

STATE TERRORISM-TYRANNY

**THE HORRIFYING HUMAN TRAGEDY
CALLED MANGALORE SEZ**

**DEATH, DESTRUCTION AND RAPE
OF THE PLANET**

EXTRACTED FROM

(A REPORT ON THE ATTACKS ON MINORITIES AND
THEIR PLACES OF WORSHIP IN KARNATAKA)

PEOPLE'S TRIBUNAL ENQUIRY

Conducted at the instance of the

People's Union for Civil Liberties, South Kanara

And

The Catholic Association of South Kanara

And

Transparency International India, Karnataka Chapter

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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...

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 loose 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 what 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 badshah, 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 levelled 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 levelled 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 levelled 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 way, 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 Corporations 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 thousands 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 Acquisition 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 for 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 construction 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 this, 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.

(Justice M. F. Saldanha)

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 categorised 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 human tragedy, 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 it is it 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 the 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.

Justice Michael F. Saldanha

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% if 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. Judging from the 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 entail public disaster and do not cater exclusively to public welfare. The compensation which is fixed at 18th century values never 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 misery 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 find 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 hazardous 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 Centers 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 crorepaths 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 ever 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 Giriya 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.

JUSTICE M.F. SALDANHA (Retd)