

Home Of Noted Economists The Gulatis Collapsed By Trivandrum Land Mafia. P S Remesh Chandran

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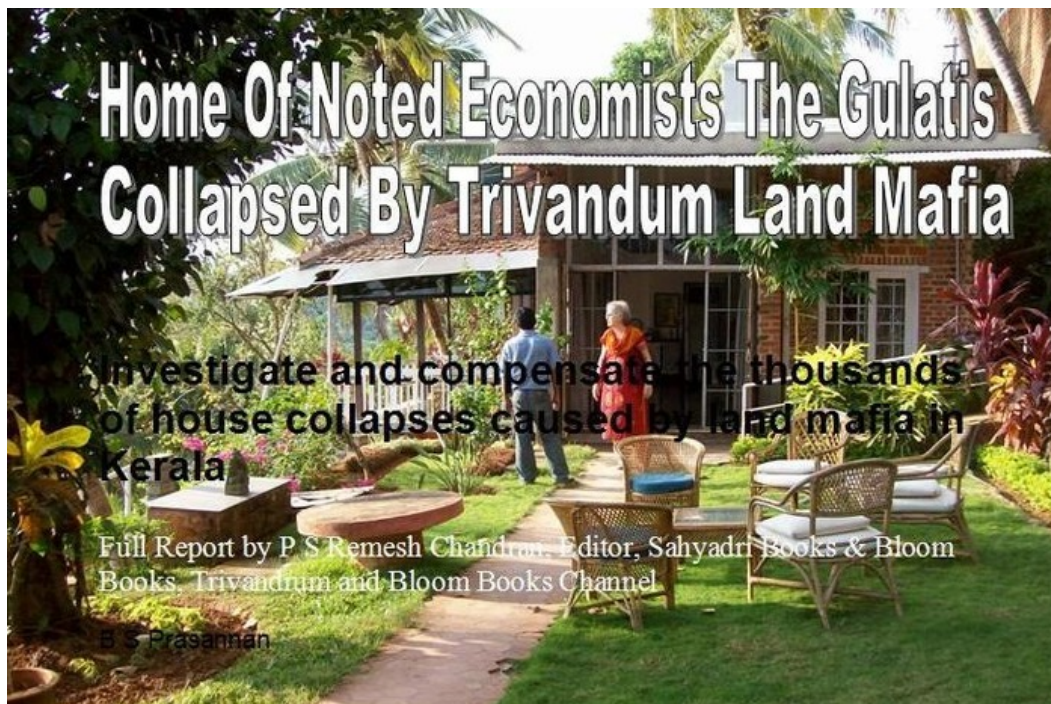
Philistines attacking civilized people have been going on for centuries. Scorching houses was the ancient way. Excavating the adjacent land and letting the next rain bring down the house is the modern way. Kerala showed ingratitude and suffered international shame when government officials let go of two business houses in Trivandrum which caused the collapse of the home of Dr. Iqbal Singh Gulati and Mrs. Leela Gulati, the famous economists and writers.

I. PARTITION OF INDIA

Presentation trains to India and Pakistan, dripping blood all the way.

People who have read the British Colonial History and Asian History and people who are above 62 years of age will remember the horror known as India-Pakistan Partition. The British India was divided into not two but four actually- India, Pakistan, Ceylon and Burma. Punjab and Bengal were the two states divided into two and suffered most in this partition, which was a political and communal compromise between the Muslim and Hindu elements in the Indian National Congress on one side and the departing British on the other, such that there will be two nations to rule, two presidents and two prime ministers in positions and two cabinets and two parliaments installed, creating posts for twice the number of position-seekers, making everyone happy, except people. Trains from Karachi and Lahore thundered to India carrying wagonloads of slain human bodies, dripping blood all the way, bearing the side-writing in large letters, 'Muhammadali Jinnah's Presentation to Independent India', and the same kind of trains were despatched to Pakistan also from Calcutta and Amritsar.

The largest migration in human history, to sustain two presidents, two prime ministers, two parliaments and two armies.



01 Article Announcement Note

Hindus stranded in Pakistan had no way of contacting families in India and Muslims halted in India lost contacts with relatives in Pakistan. Remember that India and Pakistan and their people were one country, one nation, one people and one entity, speaking the same language of Hindi, sharing the same culture, literature, music and art. But for no fault of theirs, these people suddenly found themselves divided into two and made hostile to each other, to keep two nations, two presidents, two prime ministers, two cabinets, two parliaments, and two armies. Communal riots and killing became day-to-day affairs of mobs in many provinces and so began the flood of people to their native lands, to where their husbands, wives, mothers, fathers and children lived, soon after these two nations were born in August 1947. Where independence was occasion for rejoicing for people in many states, independence meant bloodbath, horror, terror, nightmare and the end of life to people in the affected states. It is said that there was not one single family in Punjab that has not lost a member to the partition and its aftermaths. It is also true that people in the non-affected states did not, and still do not, understand what partition was like. After 69 years of partition, exchange of stranded people are still going on between these two nations.

A village near Afghanistan where Hindus and Sikhs lived in constant fear of Pathans abducting women and young boys.



02 Special Refugee Train During Partition Of India

In the small British cantonment town of Bannu in the North Western Frontier Province very close to Khyber Pass near Afghanistan, the Hindus and Sikhs inside high mud walls lived in constant fear of the surrounding Pathan Muslims abducting their women and young boys, even while the males inside the walls interacting socially and economically friendly with most of the surrounding Pathans. Pathans, not as bad and fierce as legends held them, had allowed Hindus to live among them since the time of Maharaja Ranjith Singh. Anyway, Hindu and Sikh women going out went only with their faces covered and only in covered horse-drawn carriages, and dealt only cautiously with them Pathans. The Hindus and Sikhs were a close community, often the grandfather in a family being Hindu, sons Hindus or Sikhs, and grandchildren almost always Sikhs, all living under the same roof. Sikhism, we know, germinated as negation to the bad elements in Hinduism, as Buddhism and Jainism also were. The apparent communal harmony of this small town, as well as that in thousands of others villages in the undivided India, was shattered by Muhammadali Jinnah's announcement of his plans for separation from India and formation of a new nation of his, to the dismay of most Muslim and Hindu leaders in the Indian National Congress. After the Second World War, when the independence of India was imminent, people thought the British would engineer a way out of this partition but they did nothing of the kind to alleviate the fear of a separation. As part of their Divide-And-Continue-To-Rule strategy, they found excuses and justifications to redraw the frontiers of India and create one Muslim nation and another Hindu-majority nation, which they hoped would fight with tooth and nail for another One hundred years, before uniting once again like those other countries divided after the Second World War.

‘Carts, cattle, donkeys, dogs, men, women, boys, girls, babies, bicycles, and baggage - all in constant move under pall of dust.’



03 Charred Bodies And Vultures After Calcutta Riot

There lived in Bannu a family of Sikh flower merchants and rich land owners, really of Hindu origins who though wealthy, had to leave in haste, leaving all their property behind like all other migrants. People left Bannu by foot and in bullock carts. ‘Carts, cattle, donkeys, dogs, men, women, boys, girls, babies, bicycles, and baggage - all in constant move under pall of dust’ was how the miserable life of millions in those days was described. Many lost their lives on the way, from thirst, hunger, diseases and attacks by marauding brigands. The flower merchants’ family also lost a few family members in their flight for life, the drama of which, this author hopes, would someday be told by Mrs. Leela Gulati as reported to her by relatives who actually took part in this great drama of human misery which shook the world. The unendurable hardships of this indescribable journey was what perhaps made one of the boys in that caravan who survived this ordeal and who was later to become Dr. Iqbal Singh Gulati ‘in a sense a philosopher and detached from worldly possessions.’

II. DR. IQBAL SINGH GULATI

From a tarpaulin-covered dilapidated shed to a Doctorate in Economics.



04 Bannu Hindus and Sikhs Migrate To India

The family of Dr. I S Gulati had traumatic experiences during the partition of India and Pakistan. They migrated to India by train and reunited in refugee camps in Delhi. Some children were flown by plane, disguised as Muslims. He himself being employed in the Military Accounts Department, must have got official conveyance to Delhi. They were living under a tarpaulin attached to a dilapidated portion of the Old Fort in Delhi from where I S Gulati post-graduated in Economics from Punjab University. He was recruited to the Planning Commission of India in 1950 by Dr. K N Raj to help as research assistant in Budgetary Classification of Centre-State Finances in which days Economic Planning in India was still in infancy. Gulati knew extremely well to identify and classify 'transfer items, expenditure items and unilateral transfer items' and was sent abroad to obtain a PhD in Economics from the London School of Economics in 1955. His doctoral thesis on Taxation of Capital was noted by many and when Mr. Nicholas Kaldor of the London School of Economics was approached by the Government of India for advice on tax reforms, he specifically asked for Dr. Gulati on his staff at the Indian Statistical Institute. In 1956 he joined the Maharaja Sayaji Rao University of Baroda, Gujarat as Reader, in 1957- the year of the first elected communist government in Kerala and the world-found his wife in the Economics student Leela Gulati, and continued as Professor there till 1968.

The most noted economic research papers published from Kerala were theirs.



05 Bannu in Pakistan Today 65 Years Later

The first Chief Minister of Kerala and a political author, Mr. E M Sankaran Nampoothirippadu in 1957 requested Dr. K N Raj expert advice for preparing the first people's budget of Kerala and Dr. Gulati was sent as Economic Advisor, accompanied by his scholarly wife. Soon they both identified themselves with the intelligent and hospitable people of Kerala and the husband and wife began their unique contributions to Kerala's economic redefining. In 1972, requested by the next Communist Chief Minister and prolific writer Mr. Chelat Achyutha Menon, they started building from scratch that prestigious institution of Kerala, the Centre for Development Studies, which this couple made into one of the most famous research institutions in India. Dr. Iqbal Singh Gulati worked as Professor and Smt. Leela Gulati as Fellow at the Centre for Development Studies. Theirs were the most noted economic papers ever published from Kerala and were key components in the evolvement of Kerala's strategies in deploying the economic boom provided by the Gulf Malayalees, decentralization of powers from Centre-to-state and State-to-local bodies, public finance, and the popular taxation rules of Kerala- in short rise of the present secure

economic structure of Kerala. They even learned Malayalam and became practically Malayalis too.

Leading the biggest people's movement in Kerala for development and liberation.



06 Dr. Iqbal Singh Gulati In Garden

In 1987, the Left Democratic Government under Mr. Erambala Krishnan Nayanar sought the services of Dr. I S Gulati as Vice Chairman of the State Planning Board and that was when, through his intense advocacy, the District Panchayat Councils were recognized in principle and allotted 200 Crores Rupees each for the first time under the Budget Plan of the India Government. In 1995, he travelled throughout the state, leading the biggest people's movement in Kerala for local development, educating people's representatives and people on the importance of delegating the Centre's and the States' financial powers to people, and warning them of bureaucratic interference in fulfilling their dreams of transfer of power. His motto for selecting Planning Board Members was 'chosen on the basis of organizational skills and democratic credentials, not on academic talents alone' which became the accepted norm when Mr. E K Nayanar became Chief Minister again in 1996. (Though this motto continued with Planning Board for years, it must be admitted that such loudmouths as Mr. C P John and many others were forced upon this august body in later years for mere political considerations).

The world missed a fine economist when Dr. Gulati decided to assist Indian states more.



07 A Portrait Of Dr. I S Gulati

Though not a politician, Mr. Gulati was a co-traveller of communist visionaries and assisted the Government of West Bengal also as Economic Advisor in Mr. Jyothi Basu's time. The world missed his intellectual guidance after he served only for a short time with international organizations: three years during 1968-72 in the United Nations Organization as Regional Economic Adviser for the Caribbean and Adviser for the Economic Commission for Latin America, and in 1972 in the International Monetary Fund as Tax Policy Advisor. He served the people of Kerala well till his demise in 2002. His greatness consists in abandoning the splendor, luxury and limelight of living in the mainstream cities of the world, of working for economic organizations of world renown, of accepting world's top-most salaries and moving in circles whose decisions wreck the life of human beings everywhere and at the same time advising Kerala as a sign of magnanimity for no salary, as later Economic Advisers to Kerala did, and does. He chose not to ascend to such lofty ivory towers but to live in Kerala among the people who most needed him, enjoying the frugal conveniences this small state provided, and to serve them to the end with the best of the economic services in the world.

III. LEELA GULATI – THE AUTHOR AND ECONOMIST

The brave woman who broke away from bankrupting Brahmin customs, confined daily worship to a single lamp, and did away with ridiculous rituals and pujas.



08 Gulati Home In 2009 Before 01

While the ruckus we mentioned earlier was going on in the North Western Frontier Provinces near Afghanistan, Leela Gulati was living a quiet life as a child in the old Mysore State in South India. Born in a very conservative and orthodox Brahmin family, her roots took origin in the 1860s in a family in a small village called Kadathur in Coimbatore in Tamil Nadu and a rich land-owning family in the village Kozhinjja Waadi on the banks of the Amaravati River in the old Madras Presidency, in the form of her maternal and paternal great-grand parents respectively. Traditionally paddy cultivators, this couple lived in an Agraharam with 60 other families in the husband's place. Honesty and magnanimity with kith and kin soon made them bankrupt and Bala and Ponnamma, both English and Sanskrit-educated, migrated to Burma seeking their fortune there, leaving children behind. Her second daughter Seetha at the age of 11 was married to an ascetic scholar in accordance with Tamil Brahmin customs then and had four children. This

ascetic scholar had close connections with the Mysore Palace and soon after the birth of the second of his two daughters, Saraswathi, he was appointed as Registrar of the University of Mysore. Saraswathi, making the meaning of her name worthwhile, grew up as a learned Brahmin girl, was English-educated, travelled to Burma to see her parents, and for the first time recognized the higher status of women in the Burmese society, compared to their low status in India, particularly among Tamil Brahmins. She married a brilliant Economics lecturer and according to his jobs, with him and her children, lived at Mysore, Madurai, Belgaum, Bombay, Bangalore, Indore where he was appointed as Industries Director and became sick and died, then at Ahmadabad and Baroda with son and finally again at Bangalore. It was this woman who was forced to be a perpetual traveller who finally 'broke away from the bankrupting customs of their community, confined daily worships to a single lighted lamp before the deity, did away with ridiculous rituals and pujas and decided to do away with even illogical arranged marriages and dowries' in future in their family, became the first multi-lingual, foreign travelled cosmopolitan in their family. She also crossed the sea losing thus her caste, travelled to as far and distant countries as Switzerland and America and stayed there for two decades, 'keeping her shrine and lighted lamps in spite of fire hazards' and attending to her children and grandchildren living there. She was the one who imbued cosmopolitan views in her daughter Leela, born while at Mysore. When her daughter Leela graduated in Economics, did some jobs as Library Assistant and Researcher, fell in love and wanted to marry out of caste a Sikh Economist migrated from Pakistan at the time of the Partition, this wise mother consented to her daughter's wishes.

Leela Gulati has her own field and world of recognition, besides being wife of a top-rated economist.



09 Gulati Home In 2009 Before 02

The books written by Leela Gulati are focused mainly on poor women and the most noted among them are 1. Profiles In Female Poverty 1982, 2. Women In The Unorganized Sector 1982, 3. Impact Of The Development Process On The Indian Family 1982, 4. Fisherwomen On The Kerala Coast 1984, 5. In The Absence Of Their Men 1993, 6. Women Migrant Workers In Asia 1993, 7. Gender Narratives 2003, 8. A Space of Her Own 2005, 9. Narratives of Twelve Women 2005, and 10. Child Labour in Kerala's Coir Industry 2008, in addition to numerous research works in economics and on the upliftment of women. The Asia-Pacific Population Journal, Vol. 8 No. 1 (1993, pp. 53-63), in their article 'Population - Ageing and Women in Kerala State, India by Leela Gulati' says that 'the author of this note is Leela Gulati, Centre for Development Studies, Prasant Nagar Road, Ulloor, Trivandrum 695 011, Kerala, India and that this note is an abridged version of the author's paper on Female Dimensions of Population Ageing in Kerala State, presented at the Expert Group Meeting on Integration of Aging and Elderly Women into Development, Division for the Advancement of Women, United Nations, Vienna, October 1991.' The address of Leela Gulati for decades was @ Centre for Development Studies, Trivandrum, India. Both the Gulatis were unequalled researchers in economics and people's-side campaigners for the transfer of economic power of the state to people. Kerala used them a lot, developed the state based on their economic theories

and tactics and pleaded them to settle in Trivandrum which they did after leaving their relatives in Coimbatore, Mysore, Baroda, Amritsar, Delhi, Karachi, Burma, Switzerland and America. Had they remained with their relatives in those states, countries, no one would have dared to touch their home. Whatever excuses Kerala have for permitting two philistines touch and demolish their home are not acceptable. In any other country but in India and Kerala, any government official who protected such criminality would immediately have been dismissed from service and imprisoned.

IV. THE GULATI'S HOME IN TRIVANDRUM

Birds, beasts and human beings once disturbed in their homes are disturbed for the rest of their life.



10 Gulati Home In 2011 Before 03

Nests are endeared to birds, dens to beasts and homes to human beings. Once disturbed in their homes, they all are disturbed and pained for the rest of their lives. Predators in the form of reptiles, carnivores and real estate developers come all the time to make hell in the life of human beings living peacefully. That was what happened to the Gulatis' home in later years. When they decided to settle at Trivandrum, Mr. Laurence Wilfred Laurie Baker, the world-renowned British architect and India's Padma Shri –

honoured dignitary came to Trivandrum and built a beautiful house for them at Chettikkunnu, Kumarapuram, Trivandrum, as his tribute. Dr. Gulati passed away and Mrs. Gulati became alone in the house. Mr. Laurie Baker's grandson came and personally took photographs of this monumental work for record. Business houses noted thus the prominence of this place, bought the valley below the house which never can be bought for development as it is wet land, began excavations without proper permissions under tacit agreement with a bunch of officials and caused landslide and the inevitable fall of this magnificent house. That was their contribution!

It is painful and traumatic to see what is ours being taken away using brute force with heavy machinery working illegally and criminally.



11 Gulati Home In 2011 Before 04

Have anyone experienced, seen or felt, standing on the victim' side of such horror, the terrors of a legitimate house being crushed bit by bit, brick by brick, piece by piece by a realtor owning the next property by scratching bucketful after bucketful of soil with bulldozers, after heavily bribing government officials in that area? It is a painful and traumatic experience to see what is ours being taken away using brute force with heavy machinery working illegally and criminally day and night, roaring without stop, with government officers and politicians in that district bribed and no one coming

to our help. Remember that it was a woman, a widowed woman, a brilliant writer in English whose books opened the eyes of the world to the myriad problems of the poor Indian women, who stood witnessing the vanishing of her good old home, brought about by worthless low brains in Trivandrum city, who were protected by criminal elements in government. (The very nearest lands to the plot where these excavations were taking place was later proved to have been involved in one of the biggest land scams in Kerala, resulting in the arrest and indictment by CBI of the then Chief Minister's staff, the details of which are given in paragraphs following). The two business houses alleged to be involved in this case, as reported by government agencies in April 2014 and by media in July 2016, were Quilon Radio Service (QRS) and Valley View Gardens Developers, Trivandrum. It must be said that one single article written by Leela Gulati titled 'The Tyranny of Tradition' is worth many times more the combined worth of all the worldly assets of Quilon Radio Service and Valley View Garden Developers and whoever associated with them!

In spite of intellectually nurturing many luminaries, none came to help.



12 Gulati Home In 2011 Before 05

Dr. Gulati had quite a number of students and admirers in the economic field who held key positions in government but when her home was brutally

bulldozed down by the land mafia, none came to her rescue, in spite of the couple having intellectually nurtured many luminaries. In the midst of them all, Smt. Leela Gulati says, the then opposition MLA and the now Finance Minister of Kerala Dr. T M Thomas Isaac stood with her from the beginning. According to her and according to Dr. Isaac's Face Book Post on 18 July 2016 on the issue of the destruction of the Gulatis House in Kumarapuram, Trivandrum, he helped in filing a complaint with the Medical College Police Station, approached twice the then Chief Minister Mr. Oommen Chandy, called the City Police Commissioner of Trivandrum, went to see Kerala's Home Minister, and got the then Trivandrum District Collector Mr. Kaushik and Sub Collector Mr. Karthikeyan directly involved, but excavations continued without stop and a portion of the house had already fallen in spite of the interference of this cream of authorities in the state. He does not hesitate to state that the power of land mafia in Trivandrum is unstoppable. He also states in this note that Mr. Biju Prabhakar IAS was also got involved who inspected the site in person, saw more portions of the house had fallen, and estimated the cost of constructing a retaining wall to be around 2 Crores Rupees, and that was when governmental action stopped, probably because of the largeness of the amount involved. Why did this government action stop there really?

Their other associates in the CDS who once longingly worked with this couple and who still have considerable influence in government chose to remain silent, since the two business houses involved were heavy contributors to political parties. The land mafia is hungry and ravenous enough to gulp down even the chief minister and his finance minister in one single bite, as Dr. Thomas Isaac in his note vouchsafes. The writers of Kerala who are noticeably quick to jump at every chance to air their names through criticizing the attacks on writers everywhere in the world did not respond to this attack against the home of the most worthy among them, Smt. Leela Gulati. They were keen to keep silence and not antagonize anyone who could obstruct their jumping onto the governing bodies of hundreds of literary, cultural and fine arts committees under the Government of Kerala. Who did they all fear actually?

The answers to these two questions can be inferred by anyone with common sense and a willingness to accept facts by going through the information unraveled in the central government agency's investigations.

There exists a realtor-government officials-nexus reaching up to the Chief Minister's office.

There does exist a realtor-government officials-nexus reaching up to the Chief Minister's office. The CBI proved it existed in the past chief minister Mr. Oommen Chandy's regime and the present chief minister Mr. Pinarayi Vijayan has not been able to prove it does not exist in his regime. This nexus discourages people's complaints against land developments through subtle interventions and see to it that no complaint goes beyond a certain level of remedial action. That is their long-term strategy, perfected through years following in the footsteps of major realtors in the world and a strategy kept ship-shape by changing short-time tactics according to country, state and district, to create the climate most desirable for realtors and builders to function, to act smoothly and freely without people or government posing serious dangers. What defense has a small state and its government against such well known and world-proven strategy with one of the largest networks of corrupted officers to back, ready to act at the shortest of notices, with unlimited government resources at disposal?

Though will appear innocuous, the finest example of the many delay and tactics adopted by this nexus for allowing time for culprits to do what they want in the meantime is preparing government records in Malayalam so that translating them in to English before submitting to court upon court's order will gain more precious time for their criminals. The Division Bench of the Kerala High Court during hearing on 2 September 2015 slammed the state government for not submitting the land records in English.

Nothing changed in 2016 except a chief minister and a cabinet; the organization is the same.

Investigations conducted by Central Agencies in Kerala proved that a realtor-government officials-nexus was in existence for long. Even the Division Bench of the Hon'ble High Court of Kerala on 1 October 2015 wondered 'how persons named in land grab cases could have this much influence in the Chief Minister's office' and even asked 'is he is the Real Chief Minister to have influenced highest authorities in the state including the Director General of Police.' Remember that the land and building of the Gulatis mentioned here are situated in the Kadakampalli Village of Trivandrum City. Illegally alienating land by changing titles in revenue records with official help, and creating artificial records of title and selling

such land to others without the knowledge of real owners was the origin of a CBI case from the very Kadakampally Village in 2013. By cheating 188 real owners, conmen grabbed 15 acres of prime land according to the Central Bureau of Investigation. Their indictment included a Deputy Tahsildar of Revenue Department and charges included conspiracy, cheating, forgery, use of forged documents as genuine, and corruption. (The Hindu, 22 July 2016). When this case was charge-sheeted in July 2016 by CBI in Trivandrum Courts, stretch of grabbed land rose to 45 acres as more cases of land grabbing came to light. No one say they were all saints in government. Investigations pointed fingers at the top-most. Nothing changed in 2016 except a chief minister and a cabinet; the organization is the same.

The CBI charge-sheeted another four Government Officers in another land grabbing case- Village Officer and Special Village Officer of Thrikkakara North Village Office, an Additional Tahsildar at Kanayannur Taluk, and a clerk in the Land Revenue Division of the District Collectorate, Ernakulum- under Sections 120B, 42, 167, 201 and 204 of Indian Penal Code respectively for criminal conspiracy and cheating, public servant framing incorrect document with intent to cause injury, causing disappearance of evidence of offence, and destruction of document or electronic record to prevent its production as evidence, in the Kalamassery Land Grab Case in Kochi. Even one Land Revenue Commissioner, Mr. T O Sooraj IAS, was included as witness in the case after he could not be proved involved. (The Hindu, 23 July 2015). This case was filed in CBI Court III.

Staff in the Kerala Chief Minister's office was mentioned in both cases. Chief Minister's office had to remove at least one person from staff after charge-sheeting in land grab cases. What further evidence is needed to prove Kerala's Government Secretariate is the operation base for land mafias and is saturated with people who are extremely willing to help them and who would smell any new cases filed by new victims and thwart action through covert operations, if the money is good and the added attractions are exhilarating? Without help reaching up to Secretary and Cabinet-levels, how can land grabbing activities to the tunes of 250 crores and 500 crores go on throughout the state for years without the dozens of state departments' vigilance offices detecting it?

Excavations carried out without environmental clearances, in uncontrolled manners, defying government.



Government of Kerala
Department of Environment & Climate Change

(Secretary of SEIAA & SEAC Kerala)
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 e-mail: environmentdirectorat@gmail.com web: www.envi.kerala.gov.in

No.DoECC/E3/1069/2014

Date: 10.04.2014

From
 The Director

To
 1. The Secretary
 Thiruvananthapuram Corporation
 2. The District Police Chief
 Thiruvananthapuram *cut*

Sir
 Sub: Illegal excavation causing possible house collapse and loss of life – Stopping
 the dangerous activities – Notice issued.

Ref. 1. Complaint lodged by Mrs. Leela Gulati, K.P.14/696 Uthara, Kumarapuram,
 Thiruvananthapuram
 2. G.O.(Ms) No. 04/2014/Envvt. dated 19.03.2014.

As per the complaint lodged by Mrs. Leela Gulati, K.P.14/696 Uthara, Chettikunnu,
 Kumarapuram, Thiruvananthapuram and the subsequent preliminary enquiry report received
 from the Chief Town Planner (Vigilance), the specified site was inspected by official from
 this Department. During the inspection it was noticed that the land in front of the
 complainant's residence was found to be excavated in an uncontrolled manner so that the
 elevated terrain was found to be under the peril of an anticipatory subsidence/landslip which
 is likely to keep the inhabitants of the vicinity especially the residence of the complainant in
 utmost danger. On close examination, it was noticed that the builder group who had
 conducted the excavation work have not obtained prior Environmental Clearance from which
 is mandatory as per EIA Notification 2006 and subsequent amendment for removing ordinary
 earth. In this context the action is considered as grave violation of the provisions of EIA
 Notification 2006 and subsequent amendants of Government of India which warrants
 stringent action under the section 5, Rule 15 of E(P) Act 1986.

13 Department Of Environment Notice Page 01

Verification of government records shows that the Department of Environment & Climate Change of Government of Kerala even as early as 10 April 2014 did issue notice to initiate immediate action to stop all construction activities in the site. A scanned copy of this notice which is self-speaking is reproduced here for readers benefit, with relevant content:

Notice No: DoECC/E3/1069/2014, Dated: 10. 04. 2014 of the Department of Environment & Climate Change, Govt. of Kerala.

In the light of these facts and the relevant provisions of the Environment(Protection) Act 1986, direction is hereby issued to initiate immediate action to stop all the construction activities in the site specified by serving the notice to Mr.Abbimanya Ganesh, Owner of ORS, MG Road, Thiruvananthapuram, Mobile No. 9961463671 & Mr. Balu Swamy, Manager Valley View Gardens, Mobile No. 9995438451. An action taken report may also be forwarded to this office within 30 days of receipt of this communication in view of G.O cited (2) above.

Yours faithfully,


P.Sreekanth Nair
Director

Copy to:

1. The Addl. Chief Secretary to Government, Environment Department
(for favour of kind information) Govt. Letter no. 944/A/B1/Envt.
2. The District Collector
Thiruvananthapuram (for necessary action)
3. The Tahasildar
Thiruvananthapuram Taluk
4. The Village Officer, Kumarpuram
Thiruvananthapuram
- ✓ 5. Mrs. Leela Gulati, K.P.14/696 Uthara
Kumarpuram, Thiruvananthapuram

14 Department Of Environment Notice Page 02

Notice No: DoECC/E3/1069/2014, Dated: 10. 04. 2014, of the Director, Department of Environment & Climate Change, Govt. of Kerala, addressed to the Secretary of Thiruvananthapuram Corporation and the District Police Chief of Thiruvananthapuram City.

Sub: Illegal excavations causing possible house collapse and loss of life- Stopping the dangerous activities- Notice Issued.

Ref: G.O. (Ms) No.04/2014/Envvt, Dated: 19. 03. 2014.

“During the inspection it was noted that the land in front of the complainant’s residence was found to be excavated in an uncontrolled manner so that the elevated terrain was found to be under the peril of an anticipatory subsidence/landslip which is likely to keep the inhabitants of the vicinity, especially the residence of the complainant, in utmost danger. On close examination, it was noticed that the builder group who had conducted the excavation work have not obtained prior Environmental Clearance which is mandatory as per EIA Notification 2006 and subsequent amendment for

removing ordinary earth. In this context the action is considered as grave violation of the provisions of EIA Notification 2006 and subsequent amendments of Government of India which warrants stringent action under the section 5, Rule 15 of E(P) Act 1986.”

“In the light of these facts and the relevant provisions of the Environment (Protection) Act 1986, direction is hereby issued to initiate immediate action to stop all the construction activities in the site specified by serving the notice to Mr. Abhimanya Ganesh, Owner of QRS, MG Road, Thruvananthapuram & Mr. Balu Swamy, Manager, Valley View Gardens.”

Sd/

P Sreekantan Nair, Director.

Who prevented this order from being carried out is the responsibility of the government to find out.

This human rights violation was brought to public attention by online writers, journalists and news portals.

It was online writers, journalists and news portals who brought this criminal injustice to public attention and released the Before-And-After Pictures of this house in internet. Activities thus came under public scrutiny and government was forced to respond. They told press that reports were called for and the house would be reconstructed at government expense, invoking the Disaster Management Act. It only meant the land mafia was perfectly free to go and the government is holding the baby; and the bureaucrats would get a free hand in dragging this thing for months, even for years. It cannot be believed that the Indian Administrative Service personnel in government did not know about the Indian Easements Act which has the finest and the most powerful provisions to rectify damages caused through unlawful excavations and bring aggressors under yoke. What the government feared most was, registering cases under the British-born Indian Easements Act would make public aware of the applicability of this act in incidents of atrocities against their homes, would be the beginning of thousands of cases filed by people who lost their homes and land due to illegal excavations, and land mafias and mega flat builders which invest heavily in the making of governments won't anymore be able to function anywhere in Kerala without people resisting by invoking this Act. That was

why the (hollow?) words about invoking the Disaster Management Act and not a word about invoking the powerful Indian Easements Act.

Had I been Chief Minister, I would have seen to it that a Chinese Great Wall was raised to protect that house within a week.



15 Gulati Home In 2011 Before 06

The writer of this article, as an author and as a citizen, has the right to contemplate and for imagination, and he did contemplate and imagine and publish a note on what he would have done, had he been the chief minister. It is the only part in this article which is imagination. Here it is: “Had I been the Chief Minister of Kerala, I would not have needed media to report this as news, but as a senior and vigilant politician, would already have known about this destruction of the living abode of two living legends who served my people and my party for a lifetime. I would learn that there already is a Magistrate’s Order on this issue, directing the responsible parties two build 50 feet-high supporting walls and help rebuild the house exactly as it had been earlier. I would have directed my Private Secretary or even my Chief Secretary to identify all officers in all departments who tried in every way to stall enforcing this magisterial order, and to summon them and warn them of instant suspension and prompt dismissal if restoration works on the house were not seen begun within three working days. I would also direct he or she

who is paid to work for me to identify the names of those two business houses responsible for this inhuman atrocity, and to summon them and warn them unless the collapsed residence was restored to its previous condition within record time at their expense, not only this but all other similar atrocities by them with bulldozers on other houses also will be exposed to people and they will be made to stop functioning in the state within twenty four hours. My officials would also ask them how come they got permission to develop a land which is seen in the pictures as a wet land with paddy fields. I would also already have ensured that my Private Secretary is clean and is not on the Payroll of mafias, and sit in peace of my mind and see within a week that a Chinese Great Wall was raised to protect that house.”

V. WHY BRITISH-ENACTED INDIAN EASEMENTS ACT WAS NOT INVOKED

What is powerful and protective in the Indian Easements Act 1882?



16 Gulati Home In 2015 After 01

The Indian Easements Act has provisions for 1, immediate inspection and assessment of vertical and structural damages in the present and that may occur in the future, 2, halting of all kinds of works in the spot by the servient owner, 3, construction of sufficiently high and thick granite supporting walls

with enough buffer zones to strengthen the dominant owner's house, and 4, ensuring all other essential easement rights including light and air, privacy and used-water disposal. Government authorities in Kerala are in perpetual silence on the points clearly laid down in this Act and further clarified and emphasized by Indian Law Courts since then.

An easement is a certain right to use the real property of another without possessing it. Historically, the law enforces four types of easement: 1. Right-of-way (easements of way), 2. Easements of support (pertaining to excavations), 3. Easements of light and air and 4. Rights pertaining to artificial waterways. Modern courts recognize more varieties of easements, but these original categories still form the foundation of easement laws. A negative easement is the right to prevent another from performing an otherwise lawful activity on their property. A negative easement might even restrict a person from blocking another's Mountain View by putting up a wall of trees or a concrete structure. The period of continuous easement to become binding is generally between 5 and 30 years. In the law of England and Wales, which is the basis for the Indian laws, any deprivation of the rights of the owner of a property must be 'in accordance with law' as well as 'necessary in a democratic society' and 'proportionate'. The following rights are recognized as an easement:

- 1. Right to light, also called solar easement:** The right to receive a minimum quantity of light in favour of a window or other aperture in a building which is primarily designed to admit light.
- 2. Utility easement including:** Storm drain or storm water easement, an easement to carry rainwater to a river, wetland, detention pond, or other body of water.
- 3. Sanitary sewer easement:** An easement to carry used water to a sewage disposal or sewage treatment.
- 4. View easement:** Prevents someone from blocking the view of the easement owner, or permits the owner to cut the blocking vegetation on the land of another.
- 5. Easement of lateral and subjacent support:** Prohibits an adjoining land owner from digging too deep on his lot or in any manner depriving his

neighbor of vertical or horizontal support on the latter's structures e.g. buildings, fences, etc.

Easement is a right which the owner of a particular land enjoys over an adjacent property without possessing it.



17 Gulati Home In 2015 After 02

The word Easement stands for the right to use another's property. It is a right, which the owner of a particular land enjoys over an adjacent property, which he or she does not possess. It is the right over a property belonging to someone else and not to the person claiming easement. Servient owner has to abide by the requirements and convenience of the dominant owner whether he likes it or not; it is a burden brought to bear on him by custom. Easement by virtue of custom is a legal right acquired by the operation of law through continuous use of a land over a long period of time. According to the Indian Easements Act 1882, for example, the inhabitants of a building enjoying the access and use of air and light as a right, continuously for over 20 years, have the right to enjoy them without any condition or restriction.

Possessor of a servient heritage has to carry the burden of easement for all times to come, for the benefit and enjoyment of the possessor of the dominant heritage.

Many buildings are constructed today very close to other existing buildings by ignoring the conveniences of the nearby inhabitants. Virtually no space would be left in between the buildings, blocking airflow and natural light to the smaller houses. The inhabitants of those houses who were getting fresh air and natural light suddenly will find these were denied to them because of a multi-storied building constructed nearby. Haphazard constructions are not allowed by laws. That is what laws are there for- to prevent haphazard constructions. Presently, buildings are required to be constructed in a well-planned manner. Leaving minimum set backs as prescribed between two buildings for free flow of air and natural light is now mandatory. Therefore, anyone who comes into possession of a servient heritage has to carry the burden of easement for all times to come for the benefit and enjoyment of the person who comes into possession of the dominant heritage.

There have been so many instances of easement violations in Kerala recently. Who lost their easements were all innocent, helpless and defenseless people. Houses, cattle sheds, out houses and wells became stranded after others' wanton excavations and are precariously slanting towards man-made gorges, ready to fall any time. People who did this were rich who organized bulldozer and tipper activities and escaped without punishment with government help. Carrying on bulldozer activities on Government holidays is standard in Kerala so that the other party will not get time for seeking legal protection. Officials in City Corporations, Village Panchayats and Revenue Village Offices have the authority and responsibility to injunction, order halt of works, deny or withdraw construction permits, deny future building permissions and make offenders rectify damages immediately but they sleep on currency notes given as bribes.

Society is harsh and unforgiving to vulnerable women - institutionalized discrimination.



18 Mrs. Leela Gulati In 2011

What Leela Gulati wrote in her article about her mother also serves as her own message to the world: ‘She understood very early in life that society was rarely compassionate, and often harsh and unforgiving to a vulnerable woman. The ‘mistakes’ of her life, she realized, were not of her own making but were the products of institutionalized discrimination against Indian women. Adversity only strengthened her character, for she constantly analyzed and learnt from the injustices she encountered.’

Access Leela Gulati’s Books:

1. In Amazon: http://www.amazon.in/Books-Leela-Gulati/s?ie=UTF8&page=1&rh=n%3A976389031%2Cp_27%3ALeela%20Gulati

2. In British Council My Library:

<http://www.mylibrary.britishcouncil.org/author/leela-gulati/>

3. In Good Reads:

http://www.goodreads.com/author/show/1059856.Leela_Gulati

All mighty fighters lay down their weapons majestically, at the sight of beings neither man nor woman on the opposite side.

A SPECIAL NOTE OF THANKS:

What observations, opinions and inferences are made or expressed in this article are the author's alone, and not Mrs. Leela Gulati's or those of any of the parties mentioned. Online interviews with Mrs. Leela Gulati and reading her published books helped much in clarifying points pertaining to partition, Dr. Gulati's life and career and her own life and social relations. She was emphatic about how Dr. T M Thomas Isaac, the then opposition MLA and the present Finance Minister of Kerala and many others in government helped. Her words: "There has been a lot of public support and sympathy and the two Collectors are trying their level best but it is very difficult to deal with Indian business men." The prime objective of this article was to record for future the sojourn of the Gulatis from Khyber to Kerala, to note how easy it was for some to inflict pain on members of this magnanimous family, and to tell everyone about their Easement Rights, even if the business of every realtor stops. As everyone except just a few would agree, 'the thousands of house collapses caused by land mafia in Kerala must be investigated and compensated, and international human rights organizations must look into them.' The author expresses herewith his thanks and limitless gratitude to everyone who helped with facts and provided photographs for this social cause.

Taking into account the condition of the house and the land, the degree of involvement of officials in the present government and the political climate in Trivandrum, it looks Mrs. Gulati will never see her house restored to its previous condition in her life time. And it also does not seem possible that she would ever write about this again. Like Bheekshma in that great Indian Epic Mahabharata, all mighty fighters lays down their weapons majestically, at the sight of beings neither man nor woman on the opposite side, keeping to good Indian traditions. She will be resigned and pass the legacy of her

suffering and anguish to future generations regally.

Today the victims of house collapses caused by land mafia are scattered and they do not know about provisions in the Indian Easements Act. Tomorrow they will unite and educate themselves in laws regarding the safety of their houses. Certainly there will be investigations by Central Agencies on the thousands of house collapses in Kerala. There may even be UN Commissions' and International Human Rights Commission's Rapporteurs investigating these cases, as more and more international exposure of these human rights violations come to fore. The land mafia and their cahoots in governments may be able to stop it for a time but it will happen.

Pictures Courtesy: Wikimedia Commons, Mrs. Leela Gulati, Ms. Merle Kindred, Ms. Priya Gulati, Ms. Mitu Gulati, Mr. B S Prasannan, Mr. Santhosh K B and Mr. Aneesh Lal.

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A little about the author and accessing his other literary works.

19 Author Profile Of P S Remesh Chandran



Editor of Sahyadri Books & Bloom Books, Trivandrum. Author of several books in English and in Malayalam. And also author of 'Swan, The Intelligent Picture Book'. Edits and owns Bloom Books Channel. Born and brought up in Nanniyode, a little village in the Sahya Mountain Valley in Kerala. Father British Council-trained English Teacher and mother university-educated. Matriculation with High First Class, Pre Degree studies in Science with National Merit Scholarship, discontinued Diploma Studies in Electronics and entered politics. Unmarried and single. This article written as a tribute to the Gulatis.

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