived it of any worthwhile infrastructure and it has not been able to prevent or redress even one of these atrocities. **The Karnataka High Court has provided zero relief.** That is not surprising because a battery of lawyers representing the vested interests sees to it that nothing happens in the Court(s) and the end result is just sad and horrifying. To crown it all, every one of the women volunteers who tried to fight for these helpless people, apart from arrests and criminal cases, were repeatedly threatened that they would be molested and gang raped and that they would be mutilated for life with acid thrown on them. This is the proud track record of the Mangalore SEZ.

The last and equally serious area of damage and human misery, but which is directly in line with this Report is the fact that the SEZ and its Officers in the areas of which they had taken forcible possession, have demolished as many as 123 Churches, Chapels, Prayer Halls, Prayer Centres and Grottos belonging to the Catholic community. Their explanation is that the allegation is false because there are no records to show that they existed. For that matter, there are no records (**AFTER MANIPULATION**) to show that any villages, farm lands, wells or trees existed in that area. To think that there is supposed to be a Rule of Law in the State of Karnataka, that all of these atrocities have happened in this very State under the present BJP Government, that zero relief is forthcoming and that the injustice is continuing, shows that there is something very seriously wrong with our justice dispensation system- it has been a disastrous let-down, it has totally failed.

THE CASUALTY LIST

I now come to the most gory and blood curdling part of this most sordid episode. In my letter to the Chairman of ONGC, one of the country's most prestigious Public Sector Units which is a partner in the Mangalore SEZ, I had provided the Hon'ble Gentleman with some statistics that nobody has looked at – the cost in terms of human misery, devastation, destruction and raw blood that is the price of this SEZ. The letter was also addressed to Mr. Kamalnath, the Union Minister for this Project, to the Prime Minister, to the Chief Minister and the Home Minister of Karnataka. It was duly delivered to all of them. Nobody responded, which is understandable because the facts are indefensible, but more importantly, nothing has been disputed nor can it be disputed. The Central Government has laid down an inflexible rule that SEZs can only be set up in barren areas – more than 1/3rd of the sub-continent comes under this category- and there is a clear prohibition against appropriating agricultural land, farms, villages, hamlets and more importantly areas inhabited by the weaker sections namely the poorest of the poor, the tribals, the depressed classes and the adivasis. This rule has been breached in the case of every SEZ set up in the country and the very worst of the lot is the Mangalore SEZ. **In other cases, the agricultural and inhabited areas illegally appropriated vary from 15 to 40%. In the case of Mangalore SEZ, the breach is 100%. The list of Casualties:**

- (a) Agricultural lands illegally appropriated 100%.
- (b) Fresh water wells destroyed - 2415.
- (c) Streams, Tanks and Minor water bodies destroyed - 614.
- (d) Senior citizens over 70 years virtually finished off for life - 704.
- (e) Senior citizens over 60 years virtually finished off for life-

548.

- (f) Children / School / College going virtually finished off for life – 2150.
- (g) Farmers (men and women) virtually finished off for life – 4611.
- (h) Tribals, Backward Classes and Christians – 100%.
- (i) Upper Class persons – 0%.
- (j) Number of Small Farms destroyed – 1616.
- (k) Number of coconut trees destroyed – 6450.
- (l) Number of other fruit trees – Mango, Jackfruit etc. – 13,860.
- (m) Poultry including Broiler Farms and Ducks over 2,00,000
- (n) Sheep and Goats over 18,000.
- (o) Buffaloes over 11,000.
- (p) Cows and Bulls over 19,000
- (q) Pigs over 7,000

This is the trail of blood that this Mangalore SEZ has started with. The later part of the Casualty list consists of birds and animals belonging to households and little farms all of which have ended up in the slaughter houses. The entire area has been bulldozed and I recall telling the SEZ Officers headed by one Raghavendra Holla and a bunch of thugs who had threatened to kill Swamiji, myself, all those who accompanied us and even the media persons that they should atleast spare the fresh water wells which were being filled up with mud and levelled. I then realized that when the vegetable gardens and paddy fields were being bulldozed and covered with one meter of mud that the idea was to falsely contend that only barren lands had been acquired. This was the same reason why every tree in the area was also destroyed. The SEZs Officers and their contractors might have become crorepathis but there is such a thing as Nemesis and it will be interesting to see how long this ill-gotten wealth (**BLOOD MONEY**) lasts with them and whether or not the tears anguish and deaths of all these

forms of life which includes the trees which also have life and are precious, will not catch up with all of these persons.

CLASS WAR:

It was only in the Tata Case in West Bengal that the National Media projected the very important fact that industry and big business is built on the graves of the tribals, the backward classes and the minorities. That is the story of the Mangalore SEZ. **A checklist of the names of the entire SEZ brigade throws up the fact that they belong exclusively to the upper caste and the privileged class. Next we come to their Partners in crime namely the Contractors who come from the same category. A microscopic examination of the victims will indicate that they all come from the category of Tribals, Christians and backward classes. If this is not a class war or to use a more appropriate term, virtual class genocide, what else is it?** These are angles at which polite society and the rest of the well to do Indians have never looked. Appropriately enough, I have entitled this report “State Terrorism – Tyranny”. The reasons are more than obvious. I do hope that a reading of this Chapter which will also be published separately, will work as a rude eye opener. One does not have to go to Africa and other parts of the world to witness the most horrifying transgressions of Human Rights, it has happened in the State of Karnataka and more precisely in Dakshina Kannada under the euphemistic and glorious banner entitled Mangalore SEZ.

THE CREATION OF NAXALITES / MAOISTS:

Both these are extremely unpleasant terms and conjure up images of violent human beings who spread death and destruction. The Governments tell us that these persons should be shot at sight and when this is done, the citizens rejoice. Has anybody every tried to do the elementary exercise of finding out as to who created them. None of these human beings have

come from another planet or from another country. They are native Indians who have turned violent out of desperation. Earlier, it was the powerful upper caste human beings in the villages and the rural areas who threw them out of their lands and their meagre possessions with the active assistance of the police and the revenue officials and they were driven into what remained of the forest or the barren hills. They resembled wounded animals driven out of their habitat and forced to fight for their existence. I repeat the words of 69 year old Giryaa Gowda who wept when his house was bulldozed, his vegetable gardens were destroyed, all his poultry and cattle gone and even his wells filled up with mud and he was the so called offender who had to be forcibly thrown out of his ancestral land by the police, revenue authorities and the mafia hired by the SEZ. He wept and told me that I have nothing left but before I go, I will take a sizeable number of this lot with me. Can he be blamed for this reaction?

The so-called Naxalites and Maoists are all the tribals, adivasis, backward classes and the minorities who have been the victims of terror and tyranny and who have no other language except to hit back and try and get even. The Government produces SEZs for big industry and this is the human price. This is the origin of these movements and this is the reason why their ranks are increasing. It was not very different in the Chambal ravines when women like Phoolan Devi were tortured, humiliated, raped and subjected to horrifying levels of tyranny and a few of them decided to fight back in the same language and the Government classified them as Dacoits.

When the history of the Mangalore SEZ comes to be written, it will be a horror story of an edifice built on graves.

CHAPTER-XIX

SUMMARY OF FINDINGS AND CONCLUSIONS:

Before recording the summary of my findings, I need to clarify that I have not specifically dealt with incidents in the Districts other than Dakshina Kannada, Udupi and Bangalore, because none of those is as serious, incident-wise and consequences-wise and more so because they have followed the general pattern and the same findings hold good. In the procedure which I have followed which was extremely laborious and time consuming and involved huge amounts of travel, an effort has been made to do a forensic job – comprehensive and all inclusive. It involved visits to 413 places, many of them repeatedly, examination of 673 witnesses, 2114 victims not to mention hospitals, courts, police stations, jails, government offices and of course, the Churches and grottoes. The exercise was undertaken at high speed because human memory and evidence both fade, get polluted and even get obliterated. In the majority of instances, records, videos, photographs etc. required to be carefully examined and researched. I have also had to obtain a lot of expert advice in many areas such as the medical field, the chemical field and even the finer points of the Law. The effort has been to produce a Report of high quality, one of total credibility, absolutely transparent and unbiased and above all, a faithful exposition of the absolute truth. I am conscious of the fact that it is strong in many areas and that is because the incidents themselves are so horrifying. There is also a powerful indictment of some of the Politicians and Police Officers but that was inevitable on the facts of this case. I have tried very hard to look for any mitigating and extenuating circumstance but none exist.

SYNOPSIS OF FINDINGS:

- (a) That these incidents are representative of the **hidden agenda** of the party in power in this State, the BJP, which is driven by a very strong casteist force and which is no longer a secret after Gujarat and Orissa. Firstly, it consisted of a violent attack against minorities and that is why I have briefly indicated as to how the Muslim Community was simultaneously targeted. Next comes the hatred and the venom which the leaders have successfully transmitted to their followers which explains the abnormal levels of savage brutality in everything that took place, particularly whenever violence was used. Thirdly, and the most unfortunate distressing and shameful aspect of the operation which will take this country backwards to the days of the caste system, the results were manifested on the poor, the down-trodden, the weak, the aged and all the others who did not have the power to fight back.
- (b) That every one of the attacks and incidents which took place was instigated and pre-planned. They were State sponsored and not only supported by the State but were covered up for by the State. The responsibility for this devolves squarely on the Home Minister – Dr. B.V. Acharya and the Chief Minister – Dr. B.S. Yediyurappa (the Doctorate was awarded by some obscure foreign university).
- (c) That in all the incidents involving violence, the principal culpability rests with the State Machinery namely the Police Department. Not a single instance of violence - be it Lathi charge, use of teargas, smashing of vehicles and Church property or religious objects like the crucifix at the Adoration Monastery and the Statues and sacred objects - can either be condoned or justified. These are all rank criminal offences for which the concerned Officers and Staff deserve to be prosecuted. I have named some of the Police Officers who have crossed all conceivable limits,

who, even at this stage, deserve to be suspended, an enquiry held, and dismissed from service and prosecuted. The same applies to the then D.C., Mangalore.

- (d) That the promulgation of the so-called Order under Section 144 Cr.PC is thoroughly illegal and unjustified.
- (e) That the procurement of the rock pebbles, the arming of the saffron militants with lathis and other deadly weapons and use of these persons against members of the Minority Community was totally unjustified and Criminal.
- (f) That the use of lethal and toxic gas which emanated from teargas shells which were beyond the expiry date by 4 to 6 years was not only Criminal but was life threatening and is reminiscent of the use of fascist methods by the Nazis who gassed six million Jews to death.

The culpability and the gravity of this crime gets immensely compounded because the media exposed this factor on the 14th September 2008 itself after which, the Police repeated the use of toxic gas in five subsequent events which establishes that it was not accidental but DELIBERATE.

- (g) That as far as the many, many occasions when a lathi-charge was resorted to, the facts do not justify the action at all. There was no cause and it was naked aggression, savage brutality was displayed, abnormal levels of violence and above all, the intention to maim and kill was 100% evident when the victims were followed, chased and assaulted. The liability of the State for these actions is 100%.
- (h) The police violence committed inside the primary school at Kulshekar is unpardonable and unprecedented and does not seem to have occurred anywhere else in the world where Police Officers and the Police in partnership with the other assailants stormed a primary school with 607 young children and a staff of over 35 women teachers and nuns and resorted to unmitigated violence on them was savage, barbaric and unpardonable. Nothing can condone these acts.

- (i) The Police storming the Church at Pemannur obstructing and stopping the Mass and assaulting the celebrant Priest and then standing on top of the altar and directing the assault of the congregation followed by total vandalization of the entire Church and the theft of all the holy objects by the S.P., apart from being downright Criminal are absolutely reprehensible. The further use of out-dated teargas shells containing toxic gas inside the Church and as also inside the Primary School at Kulshekar was downright Criminal and can only be defined as an attempt to murder. The same applies to the assault by the Police on the congregation after they were brought out of the Church with their hands above their heads, all of whom were heavily bleeding and were already injured and the savage attack that followed was downright Criminal and inhuman.
- (j) The removal of the vehicles from each of the places where the violence took place, the stripping of the vehicles and the collection of massive amounts of money for their return by the Police is not only Criminal but indicative of deep-seated corruption.
- (k) The false arrests of innocent persons, custodial violence, refusal to afford medical aid to the injured persons who had been taken into custody and the retention in custody of all these persons for periods of time extending up to three months has absolutely no legal sanction. These are grave infringements not only of the Law but of human rights and the responsibility rests entirely and squarely with the State of Karnataka.
- (l) The ancillary damage in all these cases where the numbers are not small is real and massive. Though, I could not get to every single one, they exceed 2300 persons, out of which, 891 have suffered serious injuries such as fractures and the like and as many as 36 have suffered permanent damage and disability such as loss of an eye, damage to

the kidneys, permanent damage to joints and lifelong crippling back injuries. The complaints made indicate that 107 of these persons who had their own little businesses like Motor Mechanic, Tailor, Carpenter etc. have lost their livelihood completely. This is in addition to the fact that none of these persons come from the richer class, they have had to spend unaffordable amounts of money on medical treatment, transport etc. which they could ill-afford and which has landed them in debt. 38 of them who are employed have lost their jobs and 231 boys who were students have had their careers seriously affected. The State of Karnataka is liable for all of this damage because the injuries were caused in the course of Police action which was illegal and unjustified. As a façade, the Government announced that compensation would be paid and then announced that compensation had been paid. I was not able to find out a single person who had received even one rupee as compensation and if it was sanctioned, the money has gone astray.

- (m) More importantly, the Government announced that all the cases would be withdrawn which has not happened. These poor people have been attending Courts, losing their salary and not a single case has come up for hearing so far. On the other hand, in all those instances, where cases were filed against the Assailants - the number is few and far between because the Home Minister himself would never disclose the figure - cases have been clandestinely withdrawn and it is amazing that when the Home Minister was questioned about this in the Assembly, he gave one more of his unique answers by stating that these persons are not Criminals, the activity they indulged in was political according to him and they should therefore be categorized as political activists and that is why, the cases were withdrawn! Why this argument does not hold good as far as the victims are concerned, only Mr. Acharya knows.

- (n) I have elaborately set out that all the major incidents were commenced with something unique and unusual, viz. protracted and violent stone throwing. These stone / rock pebbles were specially brought in tempos by the saffron activists and the evidence indicates that this part of the operation of stone throwing was conducted by them in all the cases. These stones have caused serious injuries, but I am on an entirely different aspect. Historically, the act of pelting stones is an act of hatred and contempt of the highest order and one finds references in earlier times to this form of activity indulged in against poor human beings who were condemned to be stoned to death under the barbaric Laws or customs prevalent at that time. The very act of stoning human beings is the vilest form of venom and hatred and the object is to mortally maim and to kill. This is very representative of the entire operation that was planned against the members of the minority community and it indicates the abject hatred and contempt that runs through this entire operation and from this angle, I would single out this part of the violence as the very most horrible and disgusting part of it. Much thought must have gone into the planning and it must have been done at the organizational level either at Kalladka or at Udupi or at both places. I would like serious cognizance to be taken of this positively disgusting facet.
- (o) The police entering the Churches is again ultra serious and assaulting the celebrant in the course of a holy service is something globally unprecedented in this day and age. The arrogance of the Police Officers standing with their boots on the sacred altar table is again unpardonable and unforgivable. Like the stone throwing, the nature of this operation when directed against the Catholics is a clear indication of the hatred and contempt with which these operations were carried out. These are serious dangers to the nation because the entire saga of attacks is in complete

violation of the Constitutional rights of the Catholics to practice and profess their faith. The position of the State Government is totally and completely indefensible.

- (p) As far as the role of the Chief Minister and the Home Minister are concerned, at no point of time, did they ever even express lip sympathy for what had happened. They have in their official capacity at all times through their conduct and their speeches abetted what had happened and covered up for what the Government Machinery did and more importantly, for the whole of the saffron brigade. The fact that both of them openly flaunt the fact that they are RSS Pracharaks is not the issue because their personal background is their own business but in their official capacity, it is not an expectation but a requirement that you cannot carry your communal hatred into your official position but this is what has unfortunately happened. From the recorded sequence of events, the presence of the Home Minister in the District at all crucial times, from the instructions that have come from him particularly to the Police, the manner in which he has rewarded the errant Police Officers and above all, the steps taken to grant total immunity to the saffron brigade to run absolutely wild in the State and to even order withdrawal of the few cases filed against them are all personal acts of abetment from the Home Minister. Unfortunately, the Chief Minister has gone along with him at all times and therefore, is equally responsible.
- (q) As far as the saffron activists are concerned, the Bajrang Dal leader and the leader of the Sri Rama Sene have at all times boldly and openly admitted that it was their organizations which had undertaken all the attacks, all the intimidation and every single act of terrorizing the minorities. There is no way that it can ever be argued that the responsibility does not devolve on them, but more importantly, on the organizations which they represent.

The evidence clearly establishes that the BJP Government made no distinction between the party in power and these two organizations but it is also clearly established that as far as Dakshina Kannada and Udupi Districts are concerned that the RSS was very deeply involved.

- (r) I need to record with extreme distress that the role of the subordinate Judiciary right through this entire period of time was extremely disappointing. It is with grave concern that it has to be recorded that almost without exception, the Judiciary put out the unmistakable impression that the saffron influences were guiding every decision. It is unimaginable that despite over 2000 applications that were filed indicating injuries that required medical treatment, custodial torture and above all, wrongful detention that every single application was dismissed and no relief(s) were granted. When the State and the Police Department are pulled up for atrocities, one has no words to describe the fault of the Judiciary for having refused to render Justice in every single one of these instances. What was most serious was the indiscriminate refusal to grant Bail in thousands of these cases which is totally indefensible in Law. Another ploy that was adopted was to reject Bail applications on the ground that the Police are objective and in case where the Lawyers insisted, the hearings were protracted and there are instances that the Magistrates have taken 6-8 weeks to pass Orders. If this was not compounding of illegality and a total breakdown of the Law and Order situation that too within the Court Room, it also brought a very bad name to the Judiciary. At the same time, we have the astounding situation of the Judiciary acting as an extension of the Police Department and the State Government by willingly discharging Accused persons who belong to the saffron lobby and conversely issuing the harshest possible Orders against the other side. **I have added on the Chapter relating to**

the Editor – Seetharam case where for the first time anywhere in the world, an Editor was brought to the Court in chains and handcuffs and the Judge did nothing about it. There was no case against him and he had been refused Bail the previous night and when finally, the Court had no option except to pass a Bail Order, the Police pointed out that they had obtained Nine Non-Bailable Warrants against him from different Courts in respect of one and the same complaint. The Press Council of India and the State Human Rights Commission as also the Karnataka High Court had passed the severest strictures in this case. The Hon'ble Chief Justice of the Karnataka High Court is requested to kindly look into what has happened and take firm steps to ensure that the Rule of Law is restored. In an oppressive situation where human rights are trampled upon and the Laws are breached, if the Courts let down the citizens, it is total chaos and disaster resulting in political anarchy and that is what resulted in the State. **AT LEAST AT THIS POINT OF TIME, IF THE STATE HAS ANY RESPECT FOR THE LAW, ALL THE PERSONAL INJURY AND DAMAGE AS ALSO PROPERTY DAMAGE WILL HAVE TO BE ASSESSED AND COMPENSATED FOR IN KEEPING WITH THE WELL DEFINED PRINCIPLES AND THIS WILL HAVE TO BE DONE ON A TIME BOUND AND PRIORITY BASIS. BECAUSE THIS IS NOT AN ACT OF COURTESY OR GOODNESS BUT A LEGAL REQUIREMENT.**

- (s) A serious allegation was leveled particularly by the Chief Minister and the Home Minister that the minorities, namely the Christians, are indulging in conversions. I had devoted special attention towards examining this allegation thread-bare and found it to be downright false. It was pleaded as a Justification for the violence, it is a sham allegation and an after-thought but all the same it

merited a deep examination and my finding is that it is factually incorrect, completely baseless and it should not have been pleaded at all.

- (t) There was an allied charge that was making the rounds to the effect that foreign funds have been received which have been channeled towards conversions. I have pointed out that the allegation regarding the conversions is false and baseless but I have also investigated very thoroughly as to whether any foreign funds have been received and channeled for any unlawful or anti-social purpose and the answer is that there is not only zero evidence but that there is also no ground for suspicion as far as this is concerned. The congregations that have been attacked, even where the big Churches were concerned, are absolutely in the clear. There were a large number of small Prayer houses where the attacks took place and most of these are exceedingly poor and some of them are at the subsistence level and in this background, this allegation is a rank absurdity.
- (u) Another allegation that was doing the rounds was that one of the denominations or some of them are alleged to have circulated offensive literature in the form of the booklet Satyadarshini. I have dealt elaborately with this charge and given conclusive reasons to establish that it is completely groundless. This was a ploy to justify the unpardonable and indefensible attacks and when the hollowness was exposed, copies of this offensive material were procured and an attempt was made to plant them in some of the Prayer Houses which also failed. This charge is also completely false and unsubstantiated.

CONCLUSION:

It is true that this Report reads like a disaster story but unfortunately, it deals with a disaster situation and can reflect nothing else. It is shameful that these incidents took place in

the State of Karnataka and what is worse is that **while the intensity of the incidents may have been altered at later times, the number of attacks on the minorities have only gone up during subsequent period.** It does not matter which party is ruling the State, the Rule of Law has to prevail and the Constitution has to be respected. This State has a long history of communal harmony and of very high cultural standards and these incidents have seriously eroded on that record. To my mind, while reputation is a matter of consequence, respect for human life, tolerance, good Governance and good behavior are areas where there can be no compromises. And the forces of evil that have seemingly gone out of control will have to be stamped out. Having spent 15 years in the Judiciary, I expect that when all else goes wrong, the Judiciary will be there to correct the position. This confidence has also been eroded by happenings in the recent past, but I am confident that the Indian Judiciary which is one of the best in the world will ensure that it lives up to its reputation.

(This investigation has been extremely long and tiresome as also dangerous but God has been there to protect us. It has been very depressing and unpleasant but like the diagnosis in a case of serious medical ailments, it is something that was absolutely essential. At all times, I have been assisted and helped and supported by a team of very dedicated persons to whom I am immensely grateful. As far as the preparation of this Report is concerned, it involved hundreds of man-hours spread into the early part of the morning and I would never have been able to undertake and complete this massive operation on a time bound basis but for the immense efficiency, help and tireless support from Venkatesh to whom I am deeply obliged and grateful. It was essential from the point of view of the community, the public interest, the State and the Country and I have done it willingly and I know it will be well received and appreciated both Nationally and Globally).

SOME BURNING AND RELEVANT QUESTIONS:

1. In the light of the findings in this Report, the question arises as to whether the two Politicians who have been indicted for a variety of reasons should continue to hold important positions in the State Government ?
2. What is the action required to be taken by the Centre and the State Government in order to curb the unlawful activities of the Bajrang Dal, Sri Rama Sene and the VHP and those who profess allegiance to these organizations while unleashing violence against minorities, intimidating them, persecuting them and otherwise targeting them ?
3. Whether it is not necessary to make an example of the Police and other Government Officers who have been guilty of gross misconduct themselves in the public interest and as a deterrent to other like-minded persons? Whether it is not essential that exemplary punishments be awarded to them? Whether the Police Dept. of the State should not be reformed and reminded that they are required to safeguard life, property and rights of All communities and not only one of them and conversely that the minorities are not their enemies?
4. Whether it is not absolutely essential for the subordinate Judiciary of the State to remember that they function as guardians of all citizens and that it is a Constitutional mandate that fundamental rights and human rights have to be safeguarded at all times and that there can be no

discrimination in the functioning of the Courts and above all, that Justice has to be expedient and immediate?

5. Whether it is not high time that the Governments and the Public authorities understand, realize and accept: that the rights and property of the common citizens, the tribals, the poor, the weaker sections and the downtrodden are not to be trampled upon by the dominant class and the persons who wield power and authority; that they realize that under our Constitution millions of these human beings have a right to equality and a decent life; and whether the principle of survival of the weakest has been forgotten ?
6. Whether it is not equally necessary to identify all the other individuals who have been indicted in this Report and that action according to Law be taken against them ?
7. Since serious unfounded allegations were made under the heads of alleged conversions and alleged misuse of foreign funds officially at the Government level, whether it is not essential from the angle of good sense and good governance that the Government apologize to the communities for having leveled these charges ?
8. In the land of Gandhiji, who prescribed that every tear should be wiped away, whether it is not absolutely essential that every injured person be identified and every head of loss be evaluated and fair compensation be awarded to them ?
9. Whether it is not absolutely essential that all the false prosecutions instituted be withdrawn and the victims be compensated for the consequences of these proceedings?

10. More importantly, whether it is not absolutely essential that the Central and State Government take all necessary steps to restore the confidence and security of the minorities in the State of Karnataka and do all that is necessary to ensure the guarantee of their constitutional rights ?
11. Whether it is not equally important that the indiscriminate donations to only Hindu Temples and Mutts and Institutions (which have exceeded Rs.3,000/- Crores) at the hands of the Chief Minister be stopped and that the citizens of Karnataka be informed as to how the Government justifies personal donations of public funds and whether it is legal that such disbursement should be to only one community ?
12. Above all, whether the Government of Karnataka does not owe an explanation to the Citizens as to how massive Sammelanas of only one community are regularly held all over the State at State expense as a muscle-flexing exercise in order to intimidate all the other communities (172 so far) and whether all the other functions under all sorts of heads which are organized in the name of Hindutva (218 so far) can be at public expense and whether it is legal to take over every town, city and village by displaying saffron flags, banners and the like almost all round the year, again as a muscle-flexing exercise, or whether the time has come to accept that all communities are entitled to live in harmony in Karnataka?

These are all very, very serious and burning issues to which the Citizens of the Sub-Continent want immediate answers and solutions.
