

MR. SPEAKER: The House stands adjourned for lunch to meet again at 2.30 PM.

13.28 hrs.

*The Lok Sabha then adjourned for Lunch till thirty minutes past Fourteen of the Clock*

*The Lok Sabha re-assembled after Lunch at Thirty-Four minutes past Fourteen of the Clock.*

[MR. DEPUTY SPEAKER *In the Chair*]

STATUTORY RESOLUTION REDISAPPROVAL OF THE ACQUISITION OF CERTAIN AREA AT AYODHYA ORDINANCE.

AND

ACQUISITION OF CERTAIN AREA AT AYODHYA BILL (*CONTD.*)

[*English*]

MR. DEPUTY SPEAKER: Now, we will take up Agenda Items 14 and 15 together for discussion. Shri Sudhir Roy please.

DR. SUDHIR RAY (Burdwan): Sir, the nation is seized of this problem of Ram Janam Bhoomi-Babri Masjid issue for a long time. Already, much blood has flown. And already it was a fait accompli.

But Sir, in July 1991, when the situation was becoming critical, when the Karsewaks threatened that they would resume *Kar Seva*, we urged upon the Government to take over the site. But the Government did nothing. It carried on its Powwows with the Sangh Parivar and it carried on with its parleys with Sadhus and somehow the Karsewaks made a retreat. Again in the month of October, the Margdarshak Mandali of the saints threatened that they would resume *Kar Seva*.

Then also, the Left parties and the National Front Parties urged upon the Government to take over the site. But the Government paid no heed to our advice. The Government simply acted on the dictum of 'speak no evil, see no evil and hear no evil'. The Government had practically relied on the Sang Parivar, Hoping that their request would be complied with. This is because the former chief Minister of Uttar Pradesh gave a solemn pledge to the supreme court that no harm would be done to the Babri Masjid. His Holiness Swami Chinmayananda stated in an affidavit that they would perform only Bhajans and Keertans and that no harm would be done to the structure.

Then Sir, on 6th December, the mosque was demolished. Any way we are grateful to Advaniji because he warned us before hand that there would be no Bhajans and Keertans alone and that a special squad had already been given training in Chambal so that the mosque could be demolished. Within five hours, this 500 year old ancient mosque was demolished. The whole world was stunned. Then the Prime Minister declared that he would try his best to reconstruct the masjid. But what follows? The whole country was in a threat. Cities, towns and villages were full of riots. Women and children were burnt alive. Thousands of men were killed. And, many more had to flee from Surat, Bhopal and Ahmedabad. But, the Government is still playing their ugly game.

On the 27th December, the Faizabad Administration gave permission to have *darshan* of Ram Lala where those idols are installed on a make-shift temple on the site of demolition. Thus, by granting permission to have *darshan* the Government tried to legitimise an illegitimate act of the Sangh Parivar. When the Prime Minister was contacted at Tiruvananthapuram, he said that it is an act of the district administration. But, even a child knows that district administration cannot give a unilateral order on the sensitive issue when the entire State was under the President's Rule. But the Prime Minister took the plea that this is an act of the district administration.

[Dr. Sudhir Ray]

When the muslim community requested to offer Namaz they were refused. In fact a procession of the muslims was debarred from going there. Now, they have promulgated an ordinance. They have also legitimised an illegitimate act of the Sangh Parivar. The whole country is now full of tension. We see the communal divide has become sharper between the Hindus and muslims. From the point of view of population, India is the second largest muslim country. In the world, just next to Indonesia. In India every 87th man is a muslim. Muslims have done a lot to contribute to the civilisation and culture of this country. But, Sir, the Sang Parivar declared that if they come to power the muslims will be deprived of their voting right and they will have to go to Pakistan. All this is being uttered by the responsible leaders of the Sangh Parivar.

KUMARI UMABHARTI (Khajuraho): Mr. Deputy Speaker, Sir, he is giving wrong information to the House. He is misleading the House. He has mentioned that some responsible leaders of the BJP have said that muslims should be thrown out of the country and that they should be deprived of the voting right.

DR. SUDHIR RAY: \*\* has made a statement in Madras.

KUMARI UMA BHARTI: Sir, he has mentioned the name of a person who is not present in the House. Whatever he is saying, is baseless and not true. He is misleading the House. He cannot mislead the House.

DR. SUDHIR RAY: Sir, he is not a Member of this House and I have quoted him.

SHRI BASU DEBACHARIA (Bankura): You call him in the House.

KUMARI UMA BHARTI: He is ready to come but have you got the guts to call him to

the House?

MR. DEPUTY SPEAKER: Ms. Bharti when you get the chance you can rebut it.

KUMARI UMA BHARTI: Sir, he is a responsible Member of Parliament. He cannot say something so baseless. He cannot mislead the House.

MR. DEPUTY SPEAKER: Dr. Ray, you have made allegation against whom?

KUMARI UMA BHARTI: Sir, he has used the name of

MR. DEPUTY SPEAKER: A person who is not present in the House, his name should not be taken.

DR. SUDHIR RAY: Sir, I am quoting his statement only.

MR. DEPUTY SPEAKER: If a person is not in a position to defend his case, his name should not be taken in the House. I will expunge that from the records.

SHRI VIJOY KUMAR YADAV (Nalanda): Sir, it has been mentioned in the white Paper also. He is quoting from the White Paper.

[Translation]

SHRI KRISHAN DUTT SULTANPURI (Shimla): In the white paper name of \*\* is mentioned.

KUMARI UMA BHARTI (Khajuraho): There is nothing of this sort in the White Paper. I have also read the White Paper.....(Interruptions)

MR. DEPUTY SPEAKER: I will expunge that name.

DR. SUDHIR RAY: The Government has promulgated an ordinance and a Bill has been brought in this House. Now, the Centre

has declared its intention to acquire more than 67 acres of land. It has declared that this land would vest with the Centre and the title-ship would vest with the Centre. The Centre would pay the owner its legitimate market value. It has been declared that there would be two trusts for constructing the 'mandir' and 'masjid'.

I think, now this step of Centre will create difference between the Sangh Pari-var and the Government. The Sangh Pari-var's only objection is that the temple should not be constructed by the 'sants' and 'sadhus' or by the Government because that is the monopoly of the VHP and so this should not be entrusted to the 'sants' and 'sadhus'. This is the only difference. The minority community has already been alienated. Our argument is that these things should have been referred to the Supreme Court not under Article 143 (1) because under this Article the Supreme Court has only advisory jurisdiction. That is, it depends on the sweet will of the Government whether it would abide by the decision of the Government or not. We demand that the decision of the Supreme Court shall be final. We, therefore, request the Government to refer this case under Article 138(2).

This Babri Masjid-Ram Janmabhoomi dispute is a cause for tension and anxiety all over the country. The forces of destabilisation are becoming stronger day by day. The communal divide is becoming more sharpened. Therefore, we would appeal to the Government to refer the case, under Article 138(2). The Government should not only acquire land but also they should say that this should finally solve this Ram Janmabhoomi-Babri Masjid dispute. There must not be any loopholes for any Party to take advantage of the situation.

With these few words I conclude.

DR. KARTIKESWAR PATRA (Baramati): Mr. Deputy-Speaker, Sir, at the very outset, I am thankful to you for calling me to speak. I strongly support this Bill and I request the hon. members to support also. I

have heard the speeches of some of the hon. members who spoke yesterday. It is told that sometimes, the experts seldom agree because they might not have been experts they doel.

Similarly some Opposition Members seldom agree because perhaps they feel that if they agree they will not be opposition Members. Anyway, some Opposition members did agree. This is the difference. In my opinion this is the historic Bill which has been brought by the hon. Minister to this House for consideration. In my opinion, it is the dark portion of the history and it has to be told. The 6th December, 1992 is the dark portion of history of our history. It is a sad history in the annals of Constitutional set back, it is to be considered by all the Members that it is a very serious thing. It is also because the country has been brought to a serious situation. Now the situation still continues to be serious. That is why this is an attempt to protect the Constitution, to protect secularism, to protect our nation, to protect the glory and to protect secularism, to protect our nation, to protect the glory and to protect the name and fame of this country in the whole world.

You know how attempts were made to sweep secularism; how attempts were made to destabilise the country here, the very harmful forces which are detrimental to the nation, to the Constitution and to our democracy.

That is why this Bill was brought. It has been brought keeping in view how after 6th December, 1992 the country was led to violence which had resulted in a number of deaths, injuries and destruction of property in various parts of the country. Still it is continuing. But it is not that severe. That is why we should pay heed and cautions. Sir, the philosophy of this bill is to bring national harmony and to protect Constitution and secularism of our country and not only that to bring back the glory and the position of India in the world.

How the entire world is bowing down

[Dr. Kartikeswar Patra]

before India for its humanitarianism, for its secularism, for its spiritualism, human philosophy, that had been shattered on that very day?

I want to request all the members of this house that they should be very much cautious of what we are discussing here. Sometimes, some leaders of some groups blow hot and cold at the same time; sometimes, they are speaking on democracy, they are speaking of nationality, they are speaking about poor masses of this country; at the same time, what they are doing should be watched by everybody.

In the name of religion, in the name of Lord Rama, in the name of God, we are trying to capture power. But we are not caring for the country; we are not caring for the common people who are living in remote corners of the villages. When people are not getting food to eat, clothes to wear, even medicine to take, even children are not getting education, at that time, we are only playing with the religion. We want to have this power. This is disliked by everybody.

"Sandu Shitar Chhipe Na,  
Neech Chhipe Na Badappan Gai,  
Sabha Ke Bhitari Pandit Rikhe Na,  
Suraj Chhipe Na Badal Chai"

[English]

You cannot hide sins looking in a box; it will be revealed. A day will come when everybody, every citizen, every new born baby will blame this party which is leading this country to this critical situation.'

I want to put one or two more questions to those hon. Members who are very much praising for construction of Ram mandir and demolition of Babri Masjid. History says that Babri Masjid was neither built by Babar nor that was not demolished by Babar; it was built by Mir Baiji in 1958. After a lapse more than 500 years, we have witnessed that there is nothing in it. It is going on like that.

But in 1949, there was some sort of a dispute; and Section 145 was promulgated saying that nobody can enter into that Mandir and Babri Masjid. Nobody can take away the idol of Ram Lal from there which was put there; that was also going on like that. VHP and another party - I can name it also if I may be excused, because it should be named; everybody should know its name - in the name of God, in the name of religion, we should be very cautious whether we are doing any harm to the country. If our country is divided, can anybody welcome that? If it is so then we are killing ourselves, we are killing the democracy, we are killing our independence. This is the thing.

Whenever we recite Ayodhya, we give respect to the father of the nation, Mahatama Gandhi, about whom one famous philosopher said:

"Generations to come could scarcely believe that a man like Mahatama Gandhi ever trod this earth in flesh and blood".

World can give birth to several mahapurush, but only one Mahatma is Mahatama Gandhi. It was this Mahatama Gandhi who recited:

"Raghupati Raghav Raja Ram, Patit Pawan Sita Ram,  
Ishwar Allah Tero nam, Sab Ko Sammati De Bhagwan"

14.56 hrs.

[SHRI TARA SINGH *in the Chair*]

Sir, Allah, Ishwar, Raghupati Ram, Jesus, all are same. If we worship Ram, we have to respect Allah and Jesus also. If we do not respect Jesus and Allah then we are not Hindus. What is Hinduism? Hindus believe in sacrifice.

"Vishwahit Hindu, Pratirakt Bindu"

[English]

Every drop of blood of a Hindu is for

others, for the whole world and not for any particular sector.

What is in it if we colour our clothes but we do not colour our hearts and souls? If we do not colour our heart and soul then we are deceiving the entire nation. Beacon says:

"Life faces the God shrinketh from mankind".

We are not facing the God that is why we are telling lie. If we face the God we will not care for those who will tell lie.

Earlier my friend gave some quotations and those have been objected here. I want to categorically mention that the white paper on Ayodhya has been circulated and in it the names are mentioned. Dr. Mureimanohar Joshi, President of BJP mentioned in mathura.....

MR. CHAIRMAN: I have read the White Paper. Everybody has read it. Why are you repeating it. It is no use of reading it again.

DR. KARTIKESWAR PATRA: I want to put it here that some people speak about secularism, nationality, fraternity and brotherhood in the House but in public places what they are telling is different. They are doing harm to the nation, harm to the entire humanity.

It has been stated that in the village called Ramchandra Pargana haveli, District Faizabad, Uttar Pradesh, some portion of land has to be acquired by the Central Government.

MR. CHAIRMAN: You have taken 17 minutes. Please wind up now.

DR. KARTIKESHWAR PATRA: I will take two to three minutes only. Sir, you also know how things were going on when the then U.P. Government gave affidavit to the court and gave assurance to the National Integration Council.

15.00 hrs.

I can quote here. It has been recorded here how the conspiracy was going on and this conspiracy will also linger it is not dealt with firmly and very strongly. It could not be abolished from our country. Therefore, every Member should be conscious about it. Who are the actual culprits, who are the guilty persons, who are harming the country, harming the nation and harming our ancient past glory? This is a matter for consideration.

With these words, I thank the Chair and the hon. Minister also before I conclude.

15.01 hrs.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, I rise to oppose the Bill on behalf of my party, the Janta Dal. But I also wish to thank the Home Minister for his gracious gift on the eve of the Id-ul-fitre as a member of the Muslim community.

The Bill that he has placed before us is a Bill which makes an invidious discrimination against a major religious community of India. The Bill is a camouflage, which is a smoke-screen to create a legal facade, a legal framework behind which a mosque of 500 years standing shall be converted into a temple by the order of the State, by the dictat of the Government and under a pseudo mandate of the judiciary.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): A pseudo order of the court?

SHRI SYED SHAHABUDDIN: 'Pseudo opinion' I would say. Because you had asked a pseudo question, so you will get a pseudo opinion.

The Bill constitutes a step in the direction of the commission of a fraud on the Constitution. It constitutes a negation of the principles of the secular order. It is an act of deception to mislead the public opinion and it is an act of hostility against the Muslim community of India.

[Sh. Syed Shahabuddin]

There was no dispute before 1949 because there was no claim that the Babri Masjid site was the site of the birth of Lord Rama.

The history began on 22/23 December, 1949 when the mosque was intruded into. Idols were surreptitiously and unlawfully placed there. There were the words of the then Government of U.P. Then it was attached taken out of the hands of the community to which it belonged.

In 1986 although it was an attached property, it was unlocked and converted into a *de facto* temple. In 1989 the construction of the new temple began under the auspices of the same party's Government which is ruling us today. In 1990 the first assault came on the Babri masjid. In 1991 there was a second assault on the Babri Masjid beginning with demolitions and excavations and new construction, all thoroughly illegal against the law of the land. In 1992 came the assault which led to demolition of the Babri Masjid.

We have received shock after shock, we have received injury after injury and the country is seething and simmering against the impact of these repeated acts of violence, repeated acts of violation against the body politik of India.

Let us look at the conduct of this Government, which has presented us with this Bill, in the period immediately before the demolition. We suggested that if they were truly sincere about protecting the masjid, they should declare it as a historic monument so that it comes under the protection of the Directive Principles of the Constitution. They did not do that. We suggested, that if they were so generously offering forces to the State, sometimes against their wishes, force after forces, company after company, battalion after battalion, why could they not get them to share, the security plan and insist that the security of the structure shall be in the hands of the forces sent by the Centre? They did not do that.

We asked them why they did not go to the Supreme Court and get themselves appointed as a receiver of the property. They did not prese the matter.

We asked them to apply Article 355 and give a special directive to the State Government. They did not do that.

We asked them to apply Article 352 on a limited scale and take over the administration of a limited area and bring this property under their control. They did not do that.

We asked them to seek the guidelines from the Supreme Court when it had allowed symbolic *kar seva*. They did not ask for any guidelines. It was an unguided, unregulated *kar seva* and the result could be foreseen.

They never made any explicit declaration that the Government of India was honour-bound to use all possible force, use all its authority to protect the Babri Masjid, if it was touched. If an explicit declaration was made even after the NIC Resolution, this could have been achieved. They did not do that. And now, this Government, comes to us and says, "We have a proposal, we have a plan for settlement." What have they done immediately after the demolition began? They took six hours before they took official notice of it! They took 36 hours more before the site was cleared. Then they allowed the construction of a platform. Then they allowed the re-installation of the idols which had been withdrawn. Then they allowed as our friend pointed out in detail, the opening of this temporary structure for Darshan and Pooja, virtually facing us with a new reality, again a pseudo reality.

Subsequently, they made, as I called, a pseudo reference to the Supreme Court under Article 143 (1) which does not touch the core question at all, which has got no legal consequences and which has got no moral authority. This is a wide, broad, loaded reference whose answer was calculated in advance; the response was calculated in advance so that the Government could have a free hand to do what it likes, and what it

proposed to do. Then they have published this White Paper also. This white Paper was nothing more, than a facade and a device to cover up all the sins and all the acts of omission and commission committed by this Government. Therefore, when we look into this Bill, we have got to get into those details.

Sir, what is the real motion of the Government? There is a hidden plan.

There is a hidden purpose behind this Bill. On the face of it they say that they want to acquire this land and to erase all the cases so that they could have a free hand, they could have a clean slate, wiped clean of all the past, and then they shall be free in the light of the opinion received from the Supreme Court, to determine the rights and interests of various parties and to do what they like. It sounds very simple, very gracious, very generous and very impartial! But who has suffered? Whose property was it? Who filed the cases? They stand defrauded. There is a game plan seen in that light. There is a grand design; and the Bill is meant to achieve that.

It is meant to achieve that grand design which is to facilitate the construction of the proposed Rama Janmabhoomi Mandir on the site of the Babri Masjid. The only difference and that is also part of the grand plan, that the credit for that should not go to Shri Vajpayee, or Shri Advani or to Shri Singhal — I would take his name because his name is part of history and part of the record — but it should go to Shri Rao and Shri Chavan and to the great Congress Party with all its hundred years of traditions of secularism. That is the only difference.

Therefore, when I look at the objects and purposes this Bill, in the light of these two basic pillars, the acquisition of the land, the acquisition of a title over the land and of abatement of legal proceedings, then I am surprised at the manner which it has been drafted. It sounds like what they call, it suddenly jumps after the third paragraph of the Preamble of the Bill, which says,

"Whereas it is necessary to maintain public order and to promote communal harmony and the spirit of common brotherhood amongst the people of India....."

who can disagree with that and suddenly it jumps,

"Whereas with a view to achieving the aforesaid objectives, it is necessary to acquire certain areas in Ayodhya;"

One does not know how they jump from the great objective of communal harmony and fraternity among the people of India to the option of acquisition of the land. What is it called in Latin. I think my friend, Shri Indrajit Gupta can help me.

Now, I have to read the objects and purposes here. There they are more explicit. I did not know why the hon. Minister did not put that in the Preamble to provide the connecting link. They say towards the end of the first paragraph:

"It was considered necessary to acquire the site of the disputed structure and suitable adjacent land upto 60 acres for setting up a complex which could be developed in a planned manner wherein a Ram temple, a mosque" - How kind of him Mr. Chairman! - "amenities for pilgrims, a library, museum and other suitable facilities can be set up".

Mr. Chairman, my contention is that this objective is based on illusions that once the so called purpose of the Government is served, even if I assume that the Government achieves the purpose of constructing the temple and the masjid, though the masjid is being opposed tooth and nail by the other side, then will it lead to harmony? will it be the end of the matter? Will it be resolve the situation? Will it settle the dispute? My heart says it will not, and my mind says it will not. Will the Hindutva forces be satisfied with the construction of a Ram temple anywhere. Today, they are telling us nothing is going to be constructed on the babri masjid site, mandir will be constructed somewhere away

[Sh. Syed Shahabuddin]

and Muslims even if they lose the Babri masjid, they shall get a Masjid in lieu thereof. Neither the Muslims will be satisfied nor the Hindus will be satisfied, the battle will go on. I want to make one more point here. The Hindutava forces are playing a political game. It is not a religious movement. They want to demolish the secular State. They want to construct a Hindu State. Therefore, if they win this battle of the Babri Masjid then they shall be heartened enough to go forward, attack one mosque after another. They have proclaimed a list of 3000 mosques, first Mathur then Kashi. They have not closed their options and they will go on and on until the political objective is achieved. (*Interruptions*). Mr. Chavan, if you pass this Bill, and if you permit the construction of a temple, as desired by them, it is going to add force and vigour to them; it is going to give them an injection of energy; it is going to promote their objective, the historic objective. Therefore, I would say that this entire Bill is based on illusions. The final solution is out of sight because you have adopted a method which is not satisfactory. You have adopted means which are questionable, you are not finally settling the dispute on the basis of any principles; on the basis of any hard logic; on the basis of any reading of history or even of the reading of the present contemporary political situation. You have even hidden from this Bill, it should have been brought out here very clearly that the land that you propose to acquire is exactly the same piece of land, at least it includes that piece of land 2.77 acres in area which was acquired by the Kalyan Singh Government of U.P. and whose acquisition was declared null and void and was struck down by the Allahabad High Court. You have not said that anywhere. That is a material fact. Why are you hiding it from the people? Why are you not being explicit and why are you not saying that the land that you are acquiring contains or includes the entire area disputed between the Hindu and Muslim communities and much more than that? But the point I am making is that you have a purpose in not mentioning its proper legal status and I am questioning you, if your

purpose was to acquire the land.....(*Interruptions*). Sir, I will have to take a few more minutes. If they have to acquire the land, why do not they apply the normal general law of the land? The Land Acquisition Act is there. It is not a State Act. It is a central Act. Why are they wary? Why are they shy of using the normal acquisition proceedings? I will give you the reason Mr. Chairman Mr. Chavan is shy of doing that of applying a general law and wants a special law because he knows that in the general law he has no scope, because he runs the risk of having the acquisition declared null and void as that includes the element of 2.77 acres which has already been declared as null and void. He knows that title suits are not formally abated under the Land Acquisition proceedings and he wants a clean slate. He knows that he cannot avoid the procedure laid down in the Land Acquisition proceedings which is based. Mr. Chairman, on principles of natural justice. He also knows that he has no special power under this land Acquisition Act for the sort of construction that he has in mind because the construction of a temple or the construction of a mosque or for that matter the construction of any place of worship is not considered to be a public purpose under the Land Acquisition Act. Therefore, he is running away from normal procedure of land acquisition and trying to take shelter behind a special law (*disturbance*).

There are provisions in the Land Proceeding Act which also cut down the time taken. The core questions are two. One is the legal question, i.e. what was the status of the property which is in dispute - Babri Masjid and the land attached thereto on 22-23 December, 1949. On that the FIR, the written statement of the Government of U.P., the letters of the Deputy Commissioner are all material and there is no question in my mind about what the judgement of a court shall be. The second question is a historical question, i.e., whether a temple consecrated to commemorate the birth site of Lord Rama was in existence in 1528 on the site where Babri Masjid stood, and was demolished in 1528 to build the Babri Masjid on that site. If the



Home Minister had asked this question to the Supreme Court in a very specific manner, in a very explicit manner, in a very pointed manner, of course, it would not have a legal consequence immediately but it would act as a great moral force. But the manner in which he has put the question, he has completely spoiled his case. A vague question will get a vague reply and will have no moral force at all. I have already mentioned in the House that the Muslim community will not accept any opinion of the Supreme Court which tries to do them out of the Babri masjid.

The Home Minister can argue that the State has eminent domain. That theory of eminent domain was cut short by justice Vivan Bose who declared that all powers flow from the Constitution. Then executive power, the judicial power, the legislative power, all flow from the Constitution. There can be no legislative power beyond the limits of the Constitution and, therefore, in Indian law, there is no theory of eminent domain.

I would also like to mention that the Home Minister knows very well that legislative authority also cannot trample upon the Constitution. And here he does, he debates my suits, he takes away my rights, my interests and leaves me with no legal remedy at all. It is a confiscation. It is an arbitrary act. Even in the Forty second amendment of the Constitution, which was highly undesirable in itself, there was a provision about a legal remedy. In this Bill, there is no provision of a legal remedy. I think that should be enough to point out that the manner and the method chosen by the Home Minister are extremely arbitrary.

In the recent Karnataka case, it was laid down that the legislative powers cannot be extended to go against the Constitutional provisions. I do not have the time to read out the various references that I have got here. The Bill is a colourable exercise of judicial authority which I question, and through a legislative process the Government is trying to extinguish not only my rights and interests but also the existing

judicial orders, the status quo orders.

Then, Sir, I come to articles 25 and 26. Article 25 makes a clear distinction between what is called secular practice and religious practice. The State has the fullest authority to regulate secular practice, even if it is an expression of freedom of religion. But the State cannot destroy a religious practice, and the confiscation or the acquisition of a place of worship amounts to destruction of religious practice because a place of worship is meant for the practice of religion and, therefore, the acquisition of Babri Masjid creates a very invidious, a very vicious precedent of taking over of places of worship, which goes against article 25 of the Constitution. It is not only a bad precedent, it is a threat to all religion in the country, all institutionalised religions in the country, all places of worship, and to that extent, it is a fatal attack on the principle of freedom of religion and of conscience, enshrined in the Constitution of India. The State has no right to acquire a place of worship for a so-called public purpose, far less to acquire it with a hidden purpose of transferring it to another religious community for a religious purpose. I have also to state here because it has been mentioned sometimes that it is a question of faith is not subject to a proper adjudication procedure. That is why the hon. Prime Minister says: I can send the substantive issue to the Supreme Court, provided Mr. Advani agrees', as if Mr. Advani had a veto on all the decisions of the Government. I know their difficulty; their difficulty is that a substantive adjudication is not going to be accepted by the VHP on the ground that it is a question of faith. That is the argument used.

Now, there are many decision by the Supreme Court. I can cite only two examples; SC 853 of 1962 and SC 282 of 1954. Which says in effect:

"Faith cannot be stretched to such an extent that it threatens the rules of law. Faith is not beyond the jurisdiction of the Court. Legitimacy of a religious act or faith can be examined in the light of internal evidence

Therefore, the argument that faith is not subject to judicial examination is a medieval argument, is an anti-democratic argument, is an anti-constitutional argument, is an anti-secular argument and therefore, this cannot be accepted.

MR. CHAIRMAN: Please conclude now.

SHRI SYED SHAHABUDDIN: Sir, I am rushing through my points and I am making new points.

Now, the Home Minister will say: 'You say, I am being anti-secular; here I am so secular. By all the principles of secularism as practised in our Republic, loot, I am giving parity to mandir and Masjid; I am not talking of constructing only a Mandir, I am constructing also a Masjid. 'very kind of you, Mr. Home Minister. But has the Muslim Community asked you for a Masjid? Has the Muslim community asked you for a piece of land? No; I do not know of any responsible member of the Muslim community in this Republic of ours who has asked for a substitute piece of land or a substitute construction. Therefore, what are you going to construct? No; this is only camouflage; your real purpose is only to construct a Mandir and you are only trying to seek comfort under the principles of secularism by mentioning a Masjid which, you know, will not be constructed.

Sir, the VHP, we know, has launched a campaign and I must say, they have made their position extremely clear. They say, they shall not permit the construction of a Masjid, not only on the disputed site, but within the Panch kosi Parikrama. They have also said that they will not be satisfied unless the temple includes the site of the Babri Masjid and the *Garb Grah* is located on the *Babri Masjid* sit itself. *Supposing the supreme court says that there is no real evidence that a temple was destroyed in 1528, then are they going to give that Mosque back to Muslims? Do they have the guts? do they have the courage? Do they have the moral authority? Do they have the political will?* No;

they do not have it. You have been succumbing to pressures all through; they have been acting under pressure all through and therefore, even if you win the opinion, they shall not do it.

Sir, I want to say one thing. I have been a student of arithmatic. Two negatives added together will not name a positive; two negatives added together will still remain a negative. If the construction of a temple by state is against secularism, if the construction of a Masjid by State is against secularism, then the construction of both together is also against the principles of secularism. A secular state cannot construct a masjid or a Mandir and a secular State cannot hand over the site of a Masjid for the construction of a temple.

Sir, I will now come to articles 14 and 15 of the Constitution. Under Article 15 of the constitution, you cannot act in a manner which is favourable to one religious community, *vis-a-vis* the other. That amounts to discrimination. Now, secularism stands on that principle under Articles 14 and 15 of the Constitution of India. Secularism is a basic structure of the Constitution. In the famous case of Keshavanand Bharati on the basic structure of the Constitution, it was laid down that the secular structure was part thereof and the secular order cannot be vitiated by political processes or political motives.

In the case, they have, in fact, decided to identify themselves with one party as the Kalyan Singh Government had decided to identify itself with one religious group. So have you. They were more honest. They did it openly. You are less honest. You are doing it in a different manner. But the moment the State identifies itself in its action or in the consequence of its action with the interest of one religious group over the other, once it prefers one over the other, the State is no longer neutral. If the State is no longer neutral, then the State is no longer secular.

Similarly the impact of arbitrary trying to abatement of all cases. I asked a moment

ago, "Who is hurt"? Whose cases go? Under whose pressure are they working? They are hurting one community. They are accepting the claims of another group. You are preferring one over the other. You are not being even handed. They are trying to meet out justice in a manner that it will help one side and harm the other. Therefore, by this declaration to acquire the land in the manner that I have spelt out, in your decision to abate all the cases, they are, in fact, proceeding according to their unstated objectives. This uneven burden being placed on the Muslim community makes the Bill totally invidious and discriminatory and *mala fide* in the eyes of the law, under the Constitution of India, articles 14 and 15.

I would like to sound a note of caution to the Government. I said, on the day when we had the debate on the demolition of Babri Masjid. "What is lost is not the faith of the Muslim community, the second largest community in the country in a party or in a Prime Minister or in a Government, their faith has been shaken in the system itself." Now you are trying to completely uproot that faith. They will have no trust left in the Executive or the judiciary. All their hopes will be lost. They will be thrown against the wall. They see through your game plan. Then will not accept any political award in the light of the so-called pseudo opinion to be given by the Supreme Court to your pseudo question or to a loaded reference. They will not accept the construction of the temple on the Babri Masjid.

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT) AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Sir, certain terms being used like "pseudo opinion", I think, we can avoid using the term. It is not correct.

SHRI SYED SHAHABUDDIN: I will avoid it.

You have made an international commitment. You have made a commitment to re-build the Babri Masjid to the people of India, to the Muslim community of India. Subsequently that commitment was taken note of by almost the entire world. Forty countries took note of it and made official statements and they have been reminding you — when do you start re-building the babri masjid. Anyone with modicum of knowledge in English will know — I am sure Mr Inder Jeet will appreciate it — "to re-build the Babri Masjid" and "to build a masjid" are not one and the same thing. To re-build the babri Masjid, whether you made that commitment in a moment of weakness — I do not now. But to re-build the Baber Masjid, that commitment shall not be fulfilled unless you re-build the Babri Masjid on the site that it occupied. That it should be done even under the law of the land, under the principle of jurisprudence, under the principle of restitution of damaged property, damaged by one of the sides unilaterally while the suit is pending. It is incumbent to re-build the lost property, damaged property, whatever be the final consequence. If you do not do this and instead plan and conspire to take over the site of the Masjid and give it away for the construction of a temple. I am sure, it is something that the people of India, the secular forces of India, the Muslim community of India shall not accept as the final solution, as the *faith accompli*.

Therefore, I appeal to you, appeal to the Government to come back to the straight and narrow path of rule of law. Transfer the title suit to the Supreme Court under article 138(2). Till then, keep the disputed property in your custody. Do not acquire it. Do not take way the title but only take possession and keep it the *status quo* as it was on the day of the promulgation of the President's rule. And then, await the final judicial verdict. I shall be with you. The Muslim community shall be with you. All the secular forces of India will be with you because the judicial verdict has a force of its own, has moral strength of its own. When you will stand for judicial adjudication, nobody in this land has the authority to challenge it or to reject it. And therefore

[Sh. Syed Shahabuddin]

since you have strayed from the narrow and straight path of the rule of law, I have no option but to oppose this Bill with all the power at my command.

I appeal to the House to reject it and to request you to come back with a new plan new bill.

SHRI RANGARAJAN KUMARAMAN-GALAM: Mr. Chairman, Sir, I rise to intervene and speak in support of the Bill with regard to the Acquisition of Certain Areas at Ayodhya Bill, 1993.

This Bill is the outcome of developments which have taken place in our nation ever since 1949 with regard to the Ram Janambhoomi Babri Masjid structure.

This is not a dispute on one which deals merely with the dispute on property nor is it one between two religious sects. Rather, I would like to submit that it is one that attacks the very roots of our nation.

The House must be aware that I had participated as a co-ordinator on behalf of the Government in the talks between the Vishwa Hindu Parishad and the All India Babri Masjid Action Committee. During these talks, the All India Babri Masjid Action Committee and the Vishwa Hindu Parishad exchanged questionnaires and answers. From among them, there is one question and answer of relevance which I wish to remember at this present moment! It was a question with regard to why did the idol appear on the said night and only on the said night of 23rd December, 1949 at the disputed site. This question was actually asked by the All India Babri Masjid Action Committee from the Vishwa Hindu Parishad. The reply is very enlightening. It shows that this is not just an issue of a dispute over the birth-place of Lord Rama or that it is a dispute by one religious sect of people who feel that they have been wronged over an act done allegedly, according to them, way back in 1528 where a Mandir, according to them, in the name of

Lord Rama which existed was demolished and a Masjid was built. In fact, the issue, according to them, is not at all that.

I remember and, in fact, if I recollect the words in the reply.

"Please refer to your own documents etc."

They say that

"There was an active Hindu movement at Ayodhya for the construction of a magnificent Ram temple, way back even in 1948. Deeply hurt"

Here I think its importance is emphasis

"Deeply hurt by the partition of their motherland on the basis of the two-nation theory of the Muslim League, it was but natural for the Hindus to have asserted their national identity after having gained political independence on the 15th August, 1947"

Then they asked a question again in return to a question

"Was it not necessary that to build a secular polity in Independent India that the Muslims who in the election of 1946"

All Muslims. Amusing to note

"Have voted overwhelmingly in favour of the partition demand of the Muslim League but had decided to stay back in truncated India, to have some heart-searching about their earlier role and as a symbolic gesture of their dissociation from the medieval ideology of religious intolerance, exclusivism and vandalism, to have joined hands with their Hindu brethren in removing the physical remains of that medieval ideology and in reconstruction

of befitting memorials at least at three important holy places - Ayodhya, Varanasi and Mathura..”

Who says it? It is the VHP.

I further quote:

“Instead of any such gesture, they, while enjoying all the benefits of the liberal and secular Constitution adopted by the Hindu majority, continued to pursue the same path of religious exclusivism and separatism. Appearance of the Ram Lala Idols on 23rd December, 1949 was a natural outcome of this state of affairs.....” This is what the VHP has said in reply to a question given by the All India Babri Masjid Action Committee.

Sir, it is very clear that this is - oven according to them - not a dispute about building a temple in the memory of Lord Ram. It is not even a dispute about the birth-place. It goes to the very root of India, our nation, as a nation which believes in liberty of all faiths, as a nation which believes that people of all faiths can live as equals. It is really a movement to have a theocratic Hindu State in order to complete the two-nation theory. It is not a movement to build a temple in the name of a God which the Hindus believe in. But it is an effort to destroy the nation as we stand today.

Sir, at this time, I would also like to bring to the notice of the House that we had four sets of talks initially - if I recollect rightly when the hon. Member Shri Chandra Shekhar was the Prime Minister. After that, there was a break, a deadlock. Our Prime Minister Shri Narasimha Rao held meetings with varied number of people belonging to both the communities, religious leaders, academicians, theologians and various people. It is because of his effort that the talks resumed once again. What was surprising is that it has reached a stage where one could confidently say that the talks - it was visible to all - were not only proceeding well but had also achieved a good understanding between the parties and most probably the issue could have been settled amicably. I was person-

ally present. I would like to bring it to the notice of this House that during the talks we found that on the 23rd of October both the sides had fixed last date for giving evidence and last date by which opinions should be given and fixed the date of 8th November for finally coming to a conclusion as to how the evidence would be evaluated on the major central issue. After this was fixed up, the date of 8th November was known, the VHP knew that the central issue is liable to be settled amicably and legally, they decided to go in for their so-called *Dharam Sansad*. Well before that, the *Dharam Sansad* in fact had a meeting in Ujjain with an organisation which has been banned today, and the date of 6th December for *kar seva* was made known, was decided. The *dharam Sansad* officially announced it. What is the *Dharam Sansad*? It is the Parliament of Religions. But, anyway, they officially announced that they are going ahead with the *kar seva* at a time when it was known that the talks had reached a stage where a solution was possible. Many people have quoted on and off newspapers and views. But I do think that it is interesting at this moment to take note of the fact that assurances on this *kar seva* issue were given by none too small people but people who hold the stature of being.

Chief Ministers, people who held the stature of being the Leader of the opposition, people who held the stature of being Presidents of organisations both religious and. I do not know whether I should say, irreligious. But definitely every single person of any eminence and standing who wanted and wished and claimed that he wants to build a Ram Mandir assured not just the Government, not just the Home Minister, not just the Prime Minister, but assurances were given in the national Integration Council; so also affidavits were given in the Supreme Court not once, not twice but more than thrice. I am just bringing it for the question of recollection. Please do not think that I am trying to justify at all anything. (*interruptions*)

KUMARI UMA BHARTI (Khajuraho): I am on a point of information. (*interruptions*)

SHRI RANGARAJAN KUMARAMANGALAM: I do not think I can yield on a point of information. Mr. Chairman, Sir, I am not yielding.

[Translation]

KUMARI UMA BHARTI: Mr. Chairman, Sir, whatever the hon. Minister is saying on the floor of the House is not correct. He just now stated that when the discussions were going on, then all of a sudden in November 'Karseva' was announced. I would like to submit to the hon. Minister that whether the intelligence agencies sole job is to tap the telephones of the hon. Ministers and no other job is entrusted to them? You must be knowing that we have been saying that we would not give more than 3 months, period to the Hon. Prime Minister for solving the issue. 3 months period was over in November. At the time of our meeting in Ayodhya, we decided to keep law profile and meet in November after 3 months on the assurance of the Hon. Prime Minister. Therefore, I would like to submit that besides entrusting to the intelligence agencies tapping of telephones of the hon. Ministers, other jobs should also be entrusted to them. (Interruptions)

[English]

SHRI RANGARAJAN KUMARAMANGALAM: Firstly, I think, it will be fair if the hon. member Uma Bhartiji would appreciate that she is going to get her turn to speak. Secondly, just what I thought was she had a point of order and I gave in. But I would like to point out one thing. Since she is now speaking of information, I would like to make it clear to her, what she is saying is not correct. I do not want to use any other word because it is an important point of misinformation and a question of constant repetition of what is not correct and what is not true using the old Gobbel's theory, that is, keep on saying something which is not correct and then which is not true, it turns out to be true later on because of constant repetition. I would like to make it a point on record that the Prime Minister had said, "I had asked

them around four months time. "They said, "four months is not really so *shubh* maybe a few days here or there. "And what is interesting is when they took the decision at the end of October, not even the three months, in the full sense according to them were over. If they had really given four months time, maybe the issue would have been sorted out. (Interruptions)

SHRI SAIFUDDIN CHOUDHURY (Katwa): I want a clarification.

SHRI RANGARAJAN KUMARAMANGALAM: Are you going to cross-examine me? Would you let me speak and then have cross-examination?

SHRI SAIFUDDIN CHOUDHURY: It is a clarification which will help you. (Interruptions) Even at that point of time when talks were going on, what prevented you when the BJP Government was there in Uttar Pradesh to send the material to the Supreme Court under Article 138(2) for adjudication?

SHRI RANGARAJAN KUMARAMANGALAM: I am coming to that issue. I will come to that issue. I only wanted to clarify a point with regard to that point that there was no question of three months. It was accepted by Mr. Ashok Singhal. I am sorry, the name was taken, otherwise, I would not take it. It was accepted by one and all that actually it was four months. (Interruptions)

I think, it is too much. I seek your protection, Mr. Chairman. (Interruptions)

[Translation]

SHRI RAJVEER SINGH (Aonla): The Hon. Prime Minister was not in favour of the period of 4 months as it will create all sorts of problems. That's why 3 months' period was agreed upon. .... (Interruptions)

[English]

MR. CHAIRMAN: Nothing will go on record without my permission. (Interruptions)\*

SHRI RANGARAJAN KUMARAMAN-GALAM: You will have your turn to speak. If you do not want me to talk in terms of truth I will not talk. (Interruptions)

[Translation]

MR. CHAIRMAN: Making speeches without permission will not be allowed. Nothing will go on record.

(Interruptions)

[English]

SHRI RANGARAJAN KUMARAMAN-GALAM: I am extremely sorry. It is not fair to continuously interrupt a person who is speaking. You have your turn to speak. I am not speaking at the end. I am speaking right in the middle.

Mr. Chairman, Sir, I am obliged for the permission given by Uma Bharti. If I may submit, the point which is important and I think we all should not forget, is that every effort was made by Government, not just by Government but by every single political party, every single person in public life, to see that this dispute is settled amicably. But forces who wish to exploit it, not for the purpose of religion, not for the purpose of bringing amity or love or universal brotherhood, which are the tenets of any religion, but for the purpose of dividing man and man, brother and brother, for the purpose of coming into power.

We saw one of the most desperate acts of vandalism on the 6th of December. I think it is important at this stage to quote what I would say an extract of a view to which I would like to attach myself to and that is, if I may submit, is from *India Today* and the issue is dated 15th of December. I would like to quote and it says:

"It becomes suddenly clear that their five year old refrain that we will build the mandir was a clock for the unstated but truer goal, raze the mosque for building the mandir,

hardly carried any real political benefit for a party that calculates it votes on the basis of its one point stand. Building a mandir would be an outcome of a legalistic compromise with secular forces, hardly a vote pulling act. Razing the mosque on the other hand, would create the polarisation so essential to the Hinduthva Movement's political success."

Sir, that is what happened. Now, before you, is actually a Bill that seeks to acquire the land in and around the disputed area and the disputed area. What is the objective? The objective is to bring about a complete close to this dispute which is being utilised...(Interruptions)

SHRI SRIKANTA JENA (Cuttack): The mediator's role played by the government is a grand failure. Do you accept it or not?

SHRI RANGARAJAN KUMARAMAN-GALAM: I do not think, I need to accept it. The coordinator's job is not mediator's job. That is the difference, I think, Shri Shrikant Jena should have understood. Government was not mediating, Government was merely coordinating and hoping that two parties to the dispute - claimed parties to a dispute, if I may use the term - would come to understanding and when one of the parties found that an understanding is about to arrive, they decided to adopt to a method by which, well, forget breaking the talks but going much further...(Interruptions)

SHRI SYED SHAHABUDDIN (Kishanganj): after making it quite clear that under circumstances central force shall be used but the power of the State shall be used.

SHRI RANGARAJAN KUMARAMAN-GALAM: They made it clear.

SHRI SYED SHAHABUDDIN: This is what you made it clear.

SHRI RANGARAJAN KUMARAMAN-  
GALAM: I am sorry, this is once again,  
another case and one sees it, where they  
want this dispute to continue endlessly or  
there are those who want to ensure that the  
society is divided on the basis of religion;  
and there are those who want this dispute to  
be ended, those who want to settle this  
dispute once for all are people who want to  
ensure that man and man unite to develop  
and move this country ahead. This is a  
simple cardinal principle. and both adopt  
whether it is in the name of representing the  
majority or whether it is in the name of  
representing even a minority, surprisingly,  
similar techniques.

The Technique is to speak what is not  
correct a million times; then it shall be the  
truth, since there will not be any answer to  
this. This is Goebble's theory. After all,  
Goebble was considered to be one of the  
foremost propagandists of a Fascist thought.  
This is the principle which they have adopted  
and are acting upon, irrespective of which  
colour or religion they claim to back because  
it is not religion that drives them. What  
drives these forces is only the power that  
they wish to have for a totalitarian fascist  
though. If I may go further on, with your  
permission, the most important point which  
is required...(Interruptions)

[Translation]

SHRI CHHEDI PASWAN (Sasaram): I  
am on a point of order. The hon. Minister just  
now stated that Shri Advani is out to capture  
power. I would like to know from the hon.  
Minister in what capacity is the government  
going to construct both the temple as well as  
the mosque? (Interruptions)

[English]

MR. CHAIRMAN: There is no point of  
order.

SHRI RANGARAJAN KUMARAMAN-  
GALAM: Sir, I think, it is relevant for me to  
bring to the notice of this House that the  
Preamble, well before even 1976 when the

amendment was brought in to insert the  
word 'secular', had enshrined in it, the basic  
concept of secularism, which we depend  
upon in our very framework of the country,  
of the nation.

What is important, the Constitution say  
and speaks, is liberty, not only of thought and  
expression, but also liberty of belief, faith  
and worship. This is fundamentally en-  
shrined. Any person or any group of persons  
who in the course of their actions do an act  
which hurts, if I may submit, the liberty to  
have belief, faith and worship, is doing what  
would be considered a direct act of sedition  
and nothing less than that.

Sir, I would also like to bring to the  
notice of the House that unlike secularism  
as coined in Oxford and the Oxfordian though  
where it is similar to atheism or non-religion,  
in our country, we have always considered  
secularism to be equal reverence to all relig-  
ion. I think more than any other religion, it  
is really the Hindu religion, the religion, of  
the majority which expresses this. Our  
religion or Hinduism - I am proud to be a  
Hindu - is something which has born from the  
days of vedas. The vedas did not speak of  
intolerance. They spoke that truth is the only  
God. Truth is the only God. Truth is the only  
god; energy is the supreme being. We are a  
race. We are a race which 7000 years ago,  
had the Indus-Valley civilisation where they  
had the under-ground drainage, where they  
had the fire-burnt brick walls, where they  
had roads, where they used the wheel,  
where they smelt copper. We had the  
Vedas, 5000 years ago which spoke of  
universal laws of symmetry which today is  
analysed to be the best equation in the  
world for all of motion; not only that, the  
theory of relativity is enshrined in it. We are  
talking of a nation with the culture, with that  
knowledge of science and technology. Today  
they are talking of medieval thoughts to  
divide man and man for power. When we  
seek to end that dispute, what shocks me  
and shakes me is to see people saying, "No;  
the dispute has to live" - live whether in the  
Courts or elsewhere. I think, it is important  
for us to go into the fundamental issue of



whether this country which can afford to be a theocratic State. Can we afford to be a theocratic State? That is the issue.

PROF. PREM DHUMAL (Hamirpur):  
Who wants it?

SHRI RANGARAJAN KUMARAMAN-  
GALAM: You want it. Do you know what is theocratic?

PROF. PREM DHUMAL: What are you putting your thoughts into somebody else's?

SHRI RANGARAJAN KUMARAMAN-  
GALAM: I can quote Shri Murl Manohar Joshi. When he is not in the House, I do not want to do it. I never said that he said it; I said, "I can quote him" (*Interruptions*)

Two-thirds, I agree. (*Interruptions*) the most important issue is that in our country, the word 'minority' may be there because of percentage but in absolutes, we have large sections of people who adhere to various faiths. In order to understand the country, which is multi-religious and multi-lingual, you cannot but have a tolerant understanding between these sections for it to continue in its existence. We have seen in once religion that there is a little difference between Protestant Christianity and Catholic Christianity. (*Interruptions*)

I have been to Hardwar much more than you have been, Umaji. (*Interruptions*) fortunately, I have been born in that part of the country where we understand religion religiously, not irreligiously.

(*Interruptions*)

MR. CHAIRMAN: Order please.  
(*Interruptions*)

SHRI RANGARAJAN KUMARAMAN-  
GALAM: If I can be allowed to continue to speak, I would speak. Otherwise, I would not. (*Interruptions*)

MR CHAIRMAN: Let him speak.

(*Interruptions*)

SHRI RANGARAJAN KUMARAMAN-  
GALAM: The issue that arises is that what is it that we all profess to believe in. (*Interruptions*)

MR. CHAIRMAN: Order please.

SHRI RANGARAJAN KUMARAMAN-  
GALAM: What is important for us to understand is: What is it that we believe in? What is Hinduism which the majority of this country and this nation believes in? Is it just vituperative, racial, caste difference? Is it an effort to destroy people. I would like to quote from a reader on Dr S. Radhakrishnan. It is important. He was a man known to be a statesman. He was a man who was religious in the full sense of the term. He has said: In Hinduism, you are fundamentally dedicated to love and love means renunciation of one's own self, of one's standards. It is seen with the other man's eyes, feeling with his heart and understanding with his mind.

Even though I am a Hindu, I do understand why some of our members from the minority are feeling extremely heart-shaken. They saw in front of them, in the name of faith, a total act of vandalism where all rules of law were broken. Surprisingly, though there was a few days, remorse, they came out in their real colours saying, after all, good was done. Millions have been hurt. Thousands have died. Is that what religion his meant for?

Unfortunately, it is said that it needs a great soul to represent and to respond to a soul in dormant. Unfortunately, there are no great souls in this movement which they call themselves. What they have is only a powerful need to, somehow or the other, reach a stage where they can come to power at any cost.

The Prime Minister, while replying on the motion of thanks, had brought to the notice of the House that the need of the hour today is to ensure that religion and politics are separated. He very emphatically said that we need to bring about a situation where no person no organisation... (*Interruptions*)

SHRI SRIKANTA JENA: Why don't you accept Mr. Arjun Singh's line of thinking?

SHRI RANGARAJAN KUMARAMANGALAM: Mr. Arjun Singh is our party leader. We accept everything he says. What is important to say is to understand that unless we separate religion from politics, the very character and the very shape of our nation will change. If I remember rightly, Mr. Nitish Kumar, while speaking on the Motion of No-Confidence and on the issue of, in fact, demolition had categorically brought out the fact that Hindus have been divided in the name of caste over many years to exploit and the superior castes had put down rules to exploit the lower castes. This has been the tradition in the last few years. So, if everything with religious tenements and religious rights was good, then would we say that the caste system is good?

AN HON. MEMBER: Who has said it?

SHRI RANGARAJAN KUMARAMANGALAM: Nobody has said it. And I am not saying that. I just raised the question. It is universally accepted that using the caste system, we had kept our own people under subjugation in various forms. What is now important for us to understand is that we need to take what is basically good to move ahead.

[Translation]

PROF. RITA VERMA (Dhanbad): Sir, we have assembled here to listen to the speeches on the bill or on the correct definition of religion?

[English]

SHRI RANGARAJAN KUMARAMANGALAM: I would like to clarify to the hon Member that what I am doing is addressing the basic question which this Bill seeks to address. It is not a question of acquisition of a piece of land. (Interruptions)

SHRI SRIKANTA JENA: Sir, he could not participate in the last debate on this

subject. So, normally, he must be give full chance so that he can clarify his own position (Interruptions)

SHRI RANGARAJAN KUMARAMANGALAM: Sir, I do not think I need to clarify my position Srikanta Jenaji, you cannot challenge my secular credentials. I am one of the few example who is sitting in this House who has inter-religious and inter-caste marriages for three generations. Can you claim it? And it is not just like that our family did it. We are talking of early 1900 and not of those born today. I would like to make it clear that this issue is not of one piece of property being acquired. This is the final outcome, after having tried to settle matters amicably, after having tried to settle by talking nationally and reasonably and hoping against hope that certain forces would give up their path of, if I may say, irreligious intolerance and take a path which is basic and fundamental to the Indian race, that of tolerance and understanding. It is only when all that has failed that we have come to a situation where we have brought an ordinance to acquire the land and make it clear that the only basis on which the so-called faith, that Lord Ram was born at a particular spot, was relied upon was the fact that they claim that a Hindu temple existed at the said place. We have referred it to the Supreme Court and asked them their opinion, rightly so. We cannot decide on the question of fact. The question of fact is to be decided by the judicial process. The best system for decision-making on the question of fact is the judicial process. There is a question which was raised by my honourable friend, Mr. Saifuddin Choudhury about Article 138 (2). I would submit that at the time when the BJP was in government in UP, there was a clear objective... (Interruptions).. If the BJP Government was there in power in that State, which was also leading this nefarious movement, had come forward and said that, with the Central Government, they agree to refer this issue for adjudication by Supreme Court, then we would have to after that agreement, come to this House, enact a law and then go to the Supreme Court. What is important is, at that stage, we wanted to

have parties to the dispute, the main party to the dispute, if I could say specifically, to agree and accept the legal verdict on it and move out of the stand that they took that on the ground of faith, they are above the rule of law. I agree with the citation of Mr. Saifuddin, though I am not agreeing with many other things. Rule of law, in our country, is above faith also. Be with the rule of law because we are in a multi-religious country. We are not in a country where we have one faith. When we have multiple faiths, there has to be a method by which, when two faiths do not agree with each other on an issue, you bring about a final decision on that issue and that is done by the judicial system.

SHRI SYED SHAHABUDDIN: Have the parties agreed that they would accept the conclusions reached by the Supreme Court under article 143 reference? And there is the legal consequence. Is there a law of limitation in the country?

SHRI RANGARAJAN KUMARAMAN-GALAM: It is only because that no agreement is possible and they refused to refer this matter under Article 138(2) to the Supreme Court that a situation arose. Today, Sir, the situation is such that the government in UP is under President's rule. It is the Governor's rule and the Governor is representing the President. The two parties, that is, the State Government and the Central Government, are one and the same. Insofar as the dispute goes, we are the same party. We may be different entities legally but no purpose will be served. Moreover, any formal litigation would have delayed matters. So, Sir, we took recourse to article 143 to end this dispute quickly and immediately and not to pull on. It is very clear that under article 138 (2), this issue would have continuously gone on.

SHRI SYED SHAHABUDDIN: Sir, he is misleading the House. How will a dispute end if neither side accept the formula? (Interruptions)

[Translation]

SHRI VISHWANATH SHASTRI (Gazipur): I am on a point of order. Does the President's rule imply the rule of the ruling party?..(Interruptions)

[English]

SHRI RANGARAJAN KUMARAMAN-GALAM: Sir, I am sorry that it is not point of order. But I will clarify it to the hon Member of Parliament with whom I am very fond of and whom I respect. I will clarify him. (Interruptions)

[Translation]

SHRI VISHWANATH SHASTRI: Please clarify further your comment, made just now, on article 138 whether, as a matter of coincidence, the presidents' rule implies the rule of the ruling Party.

[English]

SHRI RANGARAJAN KUMARAMAN-GALAM: What is important is that any President's rule is supposed to be the Control rule. The party in Government in the centre, in common parlance, is considered to be at least in charge of matters because ultimately the Cabinet advises the President and that decides matters finally. But I would like to submit that was resorted to Article 143 because we wanted a quick decision and we have said that irrespective of the parties agreeing or not, we shall implement the opinion of the Supreme Court. We had to step in because no amicable solution could come in. We want to end this dispute once for all and we want to ensure that amity and brotherhood come in. I would like to make it clear that. I am one of this country's future generations the post-Independence generation. We do not understand this medieval tendency to divide man and man in the name of religion. Let us have understanding and brotherhood. The world is moving towards higher levels of science and technology in economic achievements. Countries like China are vying with other countries. Even small

[Sh. Rangarajan Kumaramangalam]

countries like Taiwan are moving forward technologically and we are spending our time on medieval disputes adopting medieval values. I would request that this issue should be settled once for all and let us pay our attention to economic progress. We are a nation which has had - we are awake - great civilisation So, let us live up to our name; let us not slur the name of the Indian nation.

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16.07 hrs.

STATEMENT BY MINISTER- *Contd.*

**Introduction of New Satellite Based TV Channel in India**

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI K.P. SINGH DEO): As the Hon'ble Members are aware, Television in India started in 1959 on an experimental manner. During the last 34 yrs, we have established 546 television transmitters all over the country. These transmitters are capable of giving TV programmes within a fixed geographical area. Initially, these transmitters could not be inter-connected into a national network. With the launching of communication satellite, it was possible to transmit a common programme from one production centre and network the programme throughout the country. At present, two Indian communication satellites, INSAT-1D and INSAT-2A are in operation and are being used for the purpose of television in India. A number of transponders on these two satellites are being used for regional programmes in the States of Maharashtra, Karnataka, Tamil Nadu, Andhra Pradesh, Orissa, Gjarat and West

Bengal. Such regional programmes are produced in the State capital studios and are carried by all the transmitters within the respective States from 5.00 p.m. to 8.30 p.m. At other times of the day, the programmes originate in Delhi and are transmitted and networked throughout the country. Government has considered the need for utilising the spare time available in these transponders and introduce a variety of television services to cater to the diverse interests and needs of the country.

The Hon'ble members are aware that several foreign satellite TV channels have started beaming their signals to this country and we are facing what is described by many as cultural invasion. In order to give a befitting response to this challenge, government proposes to start a few more channels using the spare time on these transponders. These TV signals, uplinked through the transponders on Indian satellites, can be received through appropriate TV receiving equipment, commonly known as dish antenna and can be further distributed by the cable operators. A large number of cable operators today have installed equipment to receive signals from Asiasat (STAR, BBC & ZEE TV). The reception from the Indian satellite system can be received by the same dish antenna by changing its direction. Individuals can also have their own dish antenna. One of the attractions for such cable operators to reorient the dish antenna to the INSAT system will be that Door-darshan would also be capable of offering a multi-channel option to its viewers comparable to any such service available in India. It is proposed to start these channels in a phased manner beginning from 1st April, 1993 and increase both the number of the channels and their duration as and when software and hardware facilities are available.

It is proposed to devote these channels to the following:-