

STATE TERRORISM-TYRRANY

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

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

By:

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**MEDIA CORRUPTED, SECULARISM DESTROYED
JOURNALISTS ATTACKED**

Justice Michael F. Saldanha,

Retired Judge, Karnataka High Court.

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**This Labour of Love is
dedicated to
“The Media”**

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“I disapprove of what you
say but I will defend you to
death your right to say it”

- Voltaire

“A good example is the best sermon”

- Anonymous

“He only lives, who lives for
others, others are more dead than alive”

- Swami Vivekananda



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...

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 brought 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 a 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 booklet 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.**

- Justice M.F. Saldanha

THE EDITOR, SEETHARAM CASE ATTACKS ON THE MEDIA

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 office 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 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 Jailor 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.

JUSTICE M.F. SALDANHA, Retd.