



kanchi-sathya digest

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Our second edition of Kanchi Digest brings to you the summary of news, articles and other events that have occurred in February, 2005. This is a condensed version of articles that have been posted on the website www.kanchi-sathya.org. You could make copies of this digest available in places of congregation like temples, kutcheries, and other functions where a large number of people gather. Use the facts here to spread the truth. That is what Kanchi-Sathya is all about.

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Media Scan: 1/2/2005-28/2/2005

1/2/05

Senior Seer files another anticipatory bail plea

<http://headlines.sify.com/news/fullstory.php?id=13659297&headline=%27Mutt%7Eis%7Ea%7Eplace%7Eof%7Eworshi p,%7E%7Edoubt%27>

Kanchi Seer Sri Jayendra Saraswathi filed an anticipatory bail application in the Madras High Court apprehending arrest in connection with a case pertaining to tampering with records of the Mutt's accounts.

Mutt manager challenges detention under Goondas Act

<http://headlines.sify.com/news/fullstory.php?id=13659297&headline=%27Mutt%7Eis%7Ea%7Eplace%7Eof%7Eworshi p,%7E%7Edoubt%27>

Kanchi Mutt Manager Sundaresa Iyer filed a petition in the Madras High Court challenging his detention under the Goondas Act.

Kanchi Junior Pontiff files bail application in High Court

<http://www.hinduonnet.com/thehindu/holnus/004200502011611.htm>

Kanchi Junior Seer Sri Vijayendra Saraswathi filed an application in the Madras High Court seeking bail in the Sankararaman murder case after a sessions court rejected his bail plea in the case on January 27.

In his application, he said dismissal of his bail plea had been done so by the Principal Sessions Judge, Chengalpattu, without "properly appreciating the facts, circumstances and judgment" of the Supreme Court, which granted bail to Kanchi Seer Sri Jayendra Saraswathi, in the same case.

Kanchi mutt accountant granted bail

<http://sify.com/news/othernews/fullstory.php?id=13659990>

G.M. Akbar Ali, principal sessions judge, District Sessions Court, Chengalpattu, granted conditional bail for 'Kaladi' Viswanatha Iyer, Kanchi Sankara Mutt accountant, in the 'Tampering of Mutt accounts' case filed at the Siva Kanchi police station.

Judicial remand of 7 accused extended

http://www.kanchi-sathya.org/mediaarticle01022005_nip.htm (newindpress)

The judicial remand of seven of the 24 accused - Appu, Kathiravan, Chinna alias Rajnikanth, Anil alias Anilkumar, Ambi alias Ambigapathi, Senthilkumar and Arumugam - was extended until February 10.

2/2/05

Raghu, Sundaresa Iyer seek review of detention

<http://www.hinduonnet.com/thehindu/holnus/004200502021519.htm>

Petitions seeking review of the detention of Kanchi junior seer Sri Vijayendra Saraswathi's brother R. Raghu and mutt manager Sundaresa Iyer were submitted before the district Collector of Kanchipuram.

After their arrest by the special investigation team in the Sankararaman murder case in December, Raghu and Iyer were detained under the Goondas Act on January 22, which prevents bail being sought from the courts.

Venkaiah Naidu calls on Junior Seer

<http://www.hindu.com/thehindu/holnus/002200502021719.htm>

Senior BJP leader M Venkaiah Naidu, called on Kanchi Mutt Junior Seer Vijayendra Saraswathi, at the Central Prison in Chennai, where he had been lodged after his arrest in connection with the Sankararaman murder case. After the meeting, Naidu told reporters that it was a courtesy call. The Swamiji was performing poojas daily and his health was good, he said.

Acharya's bail plea posted for Feb 4

<http://sify.com/news/fullstory.php?id=13661262>

The Madras High Court posted to February 4 the anticipatory bail application sought by Kanchi Seer Sri Jayendra Saraswathi, who apprehended arrest in a case pertaining to tampering with records of the Mutt's accounts.

Freezing of mutt accounts justified: Prosecution

http://www.kanchi-sathya.org/mediaarticle02022005_nip3.htm (newindpress)

Freezing of accounts of various banks accounts held by the Kanchi Mutt at this junction was not only justified but also absolutely essential, the prosecution told the Madras High Court. Public Prosecutor K. Doraisamy said so when the petition from mutt manager S. Mahadevan seeking to restrain the government and the police from interfering with the right of the mutt to operate its 183 accounts with various banks in Kancheepuram came up before Justice K.P. Sivasubramaniam. The judge had earlier permitted the manager to operate two accounts in the Indian Bank at Kancheepuram. The Public Prosecutor said that the amounts in various bank accounts were tainted with illegality since the funds of various religious and charitable trusts and endowments had been transferred to other accounts and withdrawn for illegal purposes. Offences of criminal breach of trust had been committed with reference to various accounts which were being investigated.

Denial of court papers irks mutt counsel

http://www.kanchi-sathya.org/mediaarticle02022005_nip.htm (newindpress)

The advocates representing the Mutt and other accused in the Kanchi Sankararaman murder case were upset over the denial of access to them to certain court documents pertaining to the case while allowing the prosecution to have unhindered access to these records.

Repeated petitions to the Kancheepuram Judicial Magistrate-I court seeking copy applications filed by the prosecution had gone in vain, the advocates complained.

The advocates then wrote a letter highlighting their grievances to the Chief Justice of Madras High Court and Chairman of National Human Rights Commission.

Police probing 'irregularities' in trust accounts of Kanchi Mutt

http://www.kanchisathya.org/mediaarticle02022005_nip.htm (newindpress)

With the filing of the charge sheet in the Kanchi Sankararaman murder case, the special investigation team (SIT) is pursuing the matter relating to alleged irregularities with regard to the accounts of various trusts, which the police say, are "attached to the Kanchi Sankara Mutt." According to the police, huge amounts were put in different

accounts standing in the names of the Mutt, trusts and endowments. Also, money was withdrawn from various accounts. Funds received through endowments were used for non-religious purposes and no proper accounts were maintained for receipts and withdrawals.

3/2/05

Senior Seer's bail plea adjourned to Feb 11

http://www.kanchi-sathya.org/mediaarticle03022005_nip4.htm (newindpress)

The anticipatory bail application filed by Kanchi seer Sri Jayendra Saraswati who apprehended arrest in the Tirukoshtur Madhavan assault case was adjourned to February 11 by the principal session court with direction that the Seer should not be arrested until then.

Judicial remand of Junior Seer, Raghu extended

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B533757A9%2D4FAD%2D44AE%2D891A%2D38BF459C898E%7D&CATEGORYNAME=Chennai>

The judicial remand of Kanchi Junior Seer, Sri Vijayendra Saraswathi, his brother Raghu and 15 others was extended until February 10 in the Sankararaman murder case.

Why a separate case against mutt, asks HC

http://www.kanchi-sathya.org/mediaarticle03022005_nip3.htm (newindpress)

The Madras High Court wondered as to why a separate case of 'tampering with accounts' was registered against Kanchi Mutt accountant Kaladi Viswanathan and its former manager Sundaresa Iyer. The mutt accounts were not government accounts and the mutt authorities had lawful right to operate them. Even assuming that money had been drawn from the mutt accounts and paid to the assailants in the Sankararaman murder case and that it had been suppressed from the account books by manipulation, an offence under Section 201 of the IPC could alone be charged and clubbed with the main murder case, observed Justice M Thanikachalam. The Justice however posted to February 4, further hearing on the petition, as Public Prosecutor K Doraisamy handling the case was not available.

Radhakrishnan assault case: Chargesheet in a fortnight

http://www.kanchi-sathya.org/mediaarticle03022005_nip1.htm (newindpress)

Close on the heels of filing the charge sheet in the Kanchi Sankararaman murder case, the Special Investigation Team police decided to file another charge sheet in the Radhakrishnan assault case within a fortnight. If things proceeded as per their plan, the charge sheet, running to about 550 pages, would be filed before the Saidapet Sessions Court in the third week of February. Auditor Radhakrishnan was assaulted in August 2002 at his residence in Mandaveli, Chennai.

4/2/05

Junior Seer will not be booked in assault case: Public Prosecutor

http://www.kanchi-sathya.org/mediaarticle03022005_nip6.htm (newindpress)

Kanchi junior Shankaracharya, Sri Vijayendra Saraswathi would not be arraigned as an accused in the Radhakrishnan assault case, Tamil Nadu Public Prosecutor K. Duraisamy informed the Madras High Court.

Seer case: HC reserves orders on Junior Seer's bail plea

http://www.kanchi-sathya.org/mediaarticle03022005_nip7.htm (newindpress)

The Madras High Court reserved orders on the bail petition filed by Kanchi Junior Seer, Sri Vijayendra Saraswathi in the Sankararaman murder case.

BJP demands dismissal of Jaya Govt. in Tamil Nadu

http://www.kanchi-sathya.org/mediaarticle03022005_nip5.htm (newindpress)

The BJP demanded the dismissal of the Tamil Nadu government charging it with attempting to foist new cases under the Goondas Act against Kanchi Shankaracharya Sri Jayendra Saraswathi. The government was "attempting to implicate" the Seer under the Goondas Act. "Its intention is clear. It is not serious about solving the murder of Kancheepuram temple official Sankararaman. So we demand its dismissal," BJP national secretary Bandaru Dattatreya told reporters in Chennai. He accused the government of "deliberately attempting

to destroy the Kanchi Sankara Mutt and the Acharyas and being biased and prejudiced".

Judicial custody extended for Junior Acharya

<http://www.hindu.com/2005/02/04/stories/2005020409700400.htm>

The Kancheepuram judicial magistrate-I, G. Uthamaraj, extended up to February 10 judicial custody for Sri Vijayendra Saraswathi, junior Kanchi Acharya; his brother Raghu, the Kanchi Mutt manager N. Sundaresa Iyer and 13 others, against whom charges have been framed in the Sankararaman murder case. Earlier, he extended up to February 10 remand for accused-turned-approver Ravi Subramaniam.

Assault case: Remand extended for Appu, Ravi

http://www.kanchi-sathya.org/mediaarticle04022005_nip6.htm (newindpress)

The Magistrate Court in Saidapet extended the judicial remand of Appu alias Krishnaswamy and Ravi Subramaniam, who were arrested in the Radhakrishnan assault case, until February 17.

Notice to Govt. in Goondas Act case

<http://newstodaynet.com/03FEB/LD1.HTM>

The Madras High Court asked the Tamil Nadu government to file a reply within four weeks on the arrest of Kanchi Mutt Manager Sundaresa Iyer under Goondas Act. The notice was issued during the hearing of Iyer's appeal seeking to quash his arrest under the Act and grant him bail.

Junior Seer's brother denies making any confession

<http://www.hinduonnet.com/thehindu/holnus/001200502032169.htm>

Raghu, brother of Kanchi Junior Sankaracharya Vijayendra Saraswathi, told a local court that he had neither made any confession nor any statement to the police in the Sankararaman murder case as reported in a section of the media.

VHP meet to protest arrest of Kanchi Seers

<http://www.hinduonnet.com/thehindu/holnus/004200502031732.htm>

VHP's state unit said it would hold a day-long Hindu protection conference to protest the arrests of the Kanchi Seers in Chennai on February 6.

BJP leader Murli Manohar Joshi will attend the "Hindu Samudaya Padhukappu Maanadu" conference, aimed at highlighting the "threat to Hinduism and attempts to tarnish the image of Kanchi seers," VHP International Vice-President S. Vedantam, told reporters.

Account case probe at crucial stage: PP

http://www.kanchi-sathya.org/mediaarticle04022005_nip4.htm (newindpress)

The investigation in the case relating to tampering of Mutt accounts was at a crucial stage, Public Prosecutor K. Doraisamy told the Madras High Court. When the arguments on the anticipatory bail application of Jayendra Saraswathi in this case came up before Justice M.Thanikachalam, the Public Prosecutor admitted that the name of the senior pontiff did not find a place in the FIR. However, the on-going investigation revealed the involvement of the Acharya in the crime, he said.

5/2/05

Sankararaman's family given solatium to fight poverty

<http://www.hindu.com/2005/02/05/stories/2005020513180400.htm>

The solatium of Rs. 5 lakhs for the family of Sankararaman, the Kancheepuram Vardaraja Perumal temple manager who was killed last year, was granted because it was poor, the Chief Minister, Jayalalithaa, told the Assembly. Sankararaman's wife Padma, in her representation to Ms. Jayalalithaa, had stated that due to the poor economic conditions, her children were not able to pursue their education. So, she sought financial assistance from the Government. The Chief Minister gave this explanation in response to the Bharatiya Janata Party deputy floor leader, H. Raja's remark in the Assembly on Thursday that the Government had given Rs. 5 lakhs to Sankararaman's family, while only Rs. 1 lakh was presented to the family of the Member of the Legislative Assembly, K. Sudarsanam.

6/2/05

Seer case: Appu, 'Dil' Pandian detained under Goondas Act

http://www.kanchi-sathya.org/mediaarticle06022005_nip.htm (newindpress)

Continuing their action against the accused in the Kanchi Sankararaman murder, the SIT police slapped Goondas Act against kingpin Appu and

fake accused 'Dil' Pandian, taking the total number of detainees to 12.

Goondas Act slapped on one more accused in Sankararaman case

<http://www.hindu.com/thehindu/holnus/004200502061631.htm>

One more accused in the Sankararaman murder case, Arumugam, was detained under the Goondas Act, police said. Arumugam is facing charges in connection with the "proxy" surrender of five persons in the case on October 27 last. With the detention of Arumugam, as many as 13 of the 25 accused in the case have so far been detained under the Goondas Act. Those detained under the Act could not seek bail for one year.

SC warns media against interfering with justice

http://www.kanchi-sathya.org/mediaarticle06022005_nip2.htm (newindpress)

The Supreme Court warned the media against interfering with the administration of justice by narrating "facts" that may be used in the trial of a case. Allowing an anticipatory bail plea by an accused in a dowry death case, a bench comprising Justice N. Santosh Hegde and Justice S.B. Sinha took serious note of an article published in a magazine based on an interview with the victim's family even as the accused petition was pending before the court.

BJP to inform people on 'foisting' of cases on Kanchi seers

http://www.kanchi-sathya.org/mediaarticle06022005_nip1.htm (newindpress)

Accusing the Tamil Nadu government of 'inflicting a great injury' on the Kanchi mutt by arresting its Shankaracharyas, senior BJP leader and former Union Minister Murli Manohar Joshi said his party would continue to inform the people about the attack on the "symbols of Hinduism and its spirituality".

8/2/05

Kanchi Seer asked to appear in court on Feb 10

http://www.kanchi-sathya.org/mediaarticle08022005_nip1.htm (newindpress)

Summons were issued to Kanchi Seer, Sri Jayendra Saraswathi, asking him to appear in court on February 10, in connection with the Sankararaman murder case, court sources said. This was for the

purpose of serving him the charge sheet in the case, in which he is listed as the prime accused, they said.

Madhavan assault case: 2 surrender in court

<http://www.hindu.com/2005/02/08/stories/2005020811140400.htm>

Two out of the four persons for whom the Madras High Court granted anticipatory bail in the 'Thirukkottiyur Madhavan assault case' on January 28, surrendered in the Judicial Magistrate Court. R. Muthukrishnan, a retired Tamil Nadu police official now working as group security adviser for an industrial house and T.A. Ranganathan, its Public Relations Officer, appeared before the magistrate, V. Damodharan.

Bail plea withdrawn

<http://news.indiainfo.com/2005/02/07/0702seerappu.html>

The bail plea moved on behalf of Appu, one of the prime accused in the Sankararaman murder case, in the District Sessions Court, Chengalpattu, was withdrawn.

'Nothing wrong in police prayer'

<http://www.hindu.com/2005/02/08/stories/2005020811170400.htm>

The Chief Minister, Jayalalithaa, wanted to know what was wrong if an investigation officer wanted to pray to a God that he believed in before he commenced a particular work. She was responding to an observation made in the Assembly by S.G. Vinayakamoorthy (Congress) on the investigation officer in the Sankararaman murder case going to a temple before filing charge sheet.

Seer case: Key accused withdraws bail application

<http://news.indiainfo.com/2005/02/07/0702seerappu.html>

Appu alias Krishnaswami, a key accused in the Sankararaman murder case, withdrew his bail petition. On Feb 5, 2005, Appu had been detained under the Goondas Act, which is normally invoked against habitual offenders. Those detained under the Act are not entitled for bail for one year.

9/2/05

Charge sheet copies not served to Acharya, others

<http://www.hinduonnet.com/thehindu/holnus/001200502101411.htm>

The copies of the voluminous charge sheet in the Sankararaman murder case could not be served to the 24 accused, including the two Kanchi seers, as scheduled as they were not "fully ready" and were likely to be served on February 24. All the 24 accused in the case, including Kanchi Sankaracharya Sri. Jayendra Saraswathi and his junior Sri Vijayendra Saraswathi were present in the first class judicial magistrate Court of G. Uthamaraj to receive the copies. It was the first time after nearly three months since the senior's Seer's arrest on Nov.11 last, that both the Seers appeared together.

Conditional bail for Junior Kanchi Seer

<http://www.hinduonnet.com/thehindu/holnus/001200502101501.htm>

The Madras High court granted bail to Kanchi Junior Seer, Sri Vijayendra Saraswathi in the Sankararaman murder case, in which the Seer, Sri Jayendra Saraswathi had also been arrested and charge sheeted. Granting the bail Justice M Thanikachalam directed Sri Vijayendra Saraswathi to furnish a personal bond for Rs. 50,000 with two sureties for like amount and to reside in Chennai. The judge also directed that the Junior Seer should report before the investigating officer at the Thousand Lights Police station every Sunday at 10 a.m. and that he should surrender his passport, if any. He further directed that the Junior Seer should file an affidavit before the Chief Judicial Magistrate, Chengalpattu to the effect that he would not tamper with the witnesses in any form until the trial in the case was completed.

Silverstar Stalin detained under Goondas Act

http://www.kanchi-sathya.org/mediaarticle09022005_nip1.htm (newindpress)

Accused number 23 in the Kanchi Sankararaman murder case Silverstar Stalin was detained under the Goondas Act after Kanchipuram District Collector R Venkatesan signed the order. The total number of detainees held under the Goondas Act went up to 16 in the case, against the total 24 accused. However, the grounds for his detention were not known as the Collector had made everything inaccessible to the media. On earlier occasions too, the grounds for detention were not

given. The SIT police have been continuously slapping the Goondas Act on the accused persons. On Saturday, it was kingpin Appu and fake accused 'Dil' Pandian, followed by another fake accused, P. Arumugam, on Sunday. Again on Monday, the Act was invoked against fake accused Sateesh and 'Kuruvi Ravi', the accused who had helped in the proxy surrender.

11/2/05

Sri Jayendra Saraswathi Swamigal gets anticipatory bail in accounts case

[http://www.kanchi-sathya.org/mediaarticle11022005_nip3.htm\(newindpress\)](http://www.kanchi-sathya.org/mediaarticle11022005_nip3.htm(newindpress))

Kanchi Shankaracharya Sri Jayendra Saraswathi was granted anticipatory bail in the account tampering case by the Madras High Court.

Sri Vijayendra Saraswathi Swamigal to stay in temple complex

<http://www.hinduonnet.com/thehindu/holnus/000200502111701.htm>

Kanchi Junior Seer Sri Vijayendra Saraswathi, arrested in the Sankararaman murder case, was released from the central prison in Chennai following the Madras High Court granting him bail. Accompanied by his advocates and some Mutt officials and many devotees, Sri Vijayendra Saraswathi Swamigal drove to the Sri Kamakshiamman temple complex at Greenways Road in South Chennai, where he was likely to stay.

HC permits Kanchi Mutt to operate bank accounts

<http://www.hinduonnet.com/thehindu/holnus/001200502111762.htm>

The Madras High Court permitted the Kanchi Mutt to operate its bank accounts, which had been frozen in January by the police in connection with the Sankararaman murder case. The Mutt was required to furnish a monthly statement of its bank operations to the Investigating Officer in the case.

Tirukkotiur Madhavan case adjourned to Feb 17

<http://www.hinduonnet.com/thehindu/holnus/001200502111763.htm>

In yet another relief for Kanchi Sankaracharya Sri Jayendra Saraswathi, the prime accused in the

Sankararaman murder case, the Seer was granted anticipatory bail in the Mutt accounts tampering case, while his bail plea in the Tirukottiur Madhavan assault case was adjourned to February 17. When the petition came up for hearing, Public Prosecutor K Doraisamy, submitted that the investigations upto the current stage did not connect the Sankaracharya with the crime.

Seers meet in court after 3 months

<http://www.hinduonnet.com/thehindu/holnus/001200502111763.htm>

All the accused in the Kanchi Sankararaman murder case, barring approver Ravi Subramaniam, were ordered to present themselves before the Kancheepuram Judicial Magistrate-I Court on February 24 to receive copies of the chargesheet. Significantly, both Acharyas, Sri Jayendra Saraswathi and Sri Vijayendra Saraswathi met for the first time nearly after three months after the former was arrested on November 11. On seeing the senior pontiff at the court hall, the junior pontiff touched his feet and sought blessings. In a tightly-packed court hall where advocates, police and journalists jostled with each other, the two Acharyas talked to each other for about 15 minutes. They also had a discussion with senior advocate K.S. Dinakar. Mutt former manager Sundaresa Iyer and Sri Vijayendrar's brother Raghu also sought the blessings of the Senior Seer.

TN Activists decry Goondas Act

<http://www.ndtv.com/template/template.asp?fromtimeline=true&id=68179&callid=1&template=Seer arrest>

In Tamil Nadu, the police action against those accused in the Sankararaman murder case started coming increasingly under fire. Fifteen out of the 24 people accused in the murder case have been slapped with preventive detention orders under the Goondas Act. For one year, the accused cannot come out on bail. Activists in the state are up in arms over what they say is a clear violation of human rights. They say a 'goonda' under the law is a habitual offender who poses a threat to public order. While accused like Appu are no strangers to preventive detention, many others like the Junior Seer's brother Raghu and *mutt* manager Sundaresan Iyer are first time offenders. "By invoking the Goondas Act, the police are passing a no confidence vote against the judiciary. They claim that they work hard to arrest an accused and the judiciary lets people out on bail easily," says Dr V Suresh, General Secretary, PUCL

Charge sheet copies not yet ready

<http://www.hindu.com/2005/02/11/stories/2005021110160100.htm>

Copies of the charge sheet in the Sankararaman murder case were not furnished to the accused, as expected. As the copies were not ready, the Kancheepuram judicial magistrate-I, G. Uthamaraj, adjourned the case to February 24. All the 24 accused, including the senior Kanchi Acharya, Sri Jayendra Saraswathi, and his junior, Sri Vijayendra Saraswathi, were present in the court.

12/2/05

Kanchi seer issue: Case against Gurumurthy

<http://www.hindu.com/thehindu/holnus/000200502121201.htm>

The Tamil Nadu police registered a case against columnist S. Gurumurthy under IPC section 153 A for his writings in connection with the "Kanchi Seers case". The Indian Penal Code (IPC) prescribes criminal prosecution for "wantonly giving provocation with intent to cause riot" (section 153); "promoting enmity between different groups on grounds of religion" (section 153A). He was earlier summoned by the Special Investigation Team probing the Sankararaman murder case in connection with his writings.

Freezing of Mutt accounts illegal: HC

[http://www.kanchi-sathya.org/mediaarticle12022005_nip1.htm\(newindpress\)](http://www.kanchi-sathya.org/mediaarticle12022005_nip1.htm(newindpress))

The action of the Kanchi Special Investigation Team in invoking Section 102 of the Criminal Procedure Code for freezing the bank accounts of the Sankara Mutt was illegal and liable to be set aside, the Madras High Court ruled.

Justice K.P. Sivasubramaniam, who delivered the ruling, was partly allowing a writ petition from the Mutt manager, S. Mahadevan, to restrain the Tamil Nadu Government and the SIT from interfering with the right of the Mutt to manage and administer its affairs and property, including the 183 accounts in five banks held in its name and in the names of its various endowments and trusts.

The judge held that the Mutt's writ petition was maintainable, as it was a religious institution as defined under Sections 6(13) and 6(18) of Act 22 of 1989. "Having regard to the nature of the charges against the accused and that the charges being relatable only to past events and period, I am unable to comprehend any possibility or justification (for the police) to have invoked Sec

102," the judge observed. "For the offence alleged against the Mutt head, Sec 102 could not be invoked as against the property, assets and the income of the Mutt, which is a separate organization and a legal entity by itself."

Police keen on early trial in Sankararaman murder case

http://www.kanchi-sathya.org/mediaarticle12022005_nip1.htm

The Special Investigation Team expressed keenness on expediting the Sankararaman murder case. In view of its sensitivity, the police said they would like to see the trial begin early in the case since there was "strong evidence".

13/1/05

SIT indulges in intimidatory tactics: Gurumurthy

[http://www.kanchi-sathya.org/mediaarticle13022005_nip.htm\(newindpress\)](http://www.kanchi-sathya.org/mediaarticle13022005_nip.htm(newindpress))

Noted columnist and auditor S. Gurumurthy alleged that the special investigation team (SIT) was indulging in intimidatory tactics, and that he will not be deterred from pursuing the proposed criminal case against SIT officials for leaking out misleading contents about his statements made to them at the time of interrogation.

Case against columnist

<http://www.newstodaynet.com/12FEB/LD5.HTM>

Vishnu Kanchi Police Station filed a case against noted columnist S. Gurumurthy on charges of attempting to deviate the investigation of Sankararaman murder case being conducted by Special Investigation Team, by giving wrong information. The case, under Sections 191 (giving wrong information) and 197 (issuing or signing in false certificates) of the IPC had been filed following a complaint by Additional SP, Sakthivel, investigating officer of the murder case. Talking to News Today over telephone, Premkumar, SP, who heads the SIT, said Gurumurthy wrote an article in a daily on December 9, 2004, contending that Rajini and Kathiravan arrested in connection with the Sankararaman murder case were not real offenders and the case was a fabricated one. Later, the SIT summoned him to seek clarification on the statement and the enquiry which was videographed, went on for one and half hours. Premkumar said that during the interrogation, Gurumurthy could not substantiate his argument put forth in his article. Besides, Gurumurthy had also sent Rs.1000

seeking a copy of the cassette videographed during the interrogation. However, when contacted, Gurumurthy described the police action as 'completely unconstitutional'. He also said that he would take all legal action.

14/2/05

Kanchi Seer's case: SIT to question Cho and Sonthalia

<http://www.newstodaynet.com/12FEB/LD5.HTM>

The Special Investigation Team probing the murder of Sankararaman issued summons to Cho S. Ramaswamy, editor of Tamil Weekly 'Thuglak', in connection with a case registered against columnist S. Gurumurthy for "misleading" the investigation. A similar notice was sent to Manoj Kumar Sonthalia, Chairman and Managing Director of the New Indian Express and the SIT was likely to meet him, the Chairman's office confirmed. Gurumurthy's articles had appeared in Thuglak and the New Indian Express.

Raghu's detention under Goondas Act challenged

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B4C68340B%2D144C%2D4567%2D9B16%2D4EA83827C28A%7D&CATEGORYNAME=Chennai>

The Madras High Court admitted a habeas corpus petition (HCP), seeking to set aside an order detaining M.K. Raghu, brother of junior Kanchi seer, Sri Vijayendra Saraswathi, under the Goondas Act. Admitting the petition filed by M.K. Prabhakaran, elder brother of Raghu, a Division Bench, comprising Justice M. Karpagavinayagam and Justice A.R. Ramalingam, however, turned down a prayer for granting interim bail during the pendency of the petition.

I was offered money to turn against police: Ravi Subramaniam

<http://www.hindu.com/2005/02/14/stories/2005021406940100.htm>

The accused-turned-approver in the Sankararaman murder case, Ravi Subramaniam, sought action against two lawyers, one of them a defense counsel in the case. In a petition to the Kancheepuram Judicial Magistrate-I, G.Uthamaraj, Ravi Subramaniam said Nadira Banu and Revathi told him on February 1 that they represented their senior lawyers Y.Thiyagarajan and A.Shanmugham (appearing for the arrested from the Kanchi Mutt in the murder case) and offered him a 'huge amount' to turn against the police and asked him not to

reveal anything against the Acharya, Sri Jayendra Saraswathi. As he did not respond positively, they came to the sub-jail at Kancheepuram on February 3, but he was not available as he had to appear before the Saidapet and Kancheepuram courts that day. When Ravi Subramaniam turned down their request, the lawyers threatened that he would be killed when he came out of jail, according to a senior police official of the Special Investigation Team. Ravi Subramaniam urged the court that action be initiated against the lawyers and sought protection for his life.

Gurumurthy's counsel demands copy of police video

[http://www.kanchi-sathya.org/mediaarticle14022005_nip2.htm\(newindpress\)](http://www.kanchi-sathya.org/mediaarticle14022005_nip2.htm(newindpress))

The counsel of noted columnist S. Gurumurthy sent a notice to the Special Investigating Team (SIT) probing the Sankararaman murder case asking them to provide a copy of the police video of the columnist's interrogation by the SIT. In the notice, counsel, R. Shankaranarayanan, accused the SIT headed by Premkumar, SP, of deliberately leaking information about the interrogation to a Tamil magazine with a view "to cause injury to not only my client but also Sri Jayendra Saraswathi Swamigal." Under Sec 162 CrPC, no statement or any record thereof could be used for any purpose other than enquiry or trial.

15/2/05

Swadeshi Jagran Manch slams TN police

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B9912BA49%2DE6B6%2D440C%2D9C2B%2D12DD1E3F94EC%7D&CATEGORYNAME=CHENNAI>

The RSS-backed Swadeshi Jagran Manch (SJM) condemned as "pressure tactic" and an act of "retribution" the "initiation of criminal prosecution" against its co-convenor and columnist S. Gurumurthy by the Tamil Nadu police for allegedly "misleading" the probe in the Sankararaman murder case. "The SJM regards this as a measure of retribution against him for nearly a dozen articles he had written in English and Tamil exposing the actions and omissions of the police in the investigation into the Sankaracharya case...this has exposed the designs of the state police against the Kanchi mutt and also the Sankaracharyas", its all-India convenor Muralidhar Rao said in a statement.

Lawyers to boycott court

http://www.kanchi-sathya.org/mediaarticle15022005_nip.htm(newindpress)

The Kancheepuram Bar Association announced a three-day court boycott condemning the threat of action against two female bar members for allegedly threatening the high-profile Sankararaman murder case approver Ravi Subramaniam, according to Bar president M. Madanagopal. Talking to journalists, he said it was practically impossible for any lawyer to meet and threaten an accused who was an approver and that too in police custody.

Swamy wants withdrawal of Seer's cases

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B93E71BFB%2DC558%2D46EC%2DA5BC%2D710B57D4C908%7D&CATEGORYNAME=Chennai>

Janata Party president Dr Subramanian Swamy requested Tamil Nadu Governor Surjit Singh Barnala to direct Chief Minister Jayalalithaa to withdraw all criminal cases registered by the police against the two Sankaracharyas of the Kanchi Mutt. Swamy said that the Governor gave him a patient hearing and said he would take appropriate action after studying the matter. Swamy said he had enclosed a copy of the sanction accorded by the Governor to prosecute Superintendent of Police K. Premkumar, chief of the Special Investigation Team chief in the Sankararaman murder case, in an assault and molestation case. "No action has been initiated by the Tamil Nadu government yet," he added.

16/2/05

BJP legal cell flays Kanchi SIT action

http://www.kanchi-sathya.org/mediaarticle16022005_nip1.htm(newindpress)

The Tamil Nadu unit of the Legal Cell of the Bharatiya Janata Party strongly condemned the action of the Kanchi SIT in harassing two women advocates, Revathi and Nazeera, for allegedly 'threatening' Ravi Subramaniam, the approver in the Sankararaman murder case.

Ravi 'not well'; doctors say he's all right

(newindpress)http://www.kanchi-sathya.org/mediaarticle16022005_nip2.htm

Ravi Subramaniam, accompanied by two armed cops, arrived at the Kancheepuram General Hospital, complaining of chest pain. Doctors

maintained that the health condition of Ravi was perfect, according to Prem Kumar.

17/2/05

Anticipatory bail granted to lawyer Nadira Banu

http://www.kanchi-sathya.org/mediaarticle17022005_din.htm(newindpress)

Judge Akbar Ali of the District Sessions Court, Chengalpattu, granted anticipatory bail to advocate Nadira Banu against her petition, which was filed in the context of a complaint made by approver Ravi Subramaniam that she and a colleague had threatened him.

Assault case: Seer's bail hearing adjourned to Feb 22

http://www.kanchi-sathya.org/mediaarticle17022005_nip1.htm(newindpress)

A sessions court adjourned to February 22 the anticipatory bail application filed by Kanchi seer Jayendra Saraswati who apprehended arrest in connection with an assault on a temple priest in August last.

18/2/05

Navagraha homam performed at Kalavai

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B6CF40818%2D62F9%2D4B68%2DBBBB%2D0B6367448CDB%7D&CATEGORYNAME=Chennai>

Vedic scholars performed Navagraha homam at the Brindavan complex for world peace, removal of all 'doshas' (evils) and to propitiate Sani Bhagavan' (Saturn). The homam, which lasted for nearly five hours, was blessed by the senior Kanchi Seer, Sri Jayendra Saraswathi. The Seer, maintaining 'mouna vratam' (silence), performed the usual Chandramouleeswarar pooja separately.

21/2/05

Kanchi Seer moves High Court seeking anticipatory bail

<http://www.hinduonnet.com/thehindu/holnus/001200502211861.htm>

Kanchi Seer Sri Jayendra Saraswathi, filed a petition in the Madras High Court, seeking anticipatory bail apprehending arrest in connection with an allegation made by Ravi Subramaniam, accused-turned-approver in the Sankararaman murder case, against two advocates. Ravi Subramaniam had filed a petition in the

Kancheepuram Magistrate court on February 10 seeking police protection, stating that Revathi and Nazeera Banu, the defence counsel for Kanchi Mutt, had approached him at the sub-jail on February 1, 3 and 9 to persuade him to turn hostile in the case, by offering him money.

FIRs filed against 2 Kanchi mutt lawyers

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7BF05C480%2D5BFD%2D40D9%2DB542%2D93E1F41D499C%7D&CATEGORYNAME=Chennai>

Police registered FIRs against two advocates, Revathi Vasudevan and Nazeera Banu, in connection with the allegations made by Ravi Subramaniam, accused-turned-approver in the Sankararaman murder case, against them.

22/2/05

3 Kanchi mutt lawyers get advance bail

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7BA1A163B5%2D784F%2D4AB4%2D9845%2DE2DFA2E1A853%7D&CATEGORYNAME=Chennai>

A court in Chengalpattu granted interim anticipatory bail to three Kanchi mutt lawyers, who apprehended arrest in the case related to alleged threatening of an approver in the Sankararaman murder case. Chengalpattu sessions judge Akbar Ali granted the interim relief to Revathi Vasudevan, A. Shanmugam and Y. Thyagarajan while "passing over" the matter after hearing their petitions.

Kanchi lawyers to boycott courts

<http://www.hinduonnet.com/thehindu/holnus/002200502221718.htm>

Lawyers resolved to boycott all local courts till Friday protesting the filing of an FIR against two of their colleagues on the charge of threatening an approver in the Sankararaman murder case. Accusing the police of filing the FIR on "trumped up" charges, he said all 117 members of the bar would boycott the courts till Friday. A meeting of the association would be held on Monday to review the situation and decide the future course of action, he added. The FIR was registered against Kanchi Mutt lawyers Revathi Vasudevan and Nadira Banu, on a complaint from the wife of accused-turned approver Ravi Subramaniam, that the two had recently induced and threatened her husband with dire consequences to retract his confession.

Columnist Gurumurthy moves HC

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B4BB855C3%2D535F%2D4D8E%2DA6F7%2D2D67A5C677F6%7D&CATEGORYNAME=Chennai>

Columnist S. Gurumurthy moved the Madras High Court to quash the criminal complaint filed against him by the Special Investigation Team, probing cases against the Kanchi Mutt and its Seers, for allegedly giving false evidence and refusing to answer questions put to him in connection with his columns in newspapers. Earlier, Gurumurthy's counsel, senior advocate T.R. Rajagopalan, sought to extract an assurance from the state Public Prosecutor K. Doraisamy that his client would not be arrested till February 28, which was not conceded. Gurumurthy also sought a court direction, restraining the SIT from proceeding with the 'malafide and motivated' complaint till disposal of his petition. The columnist alleged that during interrogation in December last, the SIT Chief and its investigation officer had threatened him with prosecution for interfering in the investigation into cases against Seers of the Kanchi Mutt by writing critically and questioning the methods of police investigations. Referring to the charge of providing false information, he asked whether Article 21 of the constitution would permit and authorize the police to prosecute and arrest a person on the basis of statements, purportedly recorded by the police from him, not shown to him and not signed by him.

23/2/05

No move to arrest Gurumurthy until Feb 25: Public Prosecutor

(newindpress)http://www.kanchi-sathya.org/mediaarticle23022005_nip.htm

“There is no move to arrest columnist S. Gurumurthy,” Public Prosecutor K. Doraisamy informed the Madras High Court. Originally, Gurumurthy had filed a writ petition seeking to quash a criminal complaint, which alleged that he had failed to furnish certain information available with him with regard to the Sankararaman murder case to the Kanchi Special Investigation Team. His interim prayer was to stay all further proceedings pursuant to the complaint. While so, Gurumurthy alleged that Mohanavelu, Inspector of Vishnu Kanchi police station in Kanchi, sought to arrest the petitioner and had made certain representations to him. Extracting the tele-conversation between him and Mohanavelu, Gurumurthy prayed that in the circumstances and in view of the urgency, the

interim petition be heard by the court at 2.15 p.m. on Tuesday.

TN Bar council threatens agitation

<http://www.chennaionline.com/colnews/newsitem.asp?NewsID=%7BC8705487-7F71-412C-B8FC-B516E893E0E8%7D&CategoryName=TAMNA>

The Bar Council of Tamil Nadu (BCT) threatened to launch an agitation if the cases against two women lawyers, juniors of Kanchi mutt advocates, were not withdrawn. Asking the state government to immediately intervene and get the cases withdrawn, Council's president R. Dhanapal Raj told reporters if the government failed to act, the BCT would have no alternative but to launch an agitation in consultation with the Bar Council of India.

Orders reserved on seer's bail plea

[http://www.kanchi-sathya.org/mediaarticle23022005_nip1.htm\(newindpress\)](http://www.kanchi-sathya.org/mediaarticle23022005_nip1.htm(newindpress))

Principal Sessions Judge P. Murugesan reserved for February 24 orders on the anticipatory bail application from Kanchi Acharya Sri Jayendra Saraswati, who apprehended arrest in the 'Thirukottiyur Madhavan assault case.'

24/2/05

Copies of charge sheet not served to Seers, case adjourned to March 10

[http://www.kanchi-sathya.org/mediaarticle24022005_nip_8.htm\(newindpress\)](http://www.kanchi-sathya.org/mediaarticle24022005_nip_8.htm(newindpress))

For the second time, copies of the charge sheet in the Sankararaman murder case were not given to all the 24 accused, including the Kanchi Seers, when they appeared in the court of first class judicial magistrate G. Uthamaraj. The copies were not given as it was not ready.

Lawyers' bail hearing adjourned to March 1

<http://www.chennaionline.com/colnews/newsitem.asp?NewsID=%7B152F5912%2D6E6B%2D463D%2DA396%2DF6CCE610E6C7%7D&CATEGORYNAME=CHENNAI>

A Chengalpattu court adjourned to March 1 hearing on the anticipatory bail petition of Kanchi mutt advocates Y. Thyagarajan and A Shanmugham and their junior Revathi Vasudevan, who apprehended arrest in connection with a complaint made by wife of accused-turned-approver Ravi Subramaniam in the Sankararaman murder case. Sessions judge Akbar Ali adjourned the hearing, as Tamil Nadu Public Prosecutor K Doraisamy, who was to make

his submissions, could not be present. On February 22, the court had granted interim anticipatory bail to the lawyers.

BJP condemns TN police action

<http://www.chennaionline.com/colnews/newsitem.asp?NewsID=%7BC87FBF9C%2D046C%2D4829%2D99DE%2D9FCF92DC38EA%7D&CATEGORYNAME=Tamil%2BNadu>

The BJP slammed as "assault on freedom of expression" the registration of cases against Swadeshi Jagran Manch co-convenor S Gurumurthy, 'Thuglak' editor Cho Ramaswamy and 'The New Indian Express' managing director M.K. Sonthalia and their alleged harassment for writing and carrying articles relating to the Sankaracharya case. "We have a tradition of free opinion in this country but we have no tradition of police investigation and harassment if an analysis is against the version of the police and prosecution," party's general secretary and spokesman Arun Jaitley told reporters.

MHAA flays SIT attitude towards advocates

[http://www.kanchi-sathya.org/mediaarticle24022005_nip.htm\(newindpress\)](http://www.kanchi-sathya.org/mediaarticle24022005_nip.htm(newindpress))

The Madras High Court Advocate's Association (MHAA) strongly condemned the attitude of the Kanchi Special Investigation Team in registering false complaints against four advocates practicing at Kanchipuram courts. Alleging that the police was wantonly interfering with the rightful activities of the advocates with an ulterior motive, MHAA president S. Prabakaran warned that the association would be forced to stage agitations if the cases were not withdrawn.

25/2/05

Seer completes bail formalities in accounts case

[http://www.kanchi-sathya.org/mediaarticle25022005_nip3.htm\(newindpress\)](http://www.kanchi-sathya.org/mediaarticle25022005_nip3.htm(newindpress))

Kanchi seer Sri Jayendra Saraswati, who obtained an anticipatory bail from the Madras High Court in the accounts tampering case, completed the formalities as two devotees - Muthumani and A.R.S Gopalan - furnished sureties of Rs 5,000 each before the Kancheepuram Judicial Magistrate-I Court.

Kanchi mutt lawyer moves HC for probe into intimidation complaint

http://www.kanchi-sathya.org/media25022005_nip8.htm

A Kanchi mutt advocate moved Madras High Court seeking a CBI probe into the Kancheepuram police filing cases against two women lawyers for allegedly threatening Ravi Subramaniam, an accused-turned-approver in the Sankararaman murder case.

26/2/05

State files counter affidavit on anticipatory bail

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B86361069%2D6BF4%2D45E1%2DB285%2D5F1F4EDE7C35%7D&CATEGORYNAME=Chennai>

The Tamil Nadu government charged the Kanchi Sankaracharya, Sri Jayendra Saraswathi, with attempting to influence Ravi Subramaniam, accused-turned-approver in the Sankararaman murder case, by threatening and trying to bribe him, through two women lawyers, to change his statement implicating the seer in the murder. In a counter affidavit in the Madras High Court in response to the plea for anticipatory bail by the Pontiff, who apprehended arrest on a complaint preferred by Chitra, wife of Subramaniam, the government said the Seer with the help of his associates, some of them advocates, intimidated and offered a huge amount of money to Subramaniam.

27/2/05

Seer visits hospital

http://www.kanchi-sathya.org/media27022005_pti.htm

Kanchi Sankaracharya Sri Jayendra Saraswathi, stepped outside the 'Brindavan' at Kalavai, to visit to a hospital which provides free treatment in the village. He was in the hospital for over 10 minutes before returning to Brindavan, the samadhi of previous Shankaracharyas. The Seer continued to observe 'Moun Vraath' (silence).

You Said It – Words of the Devotees.

Bala Periyaval
By Sarathi

The persecutors and the press have been throwing a lot of mud. So much in fact, that even the faithful are dazed, if not blinded.

Of and on, some mention or other has come of Ponpadi. This is a lovely agricultural area, which Mahaperiyava Himself has visited. There is a nice Mahishasuramardini temple in a village a few kms in the interior. Many years ago, when the place was being dug for laying railway lines, the statue of the Goddess was found buried underground. The people went for guidance to Mahaperiyava, who gave them detailed directions on the temple to be built there, and subsequently visited it Himself for the sacred consecration ceremony.

It is to this temple that Bala Periyaval likes to go to when he is here.

To my knowledge, off and on when Bala Periyaval is in the region, and feels like taking off from the mileu for some solitude and penance, he would come here. Almost always, a group of school and college students would accompany him. Once there were a set of IIT students. Bala Periyaval had asked them to learn about the farming practices and report to him every day on what they had observed and learnt. He himself would spend the day in penance and Parayanam of scriptures. I was told of an instance when he was sitting on a rock and doing parayanam of Ramayana for many hours continuously, with a group of young students sitting nearby. As they watched in silence, he suddenly got up and walked away calmly. Surprised, the students looked around and spotted a full grown King Cobra that was swiftly slithering towards the rock.

There was this instance when he and a group of devotees decided to go visit a practically inaccessible temple - near waterfalls that was deep in the interiors. Starting off from Ponpadi, they reached a place beyond which the roads were not motorable at all. They walked it from thereon. They walked for more than five hours in the hot sun. Bala Periyaval was barefoot and he walked on disregarding the cuts that bled. The devotees were alarmed, and worried - for they knew that Periyaval

(Acharya Jayendra Sarawati) would take them to task for subjecting Bala Periyaval to such hardship. They pleaded with Bala Periyava to return, but he walked on, cheerfully.

They reached the temple by evening. An old sadhu was staying there. He had a dog as companion. One of the devotees who went there mentioned that when the sadhu did the deeparadhana, the dog said "Om". You may choose to disbelieve it. But the person who told me this swore that it was so. They stayed the night at the temple - taking a dip in the waterfalls every half an hour to escape the oppressive heat and humidity.

When they woke up early morning, they found that Bala Periyaval was not to be seen. He had apparently left on his own, accompanied by the dog. Stopping at villages on the way, he made his way back to Ponpadi by a different route. The devotees went back the way they came, to find that Bala Periyava had reached several hours earlier! When asked, he apparently said that the dog knew a short cut and had led him back!

Bala Periyaval, like all our sages, likes open spaces, fields, and quietness of the countryside. He loses himself when he does Chandramouliswara pooja. It is a sight to see the temple elephant when the gaja pooja is done, when the acharya and the elephant gaze at each other.

It is indeed one of the saddest days in the history of India when the Pontiffs have to face such forces of darkness.

But light will prevail. Lord Krishna's parents were in penitentiary for many years. And then He was born.

Our Acharyas are guardians of Sanatana Dharma. They will emerge victorious.
For Yato Dharma: Tato Krishna, Yata: Krishna:
Tata: Jaya:

Where there is Dharma, there is Krishna!
Where there is Krishna, there is Victory.

Jaya Jaya Shankara! Hara Hara Shankara!

Points to Ponder

Excerpts from the Editorial in Kalki Weekly
<http://www.kalkiweekly.com/thisweekissue/page1.asp>,
translation from tamil: courtesy:
<http://sankaracharyaarticles.blogspot.com/>

The Law does not function on mere suspicion. Justice can prevail only on irrefutable and proper evidence. The responsibility and effectiveness of the Police Department lies in presenting only the evidences which are acceptable under law. But in the Sankararaman murder case, the court judgments & orders published to date, do not add to the Police Department's prestige.

The Supreme Court, which granted bail to Jayendrar, has severely rebuked that the evidence submitted by the Police is weak.

The Chennai High Court, while granting bail to Vijayendrar, rejected the evidences presented, considering them as weak. The High Court also rejected the Police's claim that "Vijayendrar will tamper with the case if granted bail." The chances of that happening are very slim and the bail for Vijayendrar cannot therefore be refused, said the High Court.

The High Court not only ruled that the freezing of the bank accounts of the Sankaramatam & its Trusts is wrong, but also gave a stern warning to the Special Investigating Team. "If you divert from the course of investigation, a black cloud of doubt will fall upon you," [the Court] rebuked.

'The Mutt and the Mataadipathi are separate entities. Just because accusations have been made against the Mataadipathi, the social services of the Mutt should not be brought to a standstill.' This opinion expressed by the High Court is extremely important to ponder.

The Tamil Nadu Police's actions have been conducted very intently in such a way as to deeply degrade and humiliate the Mutt and its devotees. Whether it be the manner in which Vijayendrar, who was fully cooperating with the investigation, was arrested; whether it be the leak of Jayendrar's police custody interrogation video to the media; whether it be the charge-sheet being placed at Varadaraja Perumal's altar for prayers, claiming He is a witness; or whether it be the way Jayendrar & Vijayendrar were summoned in for copies of the

charge-sheet and sent away empty-handed ... all these incidents sully the credibility and reputation of the Tamil Nadu Police Department.

In a very, very important case like this one, that too when great men revered by the People are accused, shouldn't the Police act on the basis of extremely solid evidence? Shouldn't they conduct the case without yielding to delays or, instead, to vicious rumors? Paying respect to the People's sentiments, shouldn't they show character and treat the accused very respectfully?

The Chief Minister who said at the outset: "This case fills [me] with a heavy heart. The Law must take its course," is the one responsible for internal affairs. The Chief Minister has so far failed to utter a single word or opinion regarding the set-backs in this case. But instead, she has been engaged only in justifying the excesses and deplorable behaviour of the Police!

It is evident that, in the past few years the Police Department has been functioning merely as a special army of the ruling party. The Department has been forced to concede to the political likes and dislikes and personal preferences of the Government. Its neutrality has collapsed. Police Officials' aggressiveness & arrogance have increased.

Now, in the Sankararaman murder case, as the saying goes - "catching the tail instead of the udder", they continue their muddling with a case against Gurumurthy, the interrogation of Cho & Sonthalia, and anyone who is in the bad books of the Government, or whomever the Police dislikes as well.

If this continues, each and every Tamilian will have to think hard about 'What can be done to protect oneself from the Police Department'.

The 'blinkered' rights

Dina Nath Mishra, The Daily Pioneer
http://www.dailypioneer.com/columnist1.asp?main_variabl e=Columntist&file_name=mishra%2Fmishra65.txt&writer =mishra

The first phase of the Kanchipeeth Shankaracharya episode lasted a couple of months. It began with the arrest of Jayendra Saraswati in Mehbubnagar in Andhra Pradesh and ended with his bail being granted by Supreme Court. This was followed by the junior pontiff Vijayendra Saraswati being bailed out by a local court.

In the second phase, it seems, journalists and media houses are being targeted. The chief target is S Gurumurthy. Being a devotee of the Kanchikamkoti Peetham, Gurumurthy plunged headlong to save the 2,500-year-old mutt through his columns in The New Indian Express.

Jayalalitha has targeted him and the publishers of The New Indian Express and Tughlak for his writings. She has a history of filing more than 200 defamation cases against various Tamil Nadu publications, including The Hindu. She regards the Press as an adversary and journalists as troublemakers. The Press in Tamil Nadu is not as free as in Mumbai and New Delhi. The Daily Dinamalar which has been publishing news items and features sympathetic to the mutt, too, has been at the receiving end.

Had Gujarat Chief Minister Narendra Modi done this, the Editors Guild of India, journalist organisations and intellectuals of all hues would have launched protests. But the messiahs of Press freedom are mum. Why? After all, is it not clear that after the bail of Jayendra Saraswati, the Tamil Nadu Government had no prima facie case against him? Yet Vijayendra Saraswati was arrested without any additional facts in the Shankararaman murder case. Are Shankaracharyas not entitled to human rights?

Earlier, S Gurumurthy was summoned by the police to clarify certain things. The entire session was taped and part of it mixed with falsehood leaked to the Tamil weekly Nakkeeran alongwith pictures. At this juncture, Jayalalitha decided to arrest him. As luck would have it, the police could not trace him in Chennai as Gurumurthy had an official engagement in Mumbai. From Mumbai, advocate Mahesh Jethmalani faxed a notice to SIT SP Chennai on behalf of his client, inter-alia stating that his client would file a case against SIT. He also told him that his client has professional engagements till February 25 and he will come back to Chennai on February 26. Further, his Chennai lawyer R Shankaranarayanan, in a legal notice sent to SIT SP Premkumar, ASP SP Saktivelu and ADSP Udhay Shankar, said: "Now that you have deliberately leaked information to the media, you cannot have any objection to giving a CD or copy of the recorded video tape to my client."

Gurumurthy was examined by SIT for writing articles, which, according to SIT, "throw the cue

that you are acquainted with the facts and circumstances of this murder case."

According to Shankaranarayanan, the SIT never took the consent of Gurumurthy for recording his statements and it was illegal. Stating that Gurumurthy was convinced that the statements attributed to him and the three photographs which appeared in Nakkeeran must have been leaked out by SIT, Shankaranarayanan said that while some statements were correct, others weren't.

Shankaranarayanan pointed out that no statement or any record, including photo or video records, shall be used for any purpose other than at any inquiry or trial in respect of the offence under investigation. In his writings, Gurumurthy has raised some uncomfortable questions. Going by her nature, Jayalalitha seems determined to arrest him. Maybe, for tactical reasons, bailable sections of the IPC have been inserted in the arrest warrant, but the whimsical State Government may add other charges to make a strong case under the non-bailable sections.

Those activists who were raising a hue and cry about Press freedom in Nepal haven't condemned the harassment of Daily Dinamalar, questioning veteran journalist Cho Ramaswamy and The New Indian Express managing director Manoj Santhalia. All these journalists and organisations have traditionally been more anti-DMK than anti-Jayalalitha.

The hostility of the Chief Minister towards them is compounding and attaining threatening levels. No human rights organisation has raised its voice against these atrocities of the State Government.

But this can be understood, for most of the so-called human rights organisations are foreign funded. For them, terrorists, separatists and extremists have human rights, not law abiding citizens, least of all the Shankaracharyas.

New dimensions of secularism

*S. Gurumurthy, The New Indian Express
Published February 8, 2005*

Why did the Karnataka Chief Minister and other seculars proudly participate in the mass proselytising event of Benny Hinn, who abused Hindus and Hindu Gods? How is it that E. Ahmed of the Muslim League is 'secular' and L.K Advani of the BJP 'communal'? Why is the Kanchi Matham being hounded while the raid on the Islamic

religious school at Nadwa to catch ISI insurgents was called off and Central ministers sent to apologise to Ali Mian for the raid? How is it that 'secular' intellectuals are asking for the release of the Godhra accused and none of them is bothered about Vijayendra Saraswathi in jail? How come even a Congress chief minister like A.K. Antony could not stand the pseudo-'secular' polity and was forced to charge the organised minorities for perverting secularism? Why..? How...? These and similar questions repeatedly arise. But no one cares to answer them. You want answers to these questions? Read on.

For 'secular' India, secularism is not divorced between the state and religion. For them secularism is exclusively for the benefit of the minorities. Extend it, secularism means pampering the minorities. Go further, it includes being allergic to the majority. That is, unless one explicitly appeases the minorities and is overtly allergic to Hindus, one is not 'secular' enough. How did secularism acquire these new dimensions? Simple: it became a tool of politics. Politics is all about uniting the supporters and dividing the opponents. In Indian politics, uniting a minority for votes is 'secular'. It is 'secular' to divide the majority into this or that caste for votes. Consequently, uniting the majority is anti-'secular'. And organising the majority is fundamentalist. In contrast, protecting organised minority is a 'secular' duty. This is the high point of 'secular' India. A novice in Christian history would know that secularism originated in Christendom as a rule of separation of the Christian church and the Christian state. But how come what started off as an issue of Christian church versus the Christian state has become an issue of majority versus minority?

Now we need to trespass into some history - not an interesting subject for many. With Martin Luther's revolt against the 'Catholic Church' arrived the 'Protestant Church'. This weakened the Papacy and eventually broke up the Holy Roman Empire. The broken pieces of the Empire, by permutation and combination, became the modern nation-states in Europe. But these separated nation states also owed allegiance to Christ and Bible. These developments were all intra-Christian, within Christendom. No other religion was in the picture. The Church had ensured that no indigenous faith survived after Christianity took charge of Europe. Till this point no one had heard of secularism. It was only when the national Christian churches clashed with the national Christian states for primacy that a formula had to be worked out. That formula was that the

Christian State would prevail in worldly issues that were considered to be 'secular' in Christian theology. In the Abrahamic world all matters pertaining to the 'other world' were sacred, and the worldly issues 'secular'. This was how secularism was born. It separated what Christianity regarded as 'sacred' from what it classified as 'secular'. But the common denominator was the Christian theology and what it certified as sacred and 'secular'. In the European model, the Christian state was not actually creed-neutral. It was neutrality between the Christian state and the Christian church within Christianity. Secularism mandated that the Christian church would not interfere in matters of the Christian state.

It was the advent of democracy, not secularism, which gave the survival space non-Christian faiths in Christendom. The Christian states ruled by Christian monarchs began clashing with the people when the people began demanding more rights. This is where individualism began conflicting with monarchies. The clashes triggered movements for democracy. It was democracy that really shaped the institution of secularism as later understood in the modern West. With individualism becoming the supreme institution, the society in the West lost its legitimacy. So religion became a personal affair, an individual right. Still, secularism in the West was an all-Christian affair. It was an intra-Christian discipline. The state stood neutral between the Christian church and Christians, whether faithfuls or heretics. But democracy offered space for atheists and agnostics. Added to that was emigration from the rest of the world which turned the Christian West multi-religious and multi-racial. This brought in the issue of religious minorities. But in the West the religion of the majority, the Christian faith, was organised through the Churches of various denominations, around the Bible and Christ. So the secularism of Christendom stood between the organised majority and equally organised minorities, both being essentially Abrahamic in character.

But here in India, while the minorities are organised around their book and their prophets, the majority faith, the Hindu faith, is totally unorganised. In fact, it is not organisable at all. With 33 crore Gods to be propitiated one can understand how impossible it is to organise Hinduism. So we have organised minorities on the one hand and unorganised - why un-organisable - majority on the other. With the result secularism as understood in India protects the organised minorities. It leaves the unorganised majority

completely unprotected and undefended. Vote bank politics made it worse. Since the minorities are organised they become readymade vote banks, mere ballot papers. But the Hindu majority does not behave or vote as majority. This is so even on issues of faith as the divergent faiths and Gods within Hinduism makes it difficult for them to unite like the minorities. 'Secular' India denies to the majority the rights it reserves for the majority. So secularism in essence treats the 'secular' state as a majoritarian institution. In Christendom, the majority is Christian any way. And they are also organised additionally.

But, 'secular' India will not allow the Hindus to unite. It will snuff out any attempt to organise the Hindus, label those who attempt it as communalists and fundamentalists. But, unless Hindus get organised, 'secular' India will not allow Hinduism to survive. Then, will 'secular' India not do to Hinduism what Christianity did to Roman paganism? The Encyclopedia of Britannica says that Rome did not know how to handle Christianity that negated all other faiths. The inability of Roman Pagans to handle an intolerant faith, as the encyclopedia repeatedly refers to Christianity, caused the collapse of the Roman Paganism. 'Secular' India's intolerance to Hindus is similar. The Hindus have to handle 'secular' India like the minorities do. That is, the Hindus have to get organised and create a majoritarian regime. This is a rule of survival for them. And for the survival of a faith-neutral state itself! The question is, will they do it in spite of 'secular' India's hostility?

“Hindus can never get justice in secular India”

S.Gurumurthy, speech.

<http://www.organiser.org/dynamic/modules.php?name=Content&pa=showpage&pid=64&page=25>

Speaking at a conference on the “Siege of the Kanchi Math and its implications” organized by the BJP think tank in New Delhi on January 30th; Mr. Gurumurthy said that anything associated with Hindus would never get justice in secular India. The secularists and English-educated people have caused a great damage to the country. Slamming the media for its insensitivity to the noblest religious place in the country, and to the feelings of Hindus, he said that the press had declared the Shankaracharya guilty, even before the courts could say a word on it. By indulging in pure yellow journalism, the media had done more damage to the Seer than the Tamil Nadu government and the police. If the media had truly supervised the issue, no government could have

dared to act in such an irresponsible and brazen manner.

Even though the Central Government had the power to intervene in this issue, it did not. On a previous occasion, the then prime minister, P.V.Narasimha Rao sent two cabinet ministers to apologize to a Muslim cleric, when the police raided a place in Nadwa to nab an ISI agent. But in this case, all they did was make clichéd remarks about the matter being sub-judice and letting the law take its own course.

He said that the devotees of the Kanchi Math were law abiding peaceful citizens. The activities of the Math are quite transparent and with regards to the Math funds, he said that the Math had been submitting the annual audit report to the government since 1925.

He said that while it would be impossible to say what prompted the Jayalalitha government to take such a step, he claimed it was not for law enforcement alone. A big chunk of the Tamil Nadu establishment had been kept in the dark on this issue, including the state Advocate General. He drew attention to the politically motivated police investigation in Bihar in 1976 when the Anand Marg's chief was falsely implicated in the case.

Tamil Nadu Government and Media on the dock

K.H. Deshpande, Senior Advocate, Mumbai High Court. (First published in the Hitavada, Nagpur on 23rd January 2005)

When the Supreme Court took up the Special Leave Petition for grant of bail to the Shankaracharya, H.H. Sri Jayendra Saraswati, it set out to determine if the prosecution had made out a prima facie case to support its case on the alleged involvement of the Shankaracharya in the conspiracy.

The court ordered the prosecution to produce particulars of the bank account wherefrom the money was allegedly withdrawn to pay the assailants of Shankarraman. The court thought it fit to give this direction because it was considered vital incriminating circumstance against the Shankaracharya when the bail application came up before the Madras High Court on two occasions. On both occasions, the High Court had rejected the application based on this vital piece of evidence. In this context, the findings recorded by the Supreme Court are quite eloquent and strong enough to dispel the systematic vilification and character assassination of Shri Jayendra Saraswati

in the matter of Shankarraman's murder. Specifically, the court observed:

- The amount of Rs. 50 lakhs that was allegedly used to pay the killers was duly deposited in the Math's accounts within a few days of receipt. This belied the prosecutions allegation that the Shankaracharya had kept the money in his personal custody and used it to pay the assailants.
- Kathiravan's confession had been retracted before a magistrate on 24th November.
- Ravi Subramaniam's confession could not be treated as evidence unless there is prima facie evidence that he was a party to the conspiracy. There was no evidence that either Kathiravan or Ravi Subramaniam were party to the conspiracy, so their statements could not be treated as evidence.
- The alleged "dying declaration by Shankarraman" that the prosecution had touted all along turned out to be a telephone conversation with an acquaintance, and did not relate to the direct cause of his death.
- The material supporting the alleged phone conversations between the Shankaracharya and a few other co-accuseds do not indicate that the conversation actually took place between the people concerned.
- Witnesses who the prosecution claimed had heard the Shankaracharya discuss the conspiracy with the co-accused were not employees of the Math and it was difficult to believe that a person would discuss such a conspiracy in the presence of complete strangers.
- The Shankaracharya had not reacted to Shankarraman's letters, which were sent to him since August 2001. It did not appeal to reason why the Shankaracharya would suddenly decide to have him killed at this time.

The following are absolutely clear from the Supreme Court's judgment.

1. The prosecution was unable to produce before the Supreme Court, even prima facie evidence for implicating the Shankaracharya in the conspiracy.
2. The alleged material or evidence collected by the investigating agency is highly suspect.
3. The state of Tamil Nadu and its Special Investigating Agency had made false and shifting allegations regarding the amount allegedly paid to the hirelings.

This incident raises an important question about the functioning of investigating agencies in the country. The life and liberty of an individual is sacrosanct and guaranteed by the Constitution. Any

thing that violates these must be strictly justified. No person is put to the indignity and agony of an arrest unless there is incontrovertible material evidence against him. A person suspected of an offence is not arrested to secure a confession. In the Shankarraman case, all norms have been abandoned. The primary effort of the investigating agency has been to conduct a public trial of the persons who are taken into custody by publicizing what they said during interrogation. By telecasting everything that was happening during custody and linking certain women with the Math and its officials the media unconscionably indulged in highly dramatizing something which was not only quite un-substantiated, but also smelt of a deliberate attempt at degrading the high status of Shri Shankaracharya and the Math. This incident has hit the rock bottom of public morality and decency and calculated infamy of the sacred institutions.

The courts have taken a serious view of this kind of publicity and in some cases, considered it as contempt of court for obstructing the course of justice.

Lord Hardwick sounded a grave warning in *Roach V/s Garvan* "Nothing is more incumbent upon courts than to preserve their proceedings from being misrepresented nor is there more pernicious consequence than to prejudice the minds of people against persons concerned as parties to the cases before the cause is finally heard"

In another celebrated decision, it is stated, "Any attempt whatever to publicly prejudice criminal case whether by detail of evidence or by comment or by theatrical exhibition is an offence against public justice and a serious misdemeanour" Will the State of Tamil Nadu and the electronic and print media listen to these words of wisdom or prefer to stew by their own juice?

Interview with Appu: "We will get acquitted"
Translated from Kumudam,

Kumudam Reporter (17.2.05) claims it managed to get an interview with Appu when he was presented in the court on 10th Feb. Here is a jist:

KR: Goonda Act has been slapped on you, did you expect this?

A: I never expected this. I don't know what to do. Goonda Act has been applied even on a fellow who surrendered in the first instance, whom police claims is not a true accused. Now a days no thought is being given in applying Goonda act.

KR: You have told earlier that you have spoken to Premkumar S.P. before surrendering. During these

talks did he say anything about imposing Goonda Act on you?

A: No, not at all! He told "Please surrender yourself; I am not able to withstand the pressure from higher authorities. I will see you are not in any way affected". Ultimately he has slapped Goonda Act on me. I have behaved exactly as I promised in my telephone conversation, but he did not behave in the same way. But why should they prevent anybody from meeting me when I am under judicial custody? I am being kept in a separate cell. Police is showing extra interest in interfering even in the prison administration. On the whole Premkumar has not kept his promises and behaved in a totally different way.

KR: Well, what is your next step?

A: Next step is court only! I will prove how we are not involved with this case and get acquitted!

KR: In this case Ravi Subramanian has turned approver?

A: Has he become approver, has he been made approver? Police has made him approver and kept him in their custody! He may even turn against them when he comes to the court! Who knows? Police is afraid of that. That is why they are not even allowing his wife to meet him. Is there a law which says that just because one fellow has turned approver all the others will get convicted? If it is so, why should there be a court, examination of witness etc are stipulated? We cannot be convicted in this case! It is sure we will get acquitted!

KR: Lot of enthusiasm is shown to complete the case early?

A: It is not enthusiasm, they are obsessed! Is there any case where a Xerox machine worth Rs. 20 lakhs has been purchased for taking copies? Is there a case in which Crores of Rupees has ever been spent to bring a lawyer from Delhi to argue a bail? There is a reason for all this.

In addition to the above KR also gives other interesting tidbits about the case.

1. A special almirah has been kept for keeping all the documents in the Kanchipuram Court.

Premkumar kept all the documents in the almirah and gave a key to Justice Utthamaraj but kept a duplicate key with himself. Police go frequently with the duplicate key and remove and again keep the documents whenever they want! The lawyers of Jayendrar tell that once the documents are submitted to the court, police cannot see the document without the permission of the court. No rules are being followed in this case!

2. The police personnel in the SIT wallow in money since their inception.

Lot of money is being collected from persons under the threat that they will be included in the case. A TATA SUMO van belonging to a travel agent (threatened likewise) is running with a sticker "Police" to attend to the household duties of a Police Officer!

3. Even though a Xerox machine costing Rs.20 lakhs purchased for the case, without using it, 80000 pages of copies are xeroxed in a private xerox company in Adyar!

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