

**Title:** Discussion regarding current situation in Ayodhya in the wake of Supreme Court Judgement (Concluded).

**MR. DEPUTY-SPEAKER:** The next item is discussion under Rule 193.

The hon. Members, the discussion on the statement made by the hon. Prime Minister regarding the current situation in Ayodhya in the wake of the Supreme Court judgement under Rule 193 has been admitted in the name of Shri Mani Shankar Aiyar. He has requested me to allow Shri S. Jaipal Reddy to raise this discussion on his behalf. I have allowed Shri S. Jaipal Reddy to raise the discussion....*(Interruptions)*

Hon. Members, order please. Hon. Members can go out or remain in the House but they do not block the way.

1609 hours

**SHRI S. JAIPAL REDDY (MIRYALGUDA):** Sir, I rise to initiate the discussion on the statement made by the Prime Minister on the 14<sup>th</sup> of March. ...*(Interruptions)* But, Sir, a lot of water has since flowed in Yamuna. On 15<sup>th</sup> of March, that is, yesterday, we were apprehending a lot of things to happen. It was a fateful day it was to put in the famous words of Shakespeare, the Ides of March. But happily the 15<sup>th</sup> of March turned out to be a glorious day in the history of Indian democracy. It is happily behind us.

On 15<sup>th</sup> of March, the majesty of law has triumphed and therefore, the peace has prevailed however precariously for the present. The tribute for this historic achievement should be paid to the resilience, the genius of Indian democracy.

The credit must be given to the Supreme Court which has become the last bastion of our secular democracy.

Before I deal with the implications of *shila daan* to which our Prime Minister has kindly referred, let me try and put the problem in perspective. Our Prime Minister has long remained a jigsaw puzzle. There is a humongous hiatus, a gigantic gap and a Gargantuan gulf!

**MR. DEPUTY-SPEAKER:** You seem to be very fond of the word 'humongous'.

**SHRI S. JAIPAL REDDY :** There is a Gargantuan gulf between his public image and private reality. What is the public image of our Prime Minister? It is that of a reasonable moderate. What is the actual reality? In my considered view, I could be absolutely wrong,

**SHRI VAIKO (SIVAKASI):** You are always.

**SHRI S. JAIPAL REDDY :** In my considered view, his image is that of a flexible hardliner. I never subscribed and, at any rate, I long since ceased to subscribe to this myth that our Prime Minister is a malleable moderate.

Sir, each time he rises to speak he flaunts the NDA Agenda as though it is a panacea. During the last four years, everything has been implemented except the NDA Agenda. The BJP-led Government has been implementing its parallel agenda, that is, the so-called hidden agenda which is no longer hidden.

Sir, when I referred to 6<sup>th</sup> December a couple of days back, I was not referring to 6<sup>th</sup> December of 1992. I was referring to 6<sup>th</sup> December of 2000. It is on that day our Prime Minister was bold to say that *Ram Janma Bhoomi* movement was a manifestation of national sentiment; and that led to a new controversy on account of which this House witnessed a heated, protracted debate. But at that time our Prime Minister was given one year's reprieve by the *Sangh Parivar*. He then said: "I would settle the problem in one year from now". He secured this reprieve at that time and when that one year was over, the V.H.P. went to the Prime Minister through the good offices of Shri George Fernandes, who is a man for all seasons and all reasons.

The Prime Minister said, "He would refer the 1994 judgment to the Law Minister." Please note, Sir, he did not say: "He would refer to the Law Ministry." There were many Press reports in the first and second weeks of March. The Government was of the view that symbolic *puja* could be permitted. None of these reports was contradicted. The silence bespeaks volumes of the conspiracy.

Then, Shri Vishnu Kant Shastri arrived on the scene. I have no problem with him. I do not mind calling him a paragon of constitutional punctiliousness and incarnation of gubernatorial judiciousness. ...*(Interruptions)* Since I have been asked to avoid negative expressions, I am using perfectly positive expressions. He met the Prime Minister and came out. He did not lose even five minutes. He went before all the TV crew and the Press – national, international, regional, vernacular or whatever it is – and said: "What is wrong in doing *puja*? ...*(Interruptions)* How can anybody stop?" I am not going into the past of Shri Vishnu Kant Shastri.

**श्री सोमनाथ चटर्जी (बोलपुर) :** वह हमारा क्लास फ्रेंड था।

SHRI S. JAIPAL REDDY : Shri Somnath Chatterjee says, "He was his class-friend." I do not know whether he feels scandalised.

SHRI SOMNATH CHATTERJEE : He was good so long he was with me. वहां जाकर बर्बाद हो गया!

SHRI S. JAIPAL REDDY : Shri Vishnu Kant Shastri went a day before the matter was heard by the Supreme Court. As the Governor of Uttar Pradesh, when Uttar Pradesh is under President's Rule, he stated clearly and categorically that *shila puja* could go on.

**16.19 hrs** (Dr. Raghuvansh Prasad Singh *in the Chair*)

Now, everybody knew what the Government was up to. But after the Attorney-General pleaded in the Supreme Court in a manner he pleaded, what did Shri Sorabjee say to the Press? He says: "He made it clear that he was not airing anyone's view – I am quoting from the Hindu of 14<sup>th</sup> March – neither of the Government nor that of the Vishva Hindu Parishad. He was otherwise giving out his own view.

May I quote *The Hindu* of the same day, March 14<sup>th</sup>? The Attorney-General had argued in the court earlier in the day. This is by the Prime Minister. "The Prime Minister, Shri Atal Behari Vajpayee today made it very clear that the Attorney-General, Soli Sorabjee, had presented the Government's view in the Supreme Court in the matter of allowing a symbolic puja on acquired land in Ayodhya."

So, the Attorney-General was arguing more outside the court than inside the court. He addressed the international Press for more than an hour. One could hear him speak on live TV. I would like to know as to who was being correct. Was the Attorney-General misleading the country or was the hon. Prime Minister misleading the country?

Now, I will come to another thing. There was a similar contradiction between what the Law Minister said on 13<sup>th</sup> March in Rajya Sabha and I will quote from what the Law Minister said.

SHRI VAIKO : He cannot quote the proceedings of the other House.

SHRI S. JAIPAL REDDY : Under rule 345, I can refer to any policy statement made by the Minister. I am quoting the rule. I was ready with Shri Vaiko's point of order.

This is what the Law Minister said on 13<sup>th</sup> itself in Rajya Sabha. "The Attorney-General appeared on behalf of the Government of India, on being asked by the court about the Government's stand stated, on the Government's reading, an interpretation of judgement in Farooqi's case, temporary user of the undisputed land for performing a brief puja was not *per se* prohibited." It was the case of the Law Minister that this was the position of the Government.

SHRI SOMNATH CHATTERJEE : Of course, has to be!

SHRI S. JAIPAL REDDY : However, the Attorney-General was saying, he was not arguing the Government's case, he was offering his view as *amicus curie*, as great friend of the court, indeed a great friend of the court! When the whole House and the country rose in indignation against this contradiction, the Prime Minister on 14<sup>th</sup> March, when he made a statement in the House, said the following:

"It is the constitutional duty of the Attorney-General to interpret a law or a judgement of the court. When asked by the court to do so, this is what Attorney-General did. When the Supreme Court asked him yesterday, even the symbolic puja on the undisputed land in Ayodhya was permissible."

There is a contradiction between what the Law Minister said in Rajya Sabha and what the Prime Minister said in Lok Sabha the following day. Sir, these are huge contradictions which cannot be wished away at all.

I know, my friend Shri Arun Jaitley who is erudite and resourceful will rise and say, "Shri Jaipal Reddy, you are dull-witted, you do not discern the delicate distinction between the disputed site and the acquired land.

I would like to say as a literate layman to this legal luminary that the Government is the statutory receiver both for the disputed site and the acquired land. You said it in the President's Address. Since you are the statutory receiver, you would maintain the *status quo*. That promise of maintenance of *status quo* was squarely applicable to both the places and this distinction was not only dubious but also it was dangerous.

After the somersaults and shenanigans by the Government and its Attorney General, the NDA partners reacted like jilted lovers. The NDA was taken for granted. The country was taken for a ride. We have been saying this for the

last four years. I said this in 1998.

AN HON. MEMBER: Were you in Congress at that time?

SHRI S. JAIPAL REDDY : No. I have been consistent. I was not in the Congress Party. I was in Janata Dal and said that. This NDA is not a case of love marriage. Love marriage in our tradition is called *Gandharva Vivah*. It is a case of forced marriage. It is not a marriage of conviction. It is a marriage of compulsion. This marriage of compulsion in our tradition is called *Rakshash Vivah*.

Our Prime Minister was complaining about my huge English phrases. When I used this Telugu phrase or Sanskrit phrase in Hyderabad, my TDP friends and BJP friends rose in revolt.

SHRI K. YERRANNAIDU (SRIKAKULAM): What is your marriage in Bihar?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): I have a point of clarification. I want to know this. What is meant by *Rakshash Vivah*? *Rakshash* means *Asura*. Kindly withdraw this word. It is not correct on the part of a parliamentarian like Shri Jaipal Reddy.

**16.28 hrs.** (Mr. Deputy-Speaker *in the Chair*)

It is not fair on the part of you to call the NDA partners as having *Rakshash Vivah*. It is not correct....(*Interruptions*)

SHRI S. JAIPAL REDDY: Our Prime Minister is a Sanskrit scholar in his own way....(*Interruptions*) According to our *Vedic* tradition, it is called *Rakshash Vivah*. If the phrase is permissible in our *Vedic* tradition, I do not know how it is impermissible here.

SHRI T.R. BAALU: No, it is very much unparliamentary. He should withdraw his word.

SHRI KHARABELA SWAIN (BALASORE): Shri Jaipal Reddy, what about your marriage with the Congress? Is it *Rakshash Vivah* or not?

MR. DEPUTY-SPEAKER: I will find out. If it is unparliamentary, I will expunge it.

...(*Interruptions*)

SHRI KHARABELA SWAIN : You were so far in Janata Dal. What about your marriage with the Congress?

MR. DEPUTY-SPEAKER: Shri Kharabela Swain, please.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: I will find out.

SHRI S. JAIPAL REDDY : I would like to make one thing clear. ...(*Interruptions*)

KUMARI MAMATA BANERJEE (CALCUTTA SOUTH): He had got the best parliamentarian award last year. But he is using some filthy language.â€¦ (*Interruptions*)

SHRI S. JAIPAL REDDY : Sir, I am not yielding. ...(*Interruptions*)

KUMARI MAMATA BANERJEE : He cannot say that the NDA is a *rakshasa*. ...(*Interruptions*) He cannot use that word. It should be expunged. Otherwise, he should not be allowed to speak.

SHRI VAIKO : He is fond of *gandharva vivaha*. â€¦ (*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Vaiko, if it is unparliamentary, I will expunge it.

SHRI SOMNATH CHATTERJEE : You do not refer to the marriage; you refer to the offspring.

SHRI VAIKO (SIVAKASI): He is fond of changing parties. He does it very often.. ...(Interruptions)

KUMARI MAMATA BANERJEE : How can he abuse everybody?

MR. DEPUTY-SPEAKER: I have already gone on record. If it is unparliamentary, I will expunge it. I will look into it.

...(Interruptions)

SHRI S. JAIPAL REDDY : Sir, please organise some coaching. I am prepared to offer my services. ...(Interruptions)

**श्री लाल मुनी चौबे (बक्सर) :** उपाध्यक्ष जी, इन्होंने जो शब्द इस्तेमाल किया है, वह असंसदीय है और परसों भी इन्होंने जो शब्द कहा, उसका भाव यही है और इन्होंने गलत कहा है। (व्यवधान)

**उपाध्यक्ष महोदय :** मैंने पहले ही कह दिया है कि जो आब्जेक्नेबल शब्द होगा, उसे मैं एक्सपंज करूंगा।

**श्री लाल मुनी चौबे :** उपाध्यक्ष जी, ये हीन भावना से ग्रसित हैं।

SHRI S. JAIPAL REDDY : It is only a figurative expression. ...(Interruptions)

SHRI VAIKO : Sir, he has attributed the word '*rakshasa*'. ...(Interruptions) He said that we were united by force but on our own we have come together. We are united by cohesiveness, with all love and affection but what about their relationship in Bihar with Shri Lalu Prasad? Let him explain that. ...(Interruptions)

SHRI S. JAIPAL REDDY : Sir, I wish to clarify to my old friend Baalu and to Mamata *didi* that I never said anything against NDA partners. I described the NDA in my own figurative language. ...(Interruptions)

SHRI VAIKO : Do not indulge in wordplay now. ...(Interruptions)

SHRI S. JAIPAL REDDY : Do you want to impose a censorship on metaphors and figures of speech? ...(Interruptions)

SHRI VAIKO : He used a very bad word yesterday and he has been allowed to speak today. ...(Interruptions)

SHRI S. JAIPAL REDDY : I did not say anything – I am making it clear – by way of political reflection on any single NDA partner. I merely made a comment on this strange creature called NDA.

SHRI S.S. PALANIMANICKAM (THANJAVUR): How do you explain your alliance with the CPI(M) in most of the States? You explain that first and then come to talk about NDA partners. ...(Interruptions)

SHRI VAIKO : It was he who called the Congress party a Nazi party.

SHRI S. JAIPAL REDDY : First of all, I never said that. I repudiate that. ...(Interruptions)

Our Attorney-General has been decorated with the Padma Vibhushan. For his fabulous forensic feat on the 13th in the Supreme Court, I suggest that he be decorated with the Bharat Ratna.

Whatever the kind of speeches we make here, they would not cause any disturbance in the States. My friend Shri Vinay Katiyar is not here. I have no personal animosity here. None of us harbours any animosity towards anybody. I really admire the power of his speech. He made one combustible comment and set the Dal Lake on fire. The ornate orations of Jaipal Reddy or pedantic perorations of Somnath Chatterjee can do nothing.

Therefore, we are very weak. We are meek people. We are not as powerful as people like Vinay Katiyar. We are not opposed to *yagnya*. What this country needs is *Mahayagnya* for peace, for communal concord, harmony for the progress of the country. Please perform the *yagnya*, we shall all participate in that....(Interruptions)

I come to *shila daan*. Nobody is opposed to *shila daan* that took place yesterday.

SHRI SOMNATH CHATTERJEE: No, I am.

SHRI S. JAIPAL REDDY : If it happens among the community leaders, among the leaders of religious groups, among private citizens, it is perfectly okay. Because it has happened outside the acquired land, it did not involve the order of the Supreme Court. I am happy to say and repeat that the Supreme Court's order was not violated. That redounds, as I said before, to the resounding glory of the Indian democracy. But the snag is, an official from the PMO looking after Ayodhya Cell was flown in to receive it. Therefore, *shila daan* was polluted by illegal activity. It is not only that, Sir. It is not only a grave illegality, I am afraid, it started another vicious circle. I am afraid, this *shila daan* will become another mill stone around this Government's neck. My leader is saying no, it is another albatross around the neck of the Government. Therefore, my plea to the Government, to the hon. Prime Minister, through you, Mr. Deputy-Speaker, Sir, is that if it is a mill stone around the neck of the Government, we would not bother. Please see that it does not become a mill stone around the neck of the nation.

SHRI KHARABELA SWAIN (BALASORE): Sir, I rise to congratulate the hon. Prime Minister for the very apt decision he has taken for obeying the order of the Supreme Court. Supreme Court means, the order of which is supreme. I think after the hon. Prime Minister has made his speech while replying to the Motion of Thanks on the Address of the hon. President and while he has very elaborately replied to the questions with regard to Ayodhya issue, there is hardly any scope of any debate. It is a virtual drag. The discussion is a totally useless, unnecessary thing after the hon. Prime Minister has already replied to all the questions. But it has got to be a drag because there are hon. Members from the other side who will have to express their command over English, Victorian English. People will have to utilise their English words, like *faux pas*, humongous, gargantuan gulf, punctilious, etc.

They used such words and such words were being utilised so that even persons like Shri Somnath Chatterjee and Shri Sontosh Mohan Dev will also not be able to understand them. ...(*Interruptions*)

SHRI VAIKO : He himself does not understand. ...(*Interruptions*) That is the problem. You ask him the spelling. ...(*Interruptions*)

SHRI KHARABELA SWAIN : So, such words like 'committed by the hon. Prime Minister on the nation' were used. Then the Press would say: 'Oh, what a master of English!'

SHRI VAIKO : Sir, those remarks have been expunged. Those remarks should not go on record.

SHRI A.C. JOS (TRICHUR): No, they have not been expunged. ...(*Interruptions*)

SHRI VAIKO : They have been expunged. You see the record. ...(*Interruptions*)

SHRI KHARABELA SWAIN : Sir, I mean to say that such words will be utilised so that everybody will say, the English media will say: 'what a master of English -

\* Expunged as ordered by the Chair.

he has been attacking the Prime Minister of this country and he is not even

apologetic about it'. Sir, it is only a self-elevating affair, just trying to prove that 'I am such a great master of English, I know the Victorian English and I can utilise it and I can befool everybody'. This is the thing. Otherwise, without those high-sounding words, I did not find a single sentence, a single word of any importance which has not been told outside, which has not been told in the Rajya Sabha or which has not been told here also.

He has made a reference that the whole country rose in indignation. I am particular about the use of the word 'indignation'. Sir, I will show you the 4<sup>th</sup>

February, 2002 issue of the magazine *The India Today*. I will just quote from it. The heading is : 'Mood of the nation - return of the militant Hindu'. Now, this *India Today* people almost every five to six months conduct an opinion poll and they say as to what is the mood of the nation. Here, in this article on 'Mood of the nation' the question asked was : 'VHP has threatened to start the construction of Ram temple at Ayodhya from 12<sup>th</sup> March. Do you want the temple to be built immediately?' Forty-three per cent of the people have supported it. For the question on the courts to resolve the matter, the support was 20 per cent. For the question on the Government to initiate dialogue, the support was 16 per cent and for the question whether the Babri Masjid is to be re-built, the support was five per cent. For the question on maintaining *status quo*, the support was only four per cent. I repeat, the support was only four per cent for the question on maintaining *status quo*. It is not an indignation. The country was happy that the Hindu mind has been respected and both the hon. Prime Minister and the hon. Attorney General have agreed. I fully agree with this sentence said by the hon. Prime Minister when he proudly said earlier that *Ram Janam Bhoomi* is a manifestation of national sentiments. It is true. I say that 85 per cent of the Hindus and even the Sikhs, the

Buddhists, some of the Christians and even some of the Muslims have supported what the hon. Prime Minister has said.

It is not an indignation. The indignation might be with some of the people sitting on the other side portraying themselves to be the so-called secularists. This is not the mind of this country. This is not the mind of the people of this country.

I am coming to the point that let us go to what the Attorney General has interpreted the law with regard to Farooqi's case in 1994. The Attorney General has interpreted it in this way :

"The temporary use of the undisputed adjacent land for the purpose of performing *Puja* was not *per se* prohibited and would not violate the *status quo* order passed by the Supreme Court as this *status quo* order was reasonable, referable only to the disputed site and not to the acquired land."

Is it untrue? Is it not the judgement which was given by the Supreme Court in 1994? If that is so, with regard to embargo, hon. Jaipal Reddy said that there was a distinction between what the hon. Law Minister said, what the Attorney-General said and what the hon. Prime Minister said. What is the distinction? They said that there was an embargo. What is that embargo? The embargo is that the Supreme Court has said that :

"This property cannot be transferred until all the suits are finally settled. Until the litigation comes to a final conclusion, there will be no transfer of property. "

I agree that the Supreme Court had given this verdict like this only. But what does the property mean? The embargo on transfer till adjudication relates only to the disputed areas, while transfer of any part of the excess area ...*(Interruptions)*

Sir, I know that Shri Somnath Chatterjee is a very good Advocate. Even if nobody solicits his advice, he simply goes on just prompting others. I do not require his help. Let him be a great Advocate in the Supreme Court. I do not require his help ...*(Interruptions)* Sir, I would appeal to you that he always chastises me in this House for just opposing him sometimes. Kindly ask him to behave also. He is a very senior man. This is not expected of him. ...*(Interruptions)* It is because I also know how to use my tongue and he has got the taste of my tongue in the past. ...*(Interruptions)*

MR. DEPUTY-SPEAKER: Now, you come to the subject.

SHRI KHARABELA SWAIN : Sir, I will appeal to you to ask him to keep quiet.

The thing is that the embargo on transfer till adjudication relates only to the disputed land, while transfer of any part of the excess land, retention of which till adjudication of the dispute relating to the disputed area, may not be necessary is not inhibited till then. There have been so many Governments from 1994 to 2000. Any Government could have transferred that acquired land to the *Ram Janmabhoomi Nyas*. *Ram Janmabhoomi Nyas* is the sole owner of the property which has been acquired by the Government of India. Anyway, this has not been transferred by any of the Governments. But is it not a fact that these 67 acres of area is undisputed area? With regard to this particular judgement of March 13 also, what did the Supreme Court say? I am just quoting what the Supreme Court has also said this time :

"At present, even if it is the correct reading of 1994 order, we will not allow any *pooja* which will escalate the situation. "

What does it mean? It means that legally, the Government is correct, but because it may escalate the situation, because it may create tension, they have not allowed it. And the Attorney General was also perfectly all right when he also interpreted it in such a way.

Let me tell you, Sir, that the Attorney General is not a Secretary; he is not a Government employee; he is a constitutional entity; he is a constitutional authority. He can also go to the court and say that this is his correct interpretation of the law. He cannot always be guided by what the Government says. He can always say that this is the law. Attorney General is the Law Officer not only of the Government; he is the Law Officer of the country; he is the Law Officer of the nation; he is the Law Officer of the people of this country. He has also got an independent right to interpret the law and he has interpreted it in his own way. He has told this on the television. He has made his comments in front of the foreign media and everybody and said that he had interpreted the law in that way. So, I

mean to say that the interpretation of the Attorney General of India is absolutely perfect because he has already gone through the minds of the people.

Sir, finally, why the Attorney General said so, I just want to put forth one of the reasons before you. The hon. Members in the Opposition say that the entire country is against this, the entire country is indignant. May I ask them the question: "How did we come to power then?" They have all opposed us, they made us untouchables, they went against us and they wanted to consolidate the Muslim votes against us. That is the reason for which the Muslims always resort to tactical voting. Who can defeat us? They may just go on voting for them, and that is all right.

They created such a situation in this country that the majority community of this country thought that here is a party which, at least, after 50 years of Independence, is speaking for the majority people of this country.

Sir, I am proud to be a Hindu. One of the foreigners, one of the outsiders, attacked us, destroyed our most beloved place of worship and built a mosque on that. We kept quiet because we could not retaliate at that time. The structure was a blot on our mother India. It is a matter of shame that such a structure was there. As a Hindu, I can proudly say that it was a matter of shame.

I will give you one simple example. When the Russians vacated Poland, after a long time of subjugation, do you know what the Poles did? They destroyed the Church that was constructed by the Russians. The Poles are also Christians, and the Church is a Christian religious institution. However, the Poles first destroyed it because they thought that this was a national indignity, this was a blot on the Polish nation. That is why, they destroyed it.

Hon. Atalji is here, hon. Advaniji is here. They have said that it was a shame because they did not want the structure to be demolished in such a way. I agree. They are leaders, but for millions and millions of Hindus of this country, that was a matter of a dream coming true, that was a matter of great pride that such a blot had been removed. I can dare say in this House that I am not ashamed that such a thing happened.

I will conclude with one sentence that the people of this country have given a mandate to Shri Atal Bihari Vajpayee to rule this country with 25 other parties as partners in the National Democratic Alliance. We have a mandate, we have a Common Minimum Programme. He is ruling the country according to that, and he will go on ruling this country according to the Agenda of the National Democratic Alliance. I agree that the rulings of the Supreme Court are supreme. ...(*Interruptions*)

SHRI S. JAIPAL REDDY : Sir, I am on a point of order.

MR. DEPUTY-SPEAKER: What is the point of order?

...(*Interruptions*)

MR. DEPUTY-SPEAKER: He is raising a point of order.

SHRI KHARABELA SWAIN : The Supreme Court's rulings are also supreme.

MR. DEPUTY-SPEAKER: He is raising a point of order.

...(*Interruptions*)

THE MINISTER OF STATE OF THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (MAJ. GEN. (RETD.) B.C. KHANDURI): Sir, can we have the rule under which the point of order is being raised? Can we have the rule please?

SHRI S. JAIPAL REDDY : The rule says...(*Interruptions*)

MAJ. GEN. (RETD.) B.C. KHANDURI: Which rule? Please quote the rule. ...(*Interruptions*)

SHRI S. JAIPAL REDDY : The rule says that no hon. Member can make allegations against a particular community, and what is more, he is justifying the demolition of the Babri Masjid, which has been admitted as a crime both in law ...(*Interruptions*)

SHRI KHARABELA SWAIN : Sir, you ask him the rule. I am having the rule book, let him quote the rule. ...(*Interruptions*) I conclude with these two simple suggestions. Sir, the hon. Prime Minister has already told that he appealed to the hon. Court.

MR. DEPUTY-SPEAKER: If any objectionable things are there, I will look into it.

...(*Interruptions*)

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): But a Hindu loves all the people. Vedic studies say that a Hindu should love all the people and that there should not be any discrimination....(*Interruptions*)

SHRI KHARABELA SWAIN : Sir, as the hon. Prime Minister has already said, the Government has appealed to the Allahabad High Court to hold day-to-day hearings on the Ayodhya case and give its verdict. Through this House, I also appeal to the hon. Supreme Court and the hon. Allahabad High Court not to sit over the case, but to give a verdict. Whether it goes in favour of Hindus or somebody else, let the court give its verdict.

My last suggestion is, Shri Atal Bihar Vajpayee and Shri L.K. Advani should continue the process of dialogue. The process of dialogue with the Muslims and Hindus, which was started by His Holiness Shankaracharya of Kanchi Kamakoti Peetham, should continue. Through the process of dialogue Shri Atal Bihari Vajpayee's Government can bring in cohesion and provide a just settlement to the Ram Janam Bhoomi issue. Thank you very much.

(ends)

**SHRI SOMNATH CHATTERJEE : Mr. Deputy-Speaker, the poison that has just now been spread even inside the House is from a BJP Member. He has said these things in the presence of the Leader of the House, the Prime Minister of India; another very tall leader of BJP Shri L.K. Advani, the Home Minister of India; and other senior leaders of the BJP and none of them raised any objection or made any protest! I repudiate it. I repudiate the sordid attempt that is being made to spread the cancer of communalism, hatred, and bigotry, taking advantage of the floor of this House. I can only request my friends who consider themselves secular – whichever side they may be on, I am not pointing out to anybody – to ponder over it and decide for themselves which way they want the country to go.**

**Mr. Deputy-Speaker, this matter is not such a naive matter. We have all respect for the Prime Minister, in spite of Shri Jaipal Reddy's description of him as a flexible hard-liner. This is the first time a Government-sponsored, Government-arranged, direct attack on the secular character of this Constitution took place where the Central Government is involved up to its neck. We all know the genesis of this dispute. How did it reach the flash point resulting in that act of national shame of 6<sup>th</sup> December, 1992?**

**Mr. Home Minister has, only the other day at Amritsar, publicly proclaimed that he came to be the Home Minister of India because of the *Rath Yatra* he undertook. He said that that *Rath Yatra* had resulted in the assumption of power by BJP in this country. They may extol it. But it is because of that that today the Parliament of India, the highest democratic body in the country, is discussing a specific Motion as to the future of this country, as to whether this country will remain united or not.**

**How are things happening? Why is so much discussion taking place on this when the matter is *sub judice*? The Prime**



Minister, or the Government, through the President's Address has made his commitment. Then, why do we have to discuss it again?

17.00 hrs.

Then why do we have to discuss it again? It is because those are becoming anti-assurances. So far as these issues are concerned, this Government says one thing but does quite to its opposite. It is because they want to keep it alive. This is the issue which has given them the taste of power. They know how at appropriate times it has to be revised and revived. Sometimes they have to keep it low and sometimes they have to show that they have given up their real agenda so that this flock may be kept together. But from time to time they go on instigating, sometimes through VHP, sometimes through Nyas, and sometimes through Bajrang Dal. This is happening repeatedly one after another.

Sir, about the recent incidents why there is so much concern throughout the country; why the Government of India have to send para-military forces under the special provisions for the maintenance of law and order at Ayodhya? Why? It is because they cannot control them as they would not listen to the Supreme Court order.

Even yesterday a VHP representative said: "We are not bound by the Supreme Court order." They are confabulating with the Prime Minister regularly. Even after the Supreme Court order of 13<sup>th</sup>, yesterday it was said by the VHP. A venerable man, Mahant Paramhans threatened to commit suicide because he was not satisfied with the Supreme Court order as well as the Government's stand. The International Secretary-General of VHP says: "Well, however, we are committed ourselves ever after the Supreme Court judgement." It was said by the International Secretary-General of VHP; if I am wrong, please correct me.

Therefore, extraordinary precautions were taken. Obviously, Shri Atal Bihari Vajpayee cannot afford another '6<sup>th</sup> of December 1992' to happen in this country because they knew that otherwise their Government would go in a day, whatever may be the so-called affinity between them, they knew that.

Therefore, you had to take extraordinary precautionary steps, not for love of maintenance of *status quo* but for the sake of your Government, Mr. Prime Minister! We had been repeatedly requesting you, Mr. Prime Minister what was the basis on which you gave the assurance to the people of this country, to the nation that by 12<sup>th</sup> March, 2002 this issue would be resolved? ...*(Interruptions)* It is in the record of the House that you were already holding discussions with various persons. Did you expect to resolve it? You hoped to resolve it. Very well, I concede your hope to resolve it. But there must have been some basis for your hope. It just did not come up or come down from the air. We asked you that very day here, "Mr. Prime Minister, with whom are you talking? How do you hope and what is the bases of your hope?" But you did not divulge and we really did not press it because we thought that as Prime Minister, you must have the authority, must have the full opportunity to do it; as the Leader of the House and the Head of the Government, you must be having information and you must be knowing which are the parties or which are the organisations with whom to talk to. But never ever we were reported thereafter that there was no chance of any solution by negotiations until you, Mr. Prime Minister, decided to address a BJP election meeting in Lucknow on 15<sup>th</sup> February, 2002 that there was no longer any chance of a solution by negotiations. Therefore, the only thing left was – as mentioned during the President's Address – it should be done either through negotiations or it should be decided through the court.

In spite of your categorical statement through the President's Address delivered by the President of India, the VHP, the Bajrang Dal, the Nyas, etc. have been openly threatening to go on with some sort of *shila puja* inside the acquired land. They say that they are paying respect to the court order, so far as what is described as the disputed land is concerned, where the mosque stood which was ruthlessly demolished, and that *shila puja* must be done. They say that some sort of foundation will be made. Naturally, the entire country showed concern. Are we going back? In spite of all the protestations by the hon. Prime Minister of India, are we going to have another holocaust in this country? Naturally everybody was worried. The Prime Minister has been assuring and saying not to worry; court's order will be respected by all the organisations, which have been his cohorts and still are, in different capacities. Shri Atal Bihari Vajpayee has never concealed his prior preference for RSS compared even to the Government of India's *gaddi* that he is holding. He has said openly to the international community that he was the *swyam sevak* first; the Prime Minister's *gaddi* may come and may go; it does not matter. Therefore, his priorities are also well known. But how can – in spite of the clearest legal and constitutional position in view of the Supreme Court order – these threats be made? When on 13<sup>th</sup> we had the Supreme Court order, it came as a boomerang for them.

As I said, Shri Soli Sorabjee is one of my very good friends; we have known each other; but I am very sorry to say that he has – for the sake of what, I do not know – compromised the position of the Attorney-General of India. I will come to that later.

Suddenly, the *shila puja* became a *shila daan*. Whose ideas were these? We have been hearing about it before the 13<sup>th</sup> of March. It was not a new or an innovative solution which was suddenly carved out by the Attorney-General, out of his so-called legal interpretation of the judgement. We had been hearing about that. They said that at least *shila daan* must be made. Lo and behold *shila daan* was held.

The Prime Minister said something; I was waiting for him to give the explanation. What he said today is something very serious for the people to consider in this country. He said: शिला को चढ़ा दिया - लेना तो जरूरी था। क्यों, आप क्यों लेंगे? आपका लेना क्यों जरूरी था? उनके शब्द मैंने हिन्दी में नहीं, बंगाली स्क्रिप्ट में लिख लिए। लेना तो जरूरी था, कहां छोड़ेंगे, वह तो कहीं रखना है और आप कैसे उसके बीच में आते

हैं? He could get a brother at least in the name of Ram; therefore, he sent Shri Shatrughan Singh. This is amazing! I could not really imagine it. I sent him a letter day before yesterday, on that day itself. I thought he might not have been told; something may be kept behind him or done at the back of him. So, I immediately wrote a letter at 2.40 p.m. I marked the time also and sent it immediately to his Office, with a request to tell his staff that that was a very urgent letter. I wrote that I have heard it in the TV just now; please see that it does not take place because it was not permissible. But obviously it was thrown to the waste paper basket. It had been held and we heard about it. Somebody went on a special plane and got down there.

Was it the duty of the Government? Actually, the *puja* had gone on. I do not know whether it is the consecrated or deified stone slab but it has now got a special value because the *mahant* has performed some *puja*. It is the consecrated or deified stone slab because yesterday itself the *puja* had started over this. Nowadays everything is being shown. The officer, who had gone there, had paid his obeisance on behalf of the Government of India. Is this the job of an officer of the Government? Was he discharging his official duty? It is unimaginable. Therefore, there is no question of flexibility.

He is a dichard hard-liner. I am very sorry to say Vajpayee ji that you have given a great shock to the people of this country. Now it has been kept somewhere as you are searching for some temple. छोड़ना तो होगा, कहां छोड़ेंगे, रखना जरूर है। What is your job? Either under that Act or under the Constitution of India, is this your concept of secularism that you take part in religious ceremonies in this country? Who will perform the *puja* henceforth, you will have to tell us Vajpayee ji. Under what arrangement was the Government of India a party to the arrangements of holding of regular *pujas*? Will there now be *puja* or no *puja*? Some *pujari* has to be there. Who will pay him the salary or the *parmani*, as you call it?

May I ask with all humility, could you have sent a Muslim, a Christian or a Sikh officer? The Government of India had to choose an officer of a particular religion to discharge this duty. You are objecting to *rakshas vivah*. I am not supporting it. You have your own objections, Balu Garu. Is your conscience not disturbed? You are a Minister in a Government which is spending money to take part in religious ceremony. On behalf of the Government you are holding the so-called consecrated *Shila*. It is entirely for people like you. At least you are known to be secular.

Therefore, I say that this is a deliberate attack on the secular structure of the Constitution and of the Government of India. I have said it earlier also and I repeat it here, it is a Constitutional sacrilege and the Prime Minister and all his Ministers, who had taken oath for the preservation of the Constitution of India, have breached that oath. Nowadays, a lot of explanations or definitions of secularism are being given. One sample of which we had a little while ago. If that is the secularism being contemplated by our Constitution then I would say that the Constitution has lost all its relevance. If I give a meaning to the word secularism, you will not accept it. All sorts of snide remarks are being made.

Sir, I am reading a few passages from the Supreme Court judgements. Mr. Law Minister, you have got all the copies with you. I am quoting from page 401 of 1994, Volume VI of the Supreme Court cases where there is a quotation from S.R. Bommai case. After referring to the Setalvad Lecture, he stated:

"Religious tolerance and equal treatment of all religious groups and protection of their life and property and of the places of their worship are an essential part of secularism enshrined in our Constitution. We have accepted the said goal not only because it is our historical legacy and a need of our national unity and integrity but also as a creed of universal brotherhood and humanism. It is our cardinal faith. Any profession and action which go counter to the aforesaid creed are a *prima facie* proof of the conduct in defiance of the provisions of our Constitution. "

Mr. Prime Minister, you are guilty of doing that. Now I read from page 402. In the same case Justice Ramaswamy stated:

"The concept of secularism of which religious freedom is the foremost appears to visualise not only of the subject of God but also an understanding between man and man. Secularism in the Constitution is not anti-God and it is sometimes believed to be a stay in a free society. Matters which are purely religious are left personal to the individual and the secular part is taken charge by the State on grounds of public interest, order and general welfare. The State guarantee individual and corporate religious freedom and dealt with an individual as citizen irrespective of his faith and religious belief and does not promote any particular religion nor prefers one against another. The concept of the secular State is, therefore, essential for successful working of the democratic form of Government. There can be no democracy if anti-secular forces are allowed to work dividing followers of different religious faith flaying at each other's throats."

Sir, the next paragraph is also from same Justice Ramaswamy's judgement which says:

"It would thus be clear that the Constitution made demarcation between religious part personal to the individual and secular part thereof. The State does not extend patronage to any particular religion, State is neither pro particular religion nor anti-particular religion. It stands aloof, in other words maintains neutrality in matters of religion and provides equal protection to all religions subject to regulation and actively acts on secular part. "

Therefore, it has nothing to do with religion. Justice B.P. Jeevan Reddy in the same context in the decision stated:

"While the citizens of this country are free to profess, practise and propagate such religion, faith or belief as they choose, so far as the State is concerned, i.e., from the point of view of the State, the religion, faith or belief of a person is immaterial. To it, all are equal and all are entitled to be treated equally. How is this equal treatment possible, if the State were to prefer or promote a particular religion, race or caste, which necessarily means a less favourable treatment of all other religions, races and castes. "

It further says:

"Secularism is thus more than a passive attitude of religious tolerance. It is a positive concept of equal treatment of all religions."

What happened on the 15<sup>th</sup> March? Was it not a preference to one particular religion or group professing one particular religion which are openly against the minority?

Its protagonists are VHP. They never tried to suppress their anti-minorityism. Is it not that today the Government of India has openly favoured one particular religion? It has emanated from the Prime Minister's Office. It was not the response of a nervous junior officer at the site. It is upon deliberation that it has been done. Because that was the understanding obviously with the *Sadhus* or the *Nyas* or the VHP. Special arrangements were made. That is why they said, at least you can make *shila dan*; we shall make arrangements. That is why my good friend Shri Soli Sorabjee has made the greatest mistake of his life, I think. I hope he realises it.

Justice Verma, at page 403 quoting from Justice Jeevan Reddy said:

"Any step inconsistent with this constitutional policy is in plain words unconstitutional."

That is my humble submission. This Government is guilty of the grossest type of unconstitutional act. There are other quotations and very important passages; but I do not want to take the time of the House quoting them. At least the hon. Law Minister has read them.

Now everybody is taking shelter under the Attorney-General's *suo motu* statement before the Supreme Court as the Law Advisor of the nation, as if he is the spokesman. I just now heard that he is the Attorney-General for the people of India. Peculiar concepts are being made. He is very much the Attorney-General for the Government of India. What is his job?

"It shall be the duty of the Attorney-General to give advice to the Government of India upon such legal matters and to perform such other duties of a legal character as may from time to time be referred or assigned to him by the President and to discharge the functions conferred on him under this Constitution or any other law for the time being in force."

Where is it stated here that the Attorney-General can go on making *suo motu* legal interpretations of law and that will be binding on the people of this country? Amazing contentions are being put forward. It is being said 'Well, it is his duty'. Our Law Minister is in agony, I know that. He is caught in his own web. He must also have made a mess of his advice because he was a party there. The Prime Minister summoned him and the Attorney-General. Why did he summon the Attorney-General if everything was left to the Attorney-General to decide and he need not follow the advice of the Government of India? That is what we have been told. He could ignore everything. He is a *sui juris*. He is very much appearing there on behalf of a client and the client is the Government of India. The Supreme Court has not appointed him as an *amicus curiae*, friend of the court, as is being said. He was there holding the brief of the Government of India, as a lawyer of the Government, his client. It has been admitted by the Law Minister and

the Prime Minister of India that what he said was on behalf of the Government of India and that he has not given any gratuitous advice to the Supreme Court. But, we have been told, 'Well, in his own wisdom he has interpreted the law. How can you take objection?'

Sir, which law has provided that 56 *sadhus* can go in? Which law says that you can stay there for three hours? Which law says that it will be merely a *shila daan*? These are essentially instructions on facts and any lawyer, even the junior most lawyer, will know what is an interpretation of law and what is a statement of facts. Obviously, we take instructions on facts from the clients. I have also had some humility, very very humble experience not compared to the eminence of the Law Minister or the Attorney-General. We know what is meant by instructions from the clients. We take instructions on the facts really on certain course of action. But what I shall argue and what law will be argued, obviously I would not take instructions from a lay client. We have made distinctions between law clients and professional clients. When we had the system of solicitors in Calcutta High Court, as barristers we could not appear without a solicitor and the solicitor is a professional client because he has to pay my fees. But obviously, we discuss law with them. When we were junior lawyers, very senior solicitors used to tell us that these are the points of law on which you can argue. But I know no lawyer worth the name who will take instructions on questions of law from a lay client. But at least, without knowing the facts, how can you argue on a factual position? And that is what the Supreme Court wanted to know as to what is the factual position of your client. Is it a matter of law that 50 or 60 or 200 or 2000 people will go in for a *puja*?

Another distinguished lawyer in the Government is Shri Mukherjee. I am very happy and proud that he is one of the leading lawyers in Calcutta High Court and also in India. This is something so amateurist to be thought of. It is nothing but gives an impression to me that Shri Atal Bihari Vajpayee, with all eminence, is trying to take shelter or cover under Attorney-General's office. And this is nothing but cowardice.

Now, it is a very significant omission in the statement which he read out on the 14<sup>th</sup>.

"No affidavit or written submissions were filled on behalf of the Government. It was only after the conclusion of the petitioner's Counsel's arguments, on being asked by the Court, that the Attorney-General submitted that.."

What was said by the Law Minister and what was said by the Prime Minister? The words "on being asked by the court on the Government's stand" are missing from the statement. I have no manner of doubt that it is a conscious omission and I charge this Government that they are trying to take this House and the country for a ride. Ask him about what? The legal interpretation of what? The judgement? Is there any reference in the judgement about any *shila daan* or *puja*? .....(Interruptions) I know that and I will come to it. You need not grin, Mr. Law Minister. I know what you are going to refer to and I shall myself read it out. I will read the relevant and not the irrelevant portion because somebody may be feeding some Members to read out what they would like to be read out. The Law Minister said in the other House as "on being asked by the court on the Government's stand and the Government's case". The Prime Minister also said that in his statement, which has not been contradicted so far, that Attorney-General Soli Sorabjee has presented the Government's views in the Supreme Court in the matter of allowing symbolic *puja*. Whose idea was to hold a symbolisc *puja*?

Symbolic *puja* was the idea of VHP. Is it a matter of law? Suddenly, Shri Soli Sorabjee had some divine input in him, divine inspiration in him that he said, let us have *puja*, symbolic or otherwise. Sir, I am sorry to say that such a mutilation has been made in the statement. It is a deliberate suppression. The whole intent is to make a limit on the Attorney-General's inspirational gratuitous advice without consulting the client. Another attempt is being made that Supreme Court has not prevented the disposal of this acquired properties, as if the Supreme Court has permitted them to do whatever they wanted to do, at any point they liked. This is deliberate misreading of the judgement. Otherwise, in their agony, they cannot find out any foothold. So, interpret the judgement wrongly. I was amazed when I heard on the television the former Law Minister's speech trying to give a way out and the Prime Minister's commendation complimenting the Law Minister that "sometimes you do some good. Why did you not advise me earlier? I would have done it." Some times lawyers become handy to this Government and sometimes NDA allies become handy to this Government.

MR. DEPUTY-SPEAKER: Shri Chatterjee, Law Minister is going to follow you.

SHRI SOMNATH CHATTERJEE : Mr. Deputy-Speaker, Sir, at least let me have the satisfaction that I have placed these things before the House.

Now, let me come to paragraph 45, which is your favourite paragraph. You are quoting everywhere these two paragraphs, 45 and 46. This is a transitory provision. The scheme is the Government has acquired the land. The actual dispute is whether the mosque which was demolished belongs to Hindus or Muslims. That would depend

upon the determination. But for proper enjoyment of the actual structure that may come up, either the mosque or temple, the Supreme Court may have to give the decisions with regard to proper user of the temple or the mosque. The Supreme Court will decide and till then the Government of India can give it to some parties, if it so thinks fit, only for the purpose of this act, not for anything and everything. Let us see how the Supreme Court is reading it. I will read it:

"Section 7 as we read it, is a transitory provision, intended to maintain *status quo* in the disputed area, till transfer of the property is made by the Central Government on resolution of the dispute. This is to effectuate the purpose of that transfer and to make it meaningful avoiding any possibility of frustration of the exercise as a result of any change in the existing situation in the disputed area during the interregnum. ...(*Interruptions*) "

MR. DEPUTY-SPEAKER: This is a caution for you to conclude now.

SHRI SOMNATH CHATTERJEE: I do not think that by doing this act, I can be put off. I did not realise it. Further:

"Unless *status quo* is ensured, the final outcome on resolution of the dispute may be frustrated by any change made in the disputed area which may frustrate the implementation of the result in favour of the successful party and render it meaningless. "

Then, I invite your attention to page 407. Kindly come to that. My dear young man, do not be impatient. Sir, he is much younger to me. Maybe he is more learned than I am. Further:

"The justification given for acquisition of the larger area including the property respecting which title is not disputed is that the same is necessary to ensure that the final outcome of adjudication should not be rendered meaningless by the existence of properties belonging to Hindus in the vicinity of the disputed structure in case the Muslims are found entitled to the disputed site. "

Please come a little lower down to this which says:

"Obviously, it is for this reason that the adjacent area has also been acquired to make available to the successful party, that part of it which is considered necessary, for proper enjoyment of the fruits of success on the final outcome to the adjudication. It is clear that one of the purposes of the acquisition of the adjacent properties is the ensurement of the effective enjoyment of the disputed site by the Muslim community in the event of its success in the litigation; and acquisition of the adjacent area is incidental to the main purpose and cannot be termed unreasonable. "

It is for the proper enjoyment of the disputed site whoever wins. It is to ensure the effective enjoyment of the disputed site.

It was contented that the dispute is to that portion of the land and why had the Government taken so much land. The Supreme Court is answering that question. It is for the proper enjoyment of the disputed site. Ultimately, if it is going to the Muslim community, it is necessary; and it is proper that this acquisition should be made.

Sir, kindly see paragraph 50 which says:

"However, at a later stage when the exact area acquired which is needed, for achieving the professed purpose of acquisition, can be determined, it would not merely be permissible but also desirable that the superfluous excess area is released from acquisition and reverted to its earlier owner. "

This is the position when the Supreme Court has decided what will be the exact area of the acquired site that would be need.

Therefore, it says that when it is found out that any part of the acquired area is no longer necessary because adjudication has already been made, then it can be released and it should be released. Why should the Government keep it?

It further says:

"The challenge to acquisition of any part of the adjacent area on the ground that it is unnecessary for achieving the objective of settling the dispute relating to the disputed area cannot be examined at this stage but, in case the superfluous area is not returned to its owner even after the exact area needed for the purpose is finally determined, it would be open to the owner of any such property to then challenge the superfluous acquisition being unrelated to the purpose of acquisition. "

The Supreme Court says that it cannot be so unless it is finally decided.

Suppose the Supreme Court finds that it belongs to the Muslims and if they need that another 40 acres should be given to them, then it would decide. Whether it is 25 or 27 acres or whatever it may be, if that is not given and returned, then the owner can go to the court. This is the clearest intention now. There are a few paragraphs under the heading "Conclusions". What have those paragraphs said? It is absolutely clear. Please refer to paragraph 10 in page 423....(Interruptions) If you want to listen, you can listen. Please do not go by the wrong information given to you. ...(Interruptions) Sub-paragraph (6) says about the vesting of the adjacent area. This is the summary of the conclusion of this judgement given by the Judges themselves and not by others.

Paragraph 6 says:

"The vesting of the adjacent area, other than the disputed area acquired by the Act in the Central Government is absolute."

There is a question. They say that this can be made over any time they like and all the rights of the previous owner remain and that is being solemnly argued.

...(Interruptions)

**श्री लाल मुनी चौबे** : उपाध्यक्ष महोदय, इसमें बचा ही क्या है। माननीय सदस्य जिन बातों को कह रहे हैं, उनका इन बातों से कोई संदर्भ नहीं और न ही उनसे जुड़ता है। जब कोर्ट का फैसला हो ही जाना है। (व्यवधान)

MR. DEPUTY-SPEAKER: The Law Minister is also here. He would give the reply. ...(Interruptions)

**श्री लाल मुनी चौबे** : उपाध्यक्ष महोदय, सब ने पढ़ लिया है और सब को पता है तो लकीर पीटने से क्या मतलब है? संसद का समय कीमती होता है और यह समय ऐसे ही जा रहा है।

SHRI SOMNATH CHATTERJEE : It further says:

"The vesting is absolute with the power of management and administration thereof in accordance with sub-section (1) of Section 7 of the Act, till its further vesting in any authority or other body or trustees in accordance with the Section 6 of the Act. The further vesting of adjacent area, other than the disputed area, in accordance with Section 6 of the Act has to be made at the time and in the manner indicated, in view of the purpose of its acquisition."

I do not know whether the attention of the Prime Minister has been drawn to paragraph 9. It says:

"The challenge to acquisition of any part of the adjacent area on the ground that it is unnecessary for achieving the professed objection of settling the long-standing dispute cannot be examined at this stage."

Why not? It is being said by eminent lawyers that at this stage means after the judgement, it can be. It further says:

"However, the area found to be superfluous on the exact area needed for the purpose being determined on adjudication of the dispute, must be restored to the undisputed owners."

If any land is extra, upon the determination of the dispute, it can be returned to the owner.

Now, it is being contended. Any time, the successive Governments have failed in not returning this extra land. How

can the Government take a decision when the matter is before the court? This Acquisition Act has been upheld. The necessity of acquiring adjacent area has been upheld. The Supreme Court said that it is necessary and it cannot be determined at this stage. It can only be determined on the final determination of the dispute. Then, how all these theories are being adumbrated? How this organised campaign is being made? It is said that it could be easily restored. The successive Governments have failed in returning them and they could not touch any inch of it. It has become a matter of law, whether you like it or not. Would you give an illegal interpretation? You cannot try to give the lawful or legal interpretation.

Therefore, this is a deliberate attempt to take the country for a ride, trying to say that the Government in any event had the right to give it to anybody it likes, without determination, and the Supreme Court has now made it clear. Therefore, the Supreme Court at least now saved this country from being torn apart. I charge that this Government has deliberately, wantonly compromised with one religion, taking active part in the religious ceremonies, pandering to the communal elements just because they want to have their own brand of *Hindutva* to pursue because they survive with their support.

It is being said as the majority are Hindus, the black spot should be removed. Is it not a pluralistic society? The Prime Minister say day in and day out that it is a secular country and we have a secular Constitution and the Government is bound to uphold it.

Is this the way secularism is being upheld? Are you thinking of the minorities? Gujarat is in flames again. This is the result of this poison that is being spread; this is the result of this compromise, unconstitutional, unethical, immoral compromises that are being made for the sake of remaining in power. Mr. Vajpayee, save this country; do not surrender yourself to these fundamentalists and fanatics. The nation will never absolve you from this.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): Mr. Deputy-Speaker, Sir, I am very grateful to you for having permitted me to intervene in this debate. This discussion was originally scheduled for the 14<sup>th</sup> in a different format. It could not take place and thereafter, yesterday, on the 15<sup>th</sup>, even though some prophets of doom had predicted the worst, the entire programme at Ayodhya passed off peacefully. Ordinarily, we would have thought that, after the peaceful conclusion of the functions at Ayodhya yesterday, the whole issue, for the time being, at least, required no further debate, but going by the speeches from the Opposition Benches that I have heard, I think, there is a considerable disappointment that nothing happened yesterday.  
...(Interruptions)

Sir, after listening to the speech of Shri Jaipal Reddy, I was almost certain that he was humongously disappointed. He was humongously disappointed because one would normally have thought that there is a very major issue on which this House must assemble on a Saturday afternoon and sit till late hours on Saturday evening – something which we normally do not do – and I expected some very strong points, maybe some humongous logic. But verbosity is never a substitute for logic. He was struggling today not merely to find out where the point was, not merely to make a mountain of where there was not even a molehill, but because nothing happened yesterday and eventually all he did was to hair-split words and then made two points.

The first one was this. Was the Attorney General appearing for the Government of India? Was the Attorney General an *amicus curiae*? Was the Attorney General giving his own interpretation of law or was it as per my statement in the Rajya Sabha on the 13<sup>th</sup>? Was he making a statement when asked to interpret on behalf of the Government of India? All he did was hair-split and then he suddenly became jealous of the marriage, which he said, that exists between the NDA partners.

Sir, he called it a marriage of convenience, a marriage of compromise, a marriage of compulsion and then probably imagined a devilish marriage also. We agreed on a Common Minimum Agenda of the NDA. We called it the NDA Agenda. We entered into this solemn arrangement after publicly stating before the entire country that we stand by every word of the NDA Agenda. It was a political alliance which came into existence before the last elections and we have categorically said – the Prime Minister, in his statement, said – that we stand by every word that is said in the Agenda. But I may remind him that when political parties which are accountable to the country come together on a particular agenda, it is a promise that they make to the nation.

Our position is very dissimilar to the position in which he finds himself. He belongs to a political party that suddenly evaporated from the national political scene.

SHRI S. JAIPAL REDDY : May I make a point?

SHRI ARUN JAITLEY: As many as you will make a point to NDA.

SHRI S. JAIPAL REDDY : The Prime Minister made this point. I resigned from the Congress Party in 1974 against Emergency. You did not appreciate it. Why have you staged a U-turn now? I do not have to go into the whole logic. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please do not interrupt the Minister of Law.

SHRI ARUN JAITLEY: I quite admire and also sympathise with my friend's position. On what happened during the Emergency, he resigned from the Congress Party. We compliment him for that. Emergency was a great political development. He agrees with us and not with his colleagues on that. What happened in 1984? Probably, you agree with us and not with your present company. When the Bofors scam exploded, you agreed with us and not with your present company. ...(*Interruptions*)

How should I describe this marriage? Shall I call it compulsion? Shall I call it convenience? You called it devils' marriage. But I may remind him that there are different kinds of marriages that exist in several jurisdictions. In the State which I represent in the Rajya Sabha, they call it the '*maitri karar*'. For a temporary convenience, you come together. You may agree or may not agree. Therefore, every time, you make this point about the NDA partners. They have publicly proclaimed it. As political parties, on a common agenda, we have come together and we stand by every word of the agenda.

SHRI SOMNATH CHATTERJEE : Come to the point.

SHRI ARUN JAITLEY: I am certainly coming to the point. I have pointedly come to the point because I must make it his point which, Shri Somnath Chatterjee, you made.

SHRI SOMNATH CHATTERJEE : About marriage?

SHRI ARUN JAITLEY: I was only referring to his marriage.

SHRI SOMNATH CHATTERJEE : Young man, you are still excited about marriage.

SHRI ARUN JAITLEY: After referring to what he has to say, I will certainly refer to what you have said about the office of the Attorney-General and what you had to say about the 1994 judgment.

I quite appreciate your position also because, at times, I find myself in a dilemma. Keeping too much away from courts, we start getting those withdrawal symptoms. We start arguing the court cases in the House itself.

SHRI SOMNATH CHATTERJEE : It has to be argued. You are making the point of politics a point of law.

SHRI ARUN JAITLEY: I will certainly put the point across to you.

Shri Jaipal Reddy, the principal question you put to us was and you said that you were a layman. I do not claim to be any authority of law.

This is the question that has been arising for the last few days. What is the position of the Attorney-General? I must say, Shri Somnath Chatterjee, I was disappointed when that position came from you. Is the Attorney-General merely a spokesman of the Government? Is he merely an Advocate for the Government and he has no independent stature independent of that?

Before I come to this question, please remember the history. The history of office of the Attorney General is that it was a constitutional office that was created – an independent constitutional office outside the Government. Why did they think of considering it outside the Government? They wanted the Government to have benefit of an independent legal advice and not merely an advice on every occasion which the Government would like it to suit its stand.

SHRI SOMNATH CHATTERJEE : You are absolutely right. But here he was appearing for the Government.

SHRI ARUN JAITLEY: Please do not interrupt me for a moment. We have had in this country earlier precedents. I remember one that Shri Setalwad quotes in his book:

"A question arose under the Government of India Act. What is the position of an Advocate-General or an Attorney-General"

Under the Government of India Act, there was a joint parliamentary committee and the joint parliamentary committee of our predecessor institution very clearly stated that this is an institution which must operate independent of the politics and the political fortunes of the Government of the day. He cannot tend his advice merely because the



government has this stand or the Government has some alternative stand. It is for this reason when Shri Setalvad was one of the premier occupants of this office, the then Law Minister, Shri Sen, had a proposal, in fact, to abolish the office and merge the two offices of Law Minister and Attorney-General into one. There was a national debate, every jurist expressed his opinion, all bar associations debated and the then Prime Minister Shri Nehru sided with the opinion of the Attorney-General to say, "you cannot combine these two offices because you need an independent constitutional authority outside the Government machinery which can stand up and even tell the Government, here I consider that you are wrong on this particular issue". On the question of law, the Government is not supposed to direct the Attorney-General, they are not supposed to direct the Advocate-General.

One of the tallest lawyers of our generation, Shri Seervai, who for more than 17-18 years was the Advocate-General of Maharashtra - one of the distinguished constitutional lawyers India has seen -- when directed by the Maharashtra Law Minister to take a particular legal stand in a court, he clearly took up a position and the whole country and the legal judicial fraternity supported him that as far as a matter of law is concerned, the Government is seeking the advice of the Attorney-General. Government may or may not find themselves bound by that advice. But that is an independent advice.

Even in the court, the Attorney-General can give an interpretation of law which may not suit the Government of the day. In fact, there are precedents and somebody with your experience would know that law officers have the authority to stand up before the court and say that I feel in this case my client does not have a case and sit down. Ordinary lawyers normally do not do that, but that is the level of fairness which is expected from the Attorney-General and these officers.

They are right, there is no confusion. The Government of India is a respondent in the petition which has been filed before the court. The Attorney-General appears for the Government of India and when the court asked him what is your interpretation of the 1994 judgement, under the 1994 judgement, do you find there is any prohibition on a symbolic puja, the Attorney-General must take the stand which he considers to be correct and not what Shri Setalvad writes, "be dependent upon the politics of the same".

SHRI S. JAIPAL REDDY : What about the hon. Minister's statement in Rajya Sabha?

SHRI ARUN JAITLEY: Yes - my statement in Rajya Sabha - if he does not hair split again, it is clear, he did appear for the Government of India.

SHRI S. JAIPAL REDDY : The stand of the Government!

SHRI ARUN JAITLEY: Yes, the Attorney-General endorsed it. When the Attorney-General appears on a question of law, he takes a stand which the Attorney-General considers to be the correct stand.

SHRI SOMNATH CHATTERJEE : Please yield for half-a-minute.

We have a great respect for him. He is one of the brilliant lawyers this country has produced. We all respect him. But what I have said, that is the glory of the office. There have been certain pitfalls, which the hon. Minister also knows. It is unfortunate. Everybody is not Motilal Setalvad. Unfortunately, there have been aberrations in between. What I have been saying is whether 50-60 sadhus going there sitting there for three years, hold a *puja* or giving a *shila-daan*, is not a question of interpretation of law. These very figures have emanated from the Prime Minister's office as a solution. These are questions of fact. How many people should go? How long they will stay? Is it a matter of legal interpretation?...(*Interruptions*)

KUMARI MAMATA BANERJEE : Sir, there are so many speakers, please allow them also to speak.

MR. DEPUTY-SPEAKER: He has yielded.

SHRI S. JAIPAL REDDY : I am quoting from the policy statement made by the Law Minister in Rajya Sabha.

### **18.00 hrs.**

"The Attorney-General of India appeared on behalf of the Government of India." The Attorney-General was not asked to interpret the judgement of Supreme Court delivered in 1994. Then, on being asked by the court about the Government's stand, the Attorney-General says: "On the Government's reading, on interpreting the judgement" - the Government also interprets the judgement in Farooqi's case, the temporary use of the undisputed land for performing a brief *puja* was not *per se* prohibited."

I am reading from the statement made by the hon. Law Minister in the other House as late as 13<sup>th</sup> of March.

SHRI ARUN JAITLEY: I am very glad my two very distinguished colleagues have sought this matter again and wanted a clarification on this. Yes, the Attorney-General appears, as I said, in the case on behalf of the Government

of India. When the Attorney-General appears on behalf of the Government of India, it is a clear precedent that when he interprets law, it is the Attorney-General's interpretation that he gives....(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Basu Deb Acharia, he has already yielded. He is not yielding.

SHRI ARUN JAITLEY: The Attorney-General, appearing on behalf of the Government, when he interprets law, in the matter of interpreting the law, he does not take any instruction as far as the Government of India is concerned.

Now, Shri Somnath Chatterjee has asked about this. The Attorney-General then gets up and makes a plea in court that in case at any stage the court is inclined to permit the *puja*, then having considered the whole matter, these are the tight restrictions which I believe should be imposed....(*Interruptions*) It is not for you.

SHRI BASU DEB ACHARIA : What is the Government of India's interpretation?

SHRI ARUN JAITLEY: The Attorney-General, in matters of interpreting the law, interprets the law in his own right and not on any legal instruction of the Government. This is a clear precedent which has existed throughout. As the Attorney-General himself has said that any law officer with any amount of dignity on matters of law does not accept instructions or directions of the Government. He interprets the law as far as his own rights as Attorney-General are concerned.

Two very interesting arguments have been raised by Shri Somnath Chatterjee. First, he says, is that insofar as accepting of a *Shila* by an officer is concerned, this itself amounts to something which is unsecular in character. He has read out paragraphs from the judgement of the Supreme Court. But we do not need the Supreme Court itself to tell us what secularism is. We may have different interpretations of meaning of secularism. For one side, we are all very clear about that. In terms of secularism, the State has no religion. Secularism rejects the concept of theocracy or concept of a State religion. The State does not discriminate on the basis of religion. But he goes a step further and says if in any religious function or if any religious procession comes, the State accepts through its officer a *Shila* in order to see that tensions are defused and India acquires an unsecular character. Sir, may I remind him?...(*Interruptions*) That is the direct consequence of what we gave....(*Interruptions*) Sir, I recollect that it was no ordinary functionary from the civil service who was sent there in order to make sure that tensions are defused. If Shri Somnath Chatterjee looks to his right, he will remember that when the *Shiladaan* was performed in 1989....(*Interruptions*) Please look to your right.

SHRI SOMNATH CHATTERJEE: That was wrong.

MR. DEPUTY-SPEAKER: Please do not interrupt. Let him say. His interpretation and his viewpoints should be recorded uninterruptedly.â€¦ (*Interruptions*)

SHRI BASU DEB ACHARIA : Our stand is consistent.

SHRI ARUN JAITLEY: Your company is inconsistent. ...(*Interruptions*)

When the *shilanyas* was performed, it was no small officer who went to observe what was happening. You had a Minister of the Central Government present there to watch what was happening. The *shilanyas* was attended by the Home Minister of the Government of India at that time.

SARDAR BUTA SINGH (JALORE): It is absolutely wrong; it is totally false.

SHRI MANI SHANKAR AIYAR : He cannot be allowed to get away with this. The Home Minister of the time has stated here that the allegation is completely false. ...(*Interruptions*)

SARDAR BUTA SINGH : It is totally false. I have never visited Ayodhya.

SHRI MANI SHANKAR AIYAR : If Shri Arun Jaitley is right on facts, Shri Buta Singh is telling untruth.. If Shri Buta Singh is right on facts, the Law Minister – I use my words very carefully – is telling untruth, unless he withdraws it.

SARDAR BUTA SINGH : It is absolutely false. Let him prove it.

श्री राम नगीना मिश्र (पडरौना) : उपाध्यक्ष महोदय, उस समय मैं भी था। उस समय श्री राजीव गांधी जी प्रधान मंत्री थे। उनके आदेश से शिलान्यास हुआ, काम शुरू हुआ लेकिन बाद में मंत्री जी ने उसको रोक दिया। â€¦ (व्यवधान)

SHRI ARUN JAITLEY: I have absolutely no difficulty if Shri Buta Singh says that he did not go there. ...(*Interruptions*)

SARDAR BUTA SINGH : It is a totally false.

SHRI ARUN JAITLEY: If he says that he was not present, I accept it. There is absolutely no difficulty. He is a senior Member. I accept what he says but let me remind this House that in 1989 the entire *shilanyas* was performed with the complete blessings of the Central Government. This is something that Shri Buta Singh cannot deny.

We have not one religious denomination but almost every religious denomination. The State does not accept religion. There is no State religion or theocracy but at times from a distance without in any affecting this impartiality the State is itself a facilitator. We have the Wakf Boards, which the State constitutes. We have elections to religious institutions, which the State conducts. We have official delegations of the Government to the Haj. We have assistance of the Government for the performance of the *yatras*. I am not for a moment questioning them. We have civil service officers of the Government – Tirupati is an example - deputed and sent to those organisations. The great temple of Lord Venkateswara is an example. The State does not lose its secular character. ...(*Interruptions*)

SARDAR BUTA SINGH: Those are done by Acts. He does not know anything. What is he talking about?

SHRI ARUN JAITLEY: I am very grateful to Shri Buta Singh who said that these were all done by Acts, though not all of them are done by Acts. Participation in the Haj is not by an Act. Assistance in terms of finances is not done by an Act; it is done by an executive decision of the Government. He is right about the Administrator at the Tirupati temple, the Wakf Board Act and the SGPC Act. ...(*Interruptions*)

SHRI A.C. JOS : Here, it is a question of participating in a ceremony.

MR. DEPUTY-SPEAKER: Let him say whatever he wants.

SHRI BASU DEB ACHARIA : Can Government officials participate in religious ceremonies?

SARDAR BUTA SINGH : This very Parliament has passed Acts to protect the interests of minorities. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: He is not yielding....(*Interruptions*)

SARDAR BUTA SINGH : He does not know anything about law. ...(*Interruptions*)

SHRI ARUN JAITLEY: I was trying to find out how the offerings at the Ayodhya makeshift temple are maintained today under the directions of the Courts. The temple is continuing under the directions of the Courts. It is the Commissioner who is the authorised officer....(*Interruptions*)

SARDAR BUTA SINGH : He is a Receiver. ...(*Interruptions*) You cannot mislead the House. The Government always appoints a Receiver. ...(*Interruptions*) You should not mislead the House. The Court orders are there. ...(*Interruptions*)

SHRI ARUN JAITLEY: Sir, I need protection. This kind of things cannot go on.

MR. DEPUTY-SPEAKER: Sardar Buta Singh, the hon. Minister is not yielding.

SARDAR BUTA SINGH : Sir, he is misleading the House. Being a lawyer, he is misleading the House.

MR. DEPUTY-SPEAKER: But he is not yielding to you. ...(*Interruptions*)

SARDAR BUTA SINGH : Even if he is not yielding, he has no right to mislead the House. We cannot allow this. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Sardar Buta Singh, let me tell you. ...(*Interruptions*)

SARDAR BUTA SINGH : We cannot allow this. He is misleading the House. Being a lawyer he has no right to do it. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: If he is misleading, you have the option to move a privilege motion against him. ...(*Interruptions*)

SARDAR BUTA SINGH : In any way we will do it. But he is misleading the country. ...(*Interruptions*)

SHRI ARUN JAITLEY: Sir, we are a multi-religion and pluralistic society. I have a list where not by Acts of Parliament or State Legislatures, regarding the religious institutions, where the Government only acts from a distance as the facilitator without

SHRI A.C. JOS :It is participating in a ceremony. Mr. Minister, do not fool us. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Jos, the hon. Minister is not yielding. You cannot interrupt like this unless he yields to you. You cannot interrupt like this. ...(*Interruptions*)

SHRI A.C. JOS : He is twisting the point. It is participating in the ceremony. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Unless the hon. Minister yields, you cannot go on record. Nothing except the speech of the hon. Minister goes on record. (*Interruptions*)\*

**\* Not Recorded**

MR. DEPUTY-SPEAKER: I will not allow you. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Kharabela Swain, please take your seat.

SHRI ARUN JAITLEY: Sir, we understand our secularism very clearly to be that the State does not discriminate in matters of religion; the State has no religion of its own. But there are several religious activities – I have a list of all of them – there are States where processions of a religious character have been customarily received or let off by Commissioners of Police and by Collectors. There are important occasions of this kind and it is not that we are making a grievance out of it nor does that dilute the secular character of India. Therefore, it is to say that it is merely because it is an attempt to diffuse attention from a religious group, their demand in terms of the State was accepted by an officer so that the secular character of India has been acquitted. In fact, the secular character of India is not going to be affected by these kinds of arguments. ...(*Interruptions*)

SARDAR BUTA SINGH : How can you do it when the matter is *sub-judice*? The hon. Supreme Court is hearing it. How can the hon. Prime Minister send a delegation there? The hon. Supreme Court is in possession of the case. ...(*Interruptions*) The hon. Prime Minister cannot send an officer. It is a *sub-judice* matter. I cannot agree this. ...(*Interruptions*) It is in your custody.

MR. DEPUTY-SPEAKER: Sardar Buta Singh, kindly do not disturb. We do not have time.

SHRI ARUN JAITLEY: I come to the question raised by hon. Member Shri Somnath Chatterjee. He read extensively from the judgement.

SHRI BASU DEB ACHARIA : You quote the 1994 judgement.

SHRI ARUN JAITLEY: In fact, on the paragraph which he read out, if we really analyse it, I think those in favour of the temple in the VHP should be grateful to him.

SHRI SOMNATH CHATTERJEE : Very well.

SHRI ARUN JAITLEY: The 1994 Act which was legislated is there. If I read one sentence from the statement of objects of that Act, that will make it clear on the land being acquired. The Statement of Objects said :

"It was considered necessary to acquire the site of the disputed structure and suitable adjacent land for setting up a complex which could be developed in a planned manner wherein a Ram temple, a mosque and amenities for pilgrims, library, museum etc. could be constructed"

SHRI SOMNATH CHATTERJEE : It is the Statement of Objects.

SHRI ARUN JAITLEY: Yes. Shri Somnath Chatterjee, if your logic is correct, then the State acquiring land for building a temple, the State acquiring land for building a mosque, the State acquiring a land ...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : Sir, what is it that he is talking?

SHRI MANI SHANKAR AIYAR : He is clearly misleading the House. ...(*Interruptions*)

SHRI ARUN JAITLEY: I very well understand the point I am trying to make. It is only a very inconvenient point for them. ...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : Sir, of course, he is trying to say something else. It is well established by the hon. Supreme Court long time back. ...(*Interruptions*)

SHRI ARUN JAITLEY: Therefore, these lands can be acquired. These lands have been acquired for a particular purpose. ...(*Interruptions*) Shri Somnath Chatterjee's argument was, as I understand, that he was citing a particular

viewpoint. ...(*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): Shri Somnath Chatterjee, we heard all of you with rapt attention. Let us hear the other side of it. Why do you not have the patience to listen to the other side? It is not the court of law; it is Parliament where everybody would intervene. ...(*Interruptions*)

SHRI ARUN JAITLEY: Sir, Shri Somnath Chatterjee emphasised three or four paragraphs. I just wish to read five to seven lines from the entire judgement. The Attorney General took a particular view. The argument, as I understand, is that the judgement was very clear. This view was just not possible. For this land, you have to wait till the suits are over. There is a dispute pending in a title suit in respect of the disputed land. It is a very small piece of land. Some say that it is of 80 feet by 40 feet and some say, it is a maximum of 0.31 acre. This land is the frozen land whose future depends on what the Allahabad Court, Lucknow Bench will eventually decide. I do not think that there were ever two views by anybody on this question.

Sir, Shri Somnath Chatterjee read paragraph 45 and also section 7. He was right. Section 7 of the Act itself, if Shri Somnath Chatterjee re-reads it, only refers to *status quo* in the Act in relation to the structure where originally the disputed structure stood. It did not refer to the entire 67 acres or 71 acres of land. Section 7 reads :

"In managing the property vested in the Central Government under section 3, the Central Government or the authorised person shall ensure that the position existing before the commencement of the Act in the area on which the structure commonly known as the Ram Janmabhoomi – Babri Masjid stood in village Kot in Tehsil district is maintained. "

So, what existed on 7<sup>th</sup> January, 1993 with regard to the disputed structure, *status quo* would be maintained. He read from this paragraph and said that this completely answered against what the Attorney General had said. The sentence is this. Section 7 which has been read is the transitory provision intended to maintain *status quo* in the disputed site. So, paragraph 45 which he read and pointedly drew our attention to page 405 is only section 7 relating to that small piece of area. ...(*Interruptions*) That is factually correct. I just read three sentences from paragraph 49. It reads:

"The narration of the fact indicates that acquisition of properties under the Act affects the rights of both the communities and not merely those of the Muslim community. The interest claimed by the Muslim community is only over the disputed site where the mosque stood before its demolition. The objection of the Hindus to this claim has to be adjudicated. The remaining entire property acquired under this Act is such over which no title is claimed by the Muslim. A large part comprises of those properties of Hindus, which are not even in dispute."

Then, they say that the justification is, which he rightly read out, that adjacent lands may be required for various reasons, for the beneficial enjoyment of whoever wins the title suit of the small property, for security, for access so that the fruits of the winning party are not deprived to him. That is why, the remaining land is required to be acquired. Then, the Court says :

"At a later stage when the exact area acquired which is needed for achieving this professed purpose of acquisition can be determined, it would not merely be permissible but also desirable that the superfluous excess area is released from acquisition and reverted to its original owner. The challenge to acquisition of any part of the adjacent area on the ground that it is unnecessary for achieving the object, the dispute relating to disputed area, cannot be examined at this stage. "

...(*Interruptions*) Sir, I am reading let me allow to read. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: He is reading. Why are you disturbing?

...(*Interruptions*)

SHRI ARUN JAITLEY: Sir, I will read this paragraph because this paragraph will make Shri Somnath Chatterjee, probably, the first choice of the VHP to engage in the case before it. It further says :

"The challenge to the acquisition of any part of the adjacent area on the ground that it is unnecessary for achieving the objective of settling the dispute relating to the disputed area cannot be examined at this stage. But in case the superfluous area is not returned to the owner even when the exact area needed for the purpose is finally determined, it would be open to the owner of the property to then challenge the superfluous acquisition being unrelated to the purpose of acquisition. "

Sir, the court divided the land into three parts. The first part is the disputed area for which the Government is the receiver and a *status quo* is to be maintained. The second part is some adjacent land which is to be determined as to how much adjacent land is required for the protection and for the enjoyment of the disputed land. The third is the superfluous land which is to be returned. The only question which Somnathji arises, which is not answered in this paragraph, is when the superfluous land is to be really returned. ...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : Please come to the conclusion part.

SHRI ARUN JAITLEY: It is answered in a paragraph which you conveniently chose not to read, that is, paragraph 56.

SHRI SOMNATH CHATTERJEE : If you charge me with deliberately misleading the House, it is a very serious charge. Sir, if you give me the time, I will read the entire judgment.

SHRI ARUN JAITLEY: I withdraw my statement. I will say that Somnathji did not read that.

SHRI SOMNATH CHATTERJEE : Please read the concluding portion then. It is a very serious charge that I have deliberately withheld something.

MR. DEPUTY-SPEAKER: He has already withdrawn that statement.

SHRI ARUN JAITLEY: Please take it that you did not read that paragraph.

SHRI SOMNATH CHATTERJEE : There are so many paragraphs, and there were so many interruptions when I was reading this.

MR. DEPUTY-SPEAKER: He has already accepted your position.

SHRI ARUN JAITLEY: There are more interruptions when I am reading it and I am still reading it.

SHRI SOMNATH CHATTERJEE : The whole Constitution is today polluted.

SHRI ARUN JAITLEY: The embargo on transfer till adjudication and in terms thereof to be read in section 6 relates only to the disputed area, while transfer of any part of excess area, retention of which till adjudication of the dispute relating to the disputed area may not be necessary, is not inhibited till then. ...(*Interruptions*)

SHRI MANI SHANKAR AIYAR : It says, "Provided it may not be necessary". Who is going to determine that? Are you going to pre-empt the court in determining what 'may' or 'may not be' necessary? That is the crux of the matter.

SHRI ARUN JAITLEY: I will answer that, Shri Aiyar. I will re-read the sentence because it creates some inconvenience; last time, I said, "Conveniently". It says, "The embargo on transfer till adjudication and in terms thereof to be read in section 6 relates only to the disputed area, while transfer of any part of excess area, retention of which till adjudication of the dispute relating to the disputed area may not be necessary, is not inhibited till then since the acquisition of excess area is absolute, subject to the duty to restore it to the owner, if its retention is found to be unnecessary". ...(*Interruptions*)

SHRI MANI SHANKAR AIYAR : The question, therefore, is: "Is it necessary or is it not necessary? Are you going to determine it or are you going to wait till the adjudication?" If you are going to transfer it, it means that you are on the side of the VHP, and that is the crux of the issue.

SHRI SOMNATH CHATTERJEE : Why do you not read the concluding paragraph?

SHRI MANI SHANKAR AIYAR : This is not an argument that has started here. The VHP lawyers have been repeatedly reading out this sentence, reading out these three words 'may be necessary'. Therefore, he has hit the nail on the head. Do you think that it is necessary or do you think that it is unnecessary? Why is it that you cannot wait till the adjudication?

MR. DEPUTY-SPEAKER: Shri Aiyar, are you an advocate?

SHRI MANI SHANKAR AIYAR : No, Sir. My daughter taught me a lot. My daughter is Arun Jaitley's *shagird* and, therefore, she has taught me a lot.

MR. DEPUTY-SPEAKER: I was a professional advocate. Now, Shri Somnath Chatterjee, he is putting forth his claim and his interpretation. Wherever it may be inconvenient for him, he may not read it.

The same applies in the case of the Law Minister. The House has to patiently hear him so that his views are understood.

SHRI ARUN JAITLEY: Sir, I do not mind my friend Shri Aiyar's objections. His daughter is a brilliant young lawyer. It is just that she had a very difficult student in him.

Sir, may I just say this on this whole question? What are the parameters of this debate today? These issues as to what is precisely the interpretation of the 1994 judgement, whether a *Puja* could be permitted or not permitted, are all issues which are now for the Supreme Court to decide and those issues will be decided by the Supreme Court. Those issues do not have to be decided even by the Government or by this House today. These are all only possible interpretations which are being placed here.

All that I say is, is not the Attorney-General of India entitled to read this judgement and say such and such is his view? We are always told, "When you speak in the House you must speak out of fearlessness". Similarly in the other institution, there is autonomy as far as Judges are concerned. Right judgements must be written free from any kind of fear. When law officers of the Government argue a case on behalf of the Government, are they not entitled to interpret a law as they consider it to be correct? Or, must they say, "Well, if I give this interpretation of law, it may have a political ramification." If there is a possible view, which I think is the direct view, I will honestly and fearlessly place that view before the court.

I think it will be sad for the country if law officers, the Attorney-General, Advocates-General, take a stand before the court on a question of law, and interpretation of a judgement such as whether a brief *puja* is permissible or not; and then if they are told that their stand should have been guided not by their Constitutional duty, not by what they thought was an honest interpretation of the judgement, but by what the political fall out of their interpretation would be. If that happens, it will not be a happy occasion at least for the other institution, which is also very important as far as India is concerned.

SHRI MANI SHANKAR AIYAR : Sir, may I seek a clarification?

MR. DEPUTY-SPEAKER: No.

SHRI MANI SHANKAR AIYAR : Do I have your permission to ask the Minister of Law, not Shri Arun Jaitley, a legal question?

MR. DEPUTY-SPEAKER: He has just intervened in the debate.

SHRI MANI SHANKAR AIYAR : I just want to know from this lawyer â€¦

MR. DEPUTY-SPEAKER: I do not think that is necessary.

SHRI MANI SHANKAR AIYAR : Okay, Sir.

SHRI K. YERRANNAIDU (SRIKAKULAM): Mr. Deputy-Speaker, Sir, Telugu Desam Party consistently professed the philosophy of secularism, national integration, peace and harmony.

From the beginning, our party's stand has been that the Ayodhya issue will be settled either by mutual negotiations or by the court verdict. We included this aspect in the manifesto of Telugu Desam Party also. In the elections for 12<sup>th</sup> Lok Sabha, no single party got absolute majority. So, a political alliance came into existence based on a Common Minimum Programme. Every political party has its own manifesto. Three contentious issues, of which construction of Ram temple at Ayodhya is one, are not included in the Common Minimum Programme. This issue has been pending in the court many years.

**18.29 hrs.** (Shri P.H. Pandiyan *in the Chair*)

Hon. Prime Minister has stated many times that the Government will abide by the court verdict, and that the Government will maintain the *status quo* at the site at any cost.

In the President's Address to both the Houses of Parliament, the Government's position has been made clear. Even

in the All Party Meeting convened by the hon. Prime Minister, the Prime Minister categorically made clear the stand of the Government. There is a consensus among all the political parties. We requested the Government of India to expedite the matter.

The main issue is about the Attorney General's submission. My Party's Politburo released a Press Note which says:

"The Telugu Desam Party Politburo reviewed the situation arising out of the order of the Supreme Court today on the Ayodhya issue. The Party reiterated its stand that all concerned should abide by the orders of the Supreme Court in the sensitive issue of Ayodhya. The Party expressed its concern and unhappiness over the stand taken by the Attorney General of India in the Supreme Court. The plea that the Government of India has no objection for symbolic puja in Ayodhya is not in conformity with the stand taken by the NDA partners and the Telugu Desam Party."

Based on the order or the directive of the 13<sup>th</sup> March of the Supreme Court, we requested the Prime Minister of the country to take stern steps to maintain law and order, peace and harmony in the country. The Government of India made elaborate arrangements and sent 25,000 police personnel to maintain law and order, in accordance with the Supreme Court verdict. The process in Ayodhya went on very peacefully and we are congratulating the Government for that.

The second issue is this. I am not going into the merits of the case because it is pending in the Supreme Court. Even now, the hon. Law Minister explained the 1994 Judgement and even Shri Somnath Chatterjee explained it. At this crucial juncture, there is no need to go into all that because there is a Supreme Court verdict of the 13<sup>th</sup>. It said that nobody should enter into the undisputed and disputed site. That is the verdict of the Supreme Court as of now. So, there is no relevance of that Judgement at this juncture.

At any cost, we have to protect the disputed and undisputed land. On the 13<sup>th</sup> itself, the Supreme Court clarified the position saying that nobody should enter and perform any sort of *puja*; and that the *status quo* should be maintained at any cost. The Government has also taken the stand to maintain the *status quo*.

Regarding the *shila* undertaken by the Government official, the hon. Law Minister said that it is to maintain peace and harmony; and also to reduce tensions in the country. Ultimately, peace and harmony are established and there was no untoward incident that had happened in this country. To maintain peace and to reduce tensions, the Government took such a decision; it is all right. But after that, the VHP people have claimed that it is the acknowledgement of the Government for construction of a temple. The issue is pending in the court; it said that the *status quo* should be maintained by the Union Government till the adjudication of the case.

At this point, I want to know from the hon. Prime Minister only one thing. To maintain law and order, peace and harmony and to reduce tensions, the Government took such a decision. But according to the VHP's statement, they are claiming that the Government official receives the *shila* and it is an acknowledgement of the Government to construct a temple in the undisputed site. What is the stand of the Government here? This is what I would like to know.

The Government is based on the Common Minimum Programme of the National Democratic Alliance. The Common Minimum Programme is the constitution for the NDA. At any cost, this Government should be run according to the Common Minimum Programme. Every time, the Prime Minister is reiterating it in the Parliament and also outside. That is why, to clear the confusion, I want to know the stand of the Government on the VHP's statement made after the tension was eased out. The VHP made a statement claiming that since it was received by the Government official, it was an acknowledgement of the Government to construct a temple there. I want to know the stand from the hon. Prime Minister.

श्री रामजीलाल सुमन (फिरोजाबाद) : सभापति महोदय, 15 मार्च को अयोध्या में पूजा इत्यादि के संबंध में जो उच्चतम न्यायालय में सुनवाई हुई, उसमें एटार्नी जनरल का क्या रोल था, उस संबंध में प्रधानमंत्री जी का जो वक्तव्य था, बयान था, उसी पर आज हम लोग चर्चा कर रहे हैं। उसके कानूनी दाव-पेंच आदि के बारे में बड़ी सार्थक चर्चा सोमनाथ जी ने की। कानून मंत्री जी बहुत समझदार हैं। उन्होंने भी उसका कानूनी जवाब दिया। अगर कानून मंत्री समझदार न होते, तो वह किसी सदन के सदस्य भी नहीं थे, वाजपेयी जी को प्रिय लगे, उन्होंने सोचा कि कुछ काम के आदमी हैं, लिहाजा बगैर किसी सदन का सदस्य होते हुए भी वह कानून मंत्री बन गए। वह सरकार का बचाव अच्छी तरह कर लेते हैं। मैं समझता हूँ कि आज की बहस का पूर्ण लब्बो लुबाब यह था कि सरकार की तरफ से यह प्रचार करने की कोशिश की जा रही थी कि एटार्नी जनरल ने जो कुछ कहा है उसका सरकार से कोई सरोकार नहीं है। हम लोगों का यह मानना है कि एटार्नी जनरल ने सुप्रीम कोर्ट में जो पक्ष रखा है, वह सरकार का पक्ष था। प्रधानमंत्री जी वही सब कुछ करना चाहते थे जो विश्व हिन्दू परिषद को अच्छा लग रहा था।

सभापति महोदय, देश में जो भ्रम फैलाया जा रहा था, वातावरण बनाया जा रहा था कि सोली सोराबजी का अपना मत था, उसका सरकार के मत से कोई मतलब नहीं है, मैं समझता हूँ कि इसमें कोई दम नहीं है। भारत सरकार जो कुछ कहलवाना चाहती थी, करना चाहती थी, वही पक्ष सोली सोराबजी ने सुप्रीम कोर्ट में रखा। अभी मैंने येरननायडू जी और खारबेल स्वाई जी के भाण को सुना। स्वाई जी यहां से चले गए हैं। राष्ट्रीय जनतांत्रिक गठबंधन का एक साझा कार्यक्रम है, मैं नहीं



जानता उनका क्या साझा कार्यक्रम है, लेकिन मेहरबानी करके प्रधानमंत्री जी अगर कोई साझी भाषा भी बन जाए तो आपकी बड़ी कृपा होगी। खारबेल स्वाई जिस तरह भाण दे रहे थे कि बाहर के लोग आ गए थे, हमारे धार्मिक स्थलों को ऐसा कर दिया और हमने उसके बदले में यह रुख अपनाया, वह सब कुछ किया, मैं समझता हूँ कि ऐसी भाषा बंद हो जानी चाहिए। यह कायरता की भाषा है, साहस की नहीं है। इस भाषा से तनाव पैदा होता है, कोई अच्छा वातावरण नहीं बनता।

प्रधानमंत्री जी, इस सदन में आपने कहा था कि 12 मार्च से पहले समस्या का हल निकल आएगा। क्या मैं आपसे अब पूछ सकता हूँ कि आपने उस समय जो कहा कि मैं उन तमाम बातों का खुलासा नहीं करना चाहता, आपने विश्व हिन्दू परिषद ने कहा कि कोई बात नहीं है, मुस्लिम पर्सनल लॉ बोर्ड ने कहा कि कोई बात नहीं हुई, कुम्भ के मेले के बाद मुस्लिम पर्सनल लॉ बोर्ड ने बकायदा प्रस्ताव पास करके यह कहा कि प्रधानमंत्री जी की तरफ से अगर कोई प्रस्ताव आएगा तो उस पर हम विचार करेंगे, निश्चित रूप से हमारा रुख सकारात्मक रहेगा, कुल मिला कर स्थिति के निदान के लिए आपकी तरफ से जो सकारात्मक प्रयास होना चाहिए था, मैं समझता हूँ कि वह प्रयास बिलकुल नहीं हुआ। सही बात यह है कि आप उस समय विश्व हिन्दू परिषद के दबाव में रहे। कई धर्म संकट हैं। आपको सरकार भी चलानी है, गठबंधन के मित्रों को भी ठीक रखना है। आप विश्व हिन्दू परिषद को भी नाराज़ नहीं करना चाहते, ये सब धर्म संकट आपके सामने हैं। हालात ऐसे बनते जा रहे हैं कि आप या तो लोगों को खुश कर लीजिए, वरना वहां बैठ जाइए। ये दोनों चीजें साथ-साथ नहीं चल सकती हैं, यह अवसर अब आने वाला है। अभी येरननायडू जी ने कहा कि कल शिला पूजन शांति के सोथ हो गया, ठीक बात है, लेकिन यह कोई इतिश्री नहीं है। दो जून से फिर से ये आंदोलन चलाने की बात कर रहे हैं। प्रधानमंत्री जी, इस शिला पूजन के बारे में क्या है, क्या नहीं है, उसकी क्या वैधानिक स्थिति है। अभी जो येरननायडू जी ने अंग्रेजी में पढ़ा, मैं उसे हिन्दी में पढ़ना चाहता हूँ - विश्व हिन्दू परिषद के महासचिव प्रवीण तागड़िया ने कहा है कि प्रधान मंत्री कार्यालय के अधीन अयोध्या प्रकोट के प्रमुख शत्रुघ्न सिंह ने दो शिलाएं स्वीकार करके मंदिर निर्माण की सैद्धांतिक स्वीकृति प्रदान कर दी है और शिलादान मंदिर निर्माण का ही एक हिस्सा है।

सुप्रीम-कोर्ट के आर्डर को हम नहीं मानेंगे। इससे भ्रम की स्थिति पैदा हो रही है। भ्रम में लम्बे समय तक नहीं रहा जा सकता। माननीय प्रधान मंत्री जी इस बारे में अपने जवाब में बताएं कि किस तरह से शत्रुघ्न सिंह यहां से गये और उन्होंने किस हैसियत से शिलाएं लीं और वे शिलाएं कहां पर रखी हैं? क्या मंदिर निर्माण की प्रक्रिया शुरू हो गयी है? मैं समझता हूँ कि माननीय प्रधान मंत्री जी अपने जवाब से सदन को आश्चस्त करेंगे। इतना ही मुझे कहना था।

**KUMARI MAMATA BANERJEE (CALCUTTA SOUTH):** Sir, I am grateful to you for giving me this opportunity to take part in this discussion raised by hon. Member, Shri Jaipal Reddy.

Sir, I appreciate whatever our friend, the leader of TDP has said. Sir, of course, we are in NDA. Somebody is supporting NDA from inside and somebody is supporting it from outside. But it is an NDA and we do not differ. But there is some apprehension. Sir, we felt shocked when we heard that we are playing the card for particular religious organisation. We do not play our card against the country, the nation or the people of this country. Sir, we feel that the Government represents all the religions, castes and creeds. The Government is for all. The Government is not for any particular religion, caste or creed.

Sir, two matters are perturbing us. I have seen the argument between Shri Somnath Chatterjee and Shri Arun Jaitley, the Minister of Law. Of course, from the legal point of view, we appreciate that argument. But this is not the court. This is Indian Parliament. Whatever we have to talk, we have to talk within our limitations. We can interpret the law here and we can preach the law very well here. But the problem is that when this matter is pending in the court, it will be decided by the court.

Sir, I must ask whether the politicians are running this country or it is run by some religious group. Sir, we are part and parcel of the Government. We do not have any grievance or any personal agenda. Sir, when we say something some people call us so called allies and so called secular parties. Somebody says that because of their personal agenda and personal vendetta, they are raising this issue. We feel sorry for that. Sir, I do not know what is the meaning of secularism but we know very well the meaning of the so-called secularism. We the ally parties are not the so-called secular parties. We are the firm believers of secularism and we believed so and we firmly believe that secularism is our country's foundation and it is our foundation also. We will continue to believe in it because this is our compulsion, this is our obligation, and this is also our moral duty to respect our Constitution.

Sir, we are discussing two points today. First point is regarding the Attorney-General's remarks. Sir, not only today but earlier also we expressed our views to the hon. Prime Minister. He was kind enough to talk to us when we expressed our views. Sir, in the legal and technical sense, it is a fact that Attorney-General works according to his own conscience and according to the Constitutional method and right.

But a confusion arose because of three comments that came out. Firstly, the Attorney-General himself said that whatever he had said before the Supreme Court was his personal opinion. Secondly, the Law Minister made a statement on the floor of the Rajya Sabha stating that the interpretation by the Attorney-General itself was made on behalf of the Government of India. Thirdly, there are some political Parties who are saying that the Attorney-General has played the correct role. We are a very small fry and small persons. We cannot judge the integrity of the Attorney-General. But, as a small worker and as a small Parliamentarian of this country I feel that the Attorney-General's comments like 'three hours may be given for the *puja*; or 20 to 25 persons may go to the *puja* place; or 300 sq. ft. of land should be allowed for the *shila puja*', were to suit the Government. I feel for it obviously as a citizen of this country.

We also belong to the Hindu religion. But when we became Parliamentarians, when we are in the Chair, we have to represent all castes and all sections of people. That is why, I am proud to say that I am neither a Hindu nor a Muslim or a Christian or a Sikh. I am proud to say that I am an Indian and let it be recorded in the House. We are not fighting here to decide as to who are Indians and who are not *Hindustanis*. Some people are trying to divide this country on the lines of Hindus, Muslims, Sikhs and Christians.

It may be true that whatever the Attorney-General said was his own interpretation. Legally one can interpret whatever suits him. The Attorney-General's interpretation may suit the Government and the Government's interpretation may suit the Attorney-General. But his interpretation does not suit us and I am sorry to say this. But, I am proud to say what Swami Vivekanand had said that one fruit may be digestible to one, but it may not be digestible to the other.

We had a doubt. We are sure that without the consultation of the Government, the Attorney-General could not have made a comment like this in the court. I am told that the petitioner himself had filed a writ petition and served a notice to the Government. That is why the Attorney-General had to be present to put forth the views of the Government. We have to take precaution, so that next time we should not repeat the same thing. It is an alarming turn of events. It should be stopped. It is our request to the Government.

As regards the *shila dan*, we congratulate the officials, the administration and the Government to have implemented the Supreme Court verdict in toto. We are happy for that. Sometimes we have to rise to the occasion rising above politics. Yesterday the apprehension was that there would be communal tension and communal riots of the type that we had seen in Gujarat. But everything went off peacefully and we are happy about it.

But, at the same time two questions come to my mind firstly about what is being said after the *shila dan* has been made. I do not know the legal implication or the legal part of whether a Government official can accept a *shila dan* or not. But, sometimes in the interest of the country and in the interest of peace, Government can do it while abiding by the Constitution. There is a provision also for that and I am not going to dispute that. But, my apprehension is for the other reason. The VHP leaders are saying after the *shila dan* that legally they are going to get the land because acceptance of *shila dan* means their demand has been accepted.

Secondly, they said that upto 2<sup>nd</sup> June, their *puja* will go on and they will construct the temple. We want to know from the Government on this point. I do not consider any particular religious group as the champion of any caste in this country. But when I heard the comments of the Secretary-General of a particular religious group, I was really shocked to see his audacity, his tendency, his attitude and his pride. He is saying that nobody can stop them and they will go ahead on construction of the temple on the 2<sup>nd</sup> June. I must ask as to who is he to decide the fate of the country and who are they to decide and divide this country. I do not feel that this is the proper time to divide this country like this and every time we think to divide the country like this, whoever be the religious group should abide by the Indian Constitution, abide by the nation's jurisdiction and abide by the law of the country. They cannot say that they cannot accept the law and that they will do whatever they think. My request to the Government is not to bow down their head to any religious group. If you want to bow down your head, you bow down to the people of this nation and not to any particular religious group because they are not public representatives. They did not send you here and they did not send you to run this Government. They are not elected by the people. But this House is elected by the people. It is their vindictive attitude and they are speaking too much and going too far. We do not want that every time the Government should be destabilised due to blackmailing.

There was no Ayodhya in the NDA agenda. It came up suddenly and we trust our Prime Minister and hope that when he assures the House, either both the communities will decide amongst themselves or both the communities will have to accept the court verdict. This issue has come up suddenly.

Now, somebody was threatening that he is going to commit suicide. If I give the same threat to the Government that if it does not protect the interests of the country and secularism of the nation, I will also try the same path, then will the Government accept? Is it proper or fair? It is not fair. That is why, our request to the Government is to stick to the NDA agenda. The BJP is the largest party and we appreciate that we are good friends. There are good friends in the BJP also. I appreciate them. There are most learned friends who are traditionally rich by culture. But there are some allies who are not so secular. They are not the so-called secular parties. And that is why, I say that the BJP agenda cannot be the NDA agenda. This is a turning point. If the Ayodhya issue breaks the agenda, then we should see to it that the agenda should not be broken and if it is done, then do not blame us for that because we want to support the Prime Minister. We want to strengthen the hands of the NDA. But that does not mean that you take us for granted and do whatever you want.

Somebody was saying that we are begging for ministerial berths and all that. This is bogus and rubbish. It is being spread out through some corners. I hate it. In 1992, when Mr. Narasimha Rao was the Prime Minister, I resigned when the demolition of Babri Masjid took place. After that, we worked as comrades. I have been in politics since the age of 13. From that time, I am in politics. I know that Members from the CPI(M) are saying something here. They are more communal than anybody else. I know about their double standard and hypocritical games.

In the elections also they said that Trinamool Congress is a communal Party. What they want? If they want, we are ready to give our blood for the sake of this country, but do not say that ours is a communal Party. We are not going

to compromise on the issue of communalism. CPI(M) should know that. While the case is pending in the court, I would request the Government not to touch disputed or undisputed land. We do *puja* everyday. We go to mosque, we go to church and we go to *gurudwara*. There are no two opinion about it. ...(*Interruptions*) I do *puja* everyday more than you. At the same time I pray to Allah for blessings. These are our Indian traditions. Maybe it would not suit you. I think the undisputed land has been acquired by the Government to maintain peace. That is why we request the Government that until and unless the matter is solved by the Government, either by the court or by both the communities, we should not touch the land in the interest of the country. Again I would say that we should not divide the country. Swami Vivekanand had said, "Unity is strength and division is fall". What a bad message is going throughout the world! It sends a message that we are not together. Whatever be our political views, we should not pollute our country for our political benefit. We should see to it that our country stays united and it is together. I want to say again that त्याग का नाम है हिन्दू, ईमान का नाम है मुसलमान, प्यार का नाम है ईसाई, सिख का नाम है बलिदान, ये है हमारा प्यारा हिन्दुस्तान। We have to keep our flags high for the sake of our nation and for the sake of our country.

**श्री सत्यव्रत चतुर्वेदी (खजुराहो) :** माननीय सभापति महोदय, भारी मन से एक बात कहनी पड़ती है, जब इस सदन का यह सत्र शुरू हो रहा था, उसके पहले सभी सांसदगणों ने अपने-अपने क्षेत्रों में और देश में जो आज तमाम हालात हैं, उन पर हमने सोचा था कि सदन में आकर हम पानी, बिजली और गांवों के लोगों की बात करेंगे। किसान आज आत्महत्याएं करने पर मजबूर हो रहे हैं, हम उनकी बात करेंगे। मजदूरों में आक्रोश है, वे सड़कों पर आ रहे हैं, हम शायद उनकी समस्याओं की चिंता करेंगे। बेरोजगारी का दानव शिक्षित बेरोजगारों को लीलता जा रहा है, हम शायद उनकी फिक्र करेंगे। जनसंख्या विस्फोटक स्तर पर पहुंच रही है, हम शायद उसकी बात करेंगे। कारगिल में युद्ध हुआ, सुब्रह्मण्यम कमेटी की सिफारिशें पड़ी हुई हैं, हम शायद उन पर चर्चा करेंगे। अर्थव्यवस्था मंदी की शिकार है, शायद हम उसकी चिंता करेंगे। सीमाओं पर हमारी सेनाएं तैनात हैं, शायद हम उनकी बात करेंगे। लेकिन दुख के साथ कहना पड़ता है कि हम यहां देख रहे हैं कि पिछले दिनों से रोज इस हिन्दुस्तान को हिन्दू और मुसलमान के चश्मों से देखने की बात करते हैं। जिन मुद्दों के लिए यह सदन बना है, जिन समस्याओं के निराकरण के लिए यह सदन गठित हुआ है, जिसकी अपेक्षा हमारे क्षेत्र और सारे देश की जनता हमसे करती है, उसके लिए हमारे पास वक्त नहीं होता है। क्योंकि बार-बार हालात कुछ ऐसे बनाये जाते हैं कि उन्हीं साम्प्रदायिक मुद्दों पर चर्चा करने के लिए हमें यहां मजबूर होना पड़ता है। यह बहुत दुखद बात है, कट की बात है, पीड़ा की बात है।

सभापति महोदय, अयोध्या के विवाद पर सरकार ने निरन्तर आश्वासन दिये, घोषणाएं कीं। अपने चुनाव घोषणा पत्र में इन्होंने अयोध्या मन्दिर के मुद्दे पर अदालत या आपसी समझ-बूझ की बात कही और कहा कि हम उसे मान्यता देंगे, उस तरह से फैसला होगा। 25 तारीख को राष्ट्रपति जी का अभिभाषण हमने सुना, उसमें भी यही कहा गया। हमारी नेता ने जब सर्वदलीय बैठक बुलाने के लिए कहा तो उस बैठक में यह विश्वास दिलाया गया कि सभी दलों के नेता या फिर अदालत इसका फैसला करेगी या आपस की समझ-बूझ से ही कोई रास्ता निकल पायेगा।

## 19.00 hrs.

सदन में भी यह बात हुई, मीडिया में भी बात हुई, कोई सौ बार से अधिक यह बात सरकार में प्रधान मंत्री से लेकर गृह मंत्री तक सभी ने कही। लेकिन इसके बावजूद भी इस सरकार की अकर्मण्यता, संवेदनशून्यता और उत्तरदायित्वहीनता की पराकाठा उस दिन हो गई जब इस देश की सुप्रीम कोर्ट में अटॉर्नी जनरल ने वह कुछ कहा जो सरकार के कथित बयानों और आश्वासनों और घोषणाओं के सर्वथा विपरीत था। सारा देश अचंभित रह गया, स्तब्ध रह गया इस बात को सुनकर कि निरन्तर आश्वासन दिये जा रहे हैं कि या तो न्यायालय से या आपस में बैठकर समझौता होगा, सरकार की भूमिका तो तटस्थ भूमिका है। माननीय सभापति महोदय, सर्वोच्च न्यायालय के 1994 के आदेश के अनुसार सरकार एक स्टेट्यूटरी रिसीवर थी उस विवादित और उससे लगी हुई अधिगृहीत भूमि की। अब पहला सवाल यह उठता है कि स्टेट्यूटरी रिसीवर की कानूनी स्थिति क्या है, उसका कर्तव्य, उसका उत्तरदायित्व क्या है।

अभी हमारे विद्वान, न्यायिक प्रक्रिया के व्याख्याकार, विलक्षण प्रतिभा के धनी कानून मंत्री जी का विस्तृत विश्लेषण हम सुन रहे थे इस सारी समस्या पर। मुझे आश्चर्य है कि वह हिन्दी के भी विद्वान हैं और अंग्रेज़ी के भी विद्वान हैं और सरल भाषा में लिखा हुआ जजमेंट, जो 1994 का है जिसे आदरणीय सोमनाथ जी ने पैरा बाई पैरा पढ़कर यहां सुनाया जिसे एक साधारण अंग्रेज़ी जानने वाला मेरे जैसा अल्पज्ञानी आदमी भी समझ सकता है, उसमें उन्हें समझने में इतनी कठिनाई हुई। उन्होंने विवादित भूमि और अविवादित भूमि, दो तरह की भूमि की व्याख्या कर दी। जहां तक मैंने सर्वोच्च न्यायालय के इस निर्णय का अध्ययन किया है, उसमें अविवादित भूमि जैसा कहीं कोई उल्लेख ही नहीं है, समूचे के समूचे आदेश में। वहां केवल व्याख्या है विवादित भूमि की और उससे संलग्न अधिगृहीत क्षेत्र की। अविवादित भूमि कहीं नहीं है। ये तर्क दे रहे थे कि राष्ट्रपति के अभिभाषण में हमने यह कहा था कि स्टेट्यूटरी रिसीवर होने के नाते हम विवादित भूमि में केवल यथास्थिति बनाए रखेंगे। यह तर्क क्या स्वीकार करने योग्य है? कौन इस कुतर्क को स्वीकार करेगा? तर्क स्वीकार किया जा सकता है, वितर्क स्वीकार किया जा सकता है लेकिन कुतर्क तो स्वीकार नहीं किया जा सकता! माननीय सभापति महोदय, अब यह अविवादित भूमि का जो शब्द है यह भारतीय जनता पार्टी और विश्व हिन्दू परिषद् की नाजायज़ पैदाइश है। यह उनके द्वारा गढ़ा हुआ एक नया शब्द है जबकि इस शब्द का उल्लेख समूचे निर्णय में कहीं भी नहीं होता। यह तो भला हो और हमारे देश का सौभाग्य है कि सर्वोच्च न्यायालय ने 13 तारीख को इस देश के धर्मनिरपेक्ष स्वरूप को बचा लिया, उसकी रक्षा कर ली, वरना कल्पना की जा सकती है कि सारे देश के गांव-गांव और शहर-शहर में क्या स्थिति होती, मौत का तांडव नृत्य हो रहा होता, हत्याओं और आगज़नी का सिलसिला चल रहा होता जो हम कुछ दिन पहले गुजरात में देख चुके हैं। आखिर यह सरकार क्या सोचकर चल रही है, इसके चिन्तन में क्या है? और देखें कि कैसा इत्फाक है। आप विश्वास कीजिए और मैं पूरे विश्वास से कह सकता हूँ कि अधिकांश लोग इससे सहमत होंगे कि शायद हिन्दुओं में मात्र 8 या 10 प्रतिशत लोग हों और मुसलमानों में दो या चार प्रतिशत लोग हों जो इस अतिवादी स्टैन्ड को स्वीकार करते हों, इस देश के अधिकांश हिन्दू और मुसलमान इसे स्वीकार करने को तैयार नहीं हैं। मैं समझना चाह रहा हूँ कि क्या वहीं पर राम मन्दिर बनाने से हिन्दुओं को मोक्ष प्राप्त होगा अन्यथा नहीं, और वही बात मुसलमानों से भी पूछना चाहता हूँ कि वहीं पर बाबरी मस्जिद बनाने से काबा से उमर उसकी अज़मत हो जाएगी वह मस्जिद? हम सब मिलकर सोचें कि आखिर इन दोनों विवादों को जिसमें सारा देश जल रहा है, अरबों-खरबों की संपत्ति बरबाद हो रही है, वक्त जाया हो रहा है, जो हमारे सामने मुंहबाये खड़ी समस्याएं हैं, उनके निराकरण के लिए हमें समय नहीं मिल पा रहा है।

सभापति महोदय, इस समस्या का हल और समाधान हमें कहीं न कहीं ढूँढना होगा। स्टेट्यूटरी रिसीवर की कानून में क्या स्थिति है, वह मैं बताता हूँ। कानून में जो इसकी व्याख्या है उसके अनुसार वह एक तटस्थ भूमिका का निर्वाह करता है और सरकार को इसीलिए स्टेट्यूटरी रिसीवर बनाया था क्योंकि सर्वोच्च न्यायालय ने सोचा था कि सरकार के पास न्यायालय के आदेश का परिपालन कराने की शक्ति होती है। दूसरे यह मानकर चला जाता है कि सरकार तटस्थ है, धर्मों के मामले में सरकार की कोई भूमिका कहीं नहीं है, सरकार का अपना कोई रंग नहीं है और इस विश्वास के साथ कि गवर्नमेंट किसी पक्ष के साथ पक्षकार नहीं बनेगी। यही उम्मीद करते हुए न्यायालय ने यह जिम्मेदारी सरकार के हाथ में सौंपी थी। लेकिन आज क्या हो रहा है, सरकार ने ही अपना रंग बदल दिया। भाजपा का रंग, विश्व हिन्दू परिषद् का रंग और बजरंग दल का रंग कुछ भी हो सकता है, लेकिन वह केवल भारतीय जनता पार्टी की ही सरकार नहीं है, राष्ट्रीय जनतांत्रिक गठबंधन की सरकार है।

सभापति महोदय, अभी यहां राष्ट्रीय जनतांत्रिक गठबंधन की पार्टी के श्री येरननायडू ने, कुमारी ममता बनर्जी ने और एन.डी.ए. के अन्य पार्टनर घटक ने, इस बात को कहा है और उन्होंने स्पष्ट रूप से कहा है कि हमारे मिनीमम कामन प्रोग्राम में स्पष्ट लिखा है कि सरकार इस मामले में किसी भी पक्ष के साथ पक्षकार नहीं बनेगी, लेकिन यह सरकार उस पर कायम नहीं रह सकती। अब सोमनाथ जी के बोलने के बाद यह बात स्पष्ट हो गई है कि एटार्नी जनरल ने उस दिन न्यायालय द्वारा यह पूछे जाने पर कि सरकार इस बारे में क्या सोच रखती है, सरकार का क्या स्टैंड है, उन्होंने वही कहा, जो सरकार का स्टैंड था। वही बात प्रधान मंत्री जी ने स्वीकार की, वही बात कानून मंत्री जी ने राज्य सभा में स्वीकार की। इस बारे में अब कहीं किसी को कोई संदेह नहीं रह गया है कि सरकार जो चाहती थी उसने वही किया। क्या सरकार यह चाहेगी कि उसके स्टेट्यूटरी रिसीवर होते हुए भी किसी पक्ष के साथ पक्षकार बन जाए ?

सभापति महोदय, दूसरी बात यह है जिसका अभी आदरणीय सोमनाथ जी ने उल्लेख किया, उसे ही मैं थोड़ा और आगे बढ़ाना चाहता हूँ। सर्वोच्च न्यायालय के आदेश का लैटर और स्पिरिट में पालन होना चाहिए और यह बात यदि प्रधान मंत्री जी का पिछला वक्तव्य देखें, तो स्पष्ट हो जाती है। उन्होंने कहा है कि सर्वोच्च न्यायालय के आदेशों का अक्षरशः पालन होगा। यह बात सही है कि वे सर्वोच्च न्यायालय के निर्णय के केवल अक्षरों का ही पालन करना चाहते हैं और उसकी स्पिरिट यानी भावना को अलग कर देना चाहते हैं। स्पिरिट यह है कि जब तक विवाद का अंतिम रूप से निर्णयकर्ता न्यायालय द्वारा निर्णय नहीं दे दिया जाए, किसी कांपीटेंट न्यायालय के द्वारा निर्णय नहीं दे दिया जाए और इस मामले में इलाहाबाद उच्च न्यायालय की लखनऊ खंडपीठ कांपीटेंट न्यायालय है, जब तक वह अंतिम रूप से कोई निर्णय नहीं दे देती है तब तक यथास्थिति बनाए रखी जाए, यह सर्वोच्च न्यायालय का आदेश है। सर्वोच्च न्यायालय के इस आदेश के बाद एटार्नी जनरल को, एटार्नी जनरल की हैसियत से, वे व्यक्तिगत हैसियत से वहां नहीं खड़े थे, वे सरकार का रिप्रेजेंटेशन कर रहे थे, वे सरकार का पक्ष सर्वोच्च न्यायालय में रख रहे थे और इसलिए सरकार यह कहती है कि वहां पूजा की अनुमति दी जाए। यदि एटार्नी जनरल वहां सरकार का यह पक्ष रखते हैं और कहते हैं कि वहां पूजा करने की अनुमति दी जाए, तो मैं स्पष्ट आरोप लगाना चाहता हूँ कि सरकार का ऐसा करना, अपने सांवैधानिक दायित्व से हटना है और देश के साथ विश्वासघात करना है। इसलिए मैं इस सरकार पर आरोप लगाते हुए कहना चाहता हूँ कि उसने राष्ट्र के मतदाताओं के साथ, देश की जनता के साथ, राष्ट्रपति जी द्वारा सदन में दिए गए अभिभाषण में, राष्ट्रपति जी द्वारा संसद को दिए गए वचनों के साथ विश्वासघात किया है। इसलिए मैं सरकार की घोर और कड़ी भर्त्सना करता हूँ।

माननीय सभापति महोदय, मैं अभी थोड़ी देर पहले पुस्तकालय में बैठा था, तब मैंने एटार्नी जनरल के बारे में एक व्याख्या पढ़ी। उसमें कहा गया है कि एटार्नी जनरल संविधान की अंतरात्मा का संरक्षक है।

हमारा संविधान कैसा है - धर्मनिरपेक्ष। संविधान की अंतरात्मा की रक्षा कैसे होगी ? ऐसा कोई निर्णय न हो, ऐसी कोई बात न हो, ऐसी कोई कार्यवाही या ऐसा कोई एक्शन सरकार का न हो जो संविधान की मूल भावना के विपरीत जाता हो। एटार्नी जनरल ने अगर अदालत में खड़े होकर किसी भी न्यायालय के आदेश की व्याख्या की है, अगर वह व्याख्या संविधान की मूल भावना के विपरीत जाती है या जिसका प्रभाव मूल भावना को तोड़ता है तो मैं समझता हूँ कि उन्होंने अपने संवैधानिक दायित्वों का निर्वाह ठीक तरह से नहीं किया है। यह मेरा स्पष्ट आरोप है।

सभापति जी, आश्चर्य की बात है कि एटार्नी जनरल क्या कहते हैं ? श्री अरुण जेटली, कानून मंत्री राज्यसभा में क्या कहते हैं, प्रधान मंत्री जी क्या कहते हैं, विश्व हिन्दू परिषद क्या चाहती है और राम जन्म भूमि न्यास के लोगों की क्या मंशा है ? इन सारी चीजों में अगर आप देखें, एक आश्चर्यजनक और सदमा देने वाली, जिसे अंग्रेजी में शॉकिंग कहते हैं, हिन्दी में मैं उसके लिए उपयुक्त शब्द नहीं ढूँढ पा रहा हूँ, शॉकिंग सिमीलेरिटी है, सारे बयानों में एकरूपता, समरूपता है। इनकी मंशा में, प्रधान मंत्री जी के वक्तव्य में, एटार्नी जनरल की व्याख्या में और कानून मंत्री के वक्तव्य में, सबमें समरूपता है। क्या यह महज इत्तफाक है ? यह इत्तफाक नहीं हो सकता। यह निश्चित रूप से एक सोची समझी हुई रणनीति के तहत, एक योजनाबद्ध तरीके से इस देश के साथ, इस देश के संविधान के साथ और इस देश की जन भावनाओं के साथ खिलवाड़ करना है।

आपने शिलान्यास किया। राम कोट में आपने उसकी अनुमति दे दी। यहां प्रधान मंत्री कार्यालय से एक प्रतिनिधि को उन शिलाओं को लेने के लिए भेज दिया। इसके ऊपर बहुत कुछ कहा जा चुका है। मैं उन्हीं बातों को दोहराना नहीं चाहता लेकिन मैं एक प्रश्न पूछना चाहता हूँ। केवल कल्पना करिये। मान लीजिए, कल मुसलमान लोगों की तरफ से उनकी कोई संस्था आ जाये और यह बयान जारी करे कि हम वहां पर मस्जिद बनाने के लिए अपनी शिलाएं और अपनी ईंटें लेकर जा रहे हैं और सरकार से यह अनुरोध करें कि आप किसी को भेजिए, हम उनको रिसीव कराना चाहते हैं--अगर ऐसा हो तो क्या यह सरकार, मुझे इसका जवाब चाहिए। (व्यवधान) क्या यह सरकार उन शिलाओं को या उन ईंटों को रिसीव करने के लिए, स्वीकार करने के लिए प्रधान मंत्री कार्यालय का एक प्रतिनिधि वहां भेजेगी ? मुझे इस बात का जवाब चाहिए। देश आपसे जवाब चाहता है। अगर आर धर्मनिरपेक्ष हैं, तो दोनों स्थितियों में आपको इन्साफ करना होगा। (व्यवधान)

सारी बहस से यह बहुत स्पष्ट है। हमारे विद्वान सदस्यों ने, श्री सोमनाथ चटर्जी ने, श्री जयपाल रेड्डी ने और अन्य साथियों ने यहां इस बारे में बहुत विस्तार से बातचीत की। केवल बातचीत नहीं की बल्कि कानून के जो रेलीवेंट पोर्शन हैं, न्यायालय के आदेश के रेलीवेंट पोर्शन हैं, उनको यहां पढ़कर यह सिद्ध कर दिया, संदेह के परे यह सिद्ध कर दिया कि दरअसल सरकार के पास अब मुंह बचाने का कोई रास्ता नहीं है। उसे अपनी भूल को स्वीकार करना होगा। यह उसकी भूल नहीं है, उसे अपनी शरारत को स्वीकार करना होगा। यही मेरा कहना है इसलिए मैं इस सरकार की भर्त्सना करता हूँ।

MR. CHAIRMAN : Shri Ratilal Kalidas Varma, the time allotted for this discussion was two hours. We have already exhausted that. So, please conclude your speech as early as possible.

**श्री रतिलाल कालीदास वर्मा :** सभापति महोदय, आपने मुझे बोलने का समय दिया, इसके लिए आपका बहुत-बहुत धन्यवाद। आज नियम 193 के अन्तर्गत अयोध्या के मुद्दे पर चर्चा हो रही है। हमें इतिहास इसलिए पढ़ाया जाता है कि पहले जो गलतियां हुई हैं, उनकी पुनरावृत्ति न हो या इतिहास के कारण जो गलती हुई है, उसे हम सुधारें। यही इतिहास पढ़ाने का उद्देश्य है। (व्यवधान)

**श्री प्रमुनाथ सिंह :** सभापति महोदय, आप संख्या बल के आधार पर पार्टी को बोलने के लिए बुलाते हैं लेकिन हमसे कम संख्या वाली पार्टी को आपने पहले बोलने के लिए बुलाया है और हमें नहीं बुलाया है। इसका क्या कारण है ?

MR. CHAIRMAN : You will be called later on. You will have a chance. Sit down.

**श्री प्रमुनाथ सिंह :** आप चांस तो देंगे लेकिन आप कोई न कोई नियम बना कर ही बुलाते हैं। जब सदस्यों की संख्या के आधार पर बुलाते हैं तो हम से कम संख्या वालों को पहले बुलाया और हमें छोड़ दिया, इसका क्या मतलब है। (व्यवधान)

MR. CHAIRMAN: Democracy is only by the party strength. So, we have to give him a first chance. You will get it later on.

**श्री रतिलाल कालीदास वर्मा :** मैं कह रहा था कि इतिहास इसलिए पढ़ाया जाता है ताकि पुरानी गलतियों की पुनरावृत्ति न हो। गलतियों को सुधारने के लिए हमें इतिहास पढ़ाया जाता है। बाबरी मस्जिद के ढांचे और राम मंदिर के बारे में मैं नौवीं लोक सभा से सुनता आ रहा हूँ। मर्यादा पुरोत्तम भगवान श्री राम चन्द्र के जन्म स्थल के सामने विवाद में सामने आया बाबरी मस्जिद का ढांचा। बाबर की मर्यादा पुरोत्तम श्री राम चन्द्र से समानता कैसे हो सकती है - यह मेरी समझ में नहीं आ रहा है। विपक्ष के लोग यहां दुखी होकर बोल रहे हैं। शान्ति रही तब भी इनके दिल में आग लग गई, अगर गोलियां चलतीं तब भी ये खड़े होकर चिल्लाते कि गोलियां क्यों चलीं। आज के दिन पुरानी बात को याद करके कहूंगा कि हिन्दुस्तान ने बरसों से आतताइयों को झेला। हजारों मंदिर टूटे हैं। इतना ही नहीं, सोमनाथ के मंदिर में सात बार हो-हल्ला हुआ, सोमनाथ मंदिर को तोड़ा गया लेकिन लौह पुरु सरदार वल्लभभाई पटेल के कारण उसका जीर्णोद्धार हुआ और आज शान और आन से वह मंदिर खड़ा है। पृथ्वीराज चौहान की बात याद करें। मोहम्मद गौरी 17 बार पृथ्वीराज चौहान के सामने हारा लेकिन हिन्दुस्तान क्षमा देने में अग्रसर है। क्षमा वीरस्य भूणम् अर्थात् क्षमा देना वीरों की शोभा है, यह मान कर उसे हर बार माफी दी गई लेकिन एक बार पृथ्वीराज चौहान के परास्त होने के बाद उन्हें एक बार भी माफी नहीं मिली और उनकी आंखें फोड़ दी गईं। मैं कहना चाहता हूँ कि वे सब खंडित मूर्तियां आज भी सारे देश के अंदर साक्ष्य के रूप में हैं। कहीं मूर्ति के नाक, कान तोड़ दिए गए हैं। जब राम जन्म भूमि की बात आ रही है, मेरा कहना है कि बाबर, चंगेज खान और तैमूर खां का वंशज था और फरगाना के शासक उमर शेख मिर्जा का पुत्र था। उनका जन्म शुक्रवार 14 फरवरी, 1483 ईसवी में हुआ था। उसका भारत पर पहला आक्रमण 1519 में हुआ और सन् 1526 में पानीपत की लड़ाई में उसने इब्राहिम लोधी को पराजित कर उत्तर भारत पर अधिकार कर लिया। उसकी सन् 1530 में मृत्यु हुई। उनका नाम मर्यादा पुरोत्तम श्री भगवान राम चन्द्र के साथ कैसे जोड़ा जा सकता है। पहले वहां मस्जिद थी या मंदिर था? मुझे समझ में नहीं आ रहा है कि विपक्ष किस तरह यह कह रहा है। सर्वोच्च अदालत द्वारा इसका फैसला होना चाहिए। पंचायत हो, विधान सभा हो या लोक सभा हो, बहुमत को प्राधान्य दिया जाता है। बहुमत क्या कहता है, यह भावना का सवाल है, इसमें कानूनबाजी का सवाल नहीं है।

अभी मेरे साथी मित्र ने इंडिया टुडे का जिक्र किया। इस देश के 43 प्रतिशत लोग मानते थे कि इस देश में राम मंदिर तुरंत बनना चाहिए, सिर्फ 5 प्रतिशत लोग मानते हैं कि बाबरी मस्जिद बननी चाहिए। आम जनता क्या चाहती है? एक समय आया जब 13 मार्च को श्री अटल बिहारी वाजपेयी ने सबसे पहले मुस्लिम समुदाय के वरिष्ठ लोगों को समझाने का प्रयत्न किया। इतना ही नहीं, जगद् गुरु शंकराचार्य जयेंद्र सरस्वती ने भी अपना पवित्र स्थान छोड़ कर, इस देश के अंदर शान्ति स्थापित करने के लिए, इस देश के अंदर एकता स्थापित करने के लिए, इस देश में निर्दोष लोगों की हत्या न हो, इसलिए वे आम जनता के बीच आए। यह ऐसा सुनहरा मौका था कि सब मिल कर अयोध्या के अंदर शिला पूजन करने के लिए मुस्लिम समुदाय और हिन्दू समुदाय, दोनों सुप्रीम कोर्ट में जाकर कहते कि हम वहां कर रहे हैं। (व्यवधान)

(e5/1920/mkg/rs)

सभापति जी, अभी आप घंटी कैसे बजा रहे हैं, अभी तो 15 मिनट ही हुए हैं। मेरी बार तो एक ही बार में घंटी बजा दी। ये दोनों समुदाय के लोग अगर जाते तो राम मंदिर भी बनता और बाबरी मस्जिद भी जहां बनाना चाहते, इस देश के लोग सहृदयता से, सफलता से जाकर बनाते। अभी विपक्ष के लोग बोल रहे हैं, जब कांचीपीठम् शंकराचार्य निकले तो विपक्ष वालों ने अपना क्या सहयोग दिया, क्या रोल अदा किया? अगर ये विपक्ष के लोग भी मुस्लिम समुदाय को कहते कि आओ यह पहला समय है, हिन्दुस्तान के लोगों ने बहुत मुसीबत झेली है। बाबर और रामचन्द्र जी, दोनों के बीच में बहुत बड़ा अन्तर है। अल्लाह का नाम होता तो हम उसका विरोध न करते। 15 साल पहले इस बात में ये उसके अन्दर सहयोग करते तो कुछ हो सकता था। ये अब हमारे दो ढूँढ रहे हैं कि हम यह मामला लटकाये रखना चाहते हैं। विपक्ष वाले इस मामले को लटकाये रखकर लोगों को गुमराह कर रहे हैं, लोगों को रिज़ोल्व कर रहे हैं।

इतना ही नहीं, इसके साथ-साथ मैं कहना चाहता हूँ कि गई बार उत्तर प्रदेश में मुलायम सिंह यादव की सरकार थी। मुलायम सिंह यादव की सरकार के अन्दर रामभक्तों पर गोली चलाई गई और जवान से बूढ़े तक मौत के घाट उतारे गये। आज भी अगर उस शॉट की रील देखें तो आपका सीना कांप जायेगा। लेकिन इस बार माननीय प्रधानमंत्री अटल बिहारी वाजपेयी ने अपने वाँ के अनुभव के कारण एक भी गोली नहीं चलने दी है, एक भी रामभक्त को लाठी नहीं लगी। \* ये उम्मीद लगाकर बैठे थे और जब ऋषि-मुनियों के कारण वह नहीं हुआ, तब ये लोग सन्न रह गये। लेकिन, सभापति महोदय, मेरी आपसे विनती है। (व्यवधान)

SHRI SHIVRAJ V. PATIL (LATUR): Sir, we object to this. It should not go on record. Nobody wants that anybody should be shot down at any place, of all the places at Ayodhya. That would create problem for the country and we would ask the Members belonging to the Government to be careful in making the statement in this respect.

MR. CHAIRMAN : I am expunging that portion.

**श्री रतिलाल कालीदास वर्मा :** मान्यवर सभापति महोदय, मैं मेरी बात कहूंगा। अभी तो कहा गया कि मुस्लिम समुदाय के लोग वहां पर जाएंगे तो क्या होगा। मेरी आपसे यह मांग है कि इस देश के सर्व समाज के लिए ये लोग ऐसा चाह रहे हैं। इस देश के हिन्दू, हम लोग अजमेर जाते हैं, सलीम चिश्ती की दरगाह पर जाते हैं, मन्तें मांगते हैं। इस देश के गरीब मुस्लिम, इस देश के हिन्दू यह चाहते हैं कि शान्ति रहे। मुस्लिम मस्जिद के पीछे कोई रोना नहीं रो रहा, ये लोग उन्हें उकसा रहे हैं। कांग्रेस के सदस्यों ने कहा। (व्यवधान)

MR. CHAIRMAN: Nothing should go on record.

(Interruptions) \*

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, इनको जरा बिठाइये।

\*Expunged as ordered by the Chair.

\*\* Not Recorded

MR. CHAIRMAN: Shri Verma, nothing is going on record. You have taken more time than the time allotted to you. Please take your seat.

...(Interruptions)

MR. CHAIRMAN: Please take your seat. Your time is up. The hon. Prime Minister has come.

...(Interruptions)

MR. CHAIRMAN: Nothing should go on record.

(Interruptions)\*

MR. CHAIRMAN: Shri Raghuvansh Prasad Singh to speak now.

डॉ. रघुवंश प्रसाद सिंह : ये तो कालनेमि हैं। अब हम शुरू करते हैं। उनको बैठाया जाये।

MR. CHAIRMAN : Dr. Raghuvansh Prasad Singh, your Party and other smaller Parties have been given only five minutes time each.

\*Not Recorded

डॉ. रघुवंश प्रसाद सिंह : सभापति महोदय, मैं सिर्फ दो बिंदुओं पर बोलूंगा। मैं देख रहा हूँ कि कानून मंत्री जी को कानून बताने का काम करना चाहिए, लेकिन ये बराबर हेराफेरी के लिए उधर से खड़े हो जाते हैं, जैसे कोर्ट में लोग वकील रखते हैं, वैसे ही यह हैं। सुप्रीम कोर्ट के फैसले के बाद प्रधान मंत्री जी ने जो बयान दिया, उस पर चर्चा हो रही है। देश के आम आदमी ने भी अनुभव किया है कि एटार्नी जनरल ने सुप्रीम कोर्ट में क्या कहा। पहले हल्ला हुआ कि एफिडेविट दिया गया। सरकार के सहयोगी दलों ने कड़ा तेवर किया कि आज सरकार को ठीक करेंगे, लेकिन बाद में सरकार ने सफाई दी कि एटार्नी जनरल ने सुप्रीम कोर्ट में एफिडेविट नहीं, सुझाव दिया है। अब उस सुझाव की अलग-अलग तरह से व्याख्या की जा रही है। कानून के हिसाब से उसका इंटरप्रिटेशन किया जा रहा है। कानून मंत्री जी हमें वही बता रहे थे। कहा गया था कि 50-70 की संख्या में साधु वहां जाएंगे और दो बजकर पांच मिनट से तीन बजकर पांच मिनट तक, तीन घंटे, पूजा करेंगे। उससे कानून का उल्लंघन नहीं होता। यह तो मान लिया कि उन्होंने जजमेंट की व्याख्या की, लेकिन जो ठोस बात कही कि साधुओं को इतनी गिनती में जाने दिया जाए और फिर तीन घंटे तक वहां रहने दिया जाए और पूजा करने दी जाए, इसमें कानून की कोई बात नहीं लगती। हमें लगता है कि सरकार ने उनको सिखा-पढ़ाकर सरकार की तरफ से कहने के लिए भेजा है। बाद में जब सरकार पर खतरा आया, कानूनी राय देने के लिए एटार्नी जनरल हैं, बचाने के लिए भी हैं। वे सरकार को बचाने के लिए आए और कहा कि मैंने अपनी तरफ से वहां सारी बातें कही थीं और यह मेरा बयान है। यह हमें विश्वसनीय नहीं लगता। लगता है वे सरकार के कहने से ऐसा कह रहे हैं। ममता जी और येरेननायडू जी खोजने लगे कि नेशनल एजेंडा में तो कहीं सांकेतिक पूजा नहीं है, अयोध्या नहीं है। लेकिन अब इस तरह से सरकार को बचाने के लिए एटार्नी जनरल ने ऐसा बयान दिया जो विश्वसनीय नहीं लगता। यह बात जनता में चली गई है।

प्रधान मंत्री जी ने बार-बार बयान दिया कि कोर्ट के फैसले को लागू करेंगे, तो वे कैसे दाल भात में मूसलचंद आ गए। क्यों अपने वकील को खड़ा कर दिया और वे हमें बताने लगे। इस बार सुप्रीम कोर्ट ने बड़ा अहम् सवाल उठाया। उसने कहा कि वी.एच.पी. कैसे इसमें बीच में आ गई। यह वही बात हुई कि मान न मान मैं तेरा मेहमान। कोई दस-बीस हजार के संगठन की यह हैसियत नहीं कि वह देश में उपद्रव करे, दंगा कराए।

कानून मंत्री जी अभी यहां 1994 का जजमेंट पढ़ रहे थे। लगता है वे ठीक से पढ़ते नहीं हैं, पेरवी करके वकील बन गए। 1994 का जजमेंट था कि जो अविवाहित

जमीन है, अधिग्रहीत जमीन है, वह उनको वापस कर दी जाए, जिनकी जमीन है। (व्यवधान)

MR. CHAIRMAN: He is the leader of his Party.

डॉ. रघुवंश प्रसाद सिंह : आपने पढ़ने का काम नहीं किया। (व्यवधान) वह स्वविवादित हो गया, सुप्रीम कोर्ट ने कहा कि अधिग्रहित या विवादित या निर्विवादित सभी पर कोई नहीं जा सकता। मामला अब साफ हो गया। फिर 1994 अब किसलिए पढ़ रहे हैं? हेराफेरी करके कानून की उलझन में उलझा रहे हैं। (व्यवधान) उसके बाद फिर दूसरा काम सरकार ने किया। प्रधान मंत्री जी के कार्यालय से, (व्यवधान) यह अनहोनी बात है कि प्रधान मंत्री के कार्यालय से वह अफसर चला गया और फिर बाद में ये शत्रुघ्न सिंह के मुंह से कहलवा देंगे कि हम अपने मन से चले गये थे। (व्यवधान) हम गोपनीय मैसेंजर नहीं थे। (व्यवधान) अरुण जेटली जी पकड़े गये थे, उनसे सफाई देने की बात नहीं बन रही थी और शत्रुघ्न सिंह से झगड़ा खत्म करवाने के लिए बयान दिलवाएंगे कि हम अपने मन से चले गये थे। (व्यवधान) इस तरह से सरकार को चतुर्वेदी जी ने ठीक पकड़ा कि परमहंस जी कह रहे हैं कि वह आत्महत्या कर लेंगे। (व्यवधान) उन्होंने बयान दिया कि वह आत्महत्या कर लेंगे। (व्यवधान) कानून क्या कहता है कि जो कहे कि आत्महत्या करेंगे, उनको गिरफ्तार करने का है और जो गिरफ्तार नहीं करते तो तुट करने के लिए पीएमओ ऑफिस से अफसर स्पेशल फ्लाइट से चला गया और कहते हैं कि सैकुलर बचा हुआ है और जो सहयोगी दल हैं, अंग्रेजी में कहावत है, "Power is a cementing force." नेशनल एजेंडा में ये लोग। (व्यवधान)

MR. CHAIRMAN : Shri Raghuvansh Prasad Singh, I have called another hon. Member.

...(Interruptions)

MR. CHAIRMAN: What do you want me to do? Do you want me to go there and pull him down? You cannot calculate time like that.

...(Interruptions)

डॉ. रघुवंश प्रसाद सिंह : जब राट्र पर खतरा होता है, जब सरकार पर खतरा होता है, (व्यवधान) जब सरकार सैकुलर हो जाती है और उधर से कट्टरपंथी कहते हैं कि (व्यवधान)

MR. CHAIRMAN: Please resume your seat. You have exhausted your time. Everything has been deliberated.

...(Interruptions)

MR. CHAIRMAN: What can I do? Do you want me to take action?

...(Interruptions)

डॉ. रघुवंश प्रसाद सिंह : वीएचपी को कहते हैं कि आप आंदोलन करिए तब हम मंदिर बनाने देंगे वरना नहीं बनाने देंगे। (व्यवधान) इस देश में किसी की हिम्मत है यह कहने की कि तुम आंदोलन करो तब हम दबाव में आकर (व्यवधान) तब हम यह कहेंगे कि यहां पर दबाव बन रहा है, हम क्या करें? एक साजिश के तहत यह हो रहा है। इस तरह से इस देश में जब तक कम्युनल हुकूमत है, (व्यवधान)

MR. CHAIRMAN: Nothing will go on record. (Interruptions) \*

MR. CHAIRMAN: He is not resuming his seat. Everybody has encouraged him. What can I do?... (Interruptions)

MR. CHAIRMAN: You must heed to the words of the Chair. Nobody should defy the Chair. When I say resume, you can take one minute more. Otherwise, the other hon. Member, whom I have called, keeps looking at me.... (Interruptions)

\* Not Recorded

**श्री प्रमुनाथ सिंह :** सभापति जी, माननीय प्रधान मंत्री जी के बयान पर नियम 193 में आज हम चर्चा कर रहे हैं। हालांकि जब भी सदन का सत्र चलता है तो कहीं न कहीं से अयोध्या का विषय आ ही जाता है और 6 दिसम्बर को तो साल में बरसी मनाने के तौर पर इस सदन में अयोध्या पर चर्चा शुरू हो जाती है। लेकिन हम यह मानकर चलते हैं कि आज जो हम चर्चा कर रहे हैं, उसमें तीन मुद्दे सामने हैं। एक मुद्दा जहां महा न्यायवादी का बयान सर्वोच्च न्यायालय में, अयोध्या विवाद और सरकार की भूमिका।

हम बताना चाहते हैं कि अटल बिहारी वाजपेयी जी के नेतृत्व में आस्था रखकर, विश्वास रखकर विभिन्न दलों की मिली-जुली सरकार, एनडीए की सरकार बनी। एक समझौते के तहत सरकार बनी और चुनाव भी उसी मैनीफेस्टो के आधार पर हुआ था। यह मानते हुए कि भारतीय जनता पार्टी पर चाहे जो भी आरोप हो, लेकिन अटल बिहारी वाजपेयी जी की छवि इस देश में एक धर्म-निरपेक्ष नेता की छवि रही है। इस आधार पर समझौता हुआ और अटल बिहारी वाजपेयी जी के नेतृत्व में केन्द्र में सरकार चल रही है। **â€** (व्यवधान)

**श्री अवतार सिंह मडाना (मेरठ) :** जार्ज फर्नान्डीज की छवि के बारे में बोलिए। **â€** (व्यवधान)

**श्री प्रमुनाथ सिंह :** मैं श्रीमती सोनिया गांधी के बारे में बोल रहा हूँ, **â€** (व्यवधान) टोका-टाकी मत करिए। मैं टोकता नहीं हूँ। चुप-चाप बैठिए, आपकी टोकने की आदत बनी हुई है। **â€** (व्यवधान)

19.37 hrs. (उपाध्यक्ष महोदय पीठासीन हुए)

उपाध्यक्ष महोदय, हम सब यह कहना चाहते हैं कि अयोध्या विवाद काफी लम्बे अर्से से इस देश में चल रहा है। मामला न्यायालय में काफी दिनों से लम्बित है। कई सरकारें आईं और कई सरकारें गईं, प्रधान की कुर्सी पर जो बैठता है, तो यह चर्चा होती है कि आपसी समझौते से इस समस्या का समाधान होगा। यह भी चर्चा होती है कि न्यायालय के आदेश को माना जाएगा, लेकिन इसके बावजूद कभी न कभी, कुछ दिनों के बाद अयोध्या विवाद देश में सामने आता है और आने से देश का माहौल खराब होता है। हम मानें या न मानें, गुजरात में गोधरा में जो घटना घटी, उसके मूल में देखा जाए, तो अयोध्या के सिवाय कुछ नहीं था। ऐसी घटना में चाहे हिन्दू मरता हो, चाहे मुसलमान, हमलोग यह मानकर चलते हैं कि वह हत्या मानव की हत्या होती है। इस देश में अभी मन्दिर और मस्जिद के विवाद की आवश्यकता नहीं है, अगर सचमुच में आवश्यकता है इस देश में, तो बेरोजगारी की समस्या दूर करने की आवश्यकता है। लेकिन मुख्य मुद्दे से हटकर, अगर देश और यह संसद, मंदिर और मस्जिद में उलझी रहेगी, तो हम यह मानकर चलते हैं कि देश में व्यवस्था कभी भी सुदृढ़ नहीं हो सकती है। वैसी परिस्थिति में हम यह कहना चाहते हैं कि आपस में मिल-बैठकर समस्या का समाधान हो जाए, तो हो जाए और नहीं होता है, तो न्यायालय के फैसले को माना जाए। लेकिन हम यह कहते हैं, उपाध्यक्ष महोदय, किसी न किसी दिन किसी प्रधान मंत्री को मजबूती से इसमें निर्णय लेना पड़ेगा। जब चर्चा होती है, तो हम परेशान होते हैं, परेशानी इसलिए होती है कि हमारी रामायण में लिखा है कि भगवान राम का जन्म अयोध्या में हुआ था और देश-विदेश के लोग भी कहते हैं कि अयोध्या में हुआ था। लेकिन कुछ लोग जो अपने को मसीहा मानते हैं, वे कहते हैं कि भगवान राम का जन्म वहीं हुआ था, जहां वे उंगली उठाते हैं। लगता है, जब भगवान राम का जन्म हो रहा था, तो उस समय वे नोहरनी लेकर नोहा काटने गए थे। एक अजीब सी स्थिति है। अयोध्या में राम-मंदिर बनें, लेकिन उसी बिन्दू पर बने और उसको केन्द्र बिन्दू बनाकर, जिससे देश में आग लगती है, उसे यह देश कभी भी स्वीकार नहीं

कर सकता है। हम यह कहना चाहते हैं कि जो साझा कार्यक्रम है, उसके आधार पर यह सरकार चलनी चाहिए। देश में कभी भी ऐसा वातावरण पैदा नहीं होना चाहिए, जिसमें साम्प्रदायिकता की बू कहीं से आए। हम समता पार्टी के लोग समतामूलक समाज की कल्पना करते हैं। हम जहां राम को अपने परमात्मा के रूप में मानते हैं, तो खुदा को भी परमात्मा के रूप में मानते हैं। हम सड़क पर कहीं जाते हैं, कहीं मंदिर बीच में जाता है, तो शीश झुकाकर प्रणाम करते हैं और कहीं मस्जिद दिखाई देती है, तो हम अपना सिर झुका देते हैं। हम यदि सीता को मां के रूप में मानते हैं तो फातिमा को भी मां के रूप में मानते हैं - सब कुछ मिलाजुला है। भगवान कृष्ण ने यदि गोकुल में गाय चराई थी तो पैगम्बर ने बकरी चराने का काम किया था। मुसलमान चांद की पूजा करते हैं, हम शिव की पूजा करते हैं, शिव के ललाट पर चांद होता है, कहीं अंतर, मतभेद नहीं है। इस देश में मुट्ठी भर लोग, चाहे वे हिन्दू हों या मुसलमान हों, खून-खराबा फैलाने के लिए कभी न कभी, कोई न कोई करिश्मा दिखाते रहते हैं। इसलिए हम निवेदन करना चाहते हैं कि चाहे कोई हिन्दू संत हो, पैगम्बर हो, कोई भी पादरी हो, वे अगर इस ढंग का विवाद फैलाते हैं तो इस देश के कानून से बड़ा कोई व्यक्ति नहीं हो सकता। इसलिए देश के कानून के अनुसार कठोरता से कार्यवाही करनी चाहिए - चाहे वह संत, पादरी या कोई इमाम हो। उसे उठा कर जेल के कठघरे में बंद करना चाहिए, ऐसा बयान देने वालों के खिलाफ कार्यवाही करनी चाहिए। कुछ लोग कहते हैं कि प्रधानमंत्री कार्यालय से कोई शिला लेकर गया है, हम जानना चाहते हैं कि वह शिला कहां रखी जाएगी, उसके लिए कोई जगह निर्धारित की है। अगर राम के प्रति इतनी श्रद्धा, भक्ति है तो उस शिला को रखने का स्थान कहां तय किया गया है?

महोदय, ये लोग राम के नाम पर क्यों बात करते हैं। वे हमारे खानदान के थे, हमें इसमें फँसला करना है। जिनका इससे कोई मतलब नहीं है, वे हिन्दू और मुसलमान के ठेकेदार बन कर देश में साम्प्रदायिकता की आग लगा रहे हैं। इसलिए हम प्रधानमंत्री जी से विनम्र निवेदन करना चाहते हैं - चाहे कोई भी हो, संत, साधू या पादरी हो, जो भाा की वजह से देश में इस तरह का विवाद फैलाता हो उस पर कानूनी और कठोरता से कार्यवाही करनी चाहिए। उन्हें उठा कर तिहाड़ जेल में बंद करना चाहिए। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

**SHRI PRABODH PANDA (MIDNAPORE):** Mr. Deputy-Speaker, many thanks to you as you have permitted me to speak on Prime Minister's statement on Ayodhya. I rise here to express my views not only in regard to the Prime Minister's statement but also on the incidents which happened on 15<sup>th</sup> March.

Sir, many things have been said here and learned senior Members of this august House have told many things in regard to the law. Senior Member and my leader, Shri Somnath Chatterjee has also explained many things and hon. Law Minister



has also said many things. Many things have been said here. Some of our friends told that 15<sup>th</sup> March had passed peacefully. I must say that the credit goes to the Court. Credit must go to the Supreme Court. We must salute and congratulate the peace-loving people of Ayodhya, U.P. and the whole country. It is said by some of our colleagues, some BJP Members here, that the credit goes to the VHP and credit goes to the RSS people. They are arguing that since they did not do any violence on that day and restrained themselves on that day, the peace was maintained.

Does it not mean or does it not imply that they are the main provocateur? As they restrained themselves on that day, our country witnessed peace, and that day passed peacefully. Therefore, if they restrain themselves everyday and not commit any communal violence, then I will say that the country will witness peace.

I do not want to speak many things here. I will confine myself to three points. I would like to draw your attention and the attention of the House as well as the attention of the country to three aspects. First, our Supreme Court was able to protect the secular fabric of our country. The second point is that I salute the peace-loving people. So much provocation has come from the VHP people. Even the Chairman of the Nyas declared publicly that he would commit suicide. Is this not enough provocation? In spite of that, the peace-loving people of our country did not respond. The VHP and RSS people tried to mobilise the people of our country. They declared that lots and lots of people would come there to perform the *puja*. However, we have seen that the peace-loving and secular people of our country did not respond to it. Many thanks and salutations to the peace-loving people of our country.

Mr. Deputy-Speaker, Sir, what is happening from the side of the Government? They are deliberately damaging the very essence of our Constitution. Many things were said, and some NDA partners expressed their views and also asked some questions. They apprehended that the Government led by Shri Atal Bihari Vajpayee might recognize any construction of *Ram Mandir* in the disputed land and, that is why, they have raised some questions. My point is different. I thank them for expressing those views, but my point is different. I would like to ask the hon. Prime Minister, through you, whether a secular country like ours can participate in the performance of *puja*, whether a country like ours can participate in any religious performance. This is the basic question. ...(*Interruptions*)

PROF. RASA SINGH RAWAT (AJMER): What is the definition of 'secularism'?

SHRI PRABODH PANDA : Our country is a secular country. It does not mean that our Government will participate in religious performances. Our country must protect the religious rights of the people in all respects, but it does not mean that our country or our State itself will participate in any religious performance. This is the main idea of the Constitution, so far as I understand. Our Prime Minister sent one person to receive the so-called *shila*, which violated the secular idea of our Constitution.

Mr. Deputy-Speaker, Sir, this is against the secular character of our country; this is against the secular structure of our country; this is contrary to our secular Constitution. So, I condemn it; I condemn it; and I condemn it.

The Prime Minister and the Government must realise the sentiments of the people, the mood of the people; the mood of the secular people. The Prime Minister should restrain the people of VHP and RSS from leading our country into an atmosphere of violence. With these words, I conclude my speech.

SHRI G.M. BANATWALLA (PONNANI): Mr. Deputy-Speaker, Sir, the Supreme Court has spoken. It has sided with secular democracy. We salute the Supreme Court!

Mr. Deputy-Speaker, Sir, yesterday *shiladaan* was offered. The entire nation heaved a sigh of relief that at least the day passed off peacefully. Yes, there were some instances in Ahmedabad. As far as Gujarat is concerned, still violence continues. In certain belts there is violence, and we are being still told that there is inadequacy of the police and the security forces. The Government must look into it.

The point I was making here was that the entire nation heaved a sigh of relief that the *shiladaan* or the *puja*, whatever you may call it, passed off peacefully. It is shocking that a special officer, an officer from the Prime Minister's Office, was flown to Ayodhya in order to receive those *shilas*. It does not require any elaborate pleading to point out that a secular State cannot associate itself with any religious ritual that is being performed. This is negation of secularism.

Here is our Law Minister who was very eloquent to point out to the House that the State does facilitate and perform the function of a facilitator in religious functions. Let me ask him, what was being facilitated at Ayodhya? What was the nature, and what is the nature of the temple-building movement of Vishwa Hindu Parishad and others? I say with all the vehemence at my command that the temple-building movement of the Vishwa Hindu Parishad and others is an unlawful movement, and that this Government flew a special officer to Ayodhya, in order to permit an unlawful movement that was there.

Why is it an unlawful movement? This temple-building, which is being envisaged, is on the basis of a blueprint, or a map of a temple, which includes the disputed site, the disputed site of the mosque. So, how can we have a blueprint or which includes the disputed site? When that disputed site is included, the entire blueprint of the map for building a temple is illegal. This Government took special interest, for the appeasement of the *Hindutva* forces, to flow down a special officer to permit this unlawful activity, I say.

The Vishwa Hindu Parishad and others, with their unlawful movement of temple-building, as I said, are holding the entire nation to ransom.

This movement is nothing but blackmail, a bloody blackmail, a blackmail which is being done, giving bloodbath and repeated bloodbath to the nation.

It is for this blackmailing for facilitating this blackmailing that a special officer goes to Ayodhya in order to accept the *shilas* or to do *shila daan*. This is a matter that cannot be forgotten.

प्रो. रासा सिंह रावत : उपाध्यक्ष महोदय, क्या ऐसे शब्दों के प्रयोग से सौहार्दपूर्ण वातावरण बनेगा?

MR. DEPUTY-SPEAKER: If there is any objectionable word, I will look into it.

SHRI G.M. BANATWALLA : Mr. Deputy-Speaker, Sir, the entire NDA led by the BJP has taken its stand along with the VHP and the Hindutva forces. They have taken their stand with fascism found in its most virulent form. This is what is to be considered by the entire House and by the entire nation.

There is of course a controversy, a question, of the stand taken by the Government through its Attorney-General in the court. The role and the function of the Attorney-General are clear and explicit in Clause 2 of Article 76 of our Constitution. The Attorney-General is there to give enlightened advice to the Government. It is not his function to give his advise to all and sundry, to the courts, and to the entire nation.

Look at Clause 2 of Article 76. It tells us clearly that the Attorney-General is to perform such other duties of a legal character as may be referred or assigned to him by the President of India. Which are those duties? They are the duties of a legal character.

I may point out here the meaning of the words 'legal character'. In the State Vs. T. Srinivas, AIR 1988, Kant 67, the term 'legal character' has been interpreted to mean 'legal status'. If we look at Salmond's Juris and George Whitecross Paton in his 'A Textbook of Jurisprudence', it is clear that the term 'legal status' includes rights, duties, co-rights, subjections, disabilities, claims, liberties, powers, immunities, etc. In other words, the Attorney-General's rights, freedom, liberties, immunities are circumscribed by such duties as may be assigned by the President, that is, the Government, in the matter.

Now, what is this Attorney-General that we have, who has some special ideas about his role and about his function? I demand that such an Attorney-General be summoned here in the House. He should be brought here in this House and he should explain to the House, what is his thinking about his role and about his function. Let him explain to this House as to which of his submissions in the court were in his independent capacity and which of the submissions were representing the stand of the country. Therefore, I demand that the Attorney-General be called in this House on this particular subject.

Mr. Deputy-Speaker, Sir, let it be clearly understood that apart from these legal and constitutional technicalities, even if the court decides that there is no prohibition, then also a the question remains.

**20.00 hrs.**

And the question is, what should be the policy of the Government. Even if the court decides that there is no prohibition, the question remains as to what should be the policy of the Government. Here, time and again the Government has assured this House and the entire nation that the entire matter with respect to Ayodhya can be settled only through talks or through a final court verdict. Talks were held Kanchi with *Shankracharya* but unfortunately the talks failed. The Government had then no other way but to tell the court that we have to stand by the final verdict of the court on the title suits. Instead we find that certain stand was taken by the Government in the court through the Attorney General for the appeasement of the *Hindutva* forces over here in spite of the unlawful character of that movement.

Our demand would be that the VHP and such other organisations in this unlawful movement be declared unlawful associations. But instead of declaring them unlawful associations here we have a Government that is very eager to facilitate, in the words of the Law Minister, 'the progress of the movement'.

I would conclude by saying that if there is a plea with the court that such things can be allowed on the land, if there is a plea with the court that a part of the land can be given to anybody – and here we find that even RSS has called upon the Government of its own *parivar* to facilitate the transfer of the land for the purpose of temple building then the plea must be withdrawn.

The final decision even on this writ petition is to come from the court. Let us stand by the final verdict that may come on the title suits. I conclude by saying that I have an unflinching faith in the people of my motherland. I have an unflinching faith in them and I am sure that ultimately the forces of fascism, the forces of darkness will be defeated and the forces of secular democracy, *Inshah Allah*, will prevail.

SHRI A. KRISHNASWAMY (SRIPERUMBUDUR): Thank you for the opportunity given to me to express the views of the DMK Party.

Today's *Times of India* has written a very good editorial describing the entire episode as an "un-edifying drama". I repeat, it is an unedifying drama. In this drama who played what role, we do not know. But the drama has a happy ending. So, the entire nation is very much happy. We, the DMK, would have been much more happier if all the political parties – either on this side or that side – were informed earlier about this sensitive matter of national importance. We are also happy that good sense prevailed ultimately on VHP and *Ram Janmabhoomi Nyas*, which were insisting on performing a symbolic ritual even at the risk of arrest and suicide.

Now a carved stone, that is called the *Shila*, had been given as donation, '*daan*' for the temple construction at a place away from 67 acres of Ayodhya site. So, the entire temple issue has ultimately become a property issue. In this property dispute, I would like to say that the esteem of the Supreme Court has been enhanced high in the minds of the people.

We note that once even the Chief Minister of Uttar Pradesh had flouted the assurances given to the Court. Today, nothing of that sort has happened. Everybody has abided by the verdict of the Supreme Court. Again, I would like to quote the *Times of India* which says:

"When the Government cracked up the whip, even if forced to do so by the Supreme Court, all fell in line swiftly enough. "

Anyway, we are extremely happy that the Prime Minister's assurance has been kept up, thanks to the Supreme Court.

Before concluding, I would like to reiterate, on behalf of DMK, that a solution should be found out, not only between all religions concerned; but also there should be consensus or consultations amongst all political parties. All parties should be taken into confidence because it is a sensitive matter, as politics play a major role than the religions.

In this context, I would like to point out one important thing. What are the differences between Pakistan and India? In Pakistan, there is dictatorship; in India, there is democracy. Pakistan is a theocratic State; India is a secular State. That is why India is respected all over the world fora. That is the glory of India. We should uphold the greatness of India by upholding the secularism, which is part of the basic structure of our Constitution.

The real test now is that the enforced peace prevailing in Ayodhya should be extended to the rest of the country. Peace and harmony should continue to prevail in this country. That is the DMK's stand.

With these words, I conclude.

**श्री मोहन रावले (मुम्बई दक्षिण मध्य) :** उपाध्यक्ष महोदय, सबसे पहले मैं दिवंगत बालयोगी जो को श्रद्धांजलि अर्पित करता हूँ जो हमारी लोक सभा के अध्यक्ष थे। जिन सुरक्षाकर्मियों ने संसद की रक्षा करते हुए अपना बलिदान दिया, मैं उनको भी श्रद्धांजलि अर्पित करता हूँ और राम जन्मभूमि पर राम मंदिर बनाने के लिए अभी तक जिन लोगों ने अपनी कुर्बानी दी है, उन्हें भी मैं श्रद्धांजलि अर्पित करता हूँ।

उपाध्यक्ष महोदय, सबसे पहले मैं सरकार का धन्यवाद करना चाहता हूँ कि इतने तनाव के माहौल में भी शांति और कुशलता से स्थिति को नियंत्रण में रखा। जो हमारे संत हैं – परमहंस रामकृष्णदास, आचार्य गिरिराज किशोर, शंकराचार्य जयेन्द्र सरस्वती, अशोक सिंघल और आर.एस.एस. के वैद्य जी, उनको भी मैं बधाई देना चाहता हूँ कि उन्होंने भी शांति से अपनी भूमिका निभाई, एक समझौते से अपनी भूमिका निभाई। वे दो कदम पीछे हटे इससे यह न समझा जाए कि वे पीछे हटे। जैसे येरुशलम ईसाइयों के लिए पवित्र है, मुसलमानों के लिए मक्का है, वैसे ही हिन्दुओं के लिए अयोध्या है। वहां से हिन्दुओं की भावनाएं जुड़ी हैं। यहां भगवान श्रीरामचन्द्र का जन्म हुआ था। पंडित जवाहरलाल नेहरू जब प्रधान मंत्री थे, तब उनके राज में कोर्ट की अनुमति दी गई और वहां पूजा होने लगी। वहां पहले 1528 में बाबर के सेनापति मीर बाकी ने मंदिर को तोड़कर बाबरी ढांचा बनाया और इसका उल्लेख लखनऊ के गज़ट में हैं और यह किसी हिन्दुस्तानी आदमी ने नहीं लिखा है। वह आई.ए.एस. परदेस अधिकारी था, उसका नाम नेवहील था और उन्होंने लिखा था कि यह मंदिर था और उसको तोड़कर बाबरी ढांचा बनाया है। **वै। (व्यवधान)** आप जाकर देखिये, अगर गलत होगा तो मैं अपने शब्द वापस ले लूंगा। बाद में 1986 के बाद वह लोगों के लिए खोला गया। श्री पांडे नाम का एक लॉयर कोर्ट में गया, बाद में उसने मामला वापस ले लिया। 6 दिसंबर 1992 के बाद बाबरी ढांचा टूटने के बाद अभी तक वहां पूजा होती है। **वै। (व्यवधान)**

**श्री बसुदेव आचार्य (बांकुरा) :** क्यों तोड़ा?

**श्री मोहन रावले :** भगवान रामचन्द्र की जन्मस्थली से हिन्दुओं की भावनाएं जुड़ी थीं और हिन्दुओं के दिल में जो गुस्सा था, जो भावना थी, उस भावना से वह ढांचा तोड़ा गया। **वै। (व्यवधान)**

सर इसके लिए अभी तक 79 हजार लोगों ने अपनी जान की कुर्बानी दी है। उसके बाद आप यह भी देखें कि उसके आसपास सीता माई का मंदिर है। जो बाबर है, वह यहां का नहीं है, वह मुगल बादशाह है, वह फिरंगी है, वह साउथ एशिया से आया होगा, लेकिन हिन्दुस्तान के लोगों का उसके साथ क्या रिश्ता है, हिन्दुस्तान के लोगों में उसके प्रति क्या दिलचस्पी है, बार-बार हम बाबर कहकर उसके नाम का उदबोधन कर रहे हैं, यह क्या बात है, क्या कारण है ?

**श्री शिवराज वी.पाटील (लातूर) :** सभापति महोदय, इस प्रकार की बात कर के वे हम सबकी इंसल्ट कर रहे हैं। किसी के बारे में इस प्रकार से कहना किसी को शोभा देने वाली बात नहीं है। अगर कोई ऐसा कह रहा है, तो वह पेट्रोल में आग लगाने का काम कर रहा है। **वै। (व्यवधान)**

**उपाध्यक्ष महोदय :** जो शब्द इस्तेमाल किए गए हैं मैं उन्हें देख लूंगा।

SHRI SHIVRAJ V. PATIL : I have an objection.

SHRI AJOY CHAKRABORTY (BASIRHAT): He has uttered a very objectionable word.

SHRI SHIVRAJ V. PATIL: Our request is that it should not go into the record. It should be expunged from the record. The hon. Member who is speaking now should be told that he should be careful in using the words and he should not hurt the feelings of others.

SARDAR BUTA SINGH (JALORE): It has no relevance to the subject being discussed now.

SHRI AJOY CHAKRABORTY : There is no provision in the court.

I was shocked.

**उपाध्यक्ष महोदय :** मोहन जी, अभी जो पाटील साहब ने कहा है, कृपया आप उनकी भावनाओं को समझें।

**श्री मोहन रावले :** सर, अभी तक जितने मुगल बादशाह हुए हैं उन्होंने हिन्दुओं के 3000 मंदिर तोड़े हैं। हम हिन्दू हैं, हम सहिष्णु हैं, तो इसका मतलब यह है कि हमें दबया जाता रहे। (व्यवधान)

**श्री सोमनाथ चटर्जी :** तो क्या आप उसका बदला अब लेंगे ? (व्यवधान)

**उपाध्यक्ष महोदय :** कृपया आप सब्जेक्ट पर बोलिए।

**श्री मोहन रावले :** सर, इस देश में 83 प्रतिशत हिन्दू हैं, लेकिन हम यहां अपना मंदिर बनाने के लिए भीख मांगते हैं, ऐसा हुआ है। मैं प्रधान मंत्री जी का आदर करता हूँ और सोली सोराब जी को बधाई देता हूँ। उन्होंने हिन्दुओं की भावनाओं का आदर किया। राम चन्द्र जी की पूजा करना हमारा धर्म है। प्रधान मंत्री जी ने इसमें अपनी महत्वपूर्ण भूमिका निभाई और सभी कार्य शांतिपूर्ण ढंग से संपन्न हो गया। यह बात इनको पसंद नहीं आई। ये चाहते थे कि दंगा हो, चाहते थे कि गोली और लाठी चलें, लेकिन ऐसा नहीं हुआ। इसलिए इनको यह पसंद नहीं आया।

उपाध्यक्ष महोदय, हम सब चाहते हैं कि साधू, सन्तों और धर्माचार्यों का सम्मान होना चाहिए, उनका सम्मान करना कोई गलत बात नहीं है। हम मुस्लिम पीर का भी पूरा सम्मान करते हैं। जब सैकुलरिज्म की बात आती है, तो मैं शिव सेना प्रमुख बाला साहेब ठाकरे की वह बात कहना चाहता हूँ जिसके कारण किसी एक धर्म का प्रचार करने के कारण उनका मताधिकार छीन लिया गया जिसके कारण वे वोट नहीं दे सकते हैं, लेकिन जब कोर्ट में गवाही देनी होती है, तो हम कुरान पर हाथ रखकर उसकी कसम खाते हैं, बाइबल पर हाथ रखकर उसकी कसम खाते हैं और गीता पर हाथ रखकर उसकी कसम खाते हैं, यदि हमारा हिन्दुस्तान सैकुलर है, तो फिर न्यायालय में हम गीता, कुरान और बाइबल की कसम क्यों खाते हैं। हम संविधान पर हाथ रख कर क्यों कसम नहीं खाते हैं। (व्यवधान)

**श्री सत्यव्रत चतुर्वेदी :** अब किसी बाइबल, गीता या कुरान की किताब पर हाथ रख कर गवाही नहीं दी जाएगी। (व्यवधान)

**श्री मोहन रावले :** सर, चतुर्वेदी जी को मालूम नहीं है, शिवराज पाटील जी वकील हैं, आप भी वकील रहे हैं, आपको मालूम है, गीता, कुरान व बाइबल पर हाथ रखकर कसम खाकर कोर्ट में गवाही अभी भी दी जाती है। इनकी राजनीति वोट के लिए चल रही है। जब गोधरा में हत्याकांड हुआ, यहां विरोधी पक्ष की नेता श्रीमती सोनिया गांधी बोलीं, लेकिन यहां उनका किसी ने विरोध नहीं किया। इसलिए हिन्दुओं के दिलों में भी ऐसी भावना उठ रही है, हमारा गुस्सा भड़क रहा है, हम यदि हिन्दू लोगों को गाली देंगे, तो क्या आप इसको ही धर्मनिरपेक्षता मानते हैं।

हिन्दुओं का अपमान करेंगे। (व्यवधान)

SARDAR BUTA SINGH: Who has said this?.....(Interruptions)

SHRI AJOY CHAKRABORTY : Sir, he should not be allowed to speak such things.....(Interruptions)

MR. DEPUTY-SPEAKER: Mr. Rawale, please conclude now. (Interruptions)

**श्री मोहन रावले :** हिन्दुओं का विरोध किया तो (व्यवधान) आतंकवाद का विरोध करेंगे। (व्यवधान) वे भी साम्प्रदायिक समझते हैं। (व्यवधान)

**प्रो. रासा सिंह रावत :** क्या राजीव गांधी जी ने वहां शिलान्यास नहीं करवाया था ?

**सरदार बूटा सिंह :** शिलान्यास कराया था। (व्यवधान)

**उपाध्यक्ष महोदय :** रावले जी, अब आप कंकलूड कीजिए।

**श्री मोहन रावले :** उपाध्यक्ष जी, मेरी पार्टी को बोलने का अभी पहला चान्स मिला है।

**उपाध्यक्ष महोदय :** ठीक है, पहला चान्स मिला है, लेकिन टाइम हो गया है। आपको फ्लोर दिया गया है। अभी प्रधान मंत्री जी का रिप्लाय होना है। आपको नॉन-कंट्रोवर्शियल हैसियत से जो कुछ कहना है, वह कहिये। मैंने आखिर में आपको बोलने का मौका इसलिए दिया था, क्योंकि मुझे मालूम था कि आपका भाग कंट्रोवर्शियल होगा।

**श्री मोहन रावले :** उपाध्यक्ष महोदय, आज जो नीति चल रही है, वह वोटों की राजनीति चल रही है। बाला साहेब ठाकरे ने कहा था कि मुसलमानों के मताधिकार छीन लिये जाने चाहिए। यह इसलिए कहा था कि अगर मताधिकार छीन लिये जायेंगे तो वे यही करेंगे कि अरे भाई मंदिर बनाओ, जल्दी बनाओ, सरकार क्या कर रही

है। (व्यवधान) उनकी व्याख्या बदल जायेगी, उनकी सेक्युलरिज्म की व्याख्या बदल जायेगी। सोमनाथ चटर्जी साहब बैठे हैं, हम उनका बहुत सम्मान करते हैं। सेक्युलरिज्म के बारे में उन्होंने अपनी बात कही है। उन्हें जो बात अच्छी लगी है उन्होंने वह बताई है। मेरे पास इसकी व्याख्या है। From time to time the Supreme Court of India has been interpreting the concept of secularism in the Indian Constitution differently. एक कोर्ट का जजमेंट में बताना चाहता हूँ। It is St. Xavier College Society versus State of Gujarat in which it is said that secularism in the context of our Constitution means only the attitude of live and let live developing into the attitude of live and help live. बाद में उन्होंने बताया कि जियाउद्दीन बुरहानुद्दीन बुखारी और बृज मोहन रामदास ने बताया है। States to be netural or impartial in extending its benefit to citizens of all castes and creeds and cast a duty on the State to ensure through its laws that disabilities are not imposed based on persons practising or professing any particular religion....(Interruptions)

**उपाध्यक्ष महोदय :** रामदास जी, मैं आपको दो मिनट बोलने के लिए समय देना चाहता था, लेकिन यदि आप इस तरह से करेंगे तो मैं आपको बोलने का मौका नहीं दूंगा।

**SHRI MOHAN RAWALE :** The words Hinduism or Hindutva are not necessarily to be understood and construed narrowly, confined only to the strict Hindu religious practices, unrelated to the culture and ethos of the people of India depicting the way of life of the Indian people. उन्होंने सर्वधर्म समभाव के बारे में बताया है। सेक्युलरिज्म सर्वधर्म समभाव है। (व्यवधान)

**उपाध्यक्ष महोदय :** अब आप समाप्त करिये।

**श्री मोहन रावले :** आप अपनी जो नीति बनाते हो, स्वर्गीय राजीव गांधी जी का मैं आदर करता हूँ। लेकिन शाहबानो के केस में जब वह वर्डिक्ट दिया गया तो कितनी हमारी मुस्लिम बहनों पर अत्याचार हुए। जहां पर ईरान, इराक, इंडोनेशिया, पाकिस्तान आदि सारे मुस्लिम कंट्रीज हैं। मैं तुर्कमेनिस्तान में गया, इन सारी मुस्लिम कंट्रीज में किसी को तलाक देना होता है। (व्यवधान)

**SHRI MANI SHANKAR AIYAR (MAYILADUTURAI):** The Supreme Court in India, in September 2001, has validated the Muslim Women Compensation and Divorce Act and supported every single argument laid by Shri Rajiv Gandhi in this House. What are you talking? ...(Interruptions)

**श्री मोहन रावले :** किसी को तलाक दिया जाता है तो पहले पत्नी की सहमति लेनी होती है। सारे हिन्दुस्तान में ऐसा है, सारी दुनिया के मुस्लिम देशों में यह है। (व्यवधान) वह ऐसा मानते हैं, लेकिन धर्म के नाम पर (व्यवधान) राजीव गांधी जी ने पहले कहा था (व्यवधान)

**श्री अब्दुल हमीद (धुबरी) :** उपाध्यक्ष जी, यह क्या बोल रहे हैं। (व्यवधान)

**श्री मोहन रावले :** उपाध्यक्ष जी, मैं उनको कभी भी बोलने नहीं दूंगा। मैं अकेला ही उनको सबक सिखा सकता हूँ।

**उपाध्यक्ष महोदय :** अब आप समाप्त करिये।

...(व्यवधान)

**श्री मोहन रावले :** कोई मुस्लिम महिला किसी की बीबी होती है, किसी की बहन होती है, बेटा होती है, किसी की मां होती है जब उसको तलाक-तलाक करके छोड़ दिया जाता है तो उसकी क्या हालत होगी, यह समझ लीजिए। (व्यवधान)

**डॉ. रघुवंश प्रसाद सिंह (वैशाली) :** मेरा प्वाइंट ऑफ आर्डर है।

"The Speaker, after having called the attention of the House to the conduct of a Member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech."

प्रधान मंत्री जी की स्पीच में कहीं रैलेवेंसी नहीं है। (व्यवधान)

**उपाध्यक्ष महोदय :** अब समाप्त कीजिए।

**श्री मोहन रावले :** मैं कोर्ट के बारे में बताना चाहता हूँ। अगर कोर्ट का वर्डिक्ट चेंज होता है कि वहां मंदिर था, तो क्या आप मुसलमानों को बोलेंगे कि वे कोर्ट का वर्डिक्ट मानें। मैं सारे विपक्ष के सदस्यों को पूछना चाहता हूँ। (व्यवधान)

**उपाध्यक्ष महोदय :** अब आप समाप्त कीजिए।

**श्री मोहन रावले :** गोधरा में जो हुआ, वह बहुत दुखद था। (व्यवधान) यहां बात कही गई है इसलिए मैं बोल रहा हूं। मुंबई शहर में जो बम विस्फोट हुआ, 1992-93 में कांग्रेस की सरकार थी। कांग्रेस की सरकार के समय 196 इंसीडेंट्स हुए जिनमें 946 लोग मारे गए। गुजरात में लोग मारे गए, मध्य प्रदेश में लोग मारे गए, राजस्थान में मारे गए। तब इन्होंने नहीं कहा कि हमारी सरकार बरखास्त होनी चाहिए। तीन हजार सिखों को मारा गया। ये लोग राष्ट्रपति जी के पास यह कहने गए कि इस सरकार को बरखास्त करो। मैं सदन को बताना चाहता हूं कि इनकी दोहरी नीति है। (व्यवधान) मुझे बहुत कुछ बोलना था। (व्यवधान) मैं मुस्लिम भाइयों से अपील करना चाहता हूं कि उन्हें मिल-जुल कर रहना चाहिए। आप मुझे बताइए क्या दुनिया में ऐसी कोई मस्जिद है जहां अल्लाह की इबादत होती हो और प्रभु की प्रार्थना होती हो। हम अपना हक मांग रहे हैं। यह दुर्भाग्य की बात है कि हम अपने राज में भीख मांग रहे हैं। इसलिए आन्दोलन हो रहे हैं। 79 हजार लोगों ने अपने बलिदान दिए हैं, कार सेवकों ने बलिदान दिए हैं। हम आपके द्वारा प्रधान मंत्री जी से प्रार्थना करना चाहते हैं कि आप साधु-संतों का सम्मान कीजिए, हिन्दुओं की भावनाओं का सम्मान कीजिए। आप भी मुस्लिम भाइयों को बोलिए कि आप भी उनका सम्मान कीजिए।

**श्री रामदास आठवले (पंढरपुर) :** उपाध्यक्ष महोदय, प्रधान मंत्री जी ने स्टेटमेंट दे दिया था कि कोर्ट के फैसले को अमल में लाने की जिम्मेदारी हमारी है और उन्होंने इस जिम्मेदारी को 50 प्रतिशत निभाने का प्रयत्न कर दिया है। मुझे इतनी जानकारी चाहिए, रामचन्द्र परमहंस ने बताया कि वहां के कमिश्नर को शिला देने के लिए तैयार नहीं हैं क्योंकि उनके पास शिला सुरक्षित नहीं रहेगी। इसलिए पी.एम.ओ. ऑफिस का एक व्यक्ति वहां गया। हम सेकुलरिज्म का अर्थ यह मानते हैं कि यहां के हिन्दू, मुसलमान, बौद्ध, क्रिश्चियन्स को सपोर्ट करना चाहिए। हम हिन्दुओं का विरोध करने वाले नहीं हैं। हमारा इतना ही कहना है कि सुप्रीम कोर्ट के फैसले को मानने के लिए अटल जी, आडवाणी जी, प्रमोद महाजन जी, सोनिया जी तैयार हैं, सोमनाथ बाबू तैयार हैं और हम भी तैयार हैं।

सुप्रीमकोर्ट का जो भी फैसला आयेगा, उसे हम मानने के लिए तैयार हैं, मगर इस देश में जो आन्दोलन करने वाले वी.एच.पी. के लोग, आर.एस.एस. के लोग या बजरंग दल के लोग हैं, वे सुप्रीम कोर्ट का फैसला मानने के लिए तैयार हैं या नहीं। अगर वे सुप्रीम कोर्ट का फैसला नहीं मानेंगे तो उनको ठीक-ठाक करने के लिए यह सरकार तैयार है या नहीं? वी.एच.पी. के लोग इनके अपने हैं। जब हमने मराठवाड़ा यूनिवर्सिटी को बाबासाहेब अम्बेडकर जी का नाम देने के लिए 14 साल तक आन्दोलन किया था तो जब-जब हमने कानून तोड़ा, तब-तब हमें जेल में डाल दिया था, मगर मैं देख रहा था कि वी.एच.पी. के जो लोग हैं, उनको और रामचन्द्र परमहंस जी को आपको अरैस्ट करने की आवश्यकता थी, मगर आपको यह डाउट था कि अगर उनको अरैस्ट करते हैं तो ये अपनी सरकार के खिलाफ हल्ला-गुल्ला करेंगे और सब हिन्दू आपको खिलाफ जाएंगे।

आप यह तो समझ रहे थे कि 15 तारीख आयेगी और 16 को आपकी सरकार जायेगी। हमें ऐसा लगता था कि 15 तारीख आयेगी, 16 को आपकी सरकार जायेगी, 17 तारीख आयेगी और हमारी सरकार लायेगी। मगर आपकी सरकार गई नहीं, इसलिए हमारी सरकार आई नहीं। सरकार का ही सवाल नहीं है, सरकार तो आप लोग चलाइये। सरकार चलाने में अभी हमारा इंटरैस्ट नहीं है, सरकार चलाने का अभी इंटरैस्ट आपको ही है, आप ही सरकार चला सकते हैं। आपने देखा होगा कि लगान फिल्म में आमिर खान जी क्रिकेट टीम के कप्तान हैं। सब लोगों को लगता है कि ये सब खिलाड़ी अनट्रेण्ड हैं, ये मैच जीतने वाले नहीं हैं, मगर आमिर खान की टीम वहां जीतती है। उसी तरह से साढ़े तीन साल से आप ही जीत रहे हैं। सब लोगों को लगता है कि यह टीम अच्छी नहीं है, मगर आप ही साढ़े तीन साल से जीत रहे हैं। हम इसलिए नहीं जीत रहे हैं कि जब हमारा कोई खिलाड़ी बॉलिंग करता है तो आपके बैट्समैन को आउट करने के बजाय वह पीछे दूसरे फील्डिंग करने वाले को ही आउट करने का प्रयत्न करते हैं। इसलिए आज की स्थिति ऐसी है कि हम जीतने वाले नहीं हैं, जब तक आपके साथ 30 खिलाड़ी हैं और आप 300 हैं, तब तक आप जीतने वाले हैं। हमारी ट्रेनिंग चालू है और हम अच्छी फील्डिंग करेंगे और आने वाले चुनाव में हम मैच जीतने वाले हैं, तब तक आप खेलते रहिये, जीतते रहिये। देश में शान्ति बनाये रखने के लिए आपको अपनी सरकार की तरफ से कदम उठाने चाहिए।

इन्हीं शब्दों के साथ मैं दो शब्द खत्म करता हूं।

**प्रधान मंत्री (श्री अटल बिहारी वाजपेयी) :** उपाध्यक्ष महोदय, इस चर्चा में कुछ महत्वपूर्ण मुद्दे उठाये गये हैं। उनके बारे में विचारों का प्रकटीकरण भी हुआ है। मैं सब को दोहराना नहीं चाहता। अटार्नी जनरल की भूमिका क्या हो, इस पर दो अधिवक्ताओं के भाण हमने सुने। श्री सोली सोराबजी ने एक वकील के नाते जो राय दी थी, उसका उल्लेख हुआ है। उन्हें ऐसी राय देने का हक था या नहीं था, यह विवाद का विषय है, लेकिन जो वास्तविकता है, उससे देश परिचित हो, यह बहुत जरूरी है।

1994 के सर्वोच्च न्यायालय के फैसले की व्याख्या क्या की जाए, इसको लेकर भी चर्चा हुई। इस पर भी मतभेद हैं। लेकिन जो निर्णय दिया गया है, वह सर्वमान्य है। उस पर अमल होगा, होना चाहिए। उसके कारण मतभेद के कारण किसी न्यायालय के निर्णय को अमान्य नहीं किया जा सकता या फिर कभी मौका आए तो उससे भी बड़ी बैच बनाकर वह मामला उसके सामने प्रस्तुत किया जा सकता है। फिर दूसरा निर्णय प्राप्त करने की कोशिश हो सकती है। लेकिन जब तक वह निर्णय है, तब तक वह मान्य है और उस पर सबको आचरण करना चाहिए।

मैं तेलुगू देशम पार्टी के अपने मित्र से कहना चाहूंगा कि विश्व हिन्दू परिद ने जो वक्तव्य दिया है शिलाओं के बारे में, कि स्वीकृति है सरकार द्वारा मंदिर के निर्माण की। हम लोग अपनी स्थिति स्पष्ट कर चुके हैं। मंदिर का निर्माण का प्रश्न अदालत के अधीन है।

**श्री बसुदेव आचार्य :** आपने कंट्राडिक्ट नहीं किया।

**श्री अटल बिहारी वाजपेयी :** आप उनकी बात सुनने को तैयार हैं, मेरी नहीं। (व्यवधान) विश्व हिन्दू परिद ने इस बात का आग्रह किया था कि हमने जो स्वीकृति दी है, उसके अंतर्गत जो अदालत का अंतिम फैसला होगा, उसको हम मान्य करेंगे। उसमें परिवर्तन नहीं हो सकता। इसीके आधार पर जो बातचीत चली, साधुओं में, संतों में, मौलानाओं में, उसका आधार भी यही था। सुप्रीम कोर्ट के कुछ पूर्व न्यायाधीश भी शंकराचार्य जी से मिलने गए थे। उसमें भी यही बात निकली कि जो निर्णय अंतिम होगा, वह अदालत का अंतिम निर्णय होगा। उनकी सलाह से भी आगे बढ़ने की दिशा में प्रयास हो सकता है। इसलिए यह गलतफहमी नहीं होनी चाहिए कि मंदिर का निर्माण शुरू हो गया है। वहां शिलाएं रखी हैं। उनका उपयोग उसी दिन होगा, उसी परिस्थिति में होगा जब सर्वोच्च न्यायालय हिन्दुओं के हक में फैसला दे देगा, अन्यथा नहीं। अगर फैसला खिलाफ जाता है, तो सर्वोच्च न्यायालय के निर्णय में, उसकी भी व्यवस्था है और उसका भी उल्लेख है। अगर फैसला मुसलमानों के हक में जाता है, कौन सा रास्ता होगा, किस तरह की सुविधाएं होंगी, इन सबका उल्लेख किया गया है। निर्णय अदालत को करना है। बीच में कोई बाधा निर्णय में पैदा करे, यह ठीक नहीं है।

सेक्यूलरिज्म की बड़ी चर्चा हुई है। सोमनाथ बाबू ने कह दिया कि सेक्यूलरवाद के शव पर वह एक कापालिक की तरह खड़े हैं।

**श्री सोमनाथ चटर्जी :** ऐसा कल बोला था।

**श्री अटल बिहारी वाजपेयी :** वह कापालिक आज भी खड़ा है। बड़ी नाटकीय भाषा है, सेक्यूलरिज्म मरने वाला नहीं है।

**श्री सोमनाथ चटर्जी :** वही चाहते हैं कि मरे नहीं।

**श्री अटल बिहारी वाजपेयी :** कोई नहीं मरेगा। हमसे पहले भी देश सेक्यूलर था, हमारे बाद भी सेक्यूलर रहेगा। यह देश किसी एक पार्टी के कारण सेक्यूलर नहीं

है। यह परम्पराओं का हिस्सा है। हमारे रक्त का रंग है। जब विरोधी दलों का शासन था, उस समय भी देश सेक्यूलर था, क्योंकि यह बहुमतवाद है। मुंडे-मुंडे मितरभिन्ना...

**प्रो. रासा सिंह रावत** : तुंडे-तुंडे सरस्वती।

**श्री अटल बिहारी वाजपेयी** : मैंने एक कहा तो आपने दूसरा कह दिया। यह मत भिन्न हो गया। मैंने अधूरा कहा था, आपने उसे पूरा कर दिया। सेक्यूलरवाद सचमुच में जीवन को व्यतीत करने का एक ढंग है।

केवल हमारे देश में नहीं, इस समय सारे विश्व में जो एक कट्टरतावाद पनप रहा है, बढ़ रहा है, वह चेतावनी है। वह अगर सीमाओं में नहीं रहा, लोगों की निठा अगर सीमाओं में नहीं रही तो कोई भी उग्र रूप धारण कर सकती है और वह कानून और व्यवस्था के लिए भी संकट बन सकती है। इसका सबको विचार करना चाहिए। सैकुलरवाद की केवल रट लगाना काफी नहीं है। सैकुलरवाद का सलैक्टिव सैकुलरवाद नहीं हो सकता है। अगर उसका प्रयास किया जाएगा तो पूरा सैकुलरवाद खतरे में पड़ जाएगा मगर मुझे विश्वास है कि ऐसी नौबत देश में नहीं आएगी।

मुझे एक स्पटीकरण देना है। बार-बार यह कहा जाता है कि मैंने विश्व हिन्दू परिद को आश्वासन दिया था कि अमुक तारीख तक उनका मंदिर बन जाएगा या निर्णय हो जाएगा। मैंने ऐसा कोई आश्वासन नहीं दिया है। मैंने जो कुछ कहा था, वह सिर्फ इतना था कि इस दिशा में प्रयास किया जाएगा और मुझे आशा है कि मार्च का महीना आने तक शायद कोई रास्ता निकल आये लेकिन रास्ता नहीं निकला और उसके लिए मैंने दोनों पक्षों को दोगा दिया था कि जब तक अपनी-अपनी बात नहीं छोड़ेंगे, जब तक कुछ लेना-देना स्वीकार नहीं करेंगे, जब तक सद्भावना के आधार पर आगे नहीं बढ़ेंगे तो कोई रास्ता नहीं निकल सकता। इसलिए बार-बार यह कहना कि आपने उनको बढ़ावा दिया था, मेरे बढ़ावे से वे नहीं बढ़े हैं, उनको जो जनता का समर्थन है, उसके कारण वे आगे बढ़ रहे हैं और इसलिए जरा 14 तारीख की कल्पना करिए। आज तो हम अलग वातावरण में मिले हैं, बातचीत कर रहे हैं लेकिन 14 तारीख को हवा में एक दबाव था। वह ठीक था या सही था, इसमें मैं नहीं जाना चाहता। एक जैसे कठिनाई थी कि क्या होगा, आशंका थी। अभी-अभी गुजरात से हमने पूरी तरह से छुटकारा नहीं पाया है और एक नया विवाद खड़ा हो गया। इसलिए सबने राहत की सांस ली जब शिला का दान ले लिया गया और कोर्ट के फैसले का उल्लंघन नहीं हुआ। स्टेटस-को में किसी तरह की बाधा नहीं पड़ी, शिला ले ली गई और अब शिला सुरक्षित है और जैसा मैंने कहा कि शिला का उपयोग उसी दिन होगा जिस दिन ओरिजिनल स्यूट के बारे में कोई फैसला होगा। बीच में शिला काम में नहीं आने वाली है, इसलिए कोई कारण दिखाई नहीं देता कि इस सवाल को लेकर अब देश में उग्र भावनाएं फैलाई जाएं। इसमें सबको योगदान देना चाहिए। मुझे विश्वास है कि आज की चर्चा सार्थक होगी और देश सही दिशा में आगे बढ़ेगा। धन्यवाद।

**श्री बसुदेव आचार्य** : वह तो आपने जवाब नहीं दिया जो आपने पीएमओ से शत्रुघ्न सिंह को भेजा था।<sup>१</sup>(व्यवधान) आपने उसका जवाब नहीं दिया। वही तो असली सवाल था, उसका जवाब नहीं आया।<sup>२</sup>(व्यवधान)

**श्री सोमनाथ चटर्जी** : इसमें कोई जवाब नहीं है।<sup>३</sup>(व्यवधान)

**श्री अटल बिहारी वाजपेयी** : जिन विायों के बारे में मेरे सहयोगी विधि मंत्री श्री अरुण जेटली जी ने प्रकाश डाल दिया था, उसका पिटपोण मैंने नहीं किया है। पिसे हुए को पीसने से कोई फायदा नहीं है।<sup>४</sup>(व्यवधान) जो पिसा है, वह बारीक पिसा है।<sup>५</sup>(व्यवधान)

MR. DEPUTY-SPEAKER: The next two items in the Order Paper are very small and on Monday there will be ample opportunity for everybody to participate in the debate on the Prevention of Terrorism Bill. So, if you agree we will finish these stwo items now.

SHRI BASU DEB ACHARIA : Sir, it could be on one condition. On Monday, the Zero Hour should be allowed, at least, for half-an-hour before POTO is taken up.

THE MINISTER OF PARLIAMENTARY AFFAIRS, MINISTER OF INFORMATION TECHNOLOGY AND MINISTER OF COMMUNICATIONS (SHRI PRAMOD MAHAJAN): Sir, the order given by the Supreme Court and the Chair should be accepted without any condition. He is putting conditions for the Chair.

SHRI BASU DEB ACHARIA : On this condition, we can agree to this proposal.

SHRI PRAMOD MAHAJAN: No conditions, please.

SHRI BASU DEB ACHARIA : We have a number of important issues. We could not raise them because of this reason.

SHRI PRAMOD MAHAJAN: I leave it to the Chair to decide whether the Zero Hour should be for half-an-hour or one hour.

MR. DEPUTY-SPEAKER: All right.

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