

Press Release: 14 March 2008, Bangalore

# Setting the record straight

My clients, Mr. Leo Saldanha, Coordinator, Environment Support Group, and his wife, Dr. Lakshmi Nilakantan, Ph.D., Mathematics teacher at The Valley School, would like to set the record straight with respect to their alleged involvement in the alleged "encroachment" of forest land by The Valley School, Bangalore and recovery of sandalwood in the school.

My clients are constrained to state the facts in view of the ongoing trial by media which has prematurely pronounced them "guilty" and done so in a manner that has sullied their unblemished social standing and record.

Various sections of the media have portrayed my clients as:

- 1) Involved in the activity of making artefacts from sandalwood by engaging children in The Art Village of The Valley School
- 2) Obstructing government officials from discharging their duty of recovering forest land
- 3) Absconding as soon as sandalwood was allegedly "recovered" from The Valley School
- 4) Evading from being subjected to investigation
- 5) Defending encroachment of forest lands

My client Dr. Lakshmi Nilakantan is a Mathematics teacher in The Valley School and my other client, her husband, Mr. Leo F. Saldanha has nothing to do with the school management and is in fact a full time Coordinator and Trustee of Environment Support Group. Hence, imputing that my clients had an active role in the misuse of sandalwood and also in the alleged encroachment of forest land has no basis whatsoever.

My clients lawful and justified dissent to the manner in which priceless artefacts (pictures enclosed) of the Art Village in The Valley School was being destroyed with the use of excavators and also the potential destruction of trees and other vegetation due to the movement of heavy vehicles through the thickly wooded areas, did not go down well with the officials of the forest and police departments. At no time did they ever object to the recovery of forest land; only pleaded for protection of works of art created by children and renowned artists. (The social, educational and cultural importance of The Art Village is reported in "Celebration of art at Valley School", Deccan Herald, January 12, 2004 accessible at: <http://www.deccanherald.com/Archives/jan122004/metro1.asp> and "A song of eternal STONE", The Hindu, <http://www.thehindu.com/thehindu/mp/2004/01/12/stories/2004011201790200.htm>)

My clients state that in view of their position as outsiders *vis a vis* the property of The Valley School, allegations implicating my clients in the alleged presence of sandalwood in The Valley School and alleged encroachment of forest land is irresponsible, defamatory and beyond any logical reasoning.

My clients rebut the allegations that they absconded as soon as sandalwood was allegedly recovered on 16<sup>th</sup> February 2008 in The Valley School. As a matter of fact my client Leo Saldanha was not in The Valley School at the time of alleged recovery of sandalwood. Instead he was with Dr. U. V. Singh, Conservator of Forests, Bangalore Circle, Karnataka Forest Department at the latter's office at Aranya Bhavan between 12 pm and 2 pm, along with Dr. Satish Inamdar, Director of the Valley School and Mr. Jayaram, Principal of The Valley School. My other client, Dr. Lakshmi Nilakantan was in fact present in The Valley School on the 17<sup>th</sup> February 2008 when Dr. U. V. Singh visited the school to verify the media reports. Hence, alleging that my clients were absconding on the aforesaid dates, and subsequently, is mischievous and irresponsible.

My clients have been hurt by media reports which have not been backed by any verifiable facts. In some instances quotes have been ascribed to my clients when in fact no such comment was ever made by them to the media.

My client Leo Saldanha is of the view that the trial by a section of the media appears to be playing into a motivated campaign that has been generated at the instance of various vested interests that are bearing the brunt of public interest campaigns of Environment Support Group, of which he is the Coordinator. More details of ESG's work can be sourced at: [www.esgindia.org](http://www.esgindia.org).

*My clients appeal to all public spirited people to view the present smear campaign and ill motivated prosecution as part of a broader **Strategic Litigation Against Public Purpose (SLAPP)** which is being initiated at the behest of vested interests. Seen in such context the vicious attacks on the social standing of my clients would fall into perspective.*

The final word on the present unsavoury episode appears to have been stated by the Hon'ble I Additional Sessions Judge, Bangalore Rural District while granting anticipatory bail in Crl. Misc. Petition No.s 225/2008 and 226/2008 which appears to have slipped the eagle eyes of the media. The Hon'ble Judge has stated thus:

"In the instant case, as already stated above, none of the petitioners are alleged to be either the holders or occupants of the land wherein the sandal pieces are alleged to have been seized and recovered. There are also no allegations to this effect either in the F.I.R. or in the case diary. There are no allegations that the petitioners are in the control or management of the land or buildings in which the said sandalwood pieces were found. There are no allegations that the sandalwood was kept in the precincts with the knowledge or connivance of the said petitioners. Merely because the sandalwood pieces were found in the unauthorized forest land, in the absence of any *prima facie* material to show that the said property was in the possession and control of the petitioners, it does not lead to the inference that the petitioners are instrumental in storing the said sandalwood. There are no allegations that any of the petitioners offered resistance to the forest officials or interfered with the discharge of the lawful duty of the forest officials in taking possession of the unauthorized land. There are no allegations attracting the offence under the Section 353 of I.P.C. The petitioners have produced relevant documents to show that the Valley School and all its lands are owned and managed by a Registered Society formerly known as Krishnamurthi Foundation India as per the Memorandum of Association, and Rule and Regulations as amended from time to time. It is undisputed that the Valley School and all its precincts are held by the said Society. The memorandum of association clearly disclosed that the said Society is governed by the body of Management and the Rule specifically provide the representation thereof by the Secretary. Therefore, in the absence of any allegations that the petitioners were instrumental in storing or keeping the sandalwood pieces or encroaching the forest land, I am of the view that, there are no reasonable grounds to believe that the petitioners are guilty of the various offences invoked against them."

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## **Annexure: Extracts of certain Press Reports on the incident**

**Deccan Herald, "Land grabbed by school recovered"**, dated 17 February 2008, page 1:

'The forest officer alleged that environmentalist Leo Saldanha rushed to the spot and "obstructed" their operations. "He said his wife Lakshmi is a teacher in the school and they bring the sandalwood to teach children wood carving. He didn't allow us to start the demolition. We have filed an FIR against him under section 353 of the IPC, for obstructing government officials from carrying their duty and Sections 86 and 87 of the Forest Act, for illegal possession and cutting of sandalwood".'

**The New Indian Express, "Encroached forest land recovered"**, dated 17 February 2008:

'This was not all adding to the Saturday blast, environmentalist Leo Saldana was taken to task for obstructing the officials on duty and two cases were booked against him.

Leo, in the past, had fought several battles against the government and civic agencies for protecting the environment, but here he was found threatening officials.

Saldanha refused to speak about the logs recovered but rather justified his act saying: "I was not against demolition. I wanted to safeguard the artworks of the children. I did not fight because my children are studying there, but I could not see brutal attack on their creativity".'

**The Hindu, "Sandalwood recovery: search on for accused"**, dated 25 February 2008:

'The department had registered cases against school principal Jairam, teacher Lakshmi and her husband Leo Saldanha. Mr. Saldanha was associated with Environmental Support Group, a non-governmental organisation.

The three were yet to be traced, officials said.

On February 16, Mr. Saldanha had come to the school to drop his wife and two children. He opposed the demolition of the structures of the "Arts Village" that had come up on the encroached property. He argued that the demolition would destroy the art created by the schoolchildren.

The Forest Department booked a case against him for obstructing the work and illegally trespassing into the forest land.

According to the officials, Mr. Saldanha and his wife went away just as sandalwood artifacts and sandalwood logs were found in the vicinity. "This made us suspect Mr. Saldanha and his wife," said an officer, who did not want to be named.

Mr. Jairam, Mr. Saldanha and his wife have been accused under Section 86 of the Karnataka Forest Act. A person convicted under this section will have to undergo imprisonment which may extend to 10 years.'

Detailed media reports can be sourced at: <http://newsrack.in/Browse.do?owner=demo&issue=Valley+School&catID=1>