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For Private Circulation only

Vol.3/05, April 2005

Our third edition of Kanchi Digest brings to you the summary of news, articles and other events that have occurred in January, 2005. This is a condensed version of articles that have been posted on the website [www.kanchi-sathya.org](http://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: 1/1/2005-31/1/2005**

**1/1/05**

### **Raghu remanded to judicial custody**

<http://www.ndtv.com/template/template.asp?template=Seerarest&slug=Raghu%2Bremanded%2Bto%2Bjudicial%2Bcustody&id=66094&callid=1>

Raghu was arrested under the same section IPC sec. 302 (murder) as Kanchi Sankaracharya Sri Jayendra Saraswati (arrested on Nov. 11<sup>th</sup>) and Mutt Manager Sundaresa Iyer (arrested on Dec. 24<sup>th</sup>). With Raghu's arrest, the number of those taken into custody in the case rose to 24.

### **Ravi confesses before magistrate**

<http://www.newindpress.com/NewsItems.asp?ID=IET20041231232042&Page=T&Title=Southern+News+%2D+Tamil+Nadu&Topic=%2D367&aDate=1%2F1%2F2005>

Ravi Subramanian, second accused in the Sankararaman murder case confessed before Kanchipuram Judicial Magistrate Damodaran.

**4/1/05**

### **Kanchi Acharya gets bail in assault case**

<http://www.hindu.com/2005/01/04/stories/2005010406600100.htm>

The Madras High Court granted unconditional bail to the Kanchi Acharya, Sri Jayendra Saraswathi, in the Radhakrishnan assault case. Justice Balasubramanian said the evidence presented was not grave enough to preclude granting of bail to the Acharya. The Sankaracharya was to remain in judicial custody until the Supreme Court heard the Seer's bail plea on the Sankararaman case on January 6<sup>th</sup>.

**5/1/05**

### **Tamil Nadu Government opposes Kanchi Acharya's bail plea**

<http://www.hindu.com/thehindu/holnus/000200501041801.htm?headline=TN%7Eopposes%7Ebail%7Eto%7EKanchi%7ESeer%7Ein%7ESC>

The Tamil Nadu Government filed an affidavit in the Supreme Court opposing the bail plea of Kanchi Sankaracharya Sri Jayendra Saraswathi in the Sankararaman murder case and prepared to file

appeal against the Madras High Court order granting the Seer bail in Radhakrishna assault case.

### **Summons to junior Kanchi Seer withdrawn**

<http://www.expressindia.com/fullstory.php?newsid=40332>

The Special Investigation Team withdrew the summons issued to Junior Acharya of the Kanchi Mutt, Sri Vijayendra Saraswathi, to appear before it on Tuesday morning.

### **Kanchi mutt accountant arrested**

<http://in.rediff.com/news/2005/jan/04kanchi1.htm>

The Special Investigation Team probing the Sankararaman murder case on Tuesday night arrested the accountant of the Kanchi mutt, Viswanathan, on charges of cheating. The mutt lawyer, A Shanmugham, said he was surprised at the development because the mutt had not filed any complaint of cheating with the police.

**6/1/05**

### **Kanchi Seer Case: Pinpoint evidence SC tells TN Police**

<http://www.hindu.com/thehindu/holnus/000200501061701.htm>

The Supreme Court, which began hearing on the Kanchi Sankaracharya's bail plea in the Sankararaman murder case, repeatedly asked the Tamil Nadu police to "pinpoint" the evidence linking the Seer to the offence.

Appearing for the Sankaracharya, senior advocate Fali Nariman, sought to drill holes in the prosecution theory linking the Seer to the murder and said even on basic facts like payment of money to the assailants, the Tamil Nadu police has been changing its stand.

He said first, the police claimed that Rs. 50 lakhs were withdrawn from the Mutt's ICICI bank branch for the purpose of giving payments to the assailants. But when the Mutt pointed out that no such money was ever withdrawn from the ICICI Bank, the police changed its stand and claimed the money was received from a land sale agreement

and was kept in the Seer's room until its dispersal after the murder in September, he added.

He pointed out that one of the managers of the Kanchi Mutt, who is under arrest at present, has told the trial court that the money received from sale of land was deposited in Indian Overseas Bank in May last year, much before the murder.

The court observed that the Pappu Yadav case, which was decided more on its facts, had no bearing on this case.

#### ***Accountant arrest baffles Mutt authorities***

<http://www.hindu.com/2005/01/06/stories/2005010612820500.htm>

The arrest of the Kanchi Sankara Mutt accountant, 'Kaladi' Viswanatha Iyer, on the "grave" charge of tampering with accounts baffled Mutt authorities. Mr. Iyer was booked under 7 sections of the IPC that covered acts of cheating and forgery.

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#### **7/1/05**

#### ***SC reserves order on Kanchi Seer's bail plea***

<http://www.expressindia.com/fullstory.php?newsid=40463>

Fali S. Nariman, appearing for the Seer, pleaded before the SC bench that the pontiff, if granted bail, would not visit the mutt until the police completed its investigations and filed the chargesheet. This, he said, would take care of TN Police's apprehension that witnesses, mostly Mutt employees, would not be in a position to depose against the Seer if he were released on bail.

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#### **8/1/05**

#### ***Sundaresa Iyer's judicial remand extended until Jan 20***

<http://www.hindu.com/thehindu/holnus/001200501071727.htm?headline=Sundaresa%7E%27s%7Ejudicial%7Eremand%7Eextended%7Euntil%7EJan.%7E20>

A court here extended till January 20 the judicial remand of Kanchi Mutt Manager R Sundaresa Iyer, who was arrested on December 25 in connection with the Sankararaman murder case.

#### **10/1/05**

#### ***SC grants bail to Shankaracharya***

<http://headlines.sify.com/news/fullstory.php?id=13645727&headline=SC%7Egrants%7Ebail%7Eto%7ESankaracharya>

The Tamil Nadu police received a major setback when the apex court granted bail to the 70-year-old Seer, saying: "We are of the opinion that prima facie a strong case has been made out for grant of bail." The order was given by a three-judge bench comprising Chief Justice R.C. Lahoti, Justice G.P. Mathur and Justice P.P. Maolekar. The court required him to not visit the mutt until the chargesheet got filed and the probe completed. He was also asked to hand over his passport.

#### ***Junior Seer Sri Vijayendra Saraswathi arrested***

<http://headlines.sify.com/news/fullstory.php?id=13645727&headline=SC%7Egrants%7Ebail%7Eto%7ESankaracharya>

The junior Sankaracharya of the Kanchi mutt, Sri Vijayendra Saraswathi, was taken into custody that evening in connection with the Sankararaman murder case. Tamil Nadu Police stormed the Mutt while the Acharya was performing puja, and refused to let him complete the same. With both Acharyas in prison, the Kanchi Mutt was rendered headless.

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#### **11/1/05**

#### ***PM had written to Jaya on Junior Acharya***

<http://www.deccan.com/Nation/NationalNews.asp#PM%20had%20written%20to%20Jaya%20on%20junior>

Prime Minister Manmohan Singh's office released a statement that the Prime Minister had specifically written to the Tamil Nadu Chief Minister, asking her to be sensitive to a situation wherein both Acharyas would be in prison; thereby affecting the sentiments of millions of devotees.

#### ***Hindu groups condemn Junior Seer's arrest***

<http://timesofindia.indiatimes.com/article/show/986239.cms>

Expressing shock at the arrest of Sri Vijayendra Saraswathi, the junior Seer of the Kanchipuram mutt, Hindu organizations accused the Tamil Nadu government of waging a war against the monastery. "What was the need to arrest the junior Seer on the very day his senior was granted bail by the Supreme Court," asked Vishwa Hindu Parishad (VHP) leader Pravin Togadia.

***Kanchi senior Seer to perform pooja at Kalavai***

<http://www.hindu.com/thehindu/holnus/00020050111201.htm>

Mutt sources said the Senior Sankaracharya, who had been granted bail by the Supreme Court in the Sankaraman murder case, would proceed straight to the 'Chinna Mutt' in Kalavai after his release from the Vellore Central Prison and resume his daily poojas there.

The idol of Sri Chandramouleeswarar, to which the Sankaracharyas of the Sankara Mutt have been traditionally performing daily pooja over the ages, was taken to the 'Chinna Mutt' about 35 km from Kanchipuram, so that the senior Seer Sri Jayendra Saraswati could resume his pooja after a gap of two months.

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**12/1/05**

***Kanchi Sankaracharya released from Jail***

<http://timesofindia.indiatimes.com/article/show/987304.cms>

The Seer came out smiling and was driven to Kalavai mutt, near Kancheepuram. He continued to maintain his vow of silence. Present to greet him were: BJP leader Sushma Swaraj, Rajya Sabha member S. Thirunavukkarasar, international working president of VHP Ashok Singhal and Janata Party vice-president V. Chandralekha .

***2500 year long tradition broken***

<http://www.hindu.com/thehindu/holnus/001200501121311.htm>

The Mutt's tradition had been broken as the most sacred 'Dhanur Masya' pooja, performed in the early hours of the morning, had to be postponed until Tuesday night, as both the Sankaracharyas were under detention, Mutt sources said. Only the Peetathipathis of the mutt are entitled to perform the pooja, they pointed out adding that the Senior Pontiff had performed the pooja in the night.

***Keep Seer out of South India: TN***

<http://timesofindia.indiatimes.com/article/show/988155.cms>

Unfazed by the Supreme Court rebuffing its plea for continuing detention of Kanchi Sankaracharya Sri Jayendra Saraswati, TN police was back at the top court, this time to get practically the whole of South India declared out of bounds for the Seer. Reason: "His very presence will dampen the spirits

of witnesses whose livelihood depends on the mutt".

***Jaya writes to PM defending junior Seer's arrest***

<http://us.rediff.com/news/2005/jan/11kanchi2.htm?headline=Junior%7ESeer%27s%7EArrest:%7EJaya%7EWrites%7Eto%7EPM>

In a letter to Prime Minister Manmohan Singh, who had written to her in this regard the previous week, Jayalalitha wrote: "It is not as if both the swamijis have not been away from the mutt at the same time in the past. There have been innumerable occasions when both the pontiffs have been away from the Sankara mutt at Kanchipuram. While both the pontiffs have been away from the mutt, arrangements have been made for the conduct of the daily puja in the past". She said her government's action of arresting the Junior Seer was "in furtherance of due processes of law" and the principle that "all are equal before law."

***Junior Seer's Arrest, big blow to Hinduism, says Joshi***

[http://www.indianexpress.com/full\\_story.php?content\\_id=62540](http://www.indianexpress.com/full_story.php?content_id=62540)

Senior leader Murli Manohar Joshi accused the state government of vendetta. A meeting held earlier in the day and attended by senior BJP leaders Atal Behari Vajpayee, L.K. Advani, Jaswant Singh, Arun Jaitley and Rajnath Singh, under the chairmanship of Joshi, laid the roadmap for an intensive five-day agitation beginning January 15, against the decision of the Tamil Nadu government to arrest Vijayendra Saraswati.

Giving details of the argument presented by the prosecutor and the defence counsel, Joshi said the latest act was a blow to Hinduism

***Mutt closed fearing raids***

*Newindpress.com, <http://www.kanchi-sathya.org/mediaarticle12012005newindpress.htm>*

As high drama continued for the second day on Tuesday in Kancheepuram, the mutt was closed by its devotees fearing police raid and entry by unscrupulous elements.

In the morning, as devotees numbering about 50 gathered in front of the mutt to protest the arrest of the junior pontiff, police rushed to the spot and picked up an argument with the devotees. Later they were asked to leave the place as they did not have the permission. Later in the afternoon as

the air was strife with news that the mutt could be raided anytime, devotees and advocates representing the mutt locked the gates as a precaution and only let in those well-known to the mutt. Tension prevailed till late in the evening

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**13/1/05**

***Bank Accounts frozen?***

<http://www.hindu.com/2005/01/13/stories/2005011318990100.htm>

Bank accounts operated in the name of the Kanchi Sankara Mutt in different banks here were reported to have been frozen. According to counsel for the Mutt, A. Shanmugam, some of cheques issued by the Mutt had bounced.

***Video excerpts of Kanchi Acharya's custodial interrogation telecast***

<http://www.hindu.com/2005/01/13/stories/2005011308190100.htm>

Several television channels, notably Sun TV, showed excerpts from the video recording of the custodial interrogation of the Kanchi Sankaracharya, Sri Jayendra Saraswathi, by the police in November 2004.

The Acharya was heard complaining that the junior Sankaracharya, Sri Vijayendra Saraswathi, did not show any concern for him when he was arrested in the Sankararaman murder case. During the videographed interrogation, the Kanchi Acharya also revealed that he had knowledge of and agonised over the letters written by Sankararaman against him. The Acharya said he had only spoken of his anguish at the letters written by Sankararaman and that he had not asked that Sankararaman be beaten, stabbed or slashed. Even for this, there was a "reaction."

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**14/1/05**

***Video clips were manipulated says Seer***

<http://www.expressindia.com/fullstory.php?newsid=40719>

Kanchi Seer Sri Jayendra Saraswati described the video clipping of his custodial interrogation as 'manipulated'. Mutt Advocate Shanmugam said the clippings were "manipulated as if my client made some admissions, thereby causing damage to his reputation and wounding the feelings of the

devotees". "The video recordings are manipulated and my client denies the same," he said in the letter.

***Chandramouliswara Puja: Kanchi Mutt clarifies***

<http://www.hindu.com/2005/01/14/stories/2005011407021100.htm>

The Kanchi Kamakoti Peetam clarified that the pujas for Sri Chandramouliswarar have been performed only by the anointed Sankaracharyas. "When the Acharyas travel, the *vigraham* [idol] of Sri Chandramouliswara is taken by them in holy reverence and regular worship offered to it," a statement from the Peetam said. The pujas regularly offered by the priests at the Mutt are entirely different from the Sri Chandramouliswara pujas performed by the Peetathipathis, it added. "Hence, if both the Acharyas were to be in prison, there would definitely be a serious, unfortunate and unacceptable disruption to the pujas offered to Sri Maha Tripurasundari and Sri Chandramouliswara for over 2,500 years causing anguish and spiritual pain to tens of thousands of devotees," it said.

***Police 'orally' withdraw summons on Kanchi Seer***

<http://www.expressindia.com/fullstory.php?newsid=40698>

Mutt advocate Shanmugam cited a Supreme Court judgment, which said that an accused could not be summoned for questioning like a witness. He also pointed out that Kalavai, where the Seer is presently staying, was outside the jurisdiction of Kancheepuram police and the summons issued by the SIT were not enforceable.

***Kanchi Mutt's Bank Accounts frozen***

<http://timesofindia.indiatimes.com/articleshow/989384.cms>

As many as 183 bank accounts of the Kanchipuram mutt were frozen without even a notice. It was only when some cheques bounced that the Mutt realized what was happening.

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**15/1/05**

***Kanchi Mutt seeks PM's intervention: sends SOS***

[http://www.outlookindia.com/pti\\_news.asp?id=273389](http://www.outlookindia.com/pti_news.asp?id=273389)

The Kanchi Mutt sent an SOS to Prime Minister Manmohan Singh seeking his immediate

intervention to prevent the "disruption" of the special worship offered there for the past 2500 years, following the arrest of the Junior Seer Sri Vijayendra Saraswati.

**Stop harassing Kanchi Seer: RSS warns Amma**

[http://www.indianexpress.com/full\\_story.php?content\\_id=62750](http://www.indianexpress.com/full_story.php?content_id=62750)

The RSS today warned Tamil Nadu Chief Minister J. Jayalalithaa of an Ayodhya-like agitation if her government continued its "witchhunt" against the Kanchi Shankaracharya, Sri Jayendra Saraswati. The warning was issued at the concluding session of the RSS' two-day "chintan baithak". BJP head, L.K. Advani said it was in the interest of all concerned that the Kanchi case investigation is shifted out of Tamil Nadu.

**Devotees continue to throng Seer's ashram**

<http://www.deccanherald.com/deccanherald/jan152005/i4.asp>

Kalavai continued to see a stream of visitors to the Brindavanam, where Shankaracharya Sri Jayendra Saraswati is staying. Spokesmen said that Shankaracharya Sri Jayendra Saraswati had conducted the special Pongal puja and the trikala Chandramouleswara puja.

**SIT summons VHP vice-president, mutt manager**

<http://sify.com/news/fullstory.php?id=13648976>

The Vishwa Hindu Parishad Vice-President, Vedantham and the newly installed Kanchi Mutt manager, Pollachi Mahadeva Iyer, were summoned by the Special team investigating the murder of Shankaraman to appear before it on Saturday.

**Puri Sankaracharya slams Jaya, Centre**

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B5A502749%2DC493%2D4393%2DA1A8%2D4B03B1145E69%7D&CATEGORYNAME=Tamil%2BNadu>

The Puri Sankaracharya, Sri Swami Nischalananda Saraswati, condemned the role of the Centre and Tamil Nadu government in the arrest of Kanchi Seer, Sri Jayendra Saraswati, in connection with the murder of a mutt official. Sri Jayendra Saraswati was arrested without any valid proof, he alleged. "The attitude of Tamil Nadu Chief Minister Jayalalithaa towards Swami Jayendra Saraswati will lead the country to destruction .... If everyone is equal before law, how did the

government behave differently in the case of arrests of VVIPs like Lalu Prasad and Uma Bharti," he told a press conference.

**Mutt forms legal team to defreeze bank accounts**

<http://www.chennaionline.com/colnews/newsitem.asp?NEWSID=%7B7DEEE0EA%2D943B%2D4E13%2D9E76%2D9D5481B36936%7D&CATEGORYNAME=Tamil%2BNadu>

The Sankara mutt constituted a legal team to take steps to free its bank accounts frozen by the Tamil Nadu police. Mutt advocate A Shanmugam told reporters here that the team would decide about the course of action to get the frozen accounts freed.

**Advani for shifting of Kanchi Seer's case**

<http://www.ndtv.com/template/template.asp?fromtimeline=true&id=66875&callid=1&template=Seerarrest>

The BJP tasked for the Centre's intervention in the Shankaracharya case, and demanded that the case be shifted out of Tamil Nadu. At the RSS introspection meet in Nagpur, the Sangh parivaar also decided to launch a national campaign against the persecution of the Kanchi mutt.

**NHRC pulls up TN govt on junior Seer's arrest**

<http://www.ndtv.com/template/template.asp?fromtimeline=true&id=16070&callid=0&template=Seerarrest>

The National Human Rights Commission asked the Tamil Nadu government to explain the basis for the arrest of the junior Shankaracharya Sri Vijayendra Saraswati. It also asked the state government to clarify how television footage of the Shankaracharya being interrogated was leaked. The Jayalalitha government has to answer the notice within the next two weeks

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**16/1/05**

**No proposal to take over Kanchi Mutt**

<http://www.hindu.com/2005/01/16/stories/2005011605960100.htm>

The Tamil Nadu Government has no proposal to take over the administration of the Kanchi Kamakoti Peetam, the newly-appointed Home Secretary, Pavan Raina, said.

**Tamil Nadu Government seeking revenge: BJP**

<http://www.hindu.com/2005/01/16/stories/2005011604650800.htm>

The BJP accused the Tamil Nadu Government of working with a motive of seeking "revenge" in registering criminal cases against the Kanchi Sankaracharya, Sri Jayendra Saraswathi, putting him in jail for two months before the Supreme Court granted him bail. The party feared that the State Government could try to take over the Kanchi Sankara Mutt.

**'Handle case judiciously'**

<http://www.hindu.com/2005/01/16/stories/2005011606490400.htm>

The all-India president of the Hind Navothana Pratishtan, Swami Bhoomananda Tirtha, demanded that the case relating to the arrest of the Sankaracharya, Sri Jayendra Saraswathi, be "judiciously handled by the Centre in a court outside Tamil Nadu."

**Vajpayee vows to oppose Mutt takeover**

<http://www.ndtv.com/template/template.asp?template=Seerarest&slug=Vajpayee%2Bvows%2Bto%2Boppose%2BMutt%2Btakeover&id=66935&callid=1>

Former prime minister Atal Bihari Vajpayee vowed to oppose any attempt to "control" the Kanchi Mutt even as other senior party leaders demanded the dismissal of the Tamil Nadu Government.

**Kanchi Mutt manager appears before SIT**

<http://www.ndtv.com/template/template.asp?template=Seerarest&slug=Vajpayee%2Bvows%2Bto%2Boppose%2BMutt%2Btakeover&id=66935&callid=1>

The new manager of the Kanchi Mutt, Madhavan Iyer, appeared before the Special Investigating Team looking into the Shankaraman murder case.

**'Bail proves that evidence against Kanchi Seer has been fabricated'**

<http://www.newindpress.com/NewsItems.asp?ID=IEK20050114101555&Title=Southern%2BNews%2B%2D%2BTamil%2BNadu&Topic=337&>

The grant of bail by the Supreme Court to Kanchi Seer Sri Jayendra Saraswati proved that all evidence produced by the police and the prosecution was "fabricated and false," Sri Vishvesha Thirtha Swamiji of Udupi Pejawar mutt said. The arrest of the respected religious head on "false ground and humiliation suffered at the hands of police was totally condemnable," he told reporters.

**No fund crunch, says Shankara eye hospital**

<http://www.newindpress.com/NewsItems.asp?ID=IEA20050114101648&Title=Southern%2BNews%2B%2D%2BTamil%2BNadu&Topic=337&>

The world-class Shankara eye hospital, run by a trust under the patronage of Kanchi mutt, reported that it did not suffer from any fund crunch.

**Kanchi mutt to participate in the NHRC proceedings**

<http://www.newindpress.com/NewsItems.asp?ID=IET20050114101430&Title=Southern%2BNews%2B%2D%2BTamil%2BNadu&Topic=337&>

Kanchi mutt decided to participate in the proceedings initiated by the National Human Rights Commission (NHRC) against Tamil Nadu government in the matter of selective leakage of video excerpts to some television channels on the alleged statements of the senior Seer, Sri Jayendra Saraswati, during police custody in November last.

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**17/1/05**

**Kanchi Seer files petition against Mutt takeover**

<http://www.newindpress.com/NewsItems.asp?ID=IET20050114101430&Title=Southern%2BNews%2B%2D%2BTamil%2BNadu&Topic=337&>

The Kanchi Shankaracharya filed a petition for an injunction in the Madras High Court to prevent the Tamil Nadu government from taking over the property of the Kanchi Mutt.

**Mutt Manager remanded to one day police custody**

<http://www.hinduonnet.com/thehindu/holnus/002200501171924.htm>

The Kanchi Mutt Manager, Sundaresa Iyer, arrested on December 24 in connection with the Sankaraman murder case, was remanded to one day police custody. The police had sought seven days' custody.

**Sri Vijayendra Saraswati's bail plea adjourned to Jan. 19**

<http://www.hinduonnet.com/thehindu/holnus/001200501171390.htm>

The Chengalpattu Sessions Court adjourned to January 19, the bail plea filed by the Junior Kanchi Acharya Sri Vijayendra Saraswati, arrested in connection with the Sankaraman murder case.

The Special Investigating Team (SIT) probing the case will file a chargesheet before the judicial magistrate on January 21, Superintendent of Police K Premkumar said on Sunday. Senior police officials are working round the clock to give final touches to the chargesheet.

***Jayalitha rejects BJP demand for withdrawal of criminal cases***

[www.newindpress.com](http://www.newindpress.com)

Chief Minister Jayalitha rejected the BJP's demand for withdrawing the criminal cases against Kanchi Shankaracharya Sri Jayendra Saraswati and remarked, "When an investigation is taking place, even the judiciary cannot intervene in the matter." Ridiculing the "adherents of the BJP" for taking up the Acharya's arrest to "rehabilitate their party", Jayalitha declared in a seven-page statement, "I cannot yield to their request contrary to the law of the land, especially when I have taken an oath under the Constitution, which is of a secular nature."

***Kanchi case: 6 detained under Goonda's act***

<http://www.hindu.com/2005/01/17/stories/2005011707600100.htm>

Six persons, arrested in connection with the Sankararaman murder case, were detained under the Goondas Act. The Kancheepuram Collector, R. Venkatesan, signed the pre-detention papers for Kathiravan, Anilkumar, Rajni alias Chinna, Mattu Bhaskar, Ambikapathy and Meenakshisundaram. Those detained under the Goondas Act are not eligible for bail until a review committee, headed by a former judge of the High Court, clears the papers.

***SLP against Jayendra's bail: Hearing put off by two weeks***

<http://www.hinduonnet.com/thehindu/holnus/001200501171580.htm>

The Supreme Court today put off by two weeks the hearing on a Special Leave Petition (SLP) by the Tamil Nadu Government challenging a Madras High Court judgment granting bail to Kanchi Shankaracharya Jayendra Saraswati in the September 2002 Radhakrishnan attempt to murder case.

***BJP accuses Jaya of defaming Kanchi Mutt***

<http://www.hinduonnet.com/thehindu/holnus/001200501171718.htm>

In a strong rejoinder to Jayalitha's statement issued yesterday in which she said no religious head was above the law, BJP General Secretary and spokesman Arun Jaitley, alleged at a press conference here that the Chief Minister was "defaming the Kanchi Mutt and meting out injustice to a religious head in the name of secularism."

"Discrimination is no enforcement of rule of law," he said, charging that Kanchi Shankaracharya Sri Jayendra Saraswathi and Junior Shankaracharya Sri Vijayendra Saraswathi were being subjected to such a treatment. Lkening Jayalitha's rule to Emergency, he said that this was clear by her actions like arrest of the Junior Sankaracharya when the Supreme Court released the Kanchi Seer on bail and issuance of warrant against Jayendra Saraswathi in a third case immediately after the Apex Court's decision.

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**18/1/05**

***Junior Seer cited as second accused in murder case***

[http://www.kanchi-sathya.org/mediaarticle18012005\\_nip1.htm](http://www.kanchi-sathya.org/mediaarticle18012005_nip1.htm)  
[www.newindpress.com](http://www.newindpress.com)

The Special Investigation Team (SIT), which is probing the case, disclosed in a petition seeking police custody of the Seer, that he was cited as the second accused in the case.

The Seer, who was lodged in Chennai Central Prison after his arrest on January 10, was produced before the magistrate. When the magistrate asked the Seer whether he was willing to go to police custody, the Acharya refused and said he had already been questioned by the SIT before his arrest on January 10.

The seer said he had no link with the conspiracy theory and that the murder case was foisted on him.

***Junior Seer given one day police custody***

<http://www.hindu.com/thehindu/holnus/001200501181717.htm>

***Mutt secures relief, allowed to operate two bank accounts***

[http://www.kanchi-sathya.org/mediaarticle18012005\\_nip2.htm](http://www.kanchi-sathya.org/mediaarticle18012005_nip2.htm)  
[www.newindpress.com](http://www.newindpress.com)

The cash-strapped Kanchi Kamakoti Mutt secured some relief from the Madras High Court with Justice K.P. Sivasubramaniam permitting it to

operate two of the accounts to meet the day-to-day expenses of the Mutt. The Mutt was required to provide a day-to-day statement of bank transaction to the court.

***Mutt moves HC to stop TN Govt from freezing A/Cs***

The Daily Pioneer

The Kanchi mutt on Monday moved the Madras High Court seeking a direction to restrain the Tamil Nadu Government from interfering with the rights of the mutt to operate various bank accounts. The plea came up after the State Government froze the bank accounts of the mutt. Pointing out that most of the accounts represented the endowments created by devotees to carry out religious functions in the mutt, the petitioner contended that the amounts standing to the credit of the mutt belonged to a religious denomination and the state had no right to interfere with the administration and management of property. "It is well settled that the mutt is a legal entity and will have to be seen as an entity distinct from the pontiffs, who preside over the mutt," the petition said.

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**19/1/05**

***Charge of link in murder case not true, says Junior Seer***

<http://www.hinduonnet.com/thehindu/holnus/002200501191919.htm>

The Junior Pontiff of Kanchi Mutt Sri Vijayendra Saraswathi said there was not even one per cent truth in the charge of involvement of the Senior Acharya Sri Jayendra Saraswathi, and himself in the murder of the temple official Sankararaman.

***Sri Vijayendra Saraswathi remanded to judicial custody until Jan. 24***

<http://www.hinduonnet.com/thehindu/holnus/001200501191816.htm>

The Junior Pontiff of the Kanchi Sankara Mutt Sri Vijayendra Saraswathi, arrested in connection with Sankararaman murder case, was remanded to judicial custody until January 24 by a court following the expiry of his police custody.

***Junior Acharya's bail plea adjourned to Jan. 25***

<http://www.hinduonnet.com/thehindu/holnus/002200501191401.htm>

***SIT got the signature in blank paper 15 times!***

<http://www.kanchi-sathya.org/mediaarticle19012005dinamani.htm>

Mutt Manager Sundaresa Iyer complained that he was asked to sign on blank paper 15 times

***Sundaresa Iyer sent to judicial custody***

<http://www.hindu.com/2005/01/19/stories/2005011910980400.htm>

Sundaresa Iyer, Kanchi Sankara Mutt manager, was remanded to judicial custody until January 20 after the expiry of his police custody, in connection with the tampering of the Mutt's accounts case.

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**21/1/05**

***Senior Seer's anticipatory hearing plea adjourned until February 3***

[http://www.kanchi-sathya.org/mediaarticle21012005\\_nip.htm](http://www.kanchi-sathya.org/mediaarticle21012005_nip.htm)  
[www.newindpress.com](http://www.newindpress.com)

The Seer apprehended arrest in connection with the assault on a temple priest, Tirukoshtiyur Madhavan, in the city. Adjourning the hearing the Principal Sessions Judge, P. Madhavan directed that the seer should not be arrested until then.

***Sankara Raman case: Key accused to turn approver***

<http://timesofindia.indiatimes.com/article/show/996196.cms>

Ravi Subramanian, a key accused in the Sankararaman murder case, expressed his 'wish' to become an approver, before a court in Chengalpattu. So far, twenty six persons, including Ravi Subramanian and Appu alias Krishnasamy, were arrested in the case.

***Muslim party supports Seer***

<http://www.newindpress.com/NewsItems.asp?ID=IET20050120095853&Page=T&Title=Southern+News+%2D+Tamil+Nadu&Topic=337&aDate=1%2F21%2F2005>

President of the Tamil Nadu Muslim Makkal Katchi M.M. Basha, who met the Kanchi Acharya at Kalavai, said a memorandum would be submitted to the State Governor on Friday on behalf of the Muslim community regarding the case.

***Judicial remand extended for Sundaresa Iyer***  
<http://www.hindu.com/2005/01/21/stories/2005012111400400.htm>

The Kancheepuram Judicial Magistrate-I, .G. Uthamaraj, extended the judicial custody of Sundaresa Iyer, the manager of Kanchi Sankara Mutt, until February 3.

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**22/1/05**

***SIT chief offers prayers at temple***  
<http://www.hindu.com/thehindu/holnus/0012005012111315.htm>

Mr. K Premkumar, District Superintendent of Police, heading the Special Investigation Team probing the Sankararaman murder case, invoked the blessings of Lord Varadaraja Perumal before filing the charge sheet in the case.

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**23/1/05**

***Junior Seer's brother and Mutt manager detained under Goonda's Act***  
<http://www.hindu.com/thehindu/holnus/000200501221101.htm>

A day after the Special Investigation Team (SIT) filed the charge sheet in the Sankararaman murder case, Raghu, the younger brother of Junior Seer Sri Vijayendra Saraswati and Kanchi Mutt Manager N. Sundaresa Iyer were detained under the Goondas Act. Orders detaining the two, cited as accused No: four and three in the case respectively, under the Goondas Act were signed by the Kancheepuram District Collector Venkatesan. With this, ten people arrested in the murder case, had been detained under the Goondas Act. The others were Kathiravan, Rajni alias Chinna, Ambi alias Ambikapathy, Baskar alias 'Mattu' Baskar, Anil alias Anil Kumar, Sundaram alias Meenakshi Sundaram, Kumar and Ananda Kumar.

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**25/1/05**

***HC pulls up police for 'inordinate delay' in assault case***  
[http://www.kanchi-sathya.org/mediaarticle25012005\\_nip3.htm](http://www.kanchi-sathya.org/mediaarticle25012005_nip3.htm)  
[www.newindpress.com](http://www.newindpress.com)

The Madras High Court pulled up the police for the "inordinate delay" in the investigation into the 2-year old Kanchi Mutt auditor Radhakrishnan assault case. "What do you say for the inordinate delay for 2 years? Is the case under a hydraulic brake? What is the motive of the prosecution? What did you do for 2 years? Are all laws at a standstill?" These were some of the embarrassing questions posed by the judge to Public Prosecutor K. Duraisamy.

***Gurumurthy seeks explanation for information leakage to the media by SIT***  
[http://www.kanchi-sathya.org/mediaarticle25012005\\_nip1.htm](http://www.kanchi-sathya.org/mediaarticle25012005_nip1.htm)  
[www.newindpress.com](http://www.newindpress.com)

Noted columnist and co-convenor of the Swadeshi Jagran Manch, S. Gurumurthy demanded a copy of the video tape containing his examination by the SIT. In a legal notice sent to SIT S.P. Premkumar, ASP S.P. Saktivelu and ADSP Udhay Shankar, Gurumurthy's lawyer R. Shankaranarayanan said, "Now that you have intentionally and deliberately leaked out information to the media, you cannot have any objection to giving a CD or copy of the recorded video tape to my client." Unless satisfactory information was given, he said his client would take legal action under section 166 of the IPC (disobedience of the direction of law).

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**26/1/05**

***Judicial custody extended for Raghu, 8 others***  
<http://www.hindu.com/2005/01/26/stories/2005012608930400.htm>

The Kancheepuram judicial magistrate extended up to February 3, judicial custody for nine persons, including R. Raghu, brother of the junior Kanchi Acharya, arrested in connection with the Sankararaman murder case.

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**27/1/05**

***Junior Acharya's bail plea rejected***  
[http://www.kanchi-sathya.org/mediaarticle27012005\\_nip.htm](http://www.kanchi-sathya.org/mediaarticle27012005_nip.htm)  
[www.newindpress.com](http://www.newindpress.com)

The bail plea of junior Kanchi Sankaracharya Sri Vijayendra Saraswathi was rejected by the Chengalpattu Sessions Court. Sessions judge Akbar

Ali also rejected the bail pleas of the junior Seer's brother R. Raghu and mutt manager N. Sundaresa Iyer, now in judicial custody.

***Junior Seer to move Madras HC***

<http://sify.com/news/othernews/fullstory.php?id=13657508>

Sri Vijayendra Saraswathi, whose bail application in the in the Sankararaman murder case was overturned by a Sessions Court, is likely to move the Madras High court on Friday against the denial of the bail.

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**28/1/05**

***Sri Vijayendra moves High Court for anticipatory bail***

<http://www.hindu.com/2005/01/28/stories/2005012811810400.htm>

The junior Kanchi Acharya, Sri Vijayendra Saraswathi, today moved the Madras High Court seeking anticipatory bail, apprehending arrest in the Radhakrishnan assault case.

***Kanchi Seer case: RSS agitation from Feb 15***

<http://www.expressindia.com/fullstory.php?newsid=41289>

Keeping up its agitation on the arrest of Kanchi Shankaracharyas, the RSS said protest would be launched from February 15 and also demanded that the junior Shankaracharya Sri Vijayendra Saraswati be released on bail.

***HC stays NHRC notice to TN on Kanchi Mutt cases***

<http://www.kanchi-sathya.org/mediaarticle28012005nip2.htm>  
www.newindpress.com

Appearing for the government, Supreme Court Senior Counsel K.T.S. Tulsi contended that the NHRC could not interfere in the case when it was unresolved. He said the police had merely done their duty and not shown any disrespect towards the Junior Acharya when arresting him. On the release of the video of the Senior Acharya, he said Sri Jayendra Saraswati was fully aware that he was being videographed.

***'Kanchi Mutt is not a place of worship'***

newindpress.com

'Kanchi Mutt is not a place for either private or public worship; it is a place where the

Peetadhipathis are permanently residing. "There is no sanctum sanctorum for anyone to perform any pooja to any deity therein...The Mutt is not a temple in the ordinary sense or in any religious sense." Also the body of the earlier Pontiff, Chandrasekarendra Saraswathi was buried inside the Mutt. "No Hindu temple or relic could accommodate a body to be buried or allow the temple to be a graveyard inside a place of worship," That was how the State Government described the Kanchi Sankara Mutt while challenging a notice issued by the National Human Rights Commission over the alleged violation of the sanctity of the Mutt during the arrest of Vijayendra Saraswati on the night of January 10.

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**29/1/05**

***HC grants bail to three in Radhakrishnan assault case***

<http://www.hinduonnet.com/thehindu/holnus/002200501281861.htm>

The Madras High Court granted bail to three of the six accused in the Radhakrishnan assault case. The Kanchi Seer Sri Jayendra Saraswathi, a co-accused, has already obtained bail

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**30/1/05**

***HC reprieve for Seer***

[http://www.kanchi-sathya.org/mediaarticle30012005\\_dp.htm](http://www.kanchi-sathya.org/mediaarticle30012005_dp.htm)

The Madras High Court dealt a death blow to what was meant to be a third case against Kanchi Shankaracharya Sri Jayendra Saraswati. Justice M. Thanikachalam said the case seems to have been 'foisted' on the Shankaracharya.

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**31/1/05**

***Bail pleas of Kathiravan, Sundaresa Iyer turned down***

<http://www.hinduonnet.com/thehindu/holnus/001200501311717.htm>

A sessions court turned down the bail applications of Kathiravan and Sundaresa Iyer in the Radhakrishnan assault case on the grounds that they were not entitled to it; having been booked under the Goondas Act.

***Kanchi Mutt is a place of worship, no doubt***

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

Discounting the Tamil Nadu government's stand that the Sankara Mutt premises at Kancheepuram was not a place of worship, the Mutt asserted that it housed several idols, including that of the second Sankaracharya Sureshwara Acharya, and pujas were being performed. Mutt sources said pujas were being performed on the mutt premises to the idols of Sri Adi Sankara and his sishyas. It also housed an idol of lord Ganapathi dating back to over 1,500 years. Inscriptions left by various kings had stated that ghee lamps should continue to be lit without any break. This practice was being followed even now in the mutt, they said.

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## **Points to Ponder**

### ***Will the `secular' media heed Justice Reddy's warning?***

*S Gurumurthy*

From [ <http://www.newindpress.com> ]

Friday January 14 2005 00:00 IST

Finally, the highest court intervened in the Shankaracharya case effectively, and soothingly too. The media had to highlight the Supreme Court judgment, and did it well too.

But it kept out of print an earlier and profound judgment of the Andhra Pradesh High Court on the very Shankaracharya issue. Since the High Court had indicted the `secular' media, the judgment was effectively censored by the media, understandably. The Shankaracharya was arrested at Mehboobnagar in Andhra Pradesh where he was camping at a textile mill premises. With his arrest, commenced an unprecedented avalanche of yellow journalism in all media. Two leading newspapers of Andhra Pradesh published a series of articles linking the Acharyas name to the death of two young girls in the mill premises.

When? Some six years back. The media reports were to this effect: ``No action was taken by the police. Relatives of the management were involved. Also, at the same time, Jayendra Saraswati came to the mill and performed pujas and yagnas. There were rumours that the girls were killed as `bali' (sacrifice)."

The media also foretold that the labour union would file a writ petition in the High Court. And, indeed, it was filed forthwith. The High Court found the press clippings of the `secular' media as the material basis for the writ plea.

Justice Narasimha Reddy, before whom the petition came up, asked the counsel for the petitioner what was the basis for referring to Jayendra Saraswati in the writ petition. The counsel apologised and agreed to delete a part of the writ plea. Still, the court found the Acharya's name elsewhere. This forced the petitioner's counsel to further apologise and also ask for the court's permission to withdraw the petition.

The court did allow him to withdraw the petition, but not before declaring what is `dharma'. But neither the withdrawal of the writ petition nor how Justice Narasimha Reddy gently and with great

dignity reprimanded the media and wisely counselled them as to their dharma found place in print. Why did the media suppress it? Read on.

Justice Reddy says that the "only provocation for the petitioner appears to be the recent unfortunate happenings in relation to a seer" of Kanchi mutt. *The judge describes the Matt as "an ancient, prestigious, glorious and reputed institution with almost 2500 years' history."* He says that the petitioner was "swayed" by the media and "did not want to lag behind in the unprecedented process of denigration of the religious institution." That is, the denigrating petition was provoked by the media.

*The judge says further it is "sad and sorrowful that an institution of such glory that withstood foreign invasions and social revolutions" over the past 2500 years "is virtually targeted and persecuted in an organised manner in an independent country."*

Who are all involved in the process of denigration? Justice Reddy answers. "Not only individuals, but also a section of the institutions, such as the State and the Press, appears to be determined to belittle and besmirch the Peetam." Justice Reddy also says "the role of courts, though indirect, is by no means insignificant."

He notes that "the proponents of human rights, fair play and dignity to the individuals and institutions have maintained stoic silence." He goes on to say that "a powerful section is celebrating it or watching it with indifference." Justice Reddy says this "perfidy" against the mutt has "shocked" the country and beyond.

*The judge says that in every country 'certain institutions', like the Kanchi mutt, constitute 'their conscience and pride' and irrespective of the form of government, 'they are respected and revered'. What should be done when aberrations occur in such revered institution? Says the judge, "Wise and prudent men make all attempts to address them in isolation and try to protect the institution," and unwise and short-sighted men "protect the system, not the institution."*

By this short-sighted approach in the long run, the society will head toward self-destruction. The situation will be more serious "when the targeted institution is the conscious-keeper of the country," warned Justice Reddy.

Then Justice Reddy alludes to the sensitive subject of the judiciary itself. He recalls that some time

ago, the Chief Justice of India said that the 'reputation' of a 'considerable number of judges' is 'not above board'. He says that it is 'a matter of concern for everyone', but that can never "constitute a justification to denounce the judiciary as a whole."

*He says, "the amount of disrepute and sacrilege inflicted upon Sri Jayendra Saraswati, as of now, is so enormous that it has hardly any comparables,"* adding that "harshest possible words were used directly or in innuendo" against him. "Today he is subjected to similar treatment as was Draupati in the court of Kauravas." *The "importance of spiritual institutions can by no means be underestimated" in 'building and shaping' a 'country' or 'society', the judge added.*

*On the expression "law taking its course" which has gained considerable currency these days, Justice Reddy says, "with due respect, it is not true at least in part." For this to be true, says the judge, "the prosecuting agency should present the case honestly, the witnesses depose truly, the provisions of the law are clear, and the adjudicator is efficient and honest."*

If the prosecution depends on the "whims of the agency or the government of the day, if the law is framed keeping certain individuals in view, if the witnesses keep changing their versions and if the adjudicator is not up to expected standards, the law will not take its own course," the judge courageously pointed out. "The way in which the cases are foisted or withdrawn, particularly with the change of governments," and "the manner in which the witnesses come forward with conflicting versions" illustrate why law will not take its own course.

Emphasising the role of the media in criminal justice, the judge says "in recent times, the freedom of the prosecuting agency and that of the courts in dealing with the cases before them freely and objectively has been substantially eroded by the overactive and pro-active stances in the presentations made by the print and electronic media. Of late, Justice Reddy points out, it has assumed dangerous proportions.

The freedom of expression is, he says, "subject to gross misuse." Pointing out how the petition against the acharya was a product of press clippings, Justice Reddy says that it "indicates the miserable levels to which the glorious profession of journalism has been brought to."

At one stage, Justice Reddy says, the court thought of issuing notices to the newspapers and the TV channels. But thinking that if proper message is conveyed, effective results can be expected, it was not pursued, says the judge. But warned Justice Reddy, "If they still pursue the same path, the day would not be too far when they would be shown their place in the society."

Understand why the 'secular' media have not spoken a word about Justice Reddy? Because, it would shame them. That is the reason why. Will the 'secular' media heed Justice Reddy's warning, at least in future? Whether it does or not, Justice Reddy's judgment should be embossed in gold.

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***"Another victim of despotic design "***

*Bulbul Roy Mishra*

Excerpts from OP ED IN DAILY PIONEER, 18/1

In my article 'Seekers of truth and the ultimate lie' (December 7), I made the following two inferences. First, Ms Jayalalithaa's remark that the seer's arrest was the most painful decision in her entire political career was pretense. Second, there was no prima facie evidence to implicate the seer in the murder of Sankaraman. From the Supreme Court order of January 10, it is now patently clear that the Jayalalithaa Government has miserably failed to gather even prima facie evidence against the seer. The disputed, non-admissible custodial statement of the seer, even on its face value, revealed nothing more than the seer's anguish caused by the numerous accusing letters from the deceased. Besides, the statement that turned out to be the sole evidence for the prosecution was recorded only after the seer's arrest, thereby suggesting that the arrest was totally unfounded and hence unwarranted.

That Ms Jayalalithaa was neither pained nor repentant is evident from the arrest of the junior pontiff within hours of the release order for the senior, on the basis of the same pieces of evidence that the apex court denounced as untenable. Besides, her prayer to the apex court for deportation of Sri Jayendra Saraswathi from South India on the pretext that otherwise he would influence the investigation is unacceptable in the absence of prima facie evidence. It also fails the test of "equality before the law" as it amounted to her admission that he could not be treated on equal footing with other accused. If she was so

convinced, why did she arrest him in the first place on mere suspicion sans evidence?

"I draw my inner strength from my belief in God," said Ms Jayalalithaa in an interview. She often spoke of her respect for Indian tradition. But Indian tradition teaches us to respect and not suspect a seer without evidence. *Besides, robbing an honourable man of his honour amounts to killing him, as Lord Krishna told Arjuna during the Kurukshetra war.* She deliberately ignored the seer's antecedents despite its importance in criminal law, and chose to rely on sketchy evidence, on the pretext of her fondness for secularism.

Not unaware of the historic importance and traditional value of the 2.5-millennium-old Kanchi Mutt, Ms Jayalalithaa knew that Shankaracharyas like the Dalai Lama are not elected but chosen. She was also aware that the seer's arrest was bound to shake the faith of millions of devout, not only in the pontiff but also in the institution itself. In the above context, the treatment of the pontiff as ordinary criminals without an iota of evidence obviously turns the needle of suspicion to Ms Jayalalithaa herself. All the more so when she reportedly communicated to the Governor on January 15 that her Government was exploring ways to take over the Mutt. The motivating factor could be the enormous wealth of the Mutt, vote politics or personal affront to Ms Jayalalithaa on the hospital acquisition issue.

In my December 7 article, I hinted at the possibility of the murder being committed by elements inimical to the seer, capitalising on his well-known dislike for Sankaraman. This aspect also merits investigation. But it was not done. Was this neglect deliberate?

It is time for the Manmohan Singh Government to act tough, and transfer the case to the CBI without further delay. Should the country allow an autocratic Chief Minister to abuse the legal process for her own selfish end, reducing the rule of law into a "teasing illusion or promise of unreality" as Justice Krishna Iyer had put it?

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*Excerpts from  
The Crucifixion of Jayendra Saraswathi  
Kalyan Sundaram*

<http://sulekha.com/expressions/articledesc.asp?cid=307508>

In my younger days, quiz competitions were a favorite pastime, particularly when it came to questions about the highest, longest, fastest etc. The answer to one such question, "What was the name of the movie with the longest title?" was: "The persecution and assassination of Jean-Paul Marat as performed by the inmates of the asylum of Charenton, under the direction of Marquis de Sade". As I watch and read about the railroading of the Kanchi seer, Jayendra Saraswathi, it is this movie title, which comes to mind, with Marat played by Jayendra Saraswathi, Marquis de Sade by Madame Jayalalitha and the asylum inmates by the Tamil Nadu police. The one added ingredient, missing from the Marat/ Sade historical episode, is the cheerleading section, played to the hilt by the Indian media.

The strain 'law must take its own course' was played throughout the media. All of a sudden, the Indian politician, the Indian police and the Indian justice system, which had been painted as being corrupt to the core, now became a paragon of virtue. The same Hindu newspaper, which had penned critical commentaries on the midnight arrest of Karunanidhi by Jayalalitha and had fought tooth and nail, the arrest warrants for its own editors by the same Jayalalitha (no pious proclamations of the law taking its course here), could suddenly find nothing wrong in the machinations of the police. The same judge, who could not be relied upon to prosecute fairly a case of wrongful accumulation of assets against the Tamil Nadu Chief Minister, so much so that the trial was transferred to Karnataka, was now running the show-trial on behalf of the same Chief Minister. Other media, which cast a suspicious eye on any action by the police and local judiciary, was now deliriously happy to give the benefit of the doubt to the police. No one exhibited more deliriousness than the Outlook magazine and its virulently anti-Brahmin writer S. Anand. Every innuendo mentioned by anyone was happily written up by the author. The Brahmin-ness of Jayalalitha, which was played up in previous criticisms of her actions, was now presented as proof that her arrest of a Brahmin priest had to be above board, never mind her reputation of playing to the gallery, political gamesmanship and personal vindictiveness. Such was her sudden reversal of fortune with the media that both the Hindu and Outlook published the full

text of her speech in the Assembly. The silence of several key figures in the Indian scene is equally noteworthy. All the so-called NGOs and human rights organizations, which have usually taken the position that the police can do no right, have now, become mute spectators to this sordid drama. Some of those, who are speaking up, are quick to decry the Sangh Parivar's exploitation of the issue, but have no qualms themselves in bringing up political issues that have no connection with the murder and the alleged reasons behind it. The most prominent criticism has to do with the fact that the seer veered away from the path of spirituality and involved himself with social and political issues. If that is so, shouldn't the same yardsticks apply to others who sport religious prefixes to their names, but constantly indulge in social engineering and political activism?

It is certainly valid to speculate that the whole episode could have been carefully orchestrated by people who wanted the seer out of the way for political reasons, and who were quite sure that the opposition faced by the seer from spiritual circles would minimize any groundswell of support for him, other than from the usual suspects, the Parivar. Just consider that the main driving force behind the seer's arrest was Veerappan's embedded journalist, Nakkeeran Gopal, who has had a major role to play both before and after the murder, and whose social sympathies are well known. In its recent issue, Frontline reported, "With the police investigation into the murder making little headway, the Tamil magazine Nakkeeran began its own investigation. An article in its September 11, 2004 issue said the magazine had received a letter dated August 30, from Sankararaman, besides other letters connected with it." Given that magazines are in public circulation a few days before the stated publication date, the Nakkeeran issue would have been on the streets by 8th or 9th of September. Rewind a couple of days for the preparation of the article and printing of the magazine, and we are looking at a gap of 3-4 days between the date of the murder (September 3) and when the magazine decided that police investigation was making little headway. Rather high expectations of the police, that too by an editor, who had no problems with the delay in bringing Veerappan to justice!

A couple of silver linings in this cloud have to be acknowledged. The All India Muslim Personal Law Board came out in support of the seer, criticizing the manner of his arrest, and praising his role as a mediator in the Ayodhya dispute. So did a couple of Muslim organizations in Tamil Nadu, as well as some Dalit organizations, giving the lie to claims by the mainstream media that the seer was nothing

but an anti-minority hindutvawadi. Unfortunately, such support has been sporadic. The usual divisiveness that characterizes the Hindu community has resulted in far too many people unwilling to speak on his behalf. Clearly, the seer had made too many enemies, far more than the late Sankararaman seems to have.

As the case is proceeding towards an inexorable conclusion, one cannot help recalling that most famous miscarriage of justice in Tamil history, when Kovalan was accused and then executed for having stolen the Queen's bracelet. When his wife, Kannagi, found out about it, she confronted the King with the fact that the bracelet found to have been in Kovalan's possession was the one she had given to him, and not the queen's. Not satisfied with the King's apology, she gave vent to her anger by burning down the entire city of Madurai. One wonders what the consequences of this latest miscarriage of justice would be.

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### ***Police as Puppets***

Source: [<http://www.navhindtimes.com>]  
[http://www.navhindtimes.com/stories.php?part=news&Story\\_ID=011217](http://www.navhindtimes.com/stories.php?part=news&Story_ID=011217)  
 EDITORIAL

IT is perhaps just not a coincidence that the junior Shankaracharya of Kanchi, Vijayendra Saraswathi was arrested by Tamil Nadu police within seven hours of the Supreme Court ordering the senior pontiff, Jayendra Saraswathi to be released on bail. It was exactly two months before, on November 11 that Jayendra Saraswathi was arrested and taken into custody by the Tamil Nadu police on the charge of conspiring to murder the manager of the Kanchipuram Mutt, Sankararamana. Though the apex court has asked Jayendra Saraswathi to deposit his passport and abide by his undertaking not to visit the mutt until the chargesheet in the murder case was framed, *what is of greater significance is that the bench observed that there was absolutely no evidence against the seer. What was even more interesting that the bench did not even find any evidence of Jayendra Saraswathi's 'resentment' against Sankararaman.*

There is no disputing that the law of the land is supreme, and everyone, regardless of his position, has to be subjected to it. *However at the same time it does not grant immunity to a state government to misuse the law and harass any individual. The observation of the Supreme Court makes it clear that even after keeping the seer in jail for 60 days*

*and obtaining confessional statements from two alleged hired killers, the police of Ms Jayalalithaa has failed to produce any worthwhile evidence against the seer.* This in the first place shows that the Tamil Nadu police is professionally as wretched as any police could be in tackling crime. The police coming up with cooked-up evidence to frame an individual and throw him behind the bars is an old dirty practice across the country. So it must be in Tamil Nadu. But to do so even with Shankaracharya was like inviting opprobrium upon itself: *the police conduct has brought out not only its total lack of professionalism but also its total surrender to political masters.*

The Tamil Nadu police say the junior pontiff Vijayendra Saraswathi was also involved in murder. *Then why did not they arrest him earlier? Why did they wait for the Supreme Court to grant bail to senior seer? Vijayendra Saraswathi was questioned by the special investigation team (SIT) several times after he was taken to police station. In fact, the timing of his arrest is a pointer to the Tamil Nadu government's miserable effort to endorse the action of its police and also use it as a facade to hide their incompetence. The arrest of junior seer could also give credence to the theory that Jayendra Saraswathi was framed as part of a conspiracy by some forces to take over the Kanchi mutt.* A hint of this was available from the reply of Ms Jayalalithaa to a recent letter from the Prime Minister, Dr Manmohan Singh.

Dr Singh, who has maintained restraint in the contentious issue, was forced to write to Ms Jayalalithaa after the arrest of the junior seer. While he expressed his apprehension on the consequences of the arrest of Vijayendra Saraswathi — for example, the disruption it may cause to the centuries-old tradition of daily puja — he also advised the state government to pay “due attention” to the sentiments of the devotees of the Kanchi Mutt while enforcing the law. And Ms Jayalalithaa's reply was normal and at the same time, cryptic: the law will prevail. Interestingly she promised that the puja will be held as usual at the mutt. Now the question arises: in the absence of both the seers who will perform the pujas? Obviously someone who is liked by Ms Jayalalithaa. Ms Jayalalithaa might have been pleased by the observation made by Jayendra Saraswathi to the state VHP vice president, Mr S Vedantam that he wasn't averse to the government taking over the mutt if that would benefit the people.

Undoubtedly the entire episode of arrest of the Shankaracharyas is getting murkier day by day. In the interest of the law of land and to uphold its dignity, it is required that Ms Jayalalithaa gives up witch-haunting. Soon after the arrest of the senior seer, Ms Jayalalithaa made a statement to the assembly; and then she made the same point in her conversations with the media; her claim was that she was hundred per cent sure of the seer's involvement in the crime. But now after the apex court's observation, her motive is showing. It is very unfortunate that for consolidating her position in the state politics she has been attacking a sacred symbol of the sanatana dharma. Ms Jayalalithaa must refrain from such dangerous political aggrandisement, since the country has already suffered grievously on account of aggressive fundamentalism of some communities. She should not provide fresh ammunition to them.

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### ***Vindictive?***

Excerpts from the editorial in  
[http://www.indianexpress.com/full\\_story.php?content\\_id=62493](http://www.indianexpress.com/full_story.php?content_id=62493)

The onus is now on the Jayalalithaa government to defend its action against the Kanchi seer. When Shankaracharya Jayendra Saraswathi was arrested two months ago, many were quick to spot political motives. In fact, the late night swoop in Andhra Pradesh by a planeload of armed commandos dispatched from Tamil Nadu did seem excessive. But in that moment, it seemed imperative to urge that the manner of arrest and the possible intent behind dramatising it, be distinguished from the case itself. Surely the focus must remain on the serious nature of the allegations against the pontiff, the law must be allowed to take its own course. *Two months later, it has become extremely difficult to say that again. The arrest of the junior Acharya Vijayendra Saraswathi, only hours after Jayendra Saraswathi was granted bail by the Supreme Court, booked under the same sections under which the police arrested his senior, places the issue of timing and manner squarely centre stage. It does something more than that. Coming on the heels of the apex court's critical observations on the police investigations so far, the onus is unambiguously on the Jayalalithaa government this time. It must explain why it should not be seen to be acting from political motives and even vindictiveness.*

The apex court has found "no worthwhile prima facie evidence", apart from the alleged

confessions, to show that the pontiff was party to a conspiracy. In a case as sensitive as this one was certain to be, why was the necessary homework not done? Could it be true, then, that Jayalalithaa's government acted arbitrarily, or in haste? And that the real reason behind the police's now-apparent lack of preparedness is the chief minister's indecent hurry to shore up an anti-Brahmin vote bank in the wake of the AIADMK's drubbing on May 13? Could it be, really, that a government take-over of the Kanchi mutt is now in the offing, as a flamboyant gesture to a targeted constituency? If these questions are being given any credence today, the Jayalalithaa administration must shoulder the blame.

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### ***Plot against mutt***

*The Pioneer Edit Desk (January 12, 2005)*  
 The Daily Pioneer

Tamil Nadu Chief Minister J Jayalalithaa has never been known for restraint. Even so, she had one redeeming feature: She normally ensured she could not be tripped for her draconian actions on technical, if not moral, grounds. But her Government's anti-Kanchi mutt rampage has no such mitigating factor. On Monday, the Supreme Court granted bail to Shankaracharya Jayendra Saraswati, passing a scathing stricture on the prosecution's failure to furnish even a shred of evidence on why his two-month-long detention should not be terminated.

Within hours of the order releasing the pontiff, junior Shankaracharya Vijayendra Saraswati was dragged into custody on charges of 'conspiracy' in the Sankararaman murder case. *The timing of the arrest leaves no room for doubt that the mutt's authorities are targets of a premeditated witch-hunt. It only reinforces the widely-held belief that a state-sponsored takeover of the highly influential religious body, deliberately rendered headless, is at hand.* That the mutt has considerable resources may not be the sole reason driving Ms Jayalalithaa's reprehensible politics of vendetta.

A larger, more insidious, agenda seems at play: The majority community's sentiments are being attacked via the brazen assault on a revered symbol of the Hindu faith. Desecration of the Kanchi religious seat, where rituals and prayers have been disrupted, seems part of the pre-written script. Worse, no-holds-barred meddling in a sensitive case smacks of political obstructionism with regard to the law taking its own course.

In fact, it is perhaps no accident that the Jayalalithaa regime's anti-Shankaracharya virulence has burgeoned in direct proportion to mounting evidence that the seer has been sinned against: His counsel ripped apart the prosecution's case so successfully that the apex court described the stated grounds linking him to the Sankararaman murder as unconvincing. *That the pontiff's judicial reprieve was followed by an immediate backlash against another mutt representative merely gave the conspiratorial game away.*

Since the cause of justice seems open to sabotage, the Centre cannot play mute spectator. Prime Minister Manmohan Singh did write to Ms Jayalalithaa, with cautioning advice. But, as her action against the junior seer makes plain, his counsel fell on deaf ears. The UPA should realise the explosive potential of the events running riot in Tamil Nadu—it can have a very nasty social fallout, since Hindus are unlikely to take steamrolling insults to their faith lying down. It should think twice about adopting a hands-off approach for another reason as well: The judiciary is being mocked, and it is the Centre's duty to rein in the offender.

Ms Jayalalithaa has been exposed as using state machinery to conduct a pogrom against the mutt—police ham-handedness is only one proof. *The Prime Minister is right in saying the law should take its own course. But he should be equally anxious to prevent a travesty of the law and its provisions.* Only recently, the Chief Minister told the State Assembly that "shocking evidence" existed against the seer. If that were indeed the case, her bid to conduct a 'trial by media' would hardly have fallen flat. It has been thought that the AIADMK leader is after the 'secular' constituency of her rivals. Hence her new anti-Hindu avatar. She should know that riding roughshod over religious sensibilities is akin to playing with fire. Ideological cynicism can boomerang, since the targeted social groups are rarely the dupes politicians think they are. Post-Shah Bano, Rajiv Gandhi learnt this the hard way when he played the Ayodhya card. A similar lesson seems in store for Ms Jayalalithaa.

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***Faith and its Discontents: Righteous Brigade Puts Pontiff in the Dock***

Parsa Venkateshwar Rao Jr

THE LEADER ARTICLE from :

<http://timesofindia.indiatimes.com/articleshow/987467.cms> ]

An old maxim in philosophy says if you want the right answers, never ask the wrong questions. But the temptation to ask wrong questions seems to be irresistible to journalists. Consider the charges of murder, malfeasance, and sexual misconduct being heaped on Kanchi Sankaracharya Jayendra Saraswathi: Should he be shown preference because he is a religious head, ask the prattle-filled anchors of television news channels. Is he above the law? Is not everyone equal before the law? The questions are accompanied by an irrepressible simper. It seems that they are playing the democracy game to the hilt, where rudeness can pass off for the spirit of egalitarianism. And it is also a way of proving all over again how secular you can be.

And there are the wimps on the other side, wanting to derive as much political mileage out of the whole thing as possible. Enter the Bharatiya Janata Party and Vishwa Hindu Parishad. Never mind if they don't know what they are defending. It's time to go on to the streets. The wimps also say the arrest of Jayendra Saraswathi is an insult to Hinduism, without realising that he is not a representative of that mongrel construct called "Hinduism". Yes, he belongs to the tradition of Adi Sankara. But after that there is quite a bit of confusion.

And then there are those homespun Mandalites, who wait for every little opportunity to fume and fret about the Aryan cultural hegemony imposed by Manu. They see the arrest of Jayendra Saraswathi as one more nail in the coffin of Brahminical Hinduism, little realising that all the saffron-robed mendicants in the Hindu system renounce Brahminism by undergoing symbolic funeral rites. Jayendra Saraswathi by definition is not a Brahmin; to believe that tarnishing his image would be one more way of castrating Brahmins is perhaps another delusionary tactic of the social rebels.

*These are but the footnotes of the case. The real issue hinges round the credibility of the legal machinery and the people who implement them. The laws may be reasonable — but this should only be an assumption. As St Augustine pointed out to his secular critics in the declining years of the Roman Empire, laws made by human beings are far from perfect — they are also not always carried out in the spirit in which they were prescribed. The motives of the guardians of the law are always to be questioned, especially in India where the police and prosecution are the minions of the political executive. In far too many cases, this has been*

*borne out and it would be a travesty of truth to argue that the police and the prosecution have no ulterior motive, and that they are merely carrying out their duties.*

In the last decade, the Tamil Nadu police and prosecution had no option but to go after the "political opponent". It was DMK's M Karunanidhi who prosecuted and humiliated AIADMK's J Jayalalithaa. It seemed that the police had a perfect case against her. Once she returned to power, those cases vanished into thin air. And it was the turn of Jayalalithaa to misuse the police machinery to get back at her bete noire, which she did quite ruthlessly. Even those who had no sympathy for Karunanidhi's wily politics were compelled to express sympathy for the old man. If this is the reputation of the Tamil Nadu police and prosecution, what credibility do they carry in the first place? They have none whatsoever, and it is indeed incumbent on them that they should be much more meticulous if they have to clean up their act. But there is nothing of the sort in the works. It has become pretty clear that the arrest of Jayendra Saraswathi is a result of the political falling out between Jayalalithaa and the pontiff. It took more than a week for the shrewd Karunanidhi to acknowledge this.

*What is amazing is the credulity displayed by the media merlins, who accepted the police version as gospel truth, and they did not for once try to get at the real game being played out. They did not do so because in modern, secular India, the religious man is a greater suspect than the police who violate law with impunity, in some instances at the behest of their political masters, and in others due to their own arrogance arising out of brutal power. If Jayendra Saraswathi had been a common man, the police would have carried through the case without anyone raising eyebrows.*

*What accounts for the passivity of the media in this case? It is mere cowardice. It is an unwillingness to stand up for an unpopular but right issue. The basic proposition is that Jayendra Saraswathi is a good man. There is need to make this moral judgment beforehand, and then try to disprove it through hard evidence. The media is adopting the slothful way of suspecting the man, and demanding that he prove his innocence. Ironically, modern Indians are following the blighted Hindu legal presumption of guilt. The accused man has to prove his innocence in the old system, and he would undergo ordeals to prove his credentials. Modern Indians want Jayendra Saraswathi, and thousands*

*of others like him, to bear ordeals to prove themselves. Who said barbarism is dead?*

### ***Unholy conspiracy***

*Dina Nath Mishra, The Daily Pioneer*

[http://www.dailypioneer.com/columnist1.asp?main\\_variable=Columnist&file\\_name=mishra%2Fmishra53.txt&writer=mishra](http://www.dailypioneer.com/columnist1.asp?main_variable=Columnist&file_name=mishra%2Fmishra53.txt&writer=mishra)

JagatGuru Shankaracharya of the Kanchipuram Peetham was arrested on Diwali day by the Jayalalithaa Government of Tamil Nadu, which claims to have solid and shocking proof against him. But practically nothing of this sort is contained in the State's report to the Centre. The Shankaracharya is no an ordinary seer. He is 69th peethadhipati of this revered peeth, which was established in 6th Century BC by Adi Shankaracharya.

Consider the facts: a 52-year-old man Sankararaman was murdered on September 3 at the Kanchi Vardhraj Perumal temple of Vishnu, about 5 km away from the Kanchikamkoti Math. Due to wrong reporting, the impression has been created as if he was killed on the Kanchi Kamakoti campus. Contrary to the impression created by the media, Sankararaman was never employed by the Kanchikamkoti Math. His father Anant Krishna Sharma of course was a close associate of the Parmacharya - the 68th Shankaracharya of the Kanchipuram Peeth. Sankararaman started his career as a ticket collector at the Vardhraj Perumal Temple. Eventually, he became manager of the temple and took some tough measures. After his murder, the police suspected some DMK persons, who had a land dispute with the temple. They also suspected some people who were supposed to have stolen gold from the temple.

The late Sankararaman had filed a petition in 2001 in the Madras High Court seeking to restrain Jayendra Saraswati from visiting China. On July 6, 2004 he is also said to have written against Jayendra Saraswati to the Hindu Religious and Charitable Endowment department.

It is his letter dated August 30, 2004, that the Nakeeran magazine has published that has become the bone of contention. Nakeeran and its editor were closely associated with sandalwood smuggler Veerapan and also to the DMK. It is also no secret that in the last Lok Sabha elections, Veerapan and his gang supported DMK in some constituencies.

After the letter was published, DMK leader Karunanidhi threatened a major agitation for action against Jayendra Saraswati on the Nakeeran allegations, setting of fears of a serious law and order situation, given the volatile Tamil politics.

*But such an incident can only happen with a Hindu seer. Can anybody in India imagine the Cardinal being arrested on the X-mas eve or a Muslim cleric being arrested on Eid day. We all know that Imam Bukhari of Jama Masjid could not be touched despite half-a-dozen non-bailable warrants of a serious nature.*

*It is also known that police can frame anybody on the flimsiest of grounds. The public prosecutor has said Jayendra Saraswati was planning to flee to Nepal to avoid detention. Can anybody imagine someone under 'Z' security, and that too a seer of a high order, fleeing. Now, the story has been spread that Sri Saraswati had drawn lakhs of rupees from the ICICI bank to pay off hired killers, when the fact is that the Kanchipitham does not have an account with the said bank. A rumour was planted about his conversation on cell phone with the so-called killers. Probably the midnight arrest drama was enacted to confiscate the cell phone. But the cellphone talk does not hold ground as yet. Five self-proclaimed killers surrendered to the police, but one of them was in jail on the day of killing. One of them took the name of Jayendra Saraswati. One can understand the credibility of the conspiracy.*

In a country where even terrorists enjoy human rights, a Hindu seer is subjected to extreme inhuman treatment. Sri Saraswati is the first Shankaracharya more than 200 years to be ordained in the Kanchipuram Peeth. After taking over, he embarked upon social service through educational and medical institutions.

Perhaps, it was not liked by either Karunanidhi or Jayalalithaa. The conspiracy is to usurp the mighty Peetham by hook or crook. Who would care for Hindus, if they do not care for the greatest of their seers? I have seen many editorials talking about the supremacy of the law. Nobody can dispute it, but politicians and police can misuse the law even to frame someone like Sri Saraswati. The manner in which he has been treated has been condemned by even Muslim and Christian clerics. *If the conspiracy is not defeated, the loser will not be Jayendra Saraswati or the Kanchipeetham but the entire Hindu society and India as well.*

### ***Trial by fire***

*Dina Nath Mishra, The Daily Pioneer*

[http://www.dailypioneer.com/columnist1.asp?main\\_variable=Columnist&file\\_name=mishra/mishra60.txt&writer=mishra](http://www.dailypioneer.com/columnist1.asp?main_variable=Columnist&file_name=mishra/mishra60.txt&writer=mishra)  
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Chief Minister Jayalalithaa has shown unprecedented contempt, even after the highest court of the country granted bail to the Kanchi Kamkoti Peetham Shankaracharya Jayendra Saraswati in the Shankaraman murder case.

Within four hours, she got the junior Shankaracharya Vijayendra Saraswati arrested in the same case on similar charges without adducing fresh evidence. What is her message through this arrest? That she is not bothered about the judicial wisdom of the Supreme Court? Jayalalitha's Government even filed an application with the Supreme Court praying the Shankaracharya be confined to north India to prevent him tampering with evidence.

Her application stated that "if the Acharya was permitted to stay in any of the four southern States, he would be in position not only to tamper with evidence, such as bank records and accounts of the Mutt, but also threaten witnesses and compel them to refrain from speaking the truth".

The bank accounts of Peeth and various accounts connected with the Mutt have been sealed. The local courts have disposed off Shankaracharya's anticipatory bail plea in another case after the prosecution said that the Government would not arrest Jayendra Saraswati till January 20, 2005. In other words, she has threatened Jayendra Saraswati with staying in North India or else be arrested on the 20th January midnight, irrespective of the Supreme Court's stand.

In another petition, the Tamil Nadu Government has also sought deletion of a certain portion of the judgment saying it may influence the trial. The fact is that the Supreme Court has made it clear that its observations are confined strictly to the bail petition. This is the height of Jayalalithaa's belligerence.

*It is now clear that Jayalalithaa is hell bent on fixing the Mutt and the Shankaracharya. Numerous stories have been planted and fake confessions circulated to deface Hinduism. Anti-Hindutva elements have celebrated each fabricated episode in the media. Juicy sex too has been injected to denigrate the pontiff of Hindus.*

*All legal efforts made by Shankaracharya up to the State-level failed for obvious reasons. Who would dare to challenge the might of the State in Tamil Nadu?*

The Supreme Court while granting bail to Shankaracharya has observed, "No worthwhile prima-facie evidence apart from the alleged confessions have been brought to our notice to show that the petitioner (Kanchi Acharya) along with A-2 (Ravi Subramaniam) and A-4 (Kathiravan) was party to a conspiracy. The involvement of the petitioner and A-2 and A-4 in the alleged conspiracy is sought to be established by the confessions themselves..... Recovery of Sankararaman letters do not prove these were received by Kanchi Acharya or brought to his notice.... No evidence collected in investigation that Acharya protested or acted against Shankararaman.... No documents of account in ICICI bank produced.... Statement of account in Indian Bank shows Rs 50 lakh received in cash on 30.04.2004 was deposited in Bank on 7.5.2004. This belies prosecution case that cash was retained by petitioner to pay hirelings.... There should first be prima facie evidence that a person was party to a conspiracy before his acts or statements can be used against his conspirators."

Sixty days of media trial against Kanchi Kamkoti Peetham Shankaracharya Jayendra Saraswati, has already damaged the great reputation of the oldest Mutt established by Adi-Shankaracharya himself.

Prosecutors including Chief Minister of Tamil Nadu, Jayalalithaa have tried to establish the conspiracy of murder of Shankararaman against Shankaracharya by high-sounding clichés like 'clinching evidence', 'credible evidence' and 'direct link' with the crime.

*Naturally, the feelings of Hindu society in general and followers of the Mutt in particular are badly hurt. Most of the people concerned were in the state of siege. Sadhus all along the country protested, offered prayers at thousands of places for Jayendra Saraswati Swami.*

*The arrest of Shankaracharya raises several questions regarding our jurisprudence, limitless powers of prosecution and the freedom of media-trial before which the highest have become vulnerable, leave alone the weak and the common man. It is time clear norms are laid down to effect pre-trial arrests only in cases of hard-core criminal*

*and terrorists. It is horrifying to think about the lakhs of undertrials languishing in jails for years while their trials drag on.*

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### **Sacred and temporal**

[[http://www.indianexpress.com/full\\_story.php?content\\_id=62890](http://www.indianexpress.com/full_story.php?content_id=62890) ]

*When the government takes over temples it undermines Indian secularism*

Tamil Nadu Chief Minister J. Jayalalithaa is silent on The Sunday Express report that her government has plans to take over the Kanchi mutt. The Maharashtra government, barely weeks after coming back to power, has busied itself in its old idea of bringing the cash-rich Sai Baba shrine under its control. If things work according to plan, its ministry of law and judiciary will soon get to decide matters relating to the appointment of shrine officials and how temple funds are to be distributed. This is, therefore, as good a moment as any to revisit the perennially controversial issue of temple takeovers by Central and state governments. *No matter how secularism is defined in the Indian context — whether in terms of the strict separation of church and state or in terms of equal respect being accorded to all religions — it clearly disallows state involvement in the administration of temples. If we go by the first principle, administering to the religious affairs of the people is not the business of the state given the clear separation between the sacred and the temporal. If we go by the second principle, why should Hindu temples alone be marked for such interference from the government of the day? We may, in principle, accept this even while we make the distinction between the secular functions involved in the running of religious institutions — as, for instance, the management of the enormous funds from the public that come their way — and their religious functions. Several court rulings have, in fact, recognised this separation and argued that the state is well within its rights to regulate the functioning of temples. We would, however, argue that this line of separation is far too nebulous to stand scrutiny, that taking over the administration of a religious institution amounts to deciding each and every aspect of its functioning, in both letter and spirit. It is certainly true that many of these institutions, despite the enormous investment of public faith and resources in them, have failed to conduct themselves in a transparent, accountable and corruption-free manner. But state interference*

*should not and cannot be the answer. Institutions like temples and mutts are located strictly in the sphere of civil society. Ultimately, it is the communities that support these institutions which have both the right and the duty to manage them in a manner that conforms to the general principles and values that govern religion and society. If things reach a point of breakdown, the courts can always step in. As for the state, the message is clear: if the secular principle has to prevail, it must scrupulously keep out of the sacred space.*

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### **Time for Action**

**S.S. Mani**

[ From [http://www.india-forum.com/IF\\_Journal/Indian\\_Politics/Time\\_for\\_Action/18/](http://www.india-forum.com/IF_Journal/Indian_Politics/Time_for_Action/18/) ], Tuesday, 18 January 2005

While the arrest of the Kanchi Sankaracharya without basis in evidence was abominable, the actions of the Tamil Nadu government since his release on bail by the Supreme Court require a rapid reaction.

*The illegal detention of Sri Vijayendra Saraswati Swamigal, Sankaracharya of Kanchi, on the evening of his predecessor's release, is incompatible with the Constitution of India. It is the duty of every Indian to rise against such atrocious misuse of power. If they intend to remain true to their oath to protect our Constitution, the President and Prime Minister of India must, perforce, take summary action to halt the despicable and dictatorial course that Chief Minister Jayalalitha is taking.*

On the evening of January 10, the Chief Minister sent a few truckloads of police with guns loaded, to a sanctified place of worship, the Sankara Matam. With their shoes on, and uttering harsh words towards unarmed devotees peaceably gathered there, the Chief Minister's commando force committed a sacrilege of a venerable Indian tradition. Barring the entry of attorneys, and without informing them of the charges against Him, the Chief Minister had her police junta drag the Sankaracharya off the premises to Chennai Central Jail.

When the police finally articulated the charges before the magistrate, we discovered that the Sankaracharya was being arrested, as was his senior, Sri Jayendra Saraswati Swamigal, on murder and conspiracy charges. On the present

occasion, neither the Chief Minister nor her police chief deigned to describe the basis of these charges. *However, it is worth noting that the Supreme Court of India stipulated in its order granting bail to Sri Jayendra Saraswati Swamigal, (whom the Chief Minister declared the prime conspirator in the same case) that Madam Jayalalitha and her police had not produced any evidence linking the Sankaracharya to the crime. Yet, Vijayendra Saraswati Swamigal has been arrested for the very same crime.*

*In effect, the Supreme Court ruling indicated that there was no basis in law for effecting the first arrest. Despite this repudiation of her exercise of police powers, Chief Minister Jayalalitha did not hesitate to ponder the legal grounds of ordering a second arrest. Suo moto, without even an articulation of the evidentiary basis for such action, she rushed in where angels would fear to tread. Such dictatorial exhibitionism deserves immediate dismissal of Jayalalitha's government.*

Next, the Chief Minister froze 183 accounts of the Kanchi Mutt, and its various Trusts, paralyzing the delivery of countless medical, educational & social benefits to millions of our citizens throughout the country. Again, she did not even bother to give any rhyme or reason for her actions. Such arbitrary sequestration of property deserves condemnation from any political entity that cares for India's economic well-being. *One would like to ask the Prime Minister & the Finance Minister whether any organization or individual would ever like to invest in a country where politicians can seize personal property without any due process of law. In many countries, such action would be punishable with punitive fines and imprisonment.*

The Jayalalitha Government has the audacity to question even the Supreme Court's verdict on the bail application. The Supreme Court is the final authority in all legal matters. But, without regard to this constitutional authority, the Chief Minister voices opprobrium against their judgment. To her no Court of Law can give a decision or opinion not in conformity with hers! *What is objectionable is the tone finding fault with the legal analysis of the submitted evidence by the apex court. This amounts to contempt of court. It goes to the very root of our democracy, that the executive, that too at the State level, cannot trump the judiciary.* The Centre has got to take action to preserve the constitutional integrity of the Supreme Court. The Jayalalitha Government, which has violated the oath of office, should be sacked.

The untold harassment and sufferings meted out to the officials of the Mutt by Jayalalitha's Police before their arrests (Raghu, Sundaresa Iyer & Vishwanatha Iyer) are condemnable by one & all. Horrific tales of psychological torture, repeated harassing interrogations, and threats of harm have abounded Kanchipuram without the slightest notice from the Centre. Mr Subramaniam Swamy humorously mentioned in one of his interviews that if anyone was to show up at Kanchipuram Bus stand seeking directions, that person would be hauled off to the Forest Bungalow for questioning. Is this a Police State undertaking ethnic cleansing against Hindu devotees of the Kanchi Mutt? How long will Jayalalitha be allowed to commit such atrocities in the name of upholding law? Only Prime Minister Manmohan Singh and President Kalam can answer that question.

Against all propriety and decency, the video taken during the police custody of Sankaracharya was released to TV Channels. *Oddly enough, in this videotape, Swamiji has categorically stated that he never told anyone to kill or even hurt anybody. Unmindful of this rather essential fact, Jayalalitha's Government, via its counsel, told Justice Balasubramaniam that they have a confession, albeit inadmissible as evidence. The Acharya's clear denial is a confession? What a blatant lie! The Human Rights Commission has sent Jayalalitha's government a notice seeking explanation for the release of the tape, but will she care for the Commission when she does not even bother to heed the Supreme Court?*

Madam Jayalalitha has a history of misusing her political power for personal vendetta. She used excessive brute force of the police in arresting DMK Leader Karunanidhi just for personal vendetta. She leveled indecent charges against Dr Chenna Reddy, a leader of Congress party and then Governor of Tamilnadu. A senior IAS Officer of the Government of Tamilnadu, who did not see eye to eye with her was brutally attacked with acid and there was no concluding investigation. She harassed a former judge of the High Court of Tamilnadu, who was elevated to the Supreme Court, through frivolous and unfounded charges against his close relatives. Political murders regularly take place during her Chief Ministership, and remain uninvestigated. Will the political parties & the Central Government, particularly Dr. Manmohan Singh (& Sonia Gandhi) take strong action to dismiss her or remain imbecile spectators and derelict in their duties? It must be kept in mind

that Jayalalitha did not spare even Sonia Gandhi in her vicious pre-election speeches.

Summary dismissal of Jayalalitha's government has become necessary because she does not understand the language of reason. She claims, in her recent letter to Prime Minister Manmohan Singh, that there has been no protest against the Sankaracharya's arrest. Over half a million Citizens from India & abroad have signed petitions to the President of India, the Prime Minister of India & the Chief Justice of the Supreme Court asking their intervention. A variety of political parties, from the Sangh Parivar to the Muslim Ulema Council have condemned the arrest in the harshest terms. But these are of no consequence to her. The only thing she respects is the goonda-ism that she herself has been known to engage in. For example, inciting her followers to burn a few buses filled with innocent travelers, as happened to three college girls after her arrest by then Chief Minister Karunanidhi. To her, only such anti-social, illegal and despicable acts are real protests. I wish her mentor, Dr MG Ramachandran was alive to-day. He would have banished her outright for such atrocities.

Some political leaders have cited vote bank politics for her current actions. However, the reason may be far more insidious. Rumours are floating that behind Sankara Raman's murder there was the hand of Jayalalitha and that is why she hastened to buy Sankar Raman's family through a donation of 5 lakhs. Also that is the reason why she opposes any enquiry by outside agency - the CBI. *It is here that all political parties must unite and demand an independent enquiry by CBI, so that the real culprit(s) in the murder are punished.* Pending the conclusion of the enquiry, Jayalalitha should resign or be removed by the Centre so that she is unable to perpetrate illegal activities professing to be an upholder of law.

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