

tations or to cultivators, together with a corrigendum thereto published in Notification No. S.O.692 (E) dated the 17th September, 1992.

- (ii) **The Fertilizer (Control) (Third Amendment) Order, 1992** published in Notification No. S.O. 826(E) in Gazette of India, dated the 9th November, 1992. (Paced in Library. See No. LT-2818/92)

14.19 hrs.

MESSAGE FROM RAJYA SABHA

[English]

Secretary-General:-Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:-

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 1st December, 1992, agreed without any amendment to the Central Agricultural University Bill, 1992 which was passed by the Lok Sabha at its sitting held on the 24th November, 1992."

MR. SPEAKER: Matters under Rule 377 will be taken up at the fag end of the day.

The House will now take up discussion on the statement made by the Home Minister on the Ayodhya issue.

14.20 hrs.

[Translation]

DUSCUSSION UNDER RULE 193

Situation at Ayodhya

MR. SPEAKER : Sri Ram Vilas Paswan.

SHRI RAM VIALS PASWAN (Rosera): Mr. Speaker, Sir, the subject of our discussion today is of utmost importance. It does not concern any party or group, actually it concerns the whole country. It is to be noted with deep anguish that never before in the history of independent India did we face such a crisis as we are facing today. We know, this parliament is supreme and the most powerful institution in the country. To some people this parliament may not be of any importance and they may run a parallel Parliament but in our eyes the Parliament is, of course, supreme. The day the dignity of this House is compromised, the dignity of the whole of the country will be doomed with it. This House has the responsibility of determining the fate of the country but Mr. Speaker, Sir. I have to say with much anguish that I have been noticing for the past some time that this House has been unable to hold discussion on some of the fundamental issues confronting the country. Such issues that have nothing to do with the economic well being or with welfare of the public are taken up for discussion. If this be the state of affairs, the fate of the general masses cannot be determined. That way some persons may be dreaming of hoisting the flag on the ramparts of the Red Fort but when insignificant issues are discussed here, the issue of the unity and integrity of the nation as also of the economic problems confronting the country draft back.

You might have observed even during the last session that when the meeting of the presiding officers take place and when you indirectly pull up the Members and when the Members of the parliament are given directions, then we think over it seriously but in the end they feel only helpless. If you go through the entire proceedings of the previous session of Parliament, you may easily find out that there was hardly any achievement worth the name. All through the session we were entangled in the issues related to Mandir and Masjid. Even now... (Interruptions). The verdict of the court on Mandal Commission has come. People are now speaking in favour of Mandal Commission. I ask, why do they talk of Mandal Commission now.... (Interruptions)....Mr. Speaker, Sir, the session of Parliament has been going on since 24th of this month and it has to last till 22nd and . In the meanwhile 6th falls in between this Period. This issue has been thrust unnecessarily. As a result of this nothing worthwhile is being discussed in the House since the 24 th, Where are the issues like Bank Scam and Economic Policy of the Government in connection of which it was stated that the country is heading towards economic slavery and what about J.P.C.

Mr. Speaker, Sir, what I intend to say is that this is all a calculated move. It is a willful effort of the Government to linger on the issue and in this affair the Government also emerges out as a beneficiary. This Mandir-Masjid issue is covering all the misdeeds of the Government and there is no discussion on it. Shri Jaswant Singh is sitting beside me, we can imagine how hard he would be working in the J.P.C. along with the other fellow Member of the J.P.C. The people of the country were curious to know the outcome the Bank Scam, they were equally curious to know about the impact of the economic policy of the Government. The country is

facing the problem of price-hike which is hitting the people hard. People were curious to know as to what steps the Parliament was going to take. They were also curious to know as to what is to be done towards solving the problem of unemployment. Instead of holding a discussion on all these issues, the House is busy in holding discussions on Mandir Masjid issue of Ayodhya right from 24th. The kar-seva is to begin from the 6th of next month. Again after the 6th the discussion on that issue will be stretched up to the 22nd of the same month. I would, therefore, like to contain the Government that it should take it for granted that if the dignity of the Parliament, which is the supreme institution in the country is put to disgrace, then that will be the day when the dignity of the whole of country will stand disgraced. It should be borne in mind that there are people in the country who say ** and if we are bent upon proving it through our deeds, then we should also bear in mind that there are other forces too working in the country. I would, therefore, like to suggest to my colleagues that they should frustrate the conspiracy of rendering the Parliament useless.

This august House has its own dignity. It may be asked.

As to why this question is raised again and again. In this context, I would like to say that the seed of disturbance is sown to disturb the harmony in the same way as a drop of lemon juice splits the whole milk. I would, therefore, like to submit that this House should work for great aims. I remember, an hon. Member was saying that the strength of his party in the House was confined to two Members before 1989 and the credit goes to this Mandir issue which helped his party to raise its strength to 119. Why then they should abandon that issue? He

**Expunged as ordered by the Chair.

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may certainly not abandon that issue, but they should also try to safeguard the interests of the nation.

Mr. Speaker, Sir, I think I am making the most reticent speech today so none of my colleagues should have any objection to it. I would first of all like to ask as to what is meant by 'Kar Seva'. As a matter of fact, I have not been able to understand the meaning of the word 'Kar' so far. Well, the word 'Kar' has got its meaning but what is the meaning of the word 'Kar'. It should be made clear if it is an ambassador car or a Maruti car or some other car. We fail to understand as to for whom this 'seva' is being performed... (*Interruptions*) I am simply saying that I am not able to understand the meaning of the word 'Kar'. Mr. Speaker, Sir, I would like to submit that this Kar Seva is unconstitutional... (*Interruptions*)

[*Translation*]

SHRI RAM NAIK (Bombay North): Mr. Speaker, Sir, this would deeply hurt the feelings of the Punjabis....

[*Interruptions*] I would request you not to make a fun of it. [*Interruptions*]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, the country knows it that who has hurt the feelings of the Punjabis. I had said in this very House that if you use temples for the purpose of politics than you cannot stop the use of Gurudwaras in politics. If you shout a slogan in favour of a Hindu nation, then you cannot stop one in favour of Khalistan. Therefore, do not mention these things before us. I would like to say that this kar-seva is illegal and I can prove this with the judgement delivered by the three courts. The Judgement of the first court delivered in a title suite in November, 1989, was repealed in February, 1992. According to the

judgement no change can be effected in the disputed area. Again, in July, 1992 dealing with the case of acquisition of 2.77 acre of land, the court has delivered its judgement that no temporary or permanent construction can be made in the disputed area. But even after this, when these people started building temple in this disputed area, than a case of contempt of court was filed and in that case the Supreme Court has given its opinion that the construction of platform is clearly a matter of contempt of court, and it should immediately be stopped. Although, the judgement in this regard is still pending but only two days ago the Supreme Court has said that no construction can be made in that area.

[*English*]

MR. SPEAKER: I do not want to be neglected by you. (*Interruption*)

[*Translation*]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, in fact, I do not have any objection in addressing the Chair but while doing so I find these people start raising from their seats.

Sir, just two days ago, the Supreme Court had directed that only puja could be performed but no construction work could be taken up there. But, now kar seva has again been started in the name of puja. The Kar Seva has acquired such dimensions that Shri Advani, the leader of the opposition has also joined the kar-seva. I was just going through the newspaper, in which, the Supreme Court made it clear that the kar seva means only puja. But our hon. leader of opposition has said in respect of kar seva that if need be we will break the law to construct the temple.. [*Interruptions*] Mr. Speaker, Sir, when these people were demolishing the temple, had you stopped them at that very time, the apprehension of

demolition of the mosque could have been averted. The demolished temples were 'Sankat Mochan' temple and 'Sakshi Gopal' temple. By demolishing these temples, they have now constructed 80 feet wide road which was only 2 feet wide previously. Hon. Home Minister is sitting here, you have enacted a law which says that except Ayodhya, the status quo in respect of all other temples and Mosques and religious places will be maintained, then what happened to this law and whether it was broken before its enactment or afterwards, I would like to say that it was broken after its enactment. Then, why the Government of India did not take any action when all those temples were being demolished. After the enactment of the law in Parliament, Sakahi Gopal Temple and Sankat Mochan temple were demolished for the sake of widening the two feet wide road into the 80 feet wide road. I also mentioned this point in the N.I.C. meeting held on 23rd.

PROF. RASA SINGH RAWAT (Ajmer): Mr. Speaker, Sir, I have a point of order, Sir, yesterday you had stated that all the members should speak in a manner that a solution to the problem could be worked out. But the manner in which the hon. Members are speaking, I doubt whether it will pave the way for a solution or it will complicate the issue.

MR. SPEAKER: We are here discussing an important issue. Therefore, I request all the hon. Members, not to interrupt any speaker without any valid reason. Whatever Shri Paswan has spoken so far, I do not find any objectionable point in it.

SHRI RAM VILAS PASWAN: Thank you, Mr. Speaker, Sir, I was saying that you could not avoid the demolition of the temple even after enacting a law by the Parliament. I reiterate that you could not save neither mosque nor temples. What to talk of demolishing the mosque, my able friends have even demolished the temple. This is the

basic difference between the members of National front and left front and them. You must remember this point that the one who could not save the mosque, cannot save the temple too. We neither want to demolish temples nor mosques. The one who has demolished the mosque will also demolish temple for his political motives and they have done this.

Mr. Speaker, Sir, just now I was going through "Jansatta" it contains two statements of the leader of the opposition regarding kar seva.

MR. SPEAKER: Mr. Paswan do not quote newspaper here. No doubt 'Jansatta' is a good newspaper but you should not quote it in the House.

SHRI RAM VILAS PASWAN: I was just referring to it so that during the course of his reply the hon. Home Minister could falsify it. Mr. Speaker, Sir, the newspapers help in making opinion on a particular issue but if you wish I will not quote it.

Mr. Speaker, Sir, I would like to tell you that today the leader of the opposition, Shri Advani ji and leader of V.H.P Mahant Avaidya Nath gave a statement that if need be they would resort to law breaking in order to construct the temple, they have also added that during the independence movement, Mahatma Gandhi had also violated laws to honour the feelings of the people. Mahatma Gandhi violated rules in order to integrate the country and not to disintegrate it. Therefore, I would like to say that today nobody is equivalent to the one tenth of the Mahatma Gandhi personality but his name is being mentioned in every matter. They give instance of Mahatma Gandhi and wherever it does not suit them they try to snatch away the title of 'the father of the Nation' from Gandhiji. This is the double game being played in this country. That is why I say that the intentions of B.J.P. and V.H.P. are very

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clear. This is a question of the existence of Shri Advani and the Chief Minister of U.P.

Once, I and Shri Atal Bihari Vajpayee were travelling together. He showed me a news cutting of 'Dainik Jagran' which contained my comments which were given by me a months ago in U.P. In that statement I expressed a fear about our B.J.P. Colleagues, specially about Advaniji, Atal Bihari Vajpayeeji and Murl Manohar Joshi ji and other friends and stated that one day their condition may not be like Akali Dal and the condition of V.H.P. may be more miserable. Today, I feel that they have reached to that precipice. I can easily sense a paradoe between them. You cannot say at any cost that you will not respect the constitution, you will definitely regard the constitution but the people to whom you have given the dose of the solution of Ram-Nam, they do not have to do anything with the constitution of the U.P. Legislature. You are riding a wild tiger, you will have to keep pace with it otherwise it will tear you off. Therefore, Mr. Speaker, this is the biggest problem being faced by them. While speaking in the house they speak something else and while speaking in press conferences and on the plate-for of V.H.P. they speak something else. Here in the House they would say that they would protect the constitution and the something is being reiterated in the press Conference that they will maintain the law and order, but while speaking before V.H.P. and Bajrang Dal they will talk of knowing public feeling even at the cost of breaking the law and violating the constitution. Therefore, the time will decide the fate. We would tell our colleagues that the constitution is uppermost.

Mr. Speaker, Sir, I would like to submit to the hon. Home Minister that we do not believe what Advani Sahib and Kalayan Singh ji say because they are helpless.

We will believe what the Government of India would say. Is it not a matter of great sorrow and shame that the leader of opposition, about whom it is written in the Constitution that he is a part of the Government, we all are a part of this Government, and who holds the responsibility next only to the hon. Prime Minister, says that the people are not guided by the Parliament but by the *Dharm Sansad*. Is not it a matter of sorrow for us? The parliament of the country will not decide the fate of the country, the leader of the opposition will not be guided by the decision of this Parliament but by the decision of *Dharm Sansad*. We would like to know from the Government through you as to what would be the future of this Parliament, which has a glorious history and which has a magnificent building every brick is based on the unity and as a guardian of which you are sitting here, if everyone will be guided by one's own respective Dharm Sansad? Therefore, if I have any complaint against anyone, it is only against this Government. We were under this impression that the Government headed by Shri Narsimha Rao, whose hon. Home Minister is Shri S.B.Chavan, will not repeat its old mistakes. We had thought that you will realise your mistake of getting it unlocked. Not only you got it unlocked and performed the Shilanayas but you were hoping that the temple would also be constructed...*(Interruptions)*.... I do not have any doubt, the temple would also be constructed. Tomorrow, he will say that ten lakh people had gathered there, so I had become helpless, what could I have done? Therefore, we do not have doubts in our mind I do not have any complaint against the B.J.P. people since they do not hide anything. They do tell their intention but we have doubts regarding the intentions of the Government who has shrouded itself under the cover of secularism but everything is going on, on communal basis.

The meeting of the N.I.C. was held on

23rd of the last month: Before that Shri V.P. Singh had requested the hon. Prime Minister to call meeting of the N.I.C. The hon. Prime Minister had then replied that they were not going to call the meeting of N.I.C. in near future. Later on, I do not know, what compelled him to call the meeting on 23rd. When the meeting of the N.I.C. was called the Bhartiya Janta Party men did not attend the same. These people knew that if they would go there, the total atmosphere will be against them and all will speak in one voice against them and if they go and speak something in the meeting the V.H.P. will get annoyed and if they do not speak in the meeting they would be trapped. Due to this reason they did not attend the meeting. We can understand their compulsion but the Central Government....(Interruptions)... Yes, they have saved themselves from this problem. But what the Central Government has done which was given all powers to protect the Constitution, and secularism? You might be remembering that I had already predicted the outcome. Therefore I had given my notice on 24th at 10.00 A.M. to the effect that the suggestion given in the meeting of the N.I.C. should be discussed in the House and the Government should make its policy clear about the action or step proposed to be taken by it. We would like to know it clearly from the Government. Had the Government taken some stern action well in time then there would not have happened any unpleasant incident. Do whatsoever you want to do before 25th or 26th, after 26th when the kar sevaks would reach there everything would be difficult. It has been stated in your statement that around 40 thousand people have reached there. They will be one lakh by tomorrow then you will say that you are helpless, since the kar sevaks have reached there in such a large number you do not want that any unpleasant incident should take place there.

It is reported in the newspapers that the youth there may do something wrong in

excitement so the leaders of the B.J.P. and the V.H.P. should go there to pacify them but it is difficult to pacify one lakh people. By that time, if something unpleasant takes place or something untoward happens, then the Bhartiya Janata Party will absolve itself from the responsibility and the Uttar Pradesh Government will also resign when, it would fail to do anything in the matter. The Central Government will also absolve itself from any responsibility, but what will be the fate of the nation?

Secularism is the base of our country, it is the soul of our Constitution. Remember, that if even a single brick of the mosque is broken or scratched then the base of the unity of the country will also suffer damage and it will be shaken.. (Interruptions). So, you are demolishing it because the temples in Kashmir are also being demolished.

SHRI RAJVEER SINGH (Aonla): Mr. Speaker, Sir, I would like to have just one information from him. He should make it clear as to whether his party has passed the resolution that the disputed structure is a mosque. If they have decided and if their party has chalked out its policy with this view, then I have nothing to say.

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, I am saying all this in the context of the layout plan of the temple released by them. From where does you launch the missile, this is not the question, but the question is as to where does it fall or hit. The Government should make it clear as to what for that structure has been constructed? It does mean that the mosque will be demolished. The lay out plan of temple which you have released includes all the area of disputed and acquired land. If the temple is constructed according to that plan the mosque will certainly be demolished.

Hon. Home Minister, Sir, remember one thing, that today the Muslims of the country

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are a frustrated and a dejected lot. They have a pain in their heart. Try to understand the pain of those who believe in secularism. You may demolish one mosque and the Muslims may not react to it just to protect their own life and property but will the wound that they would suffer as a result of that, strengthen the integrity of the country? Do not let them suffer this wound.

Mr. Speaker, Sir, we are happy that the majority of the Congress men feel that the Constitution should be protected and safeguarded, but the Prime Minister may be having some other opinion. When the B.J.P. admires the hon. Prime Minister of the country then it becomes clear that there is something wrong in it. Therefore, those who are in Congress Party should ponder over it. Pawar Sahib History is not created time and again. Dinkar had observed:

*"SAMAR SHESH HAI
NAHI PAAP KA BHAGI KE WAL VYADH
JO TATASTH HAI, SAMAYA LIKHEGA,
USKA BHI APRADH,"*

Today, if you keep your mouth shut and choose the middle path then History will not pardon you. Remember one thing that only that person who can not take the decision of walking on the right or the left of the road, dies in the mishap. Therefore, my submission to you is that either you walk along with the B.J.P. on the right or you walk along with the left front or National Front, but if you do not take the decision as to with whom you want to walk and you choose the middle path to walk, then you are sure to die. You may run the Government for six months more. Therefore, it is my submission to our colleagues of Congress, who had taken part in the freedom struggle that whatsoever they have done so far is alright. They may have or may not have protected the secularism earlier but now it is not the time to be in a fix.

Our submission to the hon. Home Minister is that the Constitution should be protected.

Mr. Speaker, Sir, the statement made by the hon. Home Minister is not a statement but it is a news bulletin only. We would like to know their views. But you have read out only the news bulletin. We get more news than this through the newspapers. I would also like to submit to my friends of B.J.P. that it is no use of becoming powerful by raising the sword against the weaker. They should think the way and means to strengthen the unity and integrity of the country. We should prepare ourselves to face the foreign powers. Are we doing the same today? You are harassing the weaker section of the society, you have launched a campaign against them and on the other hand you are also talking of the unity of the country. It is an issue of minorities and it is not advisable to launch an agitation against them. Our history speaks how brave we are. Therefore, I request them not to launch an agitation against the Muslims and call themselves heroes. There is a proverb "Langadibilaiyaghar me shikarkare". It means when a cat cripples it cannot go out for hunting, so it hunts inside the house itself. Therefore, don't hurt the feelings of our Muslim brethren.

Mr. Speaker, Sir, through you, I would like to urge the hon. Home Minister not to defer every issue on the plea that the matter is subjudice. The Government is throwing the ball in the court so that it is not blamed. If something happens, it will say that it was the court which did so. One should have a political will. When our party was in power we had taken a decision. We could also have extended our support to temple construction, and initiated work by putting two bricks. But it was not an issue of two bricks, rather it was an issue of unity of the country. And we had to opt either to save our Government or protect the Constitution. We protected the Constitution. We have no regrets that our Government collapsed.

Chavan Sahib, today it is an opportunity for you that you should say proudly that you would protect the Constitution even at the cost of your Government. We will not allow to defy the Constitution. If the Constitution is protected, the country will be saved. The day the Constitution will be, eliminated democracy will be wiped out from this country.

Today, some people say that they have no faith in the Supreme Court. Only one type of people oppose the verdict of the Supreme Court whether it is the temple issue or the Mandal issue.....(*Interruptions*)

Only people like Mani Shankar Aiyar had confused Shri Rajiv Gandhi. It is only Shri Gandhi who had read a draft for three hours here. Mr. Speaker, Sir, all the secular forces of the country are in the N.I.C. The N.I.C. does not consist of only the Members from the opposition parties, the Congress party or the B.J.P. but there are intellectuals, renowned and prominent journalists also. They had made an appeal to protect the Constitution. Today, on behalf of the Janata Dal, we make a demand from the Government either to protect the Constitution or resign. With these words I conclude.

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, I would like to clarify the position in one respect before I offer my comments on the statement made by Shri S.B. Chavan, the hon. Minister of Home Affairs. Yesterday, the leader of the Opposition, Shri Lal K. Advani was severely criticised in the House for his alleged statement that he would participate in Kar-Seva with a spade and brick. I could not contact him during the day. So I talked to him at night. The newspaper which had published this news had also not reached him. He informed me at night that there was no question of going there with a spade and brick. Although he did not mention the words spade and brick in his speech, yes these words were put in his mouth....(*Interruptions*)

SHRI NITISH KUMAR (Barh): If spade and brick are put in his mouth he will die. It is a murder case which should be filed.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, the hon. Member of Janata Dal should try to understand the beauty of words. Hearing they word spade he was about to make an assault on me and became concerned for Shri Advaniji's life.

Mr. Speaker, Sir, therefore, I had said yesterday that conclusions should not be drawn on the basis of newspaper reports. Today certain news has come in the newspapers which should help in removing the doubts.

Mr. Speaker, Sir, I agree with the hon. Minister of Home Affairs that the situation is very critical and it should be handled properly. It is not a party matter. This issue is linked with the sentiments of the people and no decision should be taken in haste.

In his statement the hon. Minister of Home Affairs made a mention of the statement made by the hon. Prime Minister in both the Houses of Parliament on 27th July 1992. Then he said that talks have started between both the parties involved in Ayodhya, issue from 3rd October, 1992. There were two months between July and October. Saints had given three months time to the hon. Prime Minister. The hon. Prime Minister said that he would reach a conclusion within three or four months. Saints accepted that. Then they found that though two months had passed no concrete steps were taken to resolve the issue. Two months out of four months means 50 per cent of the time. We have all along been asking the Government what it was doing. They reply was that a cell had been constituted in the Prime Minister's Secretariat. It was trying to find out the documents exchanged between the parties during Chandra Shekhar's regime. when I asked where these papers had gone, it was

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replied that there was a state Minister in that Government who took those documents with him while demitting office? Are all those documents not available in the Home Ministry?

It has caused doubts that the Government is not firm on finding an immediate solution to the problem.

SHRI NITISH KUMAR: Such a person was included in the talk.

SHRI ATAL BIHARI VAJPAYEE: You are correct but he was included in the talk later on.

SHRI NITISH KUMAR: **

[English]

MR. SPEAKER: This will not go on record.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Why do you say such contradictory things.

SHRI RAM VILAS PASWAN: **

It is not unparliamentary.

MR. SPEAKER: No doubt luck he is not present here.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I was not in the country at the time when the decision to resume 'Kar Seva' was taken. It needs to be considered deeply as to in what circumstances the decision was taken.

I submit as to why apprehension devel-

oped in the minds of Sadhus-saints who were impressed by the hon. Prime Minister and returned with the hope that positive efforts will be made to solve the problem? I would like to cite only two incidents. There is an organisation named the Indian Council of Historical Research affiliated to the Ministry of Human Resource Development. It is being run with the assistance of the Government. It has got the support of the Government. Shri Menon, ex-Secretary of the Institution who was compelled to resign, has revealed a fact by writing an article in the 'Matribhoomi'. It is really shocking. Shri Narayanan has alleged that the main function of the Indian Council of Historical Research was to assist the Babri Masjid Action Committee. All the decisions regarding production of documents and historians to be taken by the Babri Masjid Action Committee were used to be taken in consultation with the Council. All decisions were taken while sitting in the Council building. I am not levelling this allegation on my own. Serious allegations have been mentioned in the article written by Shri Narayanan, ex-Secretary to the Council.

15.00 hrs.

Mr. Speaker, Sir, one more incident occurred. It has put a question mark on the credibility of the Government. Why has Advaniji developed a sense of bitterness. Shri Advaniji had intervened when 'Kar Seva' was stopped four months ago. Bhartiya Janata Party had requested Sadhus-saints to see the Hon. Prime Minister and postpone the Karseva. Efforts were made to resolve the problem through negotiations. Now B.J.P. is being blamed for it. Shri Advaniji has been made the main target. The reason behind the change in his attitude is that written proposal which was taken to him by a Minister... (Interruptions)

SHRI SURAJ MANDAL (Godda): You should mention his name.

SHRI ATAL BIHARI VAJPAYEE: I have no objection in referring to his name. His name is Shri Kamal Nath. He had brought the proposal. Mr. Speaker, Sir, I don't want to mention his name, though there should not be any objection in mentioning the name. He had gone with a proposal. The crux of the proposal was that the Central Government would acquire 2.77 acre of land and hand it over to construct the temple. The decision on disputed structure would be taken through either negotiations or judicial process. Shri Advaniji remarked that judicial process has been going on for the last 40 years. Even now the cases have been filed before the Lucknow Bench of Allahabad High Court. The cases have been referred to the Supreme Court also. Shri Advaniji has suggested that there should be "due process of law" in lieu of "judicial process". Shri Advaniji asked him whether this proposal was brought on his own or it had got the support of the Prime Minister also. Shri Kamal Nath replied to Shri Advaniji that it had got the support of the Prime Minister. Later on, we have come to know that he had stated wrongly. That proposal was not supported by the Prime Minister. Was it his own idea to bring the proposal. Then why did he mentioned the Prime Minister. If he committed a mistake of referring the name of the Prime Minister, he had committed a blunder. Why he is in the Cabinet till now? Such type of Minister should not be kept in the Cabinet. But Shri Kamal Nath has not been removed. It has further confirmed the apprehension that there were no definite efforts to solve the problem. It is wrong to send different messages through different persons and back out at those proposals on which B.J.P. agreed and put efforts to convince Sadhus-saints. How many Ministers were sent as emissaries? Why were they sent? What is the intention of the Government? Why was the credibility of the Government put to crisis? Sadhus-saints

had assigned the full responsibility on the Prime Minister to solve the problem. But later on they felt that policy of division is being adopted. Different talks with different Sadhus are being arranged. Talks have been arranged even after the announcement of date for 'Kar Sewa'. It has never been discussed why Kar Seva was being performed and what was the necessity of 'Kar Seva'. Discussions were done about the manner of solution to be made. Sadhus were consulted separately. I don't want to mention their names. Vam Devji was called. Nritya Gopal Dasji was called. I wanted that Swamy Chinmaya Nandji who was included in the talk should highlight the matter. But Mr. Speaker, Sir, I was told that only I would participate in the discussion. No other member would be given opportunity to speak.

MR. SPEAKER: No, it is not so. But there is one thing. private talks should not be discussed here.

SHRI ATAL BIHARI VAJPAYEE: No, Sir, there is a need to mention it here today.

MR. SPEAKER: Otherwise, no time would be given to discuss it further.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I concede. But it is not a private matter. I agree with you that discussion held in the closed room should not be discussed. But when the question is being asked as to why 'Karseva' was resumed...

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, he is correct. We have also levelled the same allegation against the Government. Now the entire thing is being exposed.

SHRI ATAL BIHARI VAJPAYEE: And Advaniji is being put under arguments. I thought as to why Advaniji was so much worried. Because the question of credibility

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has been arisen. This question should not be arisen.

Mr. Speaker, Sir, a case regarding acquisition of 2.77 acre of land is pending with the Lucknow Bench of the Allahabad High Court. 16 months have passed. Hearing has also been concluded, but the verdict was not been given. Why has it not been delivered? There are limitations for everything. There are laws. But no limitation apply to judges as to when they will deliver verdict. And this matter has been pending for the last 40 years. What is the rationality behind keeping the matter pending for such a long time when this question is linked with sentiments. During the discussion held between the Prime Minister and the Sadhus-saints it was decided that classification of all the cases would be made. The statement given by the Prime Minister that all the cases would be referred to a tribunal could not be materialised. Later on it was decided that the Central Government as well as the Government of Uttar Pradesh might approach the lucknow Bench to expedite the decision regarding the land acquired. It was also our proposal. Nobody can ask the court to deliver verdict in his favour. This question does not arise. But one can ask for expediting the decision in it. It has also worsened the situation as law proceedings on acquirement took 16 months.

Mr. Speaker, Sir, judiciary should be respected. But it is only due to wrong policies adopted by the ruling party that judiciary has never been honoured. When Kumari Jai Lalita asked in N.I.C. meeting why the Interim Order passed by the Supreme Court on Cauvery issue could not be implemented, no reply was given. Perhaps the Order was not in favour of the ruling party.

SHRI MANI SHANKAR AIYAR

(Mayiladuturai): Mr. Speaker, please, excuse me...

SHRI ATAL BIHARI VAJPAYEE: I am not yielding. Mr. Speaker, Sir, the verdict regarding the Shahbano case was reversed by the parliament.

[English]

SHRI MANI SHANKAR AIYAR: It is not a Supreme Court order. It is an interim order of the tribunal and the reference to Supreme Court was made under Article 143. It was not a judgement of the Supreme Court. So, please do not mix up the two issues.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, discussion on article 143 is to be held.

[English]

SHRI MANI SHANKAR AIYAR: Exactly that is why you want to go for Article 143.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: You have shown the correct way. The Government can violate the advice given by the Supreme Court in a matter referred to it under Article 143. (Interruptions)

Mr. Speaker, Sir, don't allow them to do so. I am sorry. I am not yielding. (Interruptions)

Mr. Speaker, Sir, he has also gone there. He should be given full opportunity but don't allow him to interrupt me.

Mr. Speaker, Sir, it is not only the Cauvery case. What had happened in Shahbano case? In this country such an incident has occurred where law was changed retrospectively.

tively when the election of the then Prime Minister was countermanded. And when it was opposed, the Emergency was clamped on the country. At that time what were the Courts doing and what about the sanctity of the Courts? However, that period can never be the ideal for the country. Courts need to be respected though through the amendments can be brought in the Parliament in the Constitution. It is our misfortune that we are in the minority in the House while they are in majority. However, we are striving to bring about a chance in this.

Mr. Speaker, Sir, the Government of Uttar Pradesh has given an assurance to the effect that no damage will be allowed to be caused to the disputed structure and it will be totally protected. Therefore, what are the reasons for doubting the assurance of Government of Uttar Pradesh? I do not want to read the full text of the detailed report furnished by the Government of Uttar Pradesh to the Union Ministry of Home Affairs, here in the House regarding the deployment of the security forces there and the forces kept stand by. Therefore, if the Centre still feels that the forces deployed are inadequate then it can definitely advise the Government of Uttar Pradesh. However, what is the Centre doing? The Centre rushes Central forces to Ayodhya but never informs the Government of the State in time not to talk of taking the Government into confidence and of seeking its prior permission. The hon. Minister of Home Affairs has himself made quite clear that information about the despatch of the security forces to Ayodhya on 24th was sent well in advance. When did the security forces reach Ayodhya? The security forces reached Ayodhya on 19th itself quite well in advance of the receipt of the letter.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): May I intervene? Is the hon. Member quite sure that the Central

forces were sent on 19th and 20th and not on 24th? I say with authority that the Central forces were sent on 24th itself. The U.P. Government has also confirmed this.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I have also got a few facts available with me, which were furnished to me by the Government of Uttar Pradesh.

SHRI S.B. CHAVAN: Please also believe in whatever we speak.

SHRI ATAL BIHARI VAJPAYEE: Yes, I am prepared to believe what all you are saying, but you are not believing me. I do not want to get involved in this argument. I would like to submit that both the Central as well as the State Governments are agreed upon that no damage should be caused to the disputed structure.

SHRI P. M. SAYEED (Lakshadweep): Should a JPC be set up to look into this?

SHRI ATAL BIHARI VAJPAYEE: If you favour this demand, it could be acceded to.

MR. SPEAKER: As per the rules whatever spoken on the floor of the House is not doubted and you are not insisting on it.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, an assurance to this effect has also been given in the Supreme Court. This must not be doubted. However, quite unfortunately a demand is being made to dismiss the Government of Uttar Pradesh. On what grounds the State Government need to be dismissed? This is being demanded by the such parties which once favoured scrapping of article 356 of the Constitution. Is this approach justified? What wrong is committed by the Government of Uttar Pradesh? The Government of the State is an elected one. The Government of the people's

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date for the construction of the temple... (Interuptiof)

[English]

SHRISHOBHANADREESWARARAO VADDE (Vijaywada): They do not have the mandate. You did secure the majority vote.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, the Government of Uttar Pradesh is bound by the constitution of the country. It has also given an assurance to the effect that the court orders will not be violated.

SHRI SURAJ MANDAL: When you will come in power in the Centre, then you may do this. Forget about it right now.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, it is not very difficult, neither for the House nor the Government, to find out as to what is going on at Ayodhya. Anyway the Supreme Court has already appointed an observer there, who is daily submitting report. The Government is aware of these reports.

SHRI S.B. CHAVAN: Will you repeat what did you say?

SHRI ATAL BIHARI VAJPAYEE: I only submitted that the Supreme Court has already appointed an observer, whose mention has also been made in the statement given by the hon. Minister. Though, the observer is daily despatching his reports yet no mention about it has been made in the statement. Only the appointment of an observer has been mentioned in the statement.

The observer appointed by the Supreme Court is keeping a watch on the develop-

ments in Ayodhya. Are you not going to trust him?

Mr. Speaker, Sir, by the number and nature of cases filed in the Supreme Court by the Government of India counsels and the arguments put forth by them, it quite reasonably justifies the contention that the Government is not at all sincere about avoiding the precipitation of the crisis. Is it proper to entrust this responsibility to the Supreme Court time and again ask it to intervene in the matter too. This has been widely condemned in the country. The politicians should be prepared for taking political decisions in all such matters and should also always be prepared to tackle the crises of this type. There is no need to take recourse to the courts. However, such a course is being adopted and when it is condemned it is alleged that the sanctity of the courts is being challenged. Even by the figment of imagination we are not prepared to belittle the courts. Prestige of judiciary should be fully maintained in the country. We all owe allegiance to the constitution of the country. Therefore, it would be nice if the band of secularism is not played too much.

Then it is very good. When Indian Constitution was being framed Professor K.T. Shah moved a resolution that 'secular' word should be included in it. But it was not included because the Fundamental Rights guaranteed each citizen equal rights irrespective of his caste, creed and religion. There was another reason also. The Constitution makers knew that 'secular' is an alien word and it echos anti-religious voice and it seems indifferent to the religion. It is a western hypothesis. You read the speeches of Dr. Munshi and other leaders. They always propounded this concept that state would be or should be a secular state. We also believe in secular state. But secular means equality of all religions- no opposition to any religion. But during the course of time there were some happenings which indicated that feel-

ings of majority community are not being respected. It is a politics of votes.

Mr. Speaker, Sir, I was reading the proceedings of the Constituent Assembly. Pardon me for taking a little time, because I am the main accused. When I was reading the proceedings of the Constituent Assembly and in that our friends from Muslim League have asked for separate electorate. On this issue the speech of Sardar Patel is worth reading. Nehruji had also opposed that. The Members of the Muslim League and demanded that in the context of secular state it should be clarified that there would be no common civil code. But Santhanam Saheb had said that they had made provision of common civil code under Article 44 of the Directive Principles of the State Policy, therefore, no such assurance could be given. In the forward of a book written by Shri Reghunath Singh, M.P. in 1961, Nehruji wrote that when we translated secular into 'dharma-nirpeksh', it created some doubts, we can't be secular.

[English]

MR. SPEAKER: I think the Minister has to make a statement in the other House. I am allowing him to go there.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, then I can speak for a long time.

[English]

SHRI S B CHAVAN: The Minister of State has made the statement.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, Nehruji also felt that. (*Interruptions*)

SHRI NITISH KUMAR: Mr. Speaker, Sir, It is better that Chavan Saheb is not going to the other House. He has got information that the State Minister is making statement there. Thus, at least the State Minister has also got a chance, otherwise he was taking chances at both the places.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, Nehruji also felt that it is not proper to translate 'secular' word as 'Dharma Nirpeksh'. Further he said that secular state means there would be no State religion, the state will not adopt a particular method of worship and will not discriminate with the people of having faith in different methods of worship. But now secularism is being raised against Indian Culture, traditions and cultural heritages. I remember... (*Interruptions*)

Lighting of lamps at official functions has been opposed and breaking coconut on the occasion of commissioning a vessel has also been opposed. Recently 'Vande Mataram' is also being opposed. What sort of secularism is this? Mr. Speaker, Sir, I would not like to go in to any controversy. (*Interruptions*)

SHRI NITISH KUMAR: Mr. Speaker, Sir, nobody has objection on 'Vande Mataram'. It should go into the records through Vajpayeeji that nobody has any objection on 'Vande Mataram'. They are deliberately blaming us. There is no objection on this issue... (*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I would not like to raise any controversy... (*Interruptions*)

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, it has been decided regarding the issue of 'Vande Mataram' that nobody will raise this issue and it will not be discussed in the House, no controversy will be created regarding this issue... (*Interruptions*)

MR. SPEAKER: Look, in this regard I request not to discuss this issue here and negotiations are going on to resolve this issue by mutual understanding. Therefore, I will specially request Vajpayee ji. (*Interruptions*)

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, if they want to raise the issue of 'Vande Mataram', then do they oppose 'Jan gan man'?..(*Interruptions*)

SHRI VILAS MUTTEMWAR (Chimur): Mr. Speaker, Sir, kindly clarify it..(*Interruptions*)

MR. SPEAKER: As I have requested to Vajpayee ji, similarly I request to all the Members that it is an important issue. It is better if according to the norms of the House, no discussion should take place here in this regard. I have understood your feelings and the decision is likely to be taken according to your feelings..(*Interruptions*)

[*English*]

SHRI SRIKANTA JENA (Cuttack): Sir, I am on a point of order.

MR. SPEAKER: Yes.

(*Interruptions*)

SHRI SRIKANTA JENA: I am making a point of order. Can any Member in this House, while participating in the debate, misquote anything which was decided in your chamber.

MR. SPEAKER: I am not upholding...(*Interruptions*)

SHRI SRIKANTA JENA: Let us not make any impression that anybody opposed Vande Mataram.. (*Interruptions*)

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): The Muslim league said so and you all supported them..(*Interruptions*)

SHRI EBRAHIM SULEMAN SAIT. (Ponnani): We have opposed and there was reasons also...(*Interruptions*)

SHRI MADAN LAL KHURANA: Even today they are ready to oppose it. (*Interruptions*)

MR. SPEAKER: The manner in which all leaders and hon. Members have tackled this issue so that the dignity of the house may be maintained and we have not to malign that. You should not go into detail. All are paying attention to your feelings. We will act according to your feelings.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, we should understand the reality of Ayodhya. There are two aspects of this reality. The first is that earlier there was a temple which was demolished and the other is that the statues are placed there and those are being worshiped for the last 40 years. No namaz is being read there since 1936.

SHRI EBRAHIM SULEMAN SAIT: It is wrong.

SHRI ATAL BIHARI VAJPAYEE: You should refute this. I would like that both these realities should be presented here. It was suggested that the opinion of the Supreme Court should sought whether mosque was constructed there after demolishing a temple or not. We were ready for it.

SHRI MANI SHANKAR AIYAR: Only under Article 138. You were not ready. (*Interruptions*)..

SHRI ATAL BIHARI VAJPAYEE: Again he is talking about Article 143. If caavery

issue can be referred to the Supreme Court for its opinion, then why can this issue not be referred?

SHRI MANI SHANKAR AIYAR: It is our experience that the advice received under article 143 is not acceptable to persons like you.

SHRI ATAL BIHARI VAJPAYEE: As it was not accepted by the Congress in Karnataka.

SHRI MANI SHANKAR AIYAR: Yes, this is the reason because the implication of the article 143 is

[English]

it does not have a binding force.

MR. SPEAKER: Shri Mani Shankar Aiyar, now please, you should not disturb. You will have the opportunity to respond.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: What I was expecting was that the members of the Babri Masjid Action Committee on the basis of the proof already available and the archaeological proof that has come to light after excavation, would say that as this was the matter of sentiments for Hindus, they for go their claim on the disputed structure.

Ram is an ideal. He is believed to be an incarnation. Ram Rajya of lord Ram is associated with Ayodhya and the site in Ayodhya and the site in Ayodhya known as the birth place of lord Ram is disputed.

SHRI RUPCHAND PAL (Hooghly): Since when is it known like that?

SHRI ATAL BIHARI VAJPAYEE: We are ready for a separate discussion on this

question, if he wants. Ultimately, Kumtari Jay Lalitha too has come to realise that the issue of constructing a temple in Ayodhya is linked with the sentiments of the majority.

[English]

MR. SPEAKER: That is not going on record.

[Translation]

SHRI MUKUL BALKRISHNA WASNIK (Buldana): Jay Lalitha has simply said that the mosque should not be demolished. (*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE: Yes, she has also said that, but alongwith it she has said that Kar Seva for constructing a temple should be allowed. Yes, she has said that the mosque should not be demolished. We are also not in favour of demolishing the mosque. What we want is that the mosque should be shifted to somewhere else with due honour. Such things have also taken place in the past in the Islamic countries.

Recently, I had been to London. There was a dispute. Pamphlets were being distributed in the mosques there for shifting of a mosque in meccsa. I brought a pamphlet and I have sent it to the Government. A report in this regard has also been published in the 'Daily Telegraph' and the 'Pioneer'.

AN HON. MEMBER: What for had he gone to Mecca?

SHRI ATAL BIHARI VAJPAYEE: I had gone to London, not to Mecca. I would like to submit that the issue of Ayodhya should not be taken merely as an issue of temple construction. I do not know whether it is right or wrong, but this issue is concerned with the sentiments of the people at large. These sentiments are touching the core of the heart of the majority. I challenge, is Ram not the

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part of our legacy? Even Galib had to say that Ram is Imame-e-Hind. Some people may not consider Him an incarnation; but can any one deny that Ram and Krishna are such personalities in the day to day life of this country that if they are removed from the life of this country then there will be no philosophy culture, and literature.

Mr. Speaker, Sir, before I conclude I would like to quote from the speech of Nehru Jee. After the partition of the country Nehru Jee while speaking in Alligarh Muslim University on 21st January, 1948, has said-

[English]

"I have said that I am proud of our inheritance and our ancestors who gave an intellectual and cultural pre-eminence to India."

[Translation]

He then asked the students of the university. Who had assembled there:

[English]

"How do you feel about this past? Do you feel that you are sharers in it and inheritors of it, and therefore, proud of something that belongs to you as much as to me? Or do you feel alien to it and pass it by without understanding it or feeling that a strange thrill which comes from the realization that we are the trustees and inheritors of this vast treasure?"

[Translation]

Then Nehruji said

[English]

You are Muslims and I am a Hindu.

[Translation]

I am quoting the words of Nehruji:

[English]

"You are Muslims and I am a Hindu. We may adhere to different religious faiths or even to none; but that does not take away from that cultural inheritance, that is yours as much as it is mine."

[Translation]

If we accept that Ram is the part of our cultural legacy, then we must have respect for Him. On the contrary, the Babri Mosque has got no historical importance, it has got no sentimental value, whereas the temple that is existing there has got Sentimental Value. There should be national efforts to reconstruct the temple. We invite our Muslim brethren too to co-operate in the temple construction work and we assure that we would co-operate in constructing a nice mosque in the nearby area.

[English]

THE MINISTER OF HOME AFFAIRS (SHRIS. B. CHAVAN): Sir, there is only one point about which I would like to make the position clear at the outset so that unnecessarily this again should not become a matter of controversy. So far as the land acquisition matter in the Lucknow bench of Allahabad High Court is concerned, I can say that we are equally interested in seeing that the whole thing is expedited and the High Court takes as early decision as possible. (*Interruptions*)

[Translation]

SHRI ATAL BIHARI VAJPAYEE: A lawyer can request the bench of a High Court for an early decision (*Interruptions*)

[English]

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): We are not a party.. (*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE: No, you are a party. (*Interruptions*)

MR. SPEAKER: Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, I have been listening patiently to the speech of Shri Atal Bihari Vajpayee. But, he has very carefully avoided the main issue which is before the country namely whether the court orders will be enforced on the 6th of December at Ayodhya or not. I take it consciously he has not answered that issue. Today, we are not really discussing as to whether it is desirable to have a temple or not or what was there previously. We are not sitting here to cite evidence or come to a decision. The question is today we are facing a particular situation which is causing the greatest anxiety amongst the people of this country, namely a section of the people, a political party, some organisations, which are openly religious organisations, fundamentalist organisations, are trying to do something which, we believe, will be a serious blow to the unity and integrity of this country; to the maintenance of communal harmony, I believe, to which every citizen in this country should be committed. But that answer has not been given. We have been told so many things—what is secularism; what Nehru said at some time. Even if Nehru's quotation helped him, is BJP trying to do *Kar Seva* in the 2.77 acres of land to implement Nehru's views? This is

the amazing argument which I have heard from Shri Atal Bihari Vajpayee. Why are we concerned? When negotiation was going on at the instance of the Government of India, 'yes', I would have been happier, if the discussions had started in July-August because there also I have something to say about the Government—why do you allow any time to lapse in a matter like this? But, when, in fact, the discussions were going on in October, November date was fixed. Discussions were held and why suddenly prior to that unilaterally a decision is made, a declaration is made that come what may, whatever may be the result of the discussion, we shall go on constructing the building. What is the significance of 6th December, I do not know? We have not heard from any BJP or VHP sources what is the special basis of this day and how this date was fixed..However, they decided. Probably they have their own almanac; their own faith in that, I do not mind. But, they owe an explanation to the country, why the disrupt the process of negotiations and discussion. If your case is so strong, if you believe then why you disrupt it before four months have not elapsed. Now, the situation arises, the 6th December is fixed for having *Kar Seva*. *Kar Seva* does not mean anything but actual construction with mortar, with bricks and permanent construction is going to be made, as part of the temple for the temple. It is being made very clear to Shri Atal Bihari Vajpayee that 'Yes', temple will be built there. He has given a call to the people, to help him to build a temple there. When this is the situation, the matter goes to the court. We have criticised the Government very strongly and nobody has done more strongly than us. When Shah Bano's case was reversed - the Supreme Court judgement was reversed - we criticised; we did not spare the Government. We thought that it was wrong. It gave a very wrong signal and that was an affront to the judicial decision in this country.

However, does it justify that because Shah Bano's case was reversed, therefore,

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they will not pay any heed to judiciary? What is the use of paying lip service to judiciary?

We are a very strong critic of the Proclamation of Emergency in this country. We know BJP friends had suffered. But in those days judiciary had lost all its position in power. Do you want to go back to those days of Emergency, trying to justify that the judicial verdict can be dispensed with, can be ignored, just to suit the political ends of a particular group of people or a political party? That is why when things came out from the mouth of none other than the Leader of the Opposition in a Press Conference, we felt highly disturbed: "When there is a calculated attempt to spread a message to their own people that the Judiciary has become a tool in the hands of the Executive, so far as orders relating to Ayodhya issue are concerned. "It has been said by no other person than the Leader of the Opposition. Admitted portions I am reading, Sir.

MR. SPEAKER: Where was it admitted?

SHRI SOMNATH CHATTERJEE: It is further said: "Worst of all governments has been all through the period pressurising and signalling to courts" - these are the words used by Shri L. K. Advani in his admitted Press Statement before the Press Conference -

"either to keep delaying decision on matters pertaining to Ayodhya or to issue orders which raise legal obstacles in the way of *Kar Seva*, giving signals to courts and courts are accepting those signals, pressuring the courts and the Judiciary is allowing to be pressurised."

The other annexure to the statement...(Interruptions)

MR. SPEAKER: Somnath Ji, the difficulty is, supposing we are alleging that a statement has been made by one of the Members of the House...(Interruptions).

SHRI SOMNATH CHATTERJEE: Sir, Mr. Vajpayee was fair enough to admit that these three pages were Mr. L.K. Advani's statement.

MR. SPEAKER: But such things can be alleged against anybody. In all fairness, we should give an opportunity either to accept it or to deny it.

SHRISOMNATH CHATTERJEE: They have accepted it, Sir. And enclosure to that was stated by Mr. Vajpayee to be BJP's statement. But in that statement, there are references to "I". Who is this "I" in BJP, I do not know. Let us take it that it is a combined "I". But what is this that BJP says? They say: "By the action of the Government, yet another institution, the Judiciary, at the highest level is being drawn into what is essentially a political issue and besides, a matter of religious faith to share the loss of credibility of the Government."

SHRI JASWANT SINGH (Chittorgarh): Specifically what is your objection?

SHRI SOMNATH CHATTERJEE: My objection is you are saying that Judiciary's credibility is being lost because of the way Judiciary is knowtowing to the Executive.

Then, Sir, something more is said: "I am even more firmly of the view today that while Judiciary deserves extreme respect, the Executive should not be allowed to use the Judiciary as an instrument which thwarts the people's will. If the Judiciary today is seen...(Interruptions).

[Translation]

SHRI RAJVEER SINGH (Aonla): What

is wrong if it is said that Judiciary should be respected?

MR. SPEAKER: I am giving interpretation of the same. Please listen patiently (*Interruptions*)

[*English*]

SHRISOMNATH CHATTERJEE: "If the Judiciary today is seen as an instrument to grant what the Government wants, the responsibility for that is largely on the Government." He says: "Judiciary is seen as an instrument to grant what the Government wants". That is why we felt disturbed. The message to their own people is very clear. The judicial verdict has been obtained under the pressure of the Government. This has been obtained just as an instrument in the hands of the Government to grant the Government's wishes. Therefore, you need not bother about that. And coupled with the fact that when the Supreme Court says *Kar Seva* cannot mean anything other than singing *kirtans* and *bhajans*, deliberate attempt is being made to gather people there.

Mini *Rath Yatras* are being taken out. From which places they are being taken out? One is from Mathura and the other is from Varanasi. In respect of these two places there are demands from V.H.P. and B.J.P. with regard to similar issues, that previously there were temples which have been converted into mosques and, therefore, they should be restored. The demands are same. Therefore, these two places are chosen for the purpose of starting these *Rath Yatras* again. What was our apprehension, has been proved. It is said that number of people are there. Speeches are being given on the road-side saying on the way that - and this has not been disputed by Shri Vajpayee while speaking on behalf of the B.J.P. - that *Kar Seva* means actual construction and *Kar Seva* does not mean being restricted to singing '*Bhajans*' and '*Kirtans*'.

It has been said that even Court's orders cannot stand in the way of carrying our *Kar Seva*. There are thousands of people - may be lakhs, I do not know - who are there upto now. Our information is that substantial number of people have been gathered. When I should have thought of a responsible political leadership I would think of one which would ask the people to disperse because the Supreme Court has not permitted any construction work any only singing is allowed. Even while singing for peace of everybody, including divine peace, there should be fewer people only and not hundreds and thousands of people who would be disturbing everybody. Why should these people be being brought there? And for what purpose? Why is this threat to the judicial verdict? And the threat to the compliance of the judicial orders? Why is this dis-inclination to carry on the negotiations and have a negotiated settlement?

Is it the only agenda before this country today? And do we not have any other problem? Is it that this Mandir has to be built now, otherwise this country is coming to an end? Should we not think of crores and crores of people of the minority community who have as much right in this country to stay here as others. They have as much right as other citizens of this country. Secularism cannot be a matter of mere discussion on the floor of the House. It is question of faith and belief. Nobody said that there should not be any religion. We have not said. You follow your own religion. You follow your own religious practices. But why do you mix up religion with politics? (*Interruptions*) why do you trounce upon other's religions? They have their sentiment, faith and belief. Even assuming that four hundred years ago somebody had committed something - a temple was converted into a mosque - why in 1992 we are agitated? Will heavens fall or will India go to dogs if the Mandir is not constructed now in the place of the mosque? Is this the only agenda before the country?

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What will happen to the crores and crores of people? What will be their sense of security? How can we think or feel that they should feel involved in the development of the country? Secularism does not mean anti-religion. When we say it is an article of faith, we feel every religion must have its own faith. So everybody following a particular religion will be allowed to practice his own religion. But we do not interfere with each other. Please do not mix up religion with politics. You have your own temple.

Why must you have a temple in a disputed territory? About this 2.77 acres of land - Shri Vajpayee did not refer to this issue - on what pretext it was taken over by the Government of Uttar Pradesh? Is it to provide some sort of tourist facilities there? Is a temple for tourist facilities? Will you allow everybody to go there? Will you allow every man of every religion? (*Interruptions*) This is a wonderful interjection which I am hearing for the first time that the temple is for providing tourism facilities. How do they explain this? They are so much concerned about the temple. Do they explain demolition of other Hindu temples? How do they explain those demolitions? It is because they want to use it in a political way. (*Interruptions*)

SHRI ANNA JOSHI (Pune): They are only shifted: not demolished. (*Interruptions*)

[*Translation*]

Shifting has been undertaken only with the approval of the priest and trustees there. Everything has been done after taking their approval. We are not interested in taking a approval from you, but I would like to submit that shifting has been made after obtaining their consent. (*Interruptions*) No, you should not make wrong statement (*Interruptions*)

[*English*]

MR. SPEAKER: Kindly you will find out the dictionary meaning of 'demolition' and 'shifting'. (*Interruptions*).

SHRI SOMNATH CHATTERJEE: I am not yielding. (*Interruptions*)

MR. SPEAKER: Please take your seats. (*Interruptions*)

MR. SPEAKER: No, no. this is not going on record. (*Interruptions*).

SHRI SOMNATH CHATTERJEE: Sir, they do not mind demolition or even for that matter shifting outside the view of the people altogether. They are nowhere to be seen. How they are relocating, I do not know. But the point is, they are prepared to sacrifice... (*Interruptions*). At least I did not interrupt Vajapayeeji.

MR. SPEAKER: You do not have to respond to interjections. (*Interruptions*).

SHRI SOMNATH CHATTERJEE: Sir, they are prepared to sacrifice Sakshi Gopal Sankat Mochan and all that, but Ram Temple must be built because they believe that because of Ram they are here - 119 of them. But I want to tell them that the people cannot be taken for granted all the time, Mr. Vajapayee. And I am sure the people of this country realise the great cancer that has come into the body politic of this country, that you have introduced religion into our body politic. There are so many problems. We know this Government is a malfunctioning Government. Economic policies and other policies — a serious situation is there. Instead of tackling that... (*Interruptions*). I know that. We know they supported the Government on their economic policies. They shared the spoils at one time, I am not mentioning what it is. And then they supported them

strongly — rightly we are reminded by Ram Vilasji that Advaniji praised the Prime Minister as the best Prime Minister this country has ever had.

SHRI RAM NAIK (Bombay North): Only last week you praised the Prime Minister for the... (Interruptions).

SHRI A. CHARLES (Trivandrum): Last time you praised the former Prime Minister. (Interruptions).

MR. SPEAKER: Well, this House takes objection to criticising, not to praising. (Interruptions).

SHRI SOMNATH CHATTERJEE: I am not objecting. I am saying that that shows how in the same wavelength you have been functioning — The Congress and the B.J.P. (Interruptions).

SHRI RAM NAIK: What is the latest position?

MR. SPEAKER: No, Mr. Ram Naik, please. (Interruptions).

SHRI SOMNATH CHATTERJEE: Sir, on this I am making it very clear. On this issue, our grievance against the Government is that on this very sensitive issue — and Mr. Vajpayee has admitted this is a sensitive issue — the Government is indulging in procrastination. The Government is showing indecisiveness on a very vital issue concerning the country. Therefore, we are demanding that the Government must take firm action. Why so many people have been allowed to come there? What attempts you have made? Therefore, Sir, I was expecting this intervention.

SHRI RAM NAIK: They are going by court order. (Interruptions).

SHRISOMNATH CHATTERJEE: I was

expecting this intervention. Therefore, they have deliberately brought people there to create difficulty and therefore, we would like to know what is the Central Government's reaction to that.

There is objection by Mr. Vajpayee to the bringing of Central Forces there. We also do not want that the State Government's authority should be taken away by the Central Government to interfere with. It is true that we have been the most persistent critic of Article 356. I have introduced the Bill here in this House itself for repeal of Article 356 and we shall go on asking for the repeal of Article 356. But I want to make it clear that if today to save this country from the communal holocaust to protect the unity and integrity of the country, whatever the power the Central Government has under the Constitution, if it is necessary they must take recourse to that to save this country from being torn asunder.

We are not here questioning about a temple or a mosque; we are concerned about the unity and the integrity of this country and whether the people in this country will live together in peace and harmony and if just because of majority or minority people's rights will differ, we will never countenance and shall never support.

Sir, after the discussion, we are very happy to know from Mr. Vajpayee - and I have no reason not to accept it - that Advaniji has said, he will not go with shovels and bricks. He will not go with shovels and bricks, but what will be the ceremony on the 6th of December? I have been patiently waiting. Even now, we will welcome to say what is the actual programme of Kar Seva on the 6th of December. Why do they not tell that? Why do they not commit their BJP Government on this? Tell us today: 'we do not know'. Even now, after the speech of Mr. Vajpayee we are not wiser and we find the VHP activists openly saying that they shall not follow the Court's order. They are openly saying - I am

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not reading out, but everybody has seen that - that *Kar Seva* does not mean only singing *bhajans* and *Kirtans*. As Ram Vilasji has rightly said, they are referring to the defiance to British laws and Mahatma Gandhi's call to defy the British laws. Now, Mr. Vajpayee and his friends are asking the people to defy the Constitution of India. This is the difference. They are now trying to have a comparison with Mahatma Gandhi's declaration in those days. This is an amazing comparison that they are making.

Sir, we have made it clear to the Prime Minister already and even today, we are making it clear that we would like to know the government's stand on this. Therefore, the statement has come as a great disappointment to us. Ram Vilasji is absolutely right in saying: 'You say what we all know from the newspapers, Probably we know better details from the newspapers, but what the Government proposes to do, we do not know. What is the Central Government's thinking? How are you going to protect the mosque on the 6th of December if any attempt is made to damage it? How do you protect it? How do you see that the Court's order is enforced at any cost and there will be no construction on the territory of 2.77 acres of land?

Sir, they are very keen that the Lucknow Bench should make an order. Very well; it is for the judiciary. The Lucknow Bench will pass an order, but they say, 'it does not matter'. Kindly see, Sir, in what an organised and calculated method they are functioning. If it is decided that the acquisition is valid, so much the better. They will say: 'we have got a right to construct.' If it is not upheld, if it is held that the acquisition is invalid, then they will say, 80 per cent of the land belongs to the VHP, there is a *Nvas* and therefore we can construct. (*Interruptions*) one of the VHP leaders is also a Member of this House. He

said: '*Kar Seva* can never be symbolic; *Kar Seva* cannot be symbolic as the Supreme Court has directed. If it is not symbolic, then some *Kar Seva* has to be done and according to them, *Kar Seva* means 'actual constructions'. In whatever way you look at their statements, their stand taken, the speech of Mr. Vajpayee today on the floor of this House makes it abundantly clear and we are convinced now and as we have become convinced, we are extremely worried that they are going to violate the law openly and they are now declaring a war, so far as the secular people of this country are concerned. They are declaring a war against the constitutional fabric of this country.

16.00 hrs.

Sir, all people who are not supporting this have to be extremely cautious, careful and have to take all necessary steps to protect the foundation of this country and the Constitution of this country. We cannot sacrifice the principle of secularism or the principle of communal harmony just to allow somebody to come to power, just to enable somebody. It is clear. They say, "Our eyes are at Delhi Ayodhya is a halt in between". Very well, you come to power if the people of this country support you. Given the mandate, you will come to power. But should you be allowed to divide the country for this purpose?

We wish to make it clear. I am not going into the controversies. Here, this is not the forum to discuss whether there was a mosque or there was a temple. Speaking for me and for my party supposing there was a temple and if that was being converted into mosque, will mosque be demolished after 400 years, just to suit the wishes of some sections of the people of this country? If there was a temple and somebody illegally converted it, after 400 years can you undo everything in this country? Can you undo the history of slavery in this country under the British domination?

Sir, we were referred to ICHR. I am not holding any brief for the Council of Historical Research. Some ex-Secretary has said, ICHR records have been utilised to help BMAC. If the historical records help BAMC, well it cannot be helped. Records are records. If the records are in their favour, one cannot help it. There is no allegation that they have altered the records; they have not manipulated the records. If the Indian Council of Historical Research papers, documents and records help in establishing a particular view point, that is the result of the historical research. That cannot be objected to I do not know why somebody has gone to Mathru Bhoomi and has written something.

Mr. Vajpayee has said, why it is an attack on Vajpayee. It is not an attack on Vajpayee. This is an attack on what he is representing. He is representing today something which we believe and sincerely believe will result in creating a chasm among the people of this country. This is resulting consternation among the people of this country. This is resulting consternation among the people. They are already feeling disturbed. Our report is some minority community people have already started shifting from those areas. This is a dangerous situation. Therefore, there cannot be any compromise.

SHRIRAMKAPSE (Thane): What signal he wants to give?

SHRI RAM NAIK: Is it a constructive approach? No one has shifted. You tell us the names of even 10 persons who have shifted. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Mr. Speaker this is the issue on which there can be no compromise and there cannot be any softness either. There has to be firmness and all appropriate action will have to be taken. So many times, we have been reminded that they have got the mandate to

construct the temple. Well 33 per cent can never give the mandate. If they think that was the mandate, the majority of the people of Uttar Pradesh was not in their favour.

In this country, NIC has got an important position. NIC has an important role to play. They deliberately boycotted the NIC meeting because they do not obviously want to isolate there. Unanimously the NIC has come to the conclusion and the NIC has authorised the Prime Minister to take all necessary action. So it is the bounden duty of the Government and the Prime Minister to take necessary action. Why? In the Supreme Court, the Government should have got itself added as a party to the proceedings. It could have made its views both clearly and positively known. It would have had locus standi before the court. I am asking the hon. Home Minister why they have not become a party. Earlier also, we had suggested on the floor of the House that the Government must seek a more positive stand than watch as a bystander what is happening in the Supreme Court.

Therefore, we are charging this Government also. The BJP, the main Opposition Party, is trying to divide the country on communal lines, on religious basis. We must fight against this. But I am also charging this Government that you are also failing this country. You are not able to tackle so many other problems and you have allowed this cancer to get strengthened by your indecisiveness and your procrastination. You have to make your presence felt because the entire secular opinion in this country is today one. They do not want the country to be divided. If ultimately either out of a negotiated settlement, or judicial verdict, they can have a temple there, they can demolish the mosque there, let them do it. But why this hurry? Why try to create a situation where no civilised method of functioning is there? You are neither proceeding with a settlement or negotiation nor are you prepared to accept

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the judicial verdict. On the other hand, trying to belittle the judiciary to just serve your political purpose is a very serious situation.

I demand from the hon. Home Minister that he should make it absolutely clear on the floor of the House today that in no circumstances the court's order will be allowed to be violated and in no circumstances will be the unity and integrity of this country allowed to be compromised.

I demand a clear statement from the Home Minister on these issues.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): Respected Hon. Speaker, this House is once again debating the situation in Ayodhya. Obviously, the concern of the House not only extends to the problem at Ayodhya. It is, in fact, a problem created by a set of people who go by political party's name, who have decided, in their wisdom, and perhaps also in their desperation, to project the issue which they want to utilise as a political instrument to achieve power under the democratic dispensation which this country happens to have today.

The second thing is, every attempt at finding peaceful and amicable solution which has been made time and again has been deliberately thwarted by the same set of people as is well-documented. I do not have to repeat it.

The third thing is perhaps they count upon the passivity and the indifference of the people of this country who struggled for independence under the leadership of stalwarts like Mahatma Gandhi, Pandit Jawaharlal Nehru, Sardar Vallabhai Patel, Shri Maulana Azad and a host of great leaders. They perhaps feel that the charisma, the spark, that lit that freedom movement, had

died down and on its ashes, a reactionary to talitarian and fully irrational political system can be built up, simply because they have the muscle power. They feel that they are portraying the will of the people.

They feel that they are going to get what they want, if not through the ballot-box on a sleek has laid down by the election laws of this country, the Constitution, they will achieve it by prevarication, by false representation and when necessary, by force of arms. In all humility, I would like to say you may, in your wisdom, think that that is possible. But between you and your co-called ambition stand the phalanx and phalanx of people of this country who are not yet prepared to give up what we have been the bequeathed by the freedomfighters of this country, by the martyrs of this country and those who conceived of an India which is not only free from political bondage but of an India which at least is struggling to free itself from economic and social bondage and an India where everyone, whatever his caste, creed or religion may be, has an equal right to flourish and go ahead and reap the fruits of the benefits of his labour. What is at stake today is not what somebody wants to achieve and what he will get. But what is at stake today is whether this country is going to remain a country as it was conceived to be, whether the people of this country will be allowed to enjoy the rights that they were given or whether we shall be held to ransom by a political cabal which wants to get into the seats of power by hook or crook. I do not want to go into the courts. I do not want to go into the arguments that have been advanced because they have a felicity of arguments which perhaps none of us have. If they are able to portray the minority. Verdict in their favour as the mandate of the people for what they are doing, what greater expertise can you call for? If they are able to say that whatever may be the order of the courts, whatever may be the opinion of the people, whatever may be the justice at this moment, they are prepared

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and they will do what they want to do, how do you argue with such people? If they say the act of faith by which they swear is neither justifiable nor is it appreciable it should be accepted in letter and spirit as it is announced by the demo-Gods that control this organisation, in all humility, I would like to say that if there is a faith on one side to achieve power, the faith of this country to remain what it was when it became free is no less powerful, no less relevant. The question is: how do we stand up today? How do we go about it? I am not preaching violence either. I am not saying that we should fight it out in the streets. If my voice can be heard, I would like it to be heard as the voice of a very humble citizen of this country who is a Hindu by faith and a nationalist by conviction. I would like to say that the time has come when these imposters of religion must be shown their place and this cannot be done by fighting on the streets; this cannot be done by quarrelling in the street; this cannot be done by confronting each other in any arena. What is needed is that the people of this country must be allowed to rise and express what they feel. For this, a very powerful movement, a public movement is being launched into this country that what is at stake is not a Temple or a Mosque. What is at stake is their right to worship, to function according to their own faith.

The Prime Minister has made a very bold initiative, taken measures to arrive at an amicable settlement. We witnessed how he put his faith and trust in people over the last few months trying to take every step which would lead to political solution or a decision to refer the matter to the court. But we have also seen with great agony and anguish that these people who tried to portray themselves as men of great reasonableness prepared to listen to every argument, pre-

pared to say anything which would lull us into inactivity did not hesitate to betray the trust and faith of the Prime Minister also. If today the Prime Minister feels that these people have let him down, I think he is entitled to think that way.

SHRI ANNA JOSHI: You are letting down others.

SHRI ARJUN SINGH: My dear Sir, you are not there to guide to what I do if I cannot say what you should do. I would only like to tell you one thing. I have no intention is letting down anyone and I have no intention also whatsoever to betray the faith and trust which every Indian today must have in the basic laws of this country, the Constitution of this country and the ethos of this country. You think by deflecting us this way you will be able to create confusion in our minds. There is going to be no confusion. There is going to be no prevarication. We are fully aware that the sands of time are running out very fast and the sands of time wait for no one. The peril that you have caused to the nation, the danger that you have posed to this country is not a danger to be laughed at, neither to be sneered at. It is a danger which has to be met by a resolution, by courage and I can assure you in spite of whatever feelings that you may have so far, it shall be met. This much I can tell you on behalf of this Government and the Congress Party. We have decided to organize all over the State of Uttar Pradesh public meetings, rallies to bring home to the people the duplicity and the prevarication in which the BJP has been indulging in so many months and each one of us is going to these rallies and going to educate the people about what your intentions are and what you are going to do.

I am going to attend the peace rally at Faizabad tomorrow and that is for your information. [*Interruptions*]

[*Translation*]

SHRI NITISH KUMAR: Who got the Shilanyas done?

[*Interruptions*]

SHRI RAJVEER SINGH (Aonala): We are going to perform the Kar Seva .

SHRI ARJUN SINGH: The thing is that, Lord Rama, for whom you are going to perform Kar Seva is not being made a medium by us to achieve some goal. Lord Ram is omnipresent but he is not there to increase the number of our seats from 10 to 20. Remember one thing that you have developed a misconception and that is why you have indulged in prevarication and creating such atmosphere. The Rath Yatra was also Organised under this misconception that you would capture the power in Delhi. You might be knowing and your position and our's is before you, but this is not the question. I would like to submit to Shri Atal Bihari Vajpayee Ji, whom I consider to be a sensitive and learned national leader, to have a control on these rein less horses, which are aimless. Lest, these horses come in your way, we request you to do something if you can.

[*English*]

The count-down has started for something very very bad for this country. We do not want to go through the trauma and travails of the second partition; but what we have set in motion today can lead to it. Let us be very clear about it. The people who do not know what the danger is to them, the people who do not know what to do in the face of that danger have to suffer untold miseries.

Now here is the time when you should halt this reckless march to the pursuit of power at any cost. This is the time for all of us; we should also stand up to you politically

and see that the confusion and the chaos that you seem to be leading the country into does not take place and we stop it in time with humility, courage and conviction has to be diluted or our vision has to be blurred for whatever reason it may be. This debate, therefore, will also decide whether this country is going to go the path on which Gandhiji took us, whether this country is going to follow his footsteps or is going to follow the path and footsteps of Ghodse whom you set to assassinate the father of the nation.

SHRI INDRAJIT GUPTA (Midnapore): Mr. Speaker Sir, you will excuse me if I recall a small incident which took place in this House many many years ago. As it happened, on the very first day when I came to this House in 1960 and took my oath and took my seat which was somewhere over there, there was a strike going on in the country by the Central Government employees. From my party, my group, I was asked to speak on that subject. I was a young man then, very enthusiastic and militant, trade unionist and I spoke forcibly I think in support of the demands and rights for which the Central Government employees were on strike. Pandit Jawaharlal Nehru, the Prime Minister was sitting over there. When he replied he did not know who I was; he did not even know my name because it was the first day I came he said, this young man who spoke just now seems that he wants to ride a tiger; but I do not think he knows how to ride a donkey even! I have appreciated the Joke at my expense. That, I will never forget.

Our friends here, I do not know if they will agree that they are trying to ride a tiger; but I do not know whether they have the experience of riding a donkey even! Certainly if they try to ride a tiger, they will come to grief as those workers who were on strike in 1960 also finally had to retreat.

I am sometimes really very much con-

fused and perplexed as to how such an intelligent and learned man as Mr. Advani is allowing himself to become a party to this repeat performance every three or four months, this repeat performance of escalating a tension on this issue and creating a crisis in the country, leading us right up to the brink of precipice and then climbing down again. This is again what happened four or five months ago; I do not know if they are going to climb down or not. The situation today, the 3rd of December, is moving inexorably either towards a climax or towards an anti-climax.

We will know within two or three days what is going to happen. I do not believe that this Government is going to permit these people or the *Kar Sevaks* to openly violate the orders of the court. They cannot afford to do it. If they do that, if this Government permits them to violate the orders of the court, this Government will not be here the next day. The people of our country - I agree with Mr. Arjun Singh - have got certain traditions, they have got certain concepts which apply not only to those who try to break the unity of the country, but also to those people who say something and do something opposite.

So, I would like to warn my Congress friends. They are committed, of course, to the orders of the court. They are committed to defend the Constitution. It is for that purpose that the NIC gave that blank cheque to the Prime Minister, not for anything. The Resolution says it quite specifically - that in order to defend the Constitution, to see that the orders of the court are not violated and in order to maintain the unity of the country, the NIC gave that blank cheque to the Prime Minister. Now if Government out of any weakness or confusion in its own ranks or desire to compromise or due to any vacillations, gives in to this pressure, this Government will not be there the next day. It cannot last after that. So, it is not only a question of

our principles, it is a question of survival of all people in this country who are committed to the principles of secularism, communal harmony and national unity.

I do not want to say very much because so much has been said already. There is no alternative at the moment to the decisions of the Supreme Court. The only alternative is chaos and anarchy. If we want to spread anarchy throughout the country, may be some people have an idea that they will help them, then of course that is an alternative to carrying out the orders of the court. Nobody in their senses can be party to that.

As far as the minorities in this country are concerned, I want to assure them on the floor of this House that as far as our parties here are concerned, we consider that democracy in India cannot be complete without assuring the protection and defence of the rights of the minorities and we are pledged to do that, whatever our capacity may be. It has not been always followed, I regret to say.

My friend Mr. Vajpayee quoted Pandit Nehru and I am glad that he picked up that quotation because that quotation in Pandit Nehru's own inimitable language is a quotation which gives the highest priority to what we call the composite culture of this country, which is evolved over centuries which is not something which has been imposed by anybody or can be imposed by anybody. It is a composite culture which has deep historical roots and traditions. So many people from outside also came to this country and were absorbed here into our civilisation and our culture. It was that culture that Pandit Nehru was referring to, in that statement which Mr. Vajpayee read out. It belongs to all of us. It does not matter which religion we profess, but that composite culture belongs to all of us. But that is a concept which is frequently challenged by fundamentalists and by my friends of the BJP. So, we must understand what we are fighting for. This

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crisis-building every three or four months is not, I think, motivated by any deep religious faith. It is motivated by a cynical politicking for getting votes. That is what is being repeated here again. Whether this game-plan will succeed or not, time will show.

The other day I had asked the Prime Minister here when we were meeting him: "Sir, what is your estimate of the game-plan being this thing which is going on now in Ayodhya?" What is the game-plan behind it? Because if the Government of Uttar Pradesh, if the Chief Minister of Uttar Pradesh really does something, it is openly a violation of the court's order. Here in this statement by the Home Minister today, there are repeated references to the Uttar Pradesh State Government's assurances given before the Supreme Court, including affidavits where they say that the court's order will be respected and it will not be violated. If the State Government and the Chief Minister go back on this and do anything which amounts to an open violation of the court's orders, then that Government also will go. It will not remain. It will not be allowed to remain-356 or anything else.

So, why should my friends, who are intelligent people, who have managed some how or other, to get within their clutches the Government of the biggest State in this country, willingly throw it away? Nobody does that. You would not do it. I would not do it. It is all very well to say: "Oh, we will become martyrs in the cause of the temple and, next, people will give us more votes." That is all speculation. It is a gamble. Nobody knows what will happen-whether the people will give them more votes or less votes. But, Sir, a bird in the hands is worth two in the bush. When you have got this Government in your clutches, you don't easily give it up by doing something foolish.

I am trying to understand what is the logic, the mechanics, behind this game-plan which unfolds every three or four months-going up the hills towards the brink and then climbing down. How many times is this going to be repeated? How will you carry conviction to your own people?

After all, if you really believe that this mosque was built on the ruins of a temple which had been destroyed, which was standing there before, then, I think, my friend should have agreed to that offer of a single point reference to the court. The single point reference was on this question and findings of the court would have been by nature of an opinion on that, not any binding judgment but, of course, the opinion of the Supreme Court is a mighty thing. They rejected that.

You may say that one should not quote people who may be wrongly quoted. I agree. But the fact of the matter is that Mr. Kalyan Singh is reported to have said that the Defence Minister in the presence of the Prime Minister had advised him that you should agree to this single point reference because the opinion, which will be given, will be in your favour, but he did not agree. He was not convinced by Mr. Sharad Pawar's argument.

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): The words 'In favour are not correct.

SHRI INDRAJIT GUPTA: Home Minister is not here. I wanted to ask him to reply to one or two points when he replies at the end.

I want to ask him, for example, that if people who have assumed office at any level, do so after taking a solemn oath on the Constitution of India, is it permissible? I am not talking about the legal side of it, but is it permissible for people to violate basic principles of the same Constitution on which they have taken an oath before they come

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and sit here? Is it permissible morally? I do not know the reply. If there are people who openly instigate people outside against the court, against the rule of law, then who is to take action? If any action is to be taken, you can say that the court can start contempt proceedings against them *SUO MOTU*. But what about the Government? Has it got any view on this matter?

Sir, Section 123, Part 7, Chapter 1 of the Representation of People's Act deals with corrupt practices, as among the grounds which may open you to the danger of being disqualified. Is this appeal to religious symbols meant for getting votes from people? I think you will not contradict me that in your Chamber, Sir, more than once, in the presence of all the leaders.....

MR. SPEAKER: Should we discuss here what we discussed in the Chamber?

[Interruptions]

SHRI INDRAJIT GUPTA: No, this is not that kind of a thing. But Mr. Advani has said it so many times there that the only reason that his party, which was nothing in UP before the last elections, was able to win so many seats and come to power was the temple. Is the temple not a religious symbol which was used for getting votes? Is it permissible? I do not know whether it is permissible legally or morally

[Interruptions]

SHRI SHARAD PAWAR: Sixteen MLAs in Maharashtra have been disqualified. [Interruptions]

SHRI INDRAJIT GUPTA: Courts have disqualified a number of legislators in Maharashtra. [Interruptions]

[Translation]

SHRI NITISH KUMAR : MR. Speaker, Sir, please issue notices to these people.....[Interruptions]

MR. SPEAKER: Whatever we discuss there if the same is discussed here then there will be no discussion later on. [Interruptions]

[English]

SHRI INDRAJIT GUPTA: He has told on the floor of the house also. It is enough for somebody to claim that they came to power in UP on the basis of an appeal to the temple misusing the name of Ram Bhagwan. They have done it. Is it permissible under the Representation of People's Act in a secular country? So everything is being violated including the Constitution, rule of law, the court's orders and everything. And still we are supposed to have democracy and because we have a democratic Constitution and country, they are to be permitted to do whatever they like. We are now very near the brink, Sir. 6th December is only three days away from now. If they have courage of the convictions, if the BJP and VHP really have the courage of the convictions about which they are talking everyday, then I expect them to mount this crisis to the climax, whatever the risk may be for that. There is a risk; their Government will go. If they are prepared to face that, then I will presume that they will go right up to the climax. Otherwise there will be an anti-climax for the second time and then, they will have to give explanations to their own people. Why have they been collected from all over the country and why they have brought them there? What for? I agree with Mr. Arjun Singh that it is high time that their bluff was called. Bluff should be called. I believe it is a bluff and nothing more. That bluff should be called and we should not be so apprehensive about

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things. Of course, I am very apprehensive about one thing. In this surcharged atmosphere, any small provocation here and there or somewhere may lead to some unfortunate disturbances or some clashes which may result in great harm and loss of life or property or anything. And the sufferers will be the minorities mainly. That is my main apprehension. otherwise, we would like to see how they execute this game plan. I think they are going away to the battlefield! Mr. Advani and Mr. Murali Manohar Joshi have gone there, leaving Atal Behari Vajpayee ji here. This also has got some game plan behind it. he is an old friend of mine. It is a part of the game plan. Earlier, it was said all their MPs should not go there and some must remain here in order to defend their slogans and their struggle. but what a poor defence we heard just now from Mr. Vajpayee! It is half-hearted and there is not conviction in it and there is no fire in it. Then, what is all this coming to? it is going to fizzle out. I am quite sure of it. If the rest of these country stands firm, if the government stands firm and does not begin to tremble at the knees, this game plan will fizzle out.

But every time we should not be taken by surprise. All the secular forces should be vigilant not only when the crisis breaks out, but rest of the time also, they should go out and educate and teach the people. People do not know so much about what is in the Constitution or what is in the law. You know Sir, unfortunately due to so many causes, very few people in our country can tell you what is written in the various Articles of the Constitution. They are very busy with their bread and butter problems every day. Many of them are not even educated and literate. How do they know as to what is written in our Constitution or in the Supreme Court's order? *Taking advantage of that, somebody should not try, in this dishonest way, in this*

cynical way, to misuse those people for this kind of purpose.

Finally, I should also say that I am not at all satisfied with the statement of the Home Minister. The Home Minister's statement says everything except what the Government proposes to do. Of course, he will say why he should spell it out. But here, he must assure us, in terms of the confidence that was expressed by the NIC, that the Government would take all possible steps to see that the court's orders are not violated and that no harm is done to the structure of the mosque. Construction, of course, will not take place. Today, even the General Secretary of the RSS, Shri Seshadri has said that there is going to be some washing and cleaning and some *jhadoo-lagaing* and some watering all round! That is the substitute for construction! Well, it is all right.

SHRI A. CHARLES: Is That work for tourists too?

SHRI INDRAJIT GUPTA: Whatever it is! Anyway, we all know that no temple can be constructed overnight. It has to begin with some *jhadooing* and *pochaing* and all that! But it should not go beyond that.

We have always said repeatedly that a temple should be built, a temple will be built and a temple must be built because that place has acquired a particular symbolism in the minds of millions of people in this country . But it must not be done at the expense of the places of religious worship of other communities. That is the main thing. Otherwise, secularism has no meaning.

I also remind you Sir, of that architectural design or plan which was circulated sometime back. i don't know where it has gone. The whole idea, according to this plan, is to cover the mosque, to build the temple in such a way that it would cover the mosque. The mosque will be inside and the temple will

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cover it from all sides including the top. Then, what would remain of this mosque? I don't know whether the same plan still holds good. They must tell us. They must submit it to you at least! They kind of a subterfuge will not do. Everybody knows what is going on. I hope that this time at least, when we are over the hump, when the crisis is resolved- I am sure, it will be resolved- then we must put our heads together and think of measures which must be taken unitedly by all secular forces in this country to see that this kind of repeat performance is stopped for good, and the forces of secularism assert themselves and these people are not permitted every time to hold the country to ransom on these false scores.

[Translation]

SHRI VISHWANATH PRATAP SINGH (Fatehpur): Mr Speaker, Sir, I think that after the speech of Shri Indrajeet Gupta, not much is left for discussion. perhaps, he has given vent to our emotions fully well. He has rightly asserted that the statement of the hon. Home Minister does not make his intentions clear. The aim and objective of Atal Ji is clear.... [Interruptions] Whatever has gone from there is objective and the aim has also been made clear. Therefore, we are worried about that. We should be thankful to Atal Ji since he has made it clear that it is none other than a political issue. Very honestly, he has asserted that it should be settled by political ways. If it is not settled, then they are there to settle it. Every thing has been said, now there is no dispute. They have raised the objection that talks were held separately with the sadhus. They know their problem and they can tell about it. something has been told and something has not been told. We would not like to know about the talks, which were held with the saints, but we would like to know were about the talks, which were held with us in the N.I.C.

We were told that if the court order is violated, then it will be taken as a violation of the Constitution. The Government is not being run according to the Constitution. It was also said that every effort will be made to safeguard the Constitution. It is another thing that we had given many suggestions but no one was acceded to. Had the Hon. Home Minister repeated it then we could have felt some sort of encouragement.

One of our suggestion was that as the matter is pending with the Supreme Court, the Government cannot deny its responsibility. It is not like that a case is between two persons and it is not the concern of the Central Government. A detailed discussion was held on it. It is mentioned in the manifesto of each party. It has been mentioned in your manifesto also. Even then you are not fulfilling your promise which has created doubts about your seriousness in the matter. I had clearly said in the N.I.C. to the Hon. Prime Minister to make the Central Government a party in the Supreme Court. When some responsibility is given to anyone he should carry out it positively. We find the lack of that will in it. It aggravates the doubts when the Central Government shirks from that. I had given a clear suggestion in the N.I.C. that the Central Government should make it clear in the court that it is ready to appoint the receiver and take the responsibility. What does the judges has except a pen and paper. Ultimately the executive has to bear the burden. If the executive denies then nothing can be done. The judge sahib will go to his bungalow after declaring the judgement after that it is your responsibility, your actions are not believable and everyone has the same feeling. You give a clear answer, since ten days have passed, when the judiciary has given a decision and the executive is sitting idle. We people feel helplessness in the House in such circumstances. During the past ten days our country has been trapped in such a circumstances that it is helpless and bewildered to find a solution to it. It is a

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fatal position for the country. This sort of mentality can totally disintegrate the country from inside and the outward structure may remain integrated. A country can not be run by military and police only, a country is run by faith and trust. We are in a direction and if that is lost then neither the papers of the Constitution nor the building of the Supreme Court will be able to stop it. We hope from the Central Government that it will carry out its responsibility. Today the country has given you a responsibility, show that faith and this feeling should not arise that Indian States do not exist.

You should try to assess the picture and the scenario being treated today. You want that a positive discussion should be held. I will not go into the detail. Keeping this thing in mind I would like to say that everyone is teased as to how these 5-6 days will pass. Today every eye is towards the Government. The judiciary has said everything. Today, we do not find confidence in you. You should do something develop it. We have given you strength.

It is true that once we were sitting on that side and you were on this side. This matter came up all of a sudden. You had thought it wise not to give support on 7th November. You could have managed the downfall of the Government on 8th November, but our concept was clear. Today the issue is the same, the problem is the same, you are sitting there and we are sitting here. But we will follow our principles. We will follow our own way, whether we are sitting here or there. We are ready to give support on this issue while you were not ready to extend support at that time.

Just now I have heard the speech of hon. Arjun Singh ji. Hon. Arjun Singh ji has spoken the same things which are in our minds also but here also the question of

credibility arises. I am not making a personal comment against him, but for party I will say if these feelings are going to be the fundamentals of the values of freedom and secularism, then what will happen to our nation. If the same concern, being expressed presently, has been expressed at the time of Shilanyas, then the situation would not have been so worse. Today people from every nook and corner would ask from us on what basis this Shilanyas was done. We are in between the two. Shilanyas is on the one side and the platform as on the other. Sir, when one goes hunting, people make an uproar from one side and the prey is driven to the side where the hunter is seated and in order to save its life the animal runs towards hunter. [Interruptions] Ours is a position that we suffer at both ends. So, kindly, leave hunting now, we are fully with you. Please adopt only one attitude. If Shilanyas has been performed and a platform constructed, let them remain there. Nobody is against Ram temple. Now the issue is of 70 acres of land, the temple of Lakshman is being constructed, they are constructing it. The story remains the same but the flair changes. Shri Atalji, you know each and every thing of it. We have been saying that one should abide by the court orders. If you sit on this chair, you will also not violate laws. The Government is also of this opinion and for that very matter you are opposing the Government. It happens in politics, when you have set your aims, why should we come in between.

It is true you took your own decisions and it has come to knowledge that there is nothing wrong in it because you decided as per your policy. But when Kalyan Singh submitted an affidavit, I took it as a big victory for us and that he also had to say solemnly that he would not go against the verdict of the Court. For saying the same, I had to pay a heavy cost, and I think it is our victory that the persons, responsible for toppling down your Government, have also submitted an affidavit. I do not know what are their intentions.

What will be their *modus operandi*, we do not know about anything but they had to sign the same assurance. Sir, you have all along been telling us that you would help the State Government. Just now you have said the same thing that whatever force is needed, you will make arrangements for it but you know that the right of deployment rests with the State Government. Unless the magistrate issues order, no action is taken. Then why do you tell people that you have sent forces in such and such number. No doubt, you have every right to send forces anywhere in the country but everyone knows this fact that unless and until the Magistrate of the S.D.M. of a particular area do not order, your force and C.R.P.F. do not have any meaning.

17.00 hrs.

I have categorically said this thing to the Prime Minister in the N.I.C. that if the Government of U.P. says that they do not need it and if their officers do not order the deployment of the forces, then how are you going to discharge your duties? What constitutional ways will you adopt. We could not find out an answer to these questions. Moreover, a question of credibility has also arisen from the answer given by you. This has been referred to by you as Ram Kaj (Service to Lord), no doubt it is Ram Kaj but with that you also have to consider the Raj-Kaj, i.e., the working of the Government. What will be the decision, it will be decided on this scale, probably on 4th or it may be decided prior to it, probably we are aware of it or it may be decided on the night of 5th.

SHRI ABDUL GHAFOOR: Vajpayee ji must be knowing it?

SHRI VISHWANATH PRATAP SINGH: Even he does not know it, I know that he does not know it, this is his only problem, I know his problem. (*Interruptions*) What to do now. Don't blame Advaniji too much. He is

no more a leader. He is in the chain but Singhal Saheb is the engine, Advaniji and Atalji have become bogies, they will follow the engine. Why to fight with the bogies then. Their fate depends on V.H.P. because they simply have to follow the engine and all powers are vested in the driver, the guard sometimes may show green signal or blow a whistle but that does not matter much. (*Interruptions*)

Now there are two things, one thing is that running of U.P. Government is profitable venture or as Shri Indrajit Gupta said just now that do not take risk at the moment, then other method will be adopted. Kar Seva will be performed through cleaning and flower offering or if a pillar is erected on the land other than the disputed one, and by this way they can fulfil their vow of performing Kar Seva with the help of cement and concrete and thus they will store cement and other material and say that this land is out of the disputed area, which have no restriction and at other place Kar Seva will be performed with offering of flowers, chanting of bhajans and cleaning of the areas or by keeping silence there.

SHRI CHHEDI PASWAN (Sasaram):
And the newspaper will publish photographs prominently.

SHRI VISHWANATH PRATAP SINGH: Photo is published even in advance. And if they think that running of Uttar Pradesh Government is an unprofitable venture, as the sugarcane growers are resorting to agitations and the labourers are going on strike. On the other side shopkeepers are unhappy as in the name of beautification, they are being displaced and are being charged sales tax. Looking at all these things, they might think that this is an unprofitable proposition and since they are business experts, they may close their shop. Then they will not be answerable to fall in the prices of sugarcane, cotton and potatoes, to maintaining law and

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order and ensuring electricity supply etc. This way they can be free from the both and then they may begin to march towards Delhi to launch a campaign on the plea that they will have their own Government in Delhi, they will construct temple. Sir, there may be two ways. They may think close this unprofitable proposition and then Kalyan Singh ji may tender his resignation on 5th or 4th saying that my affidavit is no more valid now as I am no more a Chief Minister. Now I am leaving.....

SHRIS.B. CHAVAN: The affidavit given by him is not personal but it is from the Government's side.

SHRI VISHWANATH PRATAP SINGH: That is why I am saying that he will be free after resigning from the Government and in that way the whole Government will be free from it. You must consider it seriously. If Kalyan Singh ji resigns on the 5th in the evening and declares on the 6th in the morning that he was going to Ayodhya, then you do not have anyone to immediately control the things that might happen there. You must make call back arrangements. Can you assure us that 24 hours or 12 hours or 6 hours before 11 O' Clock on the 6th, if the situation demands, will you be able to control the situation. Secondly, you should not give them importance in such a manner.

PROF. RASA SINGH RAWAT: Have you closed your unprofitable business or not?

SHRI VISHWANATH PRATAP SINGH: What to do with such loss when everybody began to eat up the capital.

PROF. RASA SINGH RAWAT: It is you to do that....

AN HON. MEMBER: Is he indirectly making a reference to Shri Devila?

SHRI VISHWANATH PRATAP SINGH: There were some family members and some partners/ from outside. Sir, I wish to put it on record that we have warned you in this regard. Tomorrow we may ask you in this very house as to what arrangements have you made in this regard.

Mr. Speaker, Sir, so far as the question of extending our support to the Government is concerned, we have not supported the Government for this. We have extended our support to the Constitution and to the Supreme Court and if you stand by them, we will also support you but if you fall out of that line, you will get disconnected. We have not given support you to keep mum or for your being inactive. Do not think that we have extended you support on each and every count. We have not become your party member. We are supporting you for a particular cause. As Shri Indrajit Gupta has said there are some apprehensions. Recently some shops were gutted down in Lucknow. Similar incidents were reported from other parts also. The houses of the persons who are involved in litigation on the Ayodhya issue were attacked. Would you tell us whether these incidents took place or not? If these are not true, then you must put these rumours to an end. If it is true, please tell me what security measures are being taken? I would like to submit to Shri Atal Bihari Vajpayee that discussion is not held on the basis of figures. Which activities of yours are creating what atmosphere? A thought should also be given to it. If that atmosphere becomes politically congenial to you, then the discussion ends then and there. You have already said that, but besides that, you have to think over the situation of uncertainty that arises after every 4-6 months. If we can be of any help to you to improve the situation, we are ready to take an initiative which ever is required. But at the

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same time we will have to improve the atmosphere in the country and also evaluate as to where do our religious faiths land us. It is a matter of pride that all the religions of the world that have the largest following are there in India. It has been our cultural characteristics that despite diversities, we are one culturally, though there were clashes, blood shed and disputes in the past but we have developed such culture over centuries that is keeping us united even today. But today a question is being raised on it. On the one hand, we have our religious faiths and on the other hand, we have our Constitution law and the Parliament, the Executive and the judiciary. Now we have to think how to maintain a balance between the two.

Such enigmatic situation never arose during the last 45 years that on the one hand, we have these institutions and on the other we have our religious faiths. I had also said last time as to what way out should be found out to avoid conflict between our institutions of Government and our religious faiths and a discussion held on it. Again if we have to run our country on religious faiths, we will have to fix priorities. The religion in which majority of people have faith will remain at top and the religion in which a lesser number of people have faith will be given the next position. Similarly, the religion in which minimum number of people have faith will be at lowest position. One or the other rule will have to be applied to decide finality of position. The situation would not ease unless this question is undecided and such questions will continue to come up again and again. Even the followers of the Hindu faith believe in rebirth. What would Shri Atal Bihari Vajpayee do if he is born in some Arab country?

SHRI ATAL BIHARI VAJPAYEE: If this happens, I would borrow a cap from you.

SHRI VISHWANATH PRATAP SINGH:

And what is the guarantee that you might have not worn this cap in your previous birth? Is there any guarantee? As per faith even the existence of God has been questioned in Hindu religion. It is different thing if Buddhism and Jainism take it otherwise. But all believe in soul and rebirth. No question mark has ever been put to the concept of rebirth in Hindu religion, no matter it has been put to existence of God. We ask from the same faith what will happen if we take birth in America, in Arab countries or elsewhere, what can we do if we take birth as animals and not as humans. That is why all humans are treated equal here. Why to divide them into various classes in this birth then? Indeed the matter of concern is that the question concerns the working class alone. It is not a matter of Hindu Philosophy because it is very high like other religions. But we will have to say in Hindu society that all classes would be treated equal. Atalji! don't you want to face reality. Please try to realise the pain of down trodden classes. If something is done for secular parties from today onwards, something must be done for secular social forces as well. I feel that no other force in the country can be a greater social force than the people born in the families of depressed classes. Today, the people of working class suppressed and other classes are facing a big question mark as to how much is their participation. I would not raise the matter to that effect here today I would seek an opportunity of it on some other occasion. But if you take instance of the saints, who must be at least 80 per cent, are from lower classes. But they are not allowed become the heads of any religious institution. On the one hand, there is Raj-Kaj, i.e. the business of Government and on the other, there are saints. While sadhus have to produce ashes, we have to look after Government, so, why do you make this house Ayodhya?

Today if the situation is viewed from the angle of justice and love, then it will take some time. It is the responsibility of Govern-

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ment from the angle of law and the Constitution. I would not like to ask him because he has already made his position clear but I want to know from you as to what measures you are going to take. You should assure the countrymen that you are capable to control the situation and lead the country properly. With these words, I conclude.

[English]

MR. SPEAKER: I think it is a very important debate and we would like to conclude it today. There are some more Members who want to speak and we would like to give them the time, whatever time we may have to sit. Now Shri Pawan Kumar Bansal:

SHRIPAWAN KUMAR BANSAL (Chandigarh): Mr. Speaker, Sir, the dispute relating to what is now known as Babri Masjid-Ram Janm Bhoomi complex at Ayodhya, has actually put the nation at trial today. As was unwittingly conceded by Vajpayee Ji also, this is not really a dispute about the creation of a temple or a Masjid or where a temple or Masjid has to be constructed. After the partition of India in 1947, when on two sides of the border a large number of places of deserted religious worship were converted by people belonging to a different religious denominations we did not object to it. This emanated from our firm belief in religious tolerance that has been ingrained in our ethos since the times immemorial.

Shri Vajpayee ji also referred to the basic concept of Indian Constitution but he said that secularism being a foreign word, was not the basis of the inspiration of our founding fathers. With utmost respect I beg to differ from him. If we were to go through various articles, relating to religious freedom, the only thing that we infer is that our founding fathers were fired by the zeal of the time-tested, the age old edict *sarva dharma*

sambhav, Shri Atal Bihari Vajpayee Ji made a reference to it, though in a different context. It was in this background that the Constitution provided equal right to all citizens to profess practice and propagate any religion. This was also in consonance with what Pandit Jawaharlal Nehru said :

"The only freedom that deserves its name is pursuing our own good in our own way, as long as we do not attempt to deprive others of theirs or thwart their efforts to attain it".

Unfortunately, what we have seen over the years is that a set of people -overzealous, professing themselves to be the sole repositories of Indian culture and values - have taken it upon themselves to tell others as to what India stands for. As a result of that, on umpteen occasions we have seen religious fervour deteriorating to communal frenzy. This is one such instance. As I said, the question is not as to where that *masjid* has to be or where that temple has to be, but what course India follows today.

I do want to persuade myself that what Shri Vajpayeeji said today would hold some hope for the country . but if we were to go through the various reports attributed to Shri L.K. Advani, the Leader of the Opposition of this House- and not denied by him so far- the situation definitely turns out to be a little disturbing and holds portents which may not hold the country in a good stead.

The insistence that the structure at Ayodhya - and this is what Shri Advani Ji said the other day is a temple is to be looked into. He says so knowing it very well that the idols there were placed in surreptitious manner. And the issue was never raised by them till only there years back.

What do you infer from this insistence and that *kar seva* will stop only with the construction of the temple and that the temple

would be constructed there and there alone? We are led to a very unpalatable conclusion that a situation can develop to which reference was made by other hon. Member speaking here that our friends of the B.J.P. side might stand up and say that the things were not within their control and it was the *saints*, the V H.P., the Bajrang Dal which called the shot. It is that situation which perturbs us today. It is as to how to avoid unsavoury situation taking place that we have to address ourselves today.

Shri Vajpayeeji scoffed at the idea of the courts getting into this matter. It is only for the sake of laying emphasis that I want to say. It may be repetition. But.....

MR. SPEAKER: Please do not repeat anything because time is very short.

SHRI PAWAN KUMAR BANSAL: Sir, I will take a short time.

When we enter the portals of this House we swear to uphold the Constitution. Our Constitution accords a unique position to the judiciary. There is a large number of cases, a catena of cases, where the courts have gone into the question of disputes relating to the religious places and the decisions of the courts have been honoured by all concerned and the decisions implemented. In this case when the question comes to the court and the court knows that the things are getting difficult, things are getting out of hands- and it is a civil matter before the court- I suppose that the courts could not have abdicated their duty in leaving that matter to us. It is not a case where the political leadership is not wanting to grapple with the situation. Some persons affected by the decision of the Government of U.P. to acquire 2.77 acres of land went to the court. The court is duty bound to go into all the questions relating to that particularly when the ostensible purpose for which the land was sought to be

acquired was not really sought to be implemented. In that situation, if the highest court of the country, that is, the Supreme Court, says that no construction activity has to go on, on that piece of land, for anyone of us to rise here and say that the courts are being manipulated, that the courts are being fair to this honourable House, to the judiciary to the very system that we profess to follow.

Sir, Shri Vajpayee referred to the Shah Bano case. With utmost respect I would like to say, Sir, that no parallel can be drawn in the two situations. That was the case where the provisions of section 125 of the Cr. P.C. were in questions. Basing itself on any decision of the court we have seen that in a large number of cases this House has enacted law which may be in a way undoing a judgment. But we cannot, by any stretch of imagination say that that is flouting the decision of the Supreme Court because in the domain of enacting the law, it is the Parliament which is supreme and the courts only interpret that law. Sir here religion may be a question of faith in which the court will not interfere. But the question as to whether there was a temple there at any time or whether the acquisition of the land is justified or not can, by no stretch of imagination, be termed as a question of faith. This is a civil matter which is before the courts and it is for the court to decide on that.

Sir, in their anxiety to hit the Government left and right some of the hon. Members wanted to know as to what the Government is doing. As most of the hon. Members who spoke are very senior leaders, it does not really lie on my part to say as to how the Government has to function. They have had an opportunity to work earlier and yet we have seen for ourselves that unnecessary rumbling on various matters have led them to an awkward situation and embarrassed the country also on many occasions. Any responsible Government cannot act on impulse. The options are always open be-

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more the Government. The Government is conscious of its responsibilities and duties under the Constitution and I am sure that the Government is monitoring the situation from minute to minute and is in the total know of what is going on. And as to when the time comes I am sure the Government would not be wanting in its duty.

Sir, to conclude I think you want me to conclude early I would only like to refer to one or two cases to show as to how different people have reacted to the situations like that. Sir, Alagsa Masjid in Jerusalem was built over the famous temple of the Jews.

MR. SPEAKER: No, please conclude.

SHRI PAWAN KUMAR BANSAL: Sir, I feel this is very relevant. I am cutting short my other submission.

Sir, Alagsa Masjid in Jerusalem was built over the famous temple of the Jews known as the Temple of Solomon. Jews in Jerusalem today do not really know as to where exactly the *sanctum sanctorum* lay and have constructed the Wailing Wall beyond which they dare not tread lest they trample over the same. I say that, Sir, because our friends on the other side and their mentors can rightly say that Ram was born at Ayodhya. Ayodhya has significance in our life has a significance for each Hindu and I am also proud to be one. But, Sir, no person can, with honesty and sincerity, say that Ram was born at the point where the disputed structure today stands. Therefore, I thought of giving this example. Also, in Jerusalem lies the Holy Sepulchre and the Cavalry of the Christian Community, the ownership of which is again with a muslim family. That is unlocked in the morning and locked at the night by the same family. And close to it is the famous Tomb of King David of the Jews and it lies next to a Masjid. that is

how the people elsewhere have reacted to situations like this. They believe in the theory of 'live and let live'. I am sure, we can follow that.

Sir, I know my friends in the BJP are very sensitive to the very name of Marx. But here for once I suppose they are proving him true when he said that religion is the opium of the people. I hope they prove him wrong here.

[Translation]

SHRISULTAN SALAHUDDIN OWAISI (Hyderabad): Mr. Speaker Sir, listened to the statement of the hon. Minister with rapt attention. Perhaps the hon. Minister of Home Affairs knows the fact that the Muslims of Ayodhya and Faizabad conveyed a FAX message to him expressing their anguish over the situation and also told that not only Fatahi Masjid but also 14 tombs in the area were demolished. The house of Shri Hashim Ansari, who had filed a case in court, was demolished and he saved his life with a great difficulty. Similar incident took place with Shri Akhlaq Sahib, the Joint Convenor of Action Committee. My submission is that in view of the present deteriorated situation if the Government does not take effective measures, the lives of Muslims in that area will be in danger.

So far as this matter is concerned, I think the Union Minister, in front of whom the discussion was going on, will give witness. The VHP had said that if the evidence, that Ram Mandir was demolished to raise Babri Masjid at the site, is proved, then they should be handed over the Masjid so that they may raise temple there. They gave this statement in writing under their signatures. When we asked whether they would withdraw their case, if it proved that temple was not demolished to raise the mosque? They replied that it was not at all possible, there was no

question of it. This is the reply. Now, you may tell us.

Another point raised is that the mosque was raised in the 15th century and why the idols were brought here, the reply to it is that at the time of elections in 1946, the Muslims of the country voted in of the Muslim League and were responsible for the partition of the country. They kept those idols there so that this country could be recognised as a complete Hindu Nation. The Members of the House should note that it is not a Babri Masjid-Ram Janam Bhoomi dispute. This statement has been given and signed by VHP. Shri Sharad pawar was also present there. The matter was discussed in his presence. It is not a matter related to Babri Masjid-Ram Janam Bhoomi dispute, rather it is related to their intentions of making it a complete Hindu nation or whatever else, I don't know. When this fact has been revealed, it is not appropriate to hold a discussion over it. It is only a matter of the intention of BJP to rule the country. The Muslims are unnecessarily being dragged into it. Please tell us, what is it all about? We got ready for talks several times. Hardly had the last round of talks concluded, it was announced that Kar Seva would commence on 6th. If they had waited for another three or four days, everything would have become clear to the nation. Then, why did they do it? From this, it seems that they don't want to enter into an dialogue. But, then they go around telling people that the litigation has been going on for the past four decades and an attempt is made to tell the people that 40 years' time has been wasted. Although, the truth is that not a single muslim had filed a suit since 1949. Rather, they have been filling suit after suit, after every two years deliberately to prolong a settlement.

Sir, we want a settlement, but if you look into the background of the suits a filed, the truth about those responsible for the delay will come to light. Then extraneous issues

are raised that it is a matter of their faith etc. I would like to say in this regard that we don't want to comment on anyone's faith, but Mr. Speaker, Sir faith is a constant phenomenon, but in their case it is perennially changing. While at times, they say that, Rama was born at the Ram Chabotra located outside the mosque, at other, they say that Rama was born at the Shilanyas site. Later on, they say that Rama was born right inside the mosque. Now, please tell us, where lies their faith and if at all this issue was to be raised, why it was not raised immediately after independence? Why this issue was not raised, when the B.J.P., had three Ministers in the Janata Government? When this issue was not raised during those times, one can very well gauge the objectives behind their raising the issue, at this juncture? This is just an excuse and disturbances and differences are being created unnecessarily throughout the country and then they have no answers to many questions as well. When they were asked about the sudden appearance of the idols and told that the exact location of birth is considered impure as per Hindu tenes and that a temple cannot be constructed there, it was said that the Deity appeared at that place and they get agitated when they are asked about the purpose behind taking the 'Khadaun' across the country. You were all present there and you are all fully aware of it.

Please tell us, how proper is it now on their part to raise this issue again and create an upheaval in the country? I would like the Central Government not to sit on the horns of a dilemma this time and take a quick decision on it. For if it doesn't do that, I would say that it would give rise to a situation skin to the one, immediately after the 'Shilanyas' and no one would be ready for talks. You know very well, the reactions thereafter and therefore, please take an immediate decision on it.

Please tell us the objective behind the gathering of lakhs of people there, inspite of the Supreme Court orders. The Government

[Sh. Sultan Salahuddin Owaisi]

is very well aware of their motives, but we are at a loss to understand their inaction or the reasons behind it, at a time, when the atmosphere throughout the country is being vitiated. I would like to humbly submit to the Government to take some immediate steps, as otherwise, the situation will worsen further and you should not stretch the limits of one's tolerance. The Mosque had been demolished, yet we are keeping mum and expecting same action from you. So, please don't test our patience. It is not a wise thing to do. We would like you to take some concrete steps and maintain the law and order situation in the country. First, they wanted a settlement through the Court, to which we agreed. Then through three successive Prime Ministers, they expressed a desire to hold talks, to which also we agreed. Please tell us, when did we refuse to cooperate with any initiative taken by them, but in spite of it, if you don't take any action, please tell us where do we go from here? Then only the masses can take a decision on it.

[English]

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Mr. Speaker, Sir, it is really a great pity that it fell to the one good and decent and reasonable man who is among the leaders of the Bharatiya Janata Party, and who has been marginalised by his own Party, to have to put up a defence for their indefensible case. And it was perhaps because he had to speak in a situation where his heart was not in it, that he allowed himself to get totally confused about the single most important issue attached at this juncture to the Ram Janama Bhoomi Babri Masjid matter and that is the need to make a reference to the Supreme Court under the Constitution.

There are two separate provisions. One is the provision under Article 143. What the

Chief Minister of Tamil Nadu stated in the national integration Council was that when the Government of India made a reference to the Supreme Court under Article 143 of the issues relating to the Cauvery water Disputes Tribunal, the advice given by the Supreme Court was deemed by the Constitution itself to be non-binding. It is only an opinion and whether it is acted upon or not acted upon, is a matter for Government and the other parties involved to determine. What the BJP has so far agreed to is a reference of this matter to the Supreme Court under that same Article 143 so that even if the Supreme Court were to make a determination that there was no Mandir there at the time that Mir Bagi built the Babri Masjid, that opinion would have no binding effect whatsoever. It is the great fault of the Chandrashekhar Government that when Shri Rajiv Gandhi suggested to the Chandrashekhar Government that the reference should be made under Article 138 and specifically not under Article 143, the Chandrashekhar Government misled both the VHP and the Babri Masjid Action Committee into believing that evidence was being called for with a view to making reference under Article 138. It was only after the evidence had been presented in the Ministry of Home Affairs on the 24th January, 1991 that the Babri Masjid Action Committee learnt of the chicanery to which the Chandrashekhar Government was resorting, in not making the reference as suggested by Shri Rajiv ji to the Supreme Court under Article 138 but making it under Article 143. And given the love of the BJP has now developed for Article 143. I am inclined to believe now, that there was connivance between Mr. Chandrashekhar and Mr. Lal K. Advani or whoever was representing the BJP at that time to mislead the Babri Masjid Action Committee into believing that the reference would be made under Article 138 when their mal-intention always was to make the reference under Article 143. And, to this day, neither Shri Lal K. Advani nor Shri Atal Bihari Vajpayee seems to be willing to

face up to the implications of making a reference under Article 143 rather than Article 138. Here in this House, at the end of July, 1992 Shri Lal K. Advani said i.e. let us take the issue from beyond the point where Shri Rajiv Gandhi and Shri Chandrashekhar brought this matter. Now, the two of them together had no formula. There was the Rajiv formula under which a binding judgement of the Supreme Court was to be obtained. There was the Chandra Shekhar formula under which merely an opinion was to be obtained. Shri Lal K. Advani tried to mislead this house at the end of July 1992 into thinking that the two positions were one and the same. Today, we have the spectacle of Shri Atal Bihari Vajpayee attempting to do the same thing. I am afraid, there is all the difference in the world between a reference under Article 143 and reference under Article 138. Now unfortunately, because the BJP is in power in Lucknow and refuses to cooperate under Article 138, there is no way in which a reference under Article 138 can be made without the concurrence of the State Government of Uttar Pradesh. However, it is still possible to make a reference to the Supreme Court under Article 139 which provides for a law to be passed by Parliament to endow the Supreme Court with whatever additional powers are required to make a determination on this point. My specific request to the home Minister and also the Prime Minister - because this is a matter that must involve the whole of the Government of India - is that if the BJP Government of Uttar Pradesh refuses to cooperate with the Central Government in making a single point reference under Article 138, Sub-Clause (2) then, Government should come before this Parliament wherein a majority that stretches from the point where Shri Syed Shahabuddin is sitting from the point where Shri Vishwanath Pratap Singh is sitting to the point where Shri Uttambhai Patel is sitting, all the Members of this House leaving the Opposition who sit between the Right of Shri Vish-

wanath Pratap Singh and Shri Lal K. Advani, both will give this Government the power to make a reference on the single point matter to the Supreme Court. I appeal that this be done because we cannot continue to negotiate with the people who have repeatedly demonstrated their bad faith. Sir, in September 1989, before the *Shilanyas* took place, the VHP and its political mentor the BJP undertook solemnly not to do anything beyond the placing of the stone as the foundation. They broke their words. They offered their cooperation to Shri Vishwanath Pratap Singh. But they betrayed Shri Vishwanath Pratap Singh. I was telling Shri Vishwanath Pratap Singh from December 1989 onwards "If you take a snake to bed with you, it is bound to bite you." it happened. Then we have now had the experience of the last four or five months in which the VHP and the BJP began breaking the law and the Constitution in Ayodhya. The letter which the nine Congress MPs wrote to the Prime Minister in July 1992 seeking the dismissal of the BJP Government was not accepted by our Government on the grounds that they would sit and talk to the BJP and the VHP. Those talks were in progress. In all sincerity and earnestness. Shri Atal Bihari Vajpayee began his speech here by saying this, I am quoting his own words:

[*Translation*]

"No decision should be taken in haste"

[*English*]

When two rounds of talks were over, a third is about to begin

[*Translation*]

Thus, in a haste, they decided to go ahead with the Kar Seva, on December 6, a date which has no religious or cultural significance.

[Sh. Mani Shankar Aiyar]

[English]

That is the reason why that process of negotiation has suddenly got aborted. Now, we are faced with repeated threats from the BJP Government and the organisations associated with them. They tell us, as Shri Advani told us in this House, who has the guts to remove the *Murtis*. There is also another ground being prepared by the BJP. It is in Mr. Advani's statement here in July to which I draw your attention in which he said that he is switching. He said that it is no longer a question of whether there was a mandir there in 1528 but whether there was, at some stage or the other, some sort of a Mandir. there .

I am very grateful to my colleague Shri Sultan Salahuddin Owaisi, for having made the position in regard to the Mandir and the Masjid so clear here in the House. Because till now I have not heard it in the house. I read it in the newspapers. The position of the BMAC is that if on the basis of the evidence presented before the Supreme Court, the Supreme Court were to make a determination that there was a Mandir there in 1528 which Mir Bagi deliberately broke in peace time in order to build a Masjid, then in terms of Islamic theology and in terms of Islamic law, it cannot be stated that that Masjid was properly built and, therefore, they would not only respect such a judgment of the Supreme Court, they would withdraw their claim to the masjid. At the same time, they said that if the Supreme Court makes the determination that there was not a mandir there in 1528 that was broken in peace time by Mir Bagi to make a masjid then it would be as wrong in 1992 to break a masjid to make a mandir as it would then have been to break a mandir to make a masjid. I cannot think of a more clear statement of good intentions than the one we have heard just not from Shri Sultan Salahuddin Owaisi. If the VHP and the BJP and all

these forces of Hindutva actually have any conviction in their own position and if they really have any respect for the Supreme Court, what is their problem in agreeing to a single point reference under Article 138 (2) where they will present their evidence and where they will argue their evidence and where they will cross-examine the evidence of the BMAC to say was there or was there not a mandir in existence in 1528 at the Ramjanmabhoomi site. This is not, Mr. Speaker, a matter of faith. Nobody is asking the court to make the determination as to whether Bhagwan Ramachandrajai was or was not born there. This was the only point which was stressed by Rajiv Gandhi in his letter to Chandra Shekhar of the 30th November, 1990, and that is why I call it Rajiv formula, although the Government of India seems to prefer to call it a single point reference to what I call the Rajiv formula, is that on the one simple historical point of whether or not there was a temple there in 1528, please make a reference to the Supreme Court which will give a binding judgment thereon. If that judgment is that there was a mandir as claimed by the VHP, the BMAC had had the decency to say that they will withdraw their claim. But if there was no mandir there in 1528, according to the Supreme Court, before this House rises on this issue, I would like Shri Atal Bihari Vajpayee, who has returned here to the House to give an assurance that the binding judgment of the Supreme Court to the effect that on the basis of the evidence given by the VHP, there was no mandir there in 1528, they will accept that judgment. That is what is meant by respect for the Constitution; that is what is meant by respect for law and order; that is what is meant by the courage of your conviction. The BMAC has demonstrated the courage of their conviction. They say that they know, they believe that there was no mandir there and they say that if the Supreme Court says there was a mandir there they will accept that judgment. I want the VHP and the entire Sang Parivar to demonstrate that

same courage of conviction in their own point of view.

Let them go before the Supreme Court not for an advisory opinion but for a binding judgment. If they do that, then there is no problem, the problem will be resolved. But if they continue to do what they are doing that after taking an oath to the Constitution without which Shri Kalyan Singh could not have become the Chief Minister and without which none of his Ministers could become Ministers, they go to Ayodhya and then take another oath there where they say before the Murthies of Ram Lala:"

[Translation]

"Ram Lala hum aaye hai , hum Mandir yahin Banayenge" So, Vajpayee ji through you, I would like to tell Kalyan Singh ji that if the Constitution or the Law of the land is violated , then we will say " Kalyan Singh ji hum aaye hai, hum sarkar yehin Banayenge" Kalyan Singhji we have come , we will form the Govt. in U.P.

[English]

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Mr. Speaker Sir, at the very outset I would request you very humbly to give me more time because I have to present my point of view. I have no grudge when other leaders are given an hour or more than that; but at the same time my request is that I must be given reasonable time to present my view.

MR. SPEAKER: You will get reasonable time; but do not ask for too much time.

SHRI EBRAHIM SULAIMAN SAIT: The entire nation is passing through a very very agonising situation today because of the very very complex, volcanic, sensitive issue of Babri Masjid- Ram Janam Bhoomi. Today we are faced with very many serious prob-

lems. I do not want to go into the details about them. But the point at discussion is whether the VHP and BJP are going to honour the decision of the Supreme Court or the direction of the Supreme Court or are they going to violate the same. This is the matter that is before us.

I must say very clearly that unilateral and deliberate declaration of the Dharam Sansad of the VHP that they are going to start *kar seva* on 6th December was really a great threat and is also today the great challenge for the secular fabric of the country, for the integrity of the country , for the communal harmony of the country and also for the superiority of rule of law in the country. This is the question that is before us today.

Mr. Vajpayee is here, I respect him. He is a senior leader. He tells that you must have *bharosa* on the declarations of Mr. Kalyan Singh when he says that we are going to protect the mosque. how can we have *Bharosa* in him? Please understand us. Immediately after taking over the reins of power in UP his entire cabinet goes over to Ayodhya and at the site of the mosque declares:

[Translation]

" Hum Aaye hai Ramlalla Mandir Yahin Banayenge" (We have come to construct the temple of Ramlalla, here only)

[English]

That is that they are going to have Mandir, temple, constructed on the ruins of the mosque. That is their declaration over there. Now they say that they are going to protect the mosque. I know the fallacy here, the dubiousness here. What they mean by protection is not protection actually, but transferring of the mosque, shifting of the mosque and burying of the mosque under the temple. How can we understand this Mr. Vajpayee? I understand your mind when you say that

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you are going to protect the mosque, what you mean is that you are going to shift the mosque, you are going to bury the mosque under the temple and this is how you are going to protect the mosque. We cannot have *bharosa* on these *vadas*.

[Translation]

"Tere vade par jiye hum to ye jaan chhoot jana ki khushi se mar na jaate agar airtvar hota".

[English]

We had experience of so many such *vadas*, so many commitments, so many promises. But we are not prepared to have any confidence on such *vadas* in future. Now Mr. Vajpayee goes forward with the assumption, pre-judging that there was a temple and on demolition of the temple the mosque was constructed. Judges have not given any verdict. That has not been decided; but still Mr. Vajpayee, a very learned person of course, is pre-judging the whole issue assuming that there was a temple. How can you assume it? It is not at all possible. The matter is in the court of law. If I would say that there was no temple at all and the mosque was constructed on the barren land, that is my assumption, that is my feeling. This has been established by historical facts, by geological experts that there was no existence of such a temple over there.

As far as *bhavana* is concerned, everybody has got *bhavana*. Your *bhavana* is not based on historical facts. You say that Shri Ram Chandrajai was born there. You have said it in 1949 and not before that. Until 1949 nobody had a claim on Babri Masjid. The idols were placed on the night between 22nd and 23rd December of 1949. Now your *bhavana* is that Shri Ram Chandrajai was born thousand of years ago there. But it is not

based on facts. As far as our *bhavana* is concerned, we had prayed over there for 450 years. And Mr. Vajpayee says that prayers have not been held right from 1936.

18.00 hrs.

The affidavit was filed by the UP Government in the court of law after the idols were placed. In 1949 in the night of 22-23, December at the dead of night- they say the idols were surreptitiously, wrongly placed by the mischievous elements. All these records are there. But the fact is that by force, we are not able to pray. If we were not able to pray for 40 years or 30 years or 50 years, it does not change the character of the mosque. It is very clear. You must understand one thing. It is not the brick and stone, that are sacred. But the place where the Muslims have bowed before the Almighty *Allah* is very sacred; and that cannot be transferred, shifted under Islamic law. That is the religious basis; that is the religious faith. So, you cannot shift it. That is the position, that we must understand.

All these arguments are there. What we have to understand is this. The matter has to be solved; and for that purpose, in the free society, in the sober society, in the civilised society, if negotiations fail, then the matter has to be handed over to the judiciary. As we have just said, it is with judiciary. That is being done everywhere. Therefore the matter has to be referred to the judiciary, in case negotiations fail. That is a different matter.

Now what I say is this. The State Government of UP- the Government of Shri Kalyan Singh- and the Central Government have pledged to uphold the Constitution of the country. They have come to power- the State Government on the one side and the Central Government on the other side by pledging to uphold the Constitution of the country. But unfortunately State Government today is out to subvert the Constitution.

It is no secularism. It is destroying even the law and throwing to the winds all the decisions, the orders and injunctions of the court of law. At the same time, I am sorry to say that the Central Government has not decided as to what to do and what not to do. This is my feeling, my sincere feeling.

We expected Shri Vajpayee, a leader of his stature, to come out and tell us that they were going to abide by the directive of the court and that they are not going to violate the orders of the court. That is what is expected of him. But, he is very very clever; he did not come to that point at all. For the first time, his argument is unconvincing. It does not evoke any convictions. Otherwise I appreciate him fully. Today, I do not know what happened. I think, he himself is not convinced of what he is saying; so he could not convince. That is the position. What is expected of Shri Vajpayee is to come out very clearly as to what they are going to do. Are they going to abide by the court orders or not?

At the same time, I expected the Home Minister to come and say, what is the plan of action that they have. If they are going to flout the directives of the court, what plan of action are they having? Whatever be the declarations, pious declarations of Shri Advani or Shri Singhal or anybody else, we know what they are going to do.

Again they have started *Yatras*. Why are they taking out *Yatras*? It is to mobilise people. What for? It is to exploit the religious feelings, mobilise the people, bring them in thousands and make the task of the Central Government impossible. That is what they are doing. That is the aim, that is the objective and that is how they are carrying on. That is very clear. We must understand these things. That is what we want to do.

Their declarations are there. The papers are here. But, I think the Speaker will not

allow me to read out from paper. But it is very clear. All of them in VHP, BJP and everyone in Ram Janam Bhoomi movement have declared that we are not going over there just to sing the *bajans*; but we are on a very serious matter of constructing the temple. Whatever be the promises, I feel that they are not going to abide by them. That is the position. Therefore, today we must have a very clear indication of what VHP and BJP feel and what the Government feels.

We must also understand one more thing. They say that they are going to construct the temple. How? Still the temple plan is unlawful. I will ask Mr. Vajpayee again, They are not prepared to exclude the Babri mosque complex from the temple plan. Then, how can we believe them? How is it possible? It has no basis to believe. They still include Babri Mosque in the temple plan. They say that the '*Garbha-Grihya*' is still inside the mosque. They will include the mosque at any cost. That is what they say. Is that the meaning of this protection? I cannot understand it. Mr. Narasimha Rao, Prime Minister, also said about it and declared about the verdict of the court in this House. What I said was: 'protection' means restoration of this mosque back to the Muslims so that they start praying. You can start praying in your temple. We will start praying in our mosque side by side. That is what is secularism. We want to live in this country together. You just cannot ignore a section of the population. People believe in secularism. All people should live together. There is freedom to various religions in this multi-religious country, multi-cultural country, multi-lingual country. This character is there.

Mr. Indrajit Gupta talked about the composite character. All these things are there. We cannot destroy all these things. Therefore, I want to know one thing very clearly. Now we have got injunction from court of law- injunction from the Allahabad court, injunction from the Supreme Court. All

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these things are there. You are to honour that. Therefore, any construction on 2.77 acres is unlawful. It is very clear. There cannot be any doubt about it. Then any construction on disputed land outside 2.77 acres is also unlawful. Disputed land is there and undisputed land is also there. Outside the 2.77 acres also, there is disputed land. Therefore, any construction on 2.77 acres is unlawful. Any construction on disputed land outside 2.77 acres is unlawful. Even on undisputed land outside the disputed land, it is unlawful. Even the construction of the temple is unlawful. That is the basis.

First of all, there should be a proper plan of the temple, proper acceptance of the temple and you should exclude the Babri mosque complex and temple. Then alone, it can be acceptable to all in the present situation. A tense situation prevails. Therefore, all these things should be considered illegal and avoided.

The question now is: Are you -VHP and BJP- going to accept or obey the directive of the Supreme Court or are you going to -violate it?

Secondly, it is directed to Central Government. Your position is very very serious. No doubt they are going to see that they violate the directive of the court. A very grave situation is going to be there. There is going to be a confrontation.

Now are you going to face the consequences with full force? If you do not do it, then the result will be anarchy and bloodshed. You then save the country from anarchy and bloodshed. Therefore, all

constitutional obligations will have to be fulfilled in case there is violation of the Supreme Court order by VHP and BJP. That has to be done. You cannot escape from it.

As Mr. Indrajit Gupta said, if you escape, then, their fall is there. in case they try to defy, even then their fall is there. It is a very very grave situation. You understand all those things. There is no time for hesitation as far as Central Government is concerned.

We know that tension is there in all these areas. We have our own apprehensions. But that cannot frighten us. Muslims have their own apprehensions. We stand today with all secular parties. I must say that as far as my love for the country is concerned, it is nothing less than that of Mr. Vajpayee and Mr. Advani. I love my country if not more equally as Mr. Advani loves or Mr. Vajpayee loves. Nobody can doubt my patriotism and my love for the country. I am hurt and concerned about the future of the country. It is not the sanctity or the protection of the mosque which is in danger but the secular fabric, integrity and harmony of the country is in danger today. If all these things are destroyed, then where so we stand? That is the position now. My stand is very clear. I stand for the integrity of the country, secularism of the country and to uphold the rule of law in the country as also the judicial verdict of the country. That is where I stand. I am not afraid. We had faced such a situation in the past and today also, people face the same situation. I can give my blood, I can die and I can become a martyr to uphold the secular fabric of the country, integrity of the country and rule of law in the country, I hope all secular parties will become one with the Central Government if they are prepared to face this danger of militant fascism which is holding the future of the country today.

[Interruptions]

[*Translation*]

What are you saying? Say it loudly (*Interruptions*) How long will you continue to chant the name of Pakistan? (*Interruptions*)**

You suspect every Muslim of harbouring this feeling (*Interruptions*) You want to divide and we want to unite (*Interruptions*)

[*English*]

SHRI SOMNATH CHATTERJEE: This should be expunged, Sir. (*Interruptions*)

SHRIDIGVJAYA SINGH (Rajgarh): Sir, kindly expunge it. (*Interruptions*)

SHRI P.M. SAYEED (Lakshadweep) Sir, we request you to expunge this remark (*Interruptions*)

[*Translation*]

SHRI AYUB KHAN: How can you dub everybody like that? (*Interruptions*) Even, I am a Muslim (*Interruptions*)

SHRI MADAN LAL KHURANA (South Delhi): He is praising (*Interruptions*)

[*English*]

MR. SPEAKER: Anything objectionable will be removed from the record (*Interruptions*)

MR. SPEAKER: I will look into it. If it is necessary, I will remove it (*Interruptions*)

[*Translation*]

SHRI AYUB KHAN: How can you dub everyone like that ? (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Those who supported the idea, left the coun-

try long back. Why are the rest being blamed? (*Interruptions*) Why should those, who chose to remain with their families here, be answerable for the deeds of some of their co-religionists? (*Interruptions*)

SHRI NITISH KUMAR: Is this Hindu Parishad, an elected body? (*Interruptions*) How can they claim to be the representatives of the Hindu populace? (*Interruptions*) We are also Hindus, but we do not know anything about the Vishwa Hindu Parishad (*Interruptions*) Have they been elected by the Hindus, so that they claim to represent Hindu interests and say whatever they like? (*Interruptions*) When did the elections to the Vishwa Hindu Parishad take place and when do you propose to hold the next elections? Please clarify.

[*English*]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): I would like to ask the hon. Member on one point. I have myself heard him using the word 'Pakistan'. I would like to know from him whether he meant what he stated just now or he had uttered the word 'Pakistan' referring to the hon. Member. (*Interruptions*)

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, now the whole matter is being messed up..... (*Interruptions*)

MR. SPEAKER : I have not heard.

SHRI ATAL BIHARI VAJPAYEE: You have heard it.

MR. SPEAKER: I have not heard it. Had I heard anything objectionable, I would have expunged it that very moment. (*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE: You have heard it.. They have appreciated the speech of Suleman Sait. What are you talking? He said that if all the Muslims had been of this thinking, there would not have been partition of the country. (*Interruptions*)

SHRI AYUB KHAN: You always interrupt like this...(*Interruptions*)

SHRI RAM VILAS PASWAN: For this some people were responsible from both the sides (*Interruptions*). Even the politician were also involved in it. (*Interruptions*)

SHRI MADAN LAL KHURANA: Congress was also responsible for that (*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE: There are some Hindus also who are opposing the Ram temple. (*Interruptions*)

SHRIMADAN LAL KHURANA: It is very strange. If we praise them then it is a problem and if we do not praise them, then also it is a problem for us ...(*Interruptions*)

MR. SPEAKER: So far, we have held discussion in a very serious manner. Whatever has been said, I have not heard. If I had heard it and found it objectionable, I would have certainly expunged it from the records. I will see to it if there is anything objectionable then that will not be included in the records.

[*English*]

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): Sir, I rise to respond to a reference to me made by Shri Vajpayee when I was not present in the House with regard to a meeting between me and Mr. L.K. Advani. I would have been happy if Mr. Advani too was present. But I am constrained to reply because of the inaccuracy in the contents of Mr. Vajpayee's statement. I have had many talks with Mr. Advani

in the last four months. There were several thoughts and formulations made and discussed by us but never were the proposals by Government or Prime Minister. On this, I was specific and reiterated this to Mr. Advani on more than one occasion.

I considered it appropriate that this be clarified.

[*Translation*]

SHRI CHINMAYANAND SWAMI (Badaun): Mr. Speaker, Sir, while taking part in this discussion I would like to mention the name of Bharat Ratna Dr. Rajendra Prasad, whose birthday is today because he was the second seniormost leader who supported the construction of Somnath temple after Sardar Vallabh Bhai Patel.....(*Interruptions*)

Mr. Speaker, Sir, whatever has been said in today's discussion, I have heard with rapt attention. I do not want to mention anybody's name in this discussion. I have only mentioned the name of two such personalities who are remembered, by all parties, castes and areas with great reverence. I have neither mention any name other than these two personalities nor I intend to do so.

Mr. Speaker, Sir, our former Prime Minister Shri Vishwanath Pratap Singh ji raised the point of faith during the discussion. No doubt, it is a question of faith and the question of faith is not confined to religious beliefs and convictions only. It is also related to courts and the Constitution. If there is no faith in the courts and the Constitution then that faith itself loses its meaning. Thus the concept of faith implies everywhere, be it a court, the Constitution, the temple, mosque, holy books or faith in the God. In all such matters faith is needed as is needed in the mutual talks.

I would like to state that someone has said that Lord Shri Ram was born in Afghanistan. A document to this effect was also included in the documents to be exchanged.

Just now an hon. Member has said that we keep on changing our beliefs, sometimes it is in Shilanyas site, sometime it is the 'Chabootra' and the other time it is in 'Garbhgrih'. Hon. Member might remember that from the beginning till now, our belief or faith has been in only one place and it will remain so in the future also. There is no possibility of any change in that. It all started from the place of Shilanyas. Shilanyas was done at Sinhdwar. At that time also we made it clear that Shilanyas would be done at Sinhdwar. An Hon. Member pointed out that at that time it was promised by us that we would be restricted only upto the place of Shilanyas and we would not go beyond that. I have participated in all the discussion held so far. At that time it was agreed upon that we would not proceed further until the completion of the elections. We would be free to proceed further after the elections are completed. A written agreement was signed in this regard. I do not want to mention the names of the persons who were present at that time, I am simply quoting them. I would like to submit that as it is a written document, no manipulation is possible in it.....

SHRI MANI SHANKAR AIYAR: You must see it again. It does not say that the construction work will began after the elections. It simply says that further discussion will be taken up after the elections. There is a lot of difference between discussion and construction.

SHRI CHINMAYANAND SWAMI: Good. At least you have admitted this much that something was to be taken up after the elections and I have now started that. The then Prime Minister is present in the House. It was discussed on 6th February, when the Hon. former Prime Minister used to sit in the South Block. At that time Raja Saheb had said that nobody could remove idols from that place. Raja Saheb also said that he would stick to his stand. It is a matter of mutual trust and belief. I am mentioning all these things because..

SHRIVISHWANATH PRATAP SINGH: You are not giving the correct version, that is why I refute it.....

MR. SPEAKER: Mr. Chir. mayanand ji, two things have surfaced there: he has denied the discussion and beginning of the construction work and in the same way he is also denying it. You are giving facts, so you should be more careful

SHRI CHINMAYANAND SWAMI: At that time he used to sit in the South Block. Had he been sitting here in the House, he would have been gone on record. It is not the question of recording the discussion. I am talking of faith.

MR. SPEAKER: It is not so. There must be same sanctity in the discussions being held in the House.

SHRIVISHWANATH PRATAP SINGH: A four month duration was given, within which the problem had to be solved. This was the decision taken at that time.

SHRI CHINMAYANAND SWAMI: I am saying what I heard at that time and what remember. Raja Sahib may not be remembering or he wants to present it in some other way. I have no objection to it. I am talking of faith and would like to proceed further on the same line. A four month duration was given to Raja Sahib at that time. After that, when we met again on 8th June, he said that in regard to Kashmir issue.....

AN HON. MEMBER: What does it mean by four months?

SHRI CHINMAYANAND SWAMI: You may ask Raja Saheb to explain it. I was going to submit that when we met again on 8th June, Raja Saheb said that he was busy in Kashmir and Punjab problems and that the required amount of work could not be done. It is being said that the matter was being stretched far. How does a matter prolong? It

depends upon how seriously the persons who are responsible for the solution of the problem, take the matter. I would like to make the same submission to the present hon. Prime Minister that negotiations were held on 23rd July. Prior to that Kar Seva was started on 9th July. That time everybody including the National Integration Council, the political parties and also people from cross sections of the society made efforts to find a solution, but the Kar Seva continued there. Finally, it was only when the saints established contact with Rao Sahib and held talks with him, the Kar Seva was stopped at his instance. They were assured that they would be apprised of the latest developments in regard to the negotiations. Now that causes confrontation in this belief? It was said that negotiations would be held after 23rd July and the saints would be apprised of the outcome. Shri Atal Bihari Vajpayee said that no negotiation took place before 3rd October, whereas the documents from both the Parties had been submitted during Shri Chandra Shekhar's tenure. No new documents were to come. Nothing specific was to be done thereafter. Two months elapsed and the matter was not taken that seriously as it was expected. Mr. Speaker, Sir, I had pointed out in this very House that the matter is very grave and two Governments have already collapsed as its fallout. As such it should be taken seriously. My submission is that the matter was taken so seriously that a number of people turned to be the spokesman of the Hon. Prime Minister. Everybody claimed that he was a spokesman of the Prime Minister. The solutions and suggestions varied from person to person. I was myself a witness to 8-4 proposals. When the Hon. Prime Minister was asked....(Interruptions)

SHRI NITISH KUMAR: Which were the two Governments?

SHRI CHINMAYANAND SWAMI: The Governments were of Shri Vishwanath Pratap Singh and that of Shri Chandra Shekhar.

SHRI NITISH KUMAR: Shri Chandra Shekhar's Government did not fall.

SHRI CHINMAYANAND SWAMI: Anyhow, it is not that serious a matter. Please listen to what I am saying. Nitish ji, it is a matter of your interest. As such you listen to it. My submission was as to why the atmosphere of trust and faith that should have been cropped up was spoilt? On 23rd July it was decided that all negotiations would take place among the saints because Kar Seva had been stopped at their instance only. However, the saints were sidelined after 23rd July and I do not know as to who were included in the negotiations.... They were not apprised of the developments of the negotiations. Thereafter, the Hon. Prime Minister while addressing the nation from the Red Fort on 15th August said in clear terms that a temple could be constructed at the site without demolishing the mosque. Here also some of the hon. Members are making a plea in favour of the mosque again and again. I would like to tell them that it cannot be said whether it is a temple or a mosque till Puja continues there as per the Court verdict. That is not my verdict. Till Puja is offered there as per the Court verdict, it will remain a temple. Nobody can call it a mosque. If one does so, it will be a contempt of Court. It is altogether a different thing if one accepts it or not. Puja is going on as per the Court orders. But the Hon. Prime Minister while delivering his speech from the rampart of the Red Fort addressed not a handful of people but the whole nation which include the Judiciary, the Executive, the Parliament and the custodians of the Constitution. When the Prime Minister of a country while addressing the nation calls it a mosque how far the Court could remain unaffected by it. This suspicion arose at that time....(Interruptions) I am talking of faith only. I am not making any argument. Then Swami Vamdec Ji Maharaj wrote a letter to the Hon. Prime Minister raising an objection to the effect that he should not have said so. That letter was also not replied. Had a reply been given by the Prime Minister

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office, we could have presumed that it was something different. The point of discussion was whether the mosque had been constructed by demolishing a temple or it had been built on a vacant plot. The course of discussion was decided in the presence of the saints. Shri Owaisi was also present then. But participants were digressing from the main topic. Somebody was telling people that the structure should be divided into two parts. I would not mention the names here.**

MR. SPEAKER: Look, do you realise the way you are speaking? Don't you understand this?

[English]

SHRI DIGVIJAYA SINGH (Rajgarh): This is highly objectionable.*

[Translation]

MR. SPEAKER: I have already told him. If not felt necessary, I will expunge it.

[English]

I will look into it.

[Translation]

SHRI CHINMAYANAND SWAMI: I would only like to talk the crisis that has arisen out of distrust. I will tell even the names if you want to know..

MR. SPEAKER: That is not necessary. You should not speak in this manner.

[English]

You come to the next point (*Interruptions*)

MR. SPEAKER: Now, you should not

linger on it. Let it be so. (*Interruptions*)

SHRI CHINMAYANAND SWAMI: (*Interruptions*)**

MR. SPEAKER: Mr. Chinmayanand Ji I do not want that such matter should go on record... (*Interruptions*)

SHRI CHINMAYANAND SWAMI: Do you mean to say, I should not submit here what has happened (*Interruptions*)

MR. SPEAKER: Absolutely correct. Your private talks should not be mentioned here, otherwise you will not be heard. (*Interruptions*)

SHRI CHINMAYANAND SWAMI: No, no, the question is whether this matter can be called private or that... (*Interruptions*)

MR. SPEAKER: Well, you please leave that matter and you may now speak on some other points. You have many points, I know. (*Interruptions*)

SHRI CHINMAYANAND SWAMI: Look, I simply want to explain as to how the crisis of faith comes into being... (*Interruptions*)

I am not replying to the question of Mr. Nitish Kumar. I have, of course, many more points to raise. I ask as to why there was interruptions during the course of the talks. Till October 30, nobody approached the saints to find out the development as to what sorts of talks are going on and how they are going on. The hon. Minister of Human Resources was just talking of horse race. He was just talking of horse race. He was telling that horses have been released. I would like to ask, if the people look to him as horses. I am surprised to note that the mentality of these people has undergone such a vast change. I would like to say that we should have a sense of adjudging the real to importance of Ayodhya. I told you that even Dr. Allama

**Expunged as ordered by the Chair.
Not recorded.

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Iqbal has accepted the existence of Lord Ram in the words:-

"Yeh Atma Tha Buland Ahle Ram
Ke Wajood,
Ahle Najar Samajhte Hain Unko
Imame Hind."

Such things have been told by many.....(*Interruptions*).....

SHRI SYED MASUDAL HOSSAIN: Sir, he is again and again referring to Allama Iqbal and Imame-Hind.....(*Interruptions*)

MR. SPEAKER: he has told a good thing.

(*Interruptions*)

SHRI SYED MASUDAL HOSSAIN: Sir, he has perhaps forgotten that Allama Iqbal first of all spoke about Pakistan in the Round Table Conference..... (*Interruptions*)....

SHRI ATAL BIHARI VAJPAIYEE (Lucknow): Mr. Speaker, Sir, the name of Pakistan has again come in during the discussion (*Interruptions*)

SHRI CHINMAYANAND SWAMI: Only they have got this right, we have not.

MR. SPEAKER: Okay, every one is free to pick up good things.

SHRI CHINMAYANAND SWAMI: Mr. Speaker, Sir, when he representatives of the Uttar Pradesh Government contacted me and asked that we had to give a statement in the Supreme Court. When I was given this responsibility, I contacted the Saints. Reaching to this, the Saints told that they had never talked about violating the Constitution. The resolution that was passed in the Dharam San Sad provided for Kar Seva alone. Honourable Paswan Ji has declined to know the meaning of the term 'Kar Seva'. I would like

to say that the term 'Kar Seva' has been already mentioned in Gurugranth Saheb and he may be remembering that when Shri Barnala Ji was cleaning shoes, it was nothing but a Kar-Seva. Yes, it was a Kar-Seva. Any service performed in Religious places, whether it is cleaning, cooking, lifting of soil or any other work pertaining to service in temples are all Kar-Seva.

It may be recalled that the repairing work of Akal Takhat carried out by Santa Singh was done in the name of Kar-Seva. The Supreme Court has not banned Kar-Seva. It mentions only construction work. I would like to make it clear that the saints have nothing to do with the construction work. Take my case, if I am asked to do any construction, I know nothing at all about it. A comprehensive skill is required to undertake any construction. A special craftsmanship, a special skill is required to construct a big temple and it is more required when the temple is to be made of stones. How can the saints who do not know any construction work can do construction work? Shri Advani ji may have a spade in his hands, we Saints may have bricks in our hands, but it is not possible for them to construct a temple unless they know the art of construction.

Mr. Speaker, Sir, I would like to say that the team of experts who had gone to Ayodhya to assess the situation after the Kar-Seva of July has so far not been able to decide whether the construction work being performed there was a permanent one or a temporary. It means that whatever was done there cannot be called construction work. In such a situation, I would like to say that people should not be prevented from going to Ayodhya in the pretext of a false havoc in the name of construction. Ayodhya is a place of pilgrimage, preventing people from going there will mean that their religious rights are being denied...(*Interruptions*)

SHRI MANI SHANKAR AIYAR: Why did his Government prevented us?.....

(Interruptions)

MR. SPEAKER: Shri Mani Shankar Aiyar makes very good speeches..... *(Interruptions)*

SHRI CHINMAYANAND SWAMI: I am going to Ayodhya and neither in the past nor in the present have I intended to violate the provisions of the Constitution and the rules of the Court... *(Interruptions)* but I would certainly object the decision of sending armed forces there even though it might be for a mere show. There is no need of deploying paramilitary forces because the presence of paramilitary forces in creating suspicion in the minds of our disciplined Kar-Sevaks. We gave a four lines note to the Uttar Pradesh Government with the hope that the Uttar Pradesh Government is managing for an affidavit. Then the Central Government should have relied upon the affidavit and no paramilitary force should have been deployed there until the Uttar Pradesh Government is helpless and asks for the deployment of paramilitary forces. The Supreme Court has also expressed the same views. In spite of all these things, the paramilitary forces are being constantly sent there. They are not only being sent but they are undertaken flog march every day in Ayodhya and while undertaking flag marches these behaviour is even to chide the Kar-Sevaks... *(Interruptions)*.... It may be recalled that a request was made to the hon. Minister of Home Affairs at the time when the innocent people of 25 districts of Uttar Pradesh were facing the crisis of terrorism. I was also one of many persons who met the hon. Minister of Home Affairs and told him that the slum-dwellers and the farm-labourers were being the victims of the terrorists, on slaughter. We sought for protection because the imported bullets were being used to kill the countrymen. I remember, that he flatly refused to provide any protection by stating that the Government did not have any protection force for that purpose. But now it is clear that the Government cannot have armed forces for providing protection to the people against

the on-slaughter by the terrorists, but now when the Kar-Sevaks of the 25 districts of Uttar Pradesh are reaching Ayodhya, paramilitary forces are undertaking flag marches there. I would like to ask the Government, in these circumstances whether his action of the Government would not create a sense of resentment among the people. When there is resentment among the people, it is very difficult to restrain the people. In such circumstances, I cannot say about the Uttar Pradesh Government but at least, I am not ready to take any responsibility..... *(Interruptions)*

[English]

SHRI DIGVIJAYA SINGH (Rajgarh): He has given in writing to the Court that the Court order will be respected. How is he saying this?

[Translation]

MR. SPEAKER: Your speech carries several meanings. You speak in such a way that all are satisfied. Speak relevant to the discussion. *(Interruptions)*

MR. SPEAKER: You can take the responsibility. Don't try to sidetrack the issue.

SHRI CHINMAYANAND SWAMI: Had the Government been interested in the solution it was not that this issue was too big to be solved. Just now Paswanji met me in the gallery. He said that your party could not become bold and was afraid of the Constitution otherwise something would have definitely happened... *(Interruptions)*

SHRI RAM VILAS PASWAN: All have to bow before the Constitution. What wrong did I say? *(Interruptions)*

SHRI CHINMAYANAND SWAMI: Therefore, I would like to say that if all are interested in the solution of the issue then it is not a big problem. The problem is that of the main structure. There is no problem with

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regard to 2.77 acres of land. Meanwhile this problem has been created and the original issue has been pushed into the background.

Mr. Speaker, Sir, through you, I would like to say that in order to solve the basic issue, we will have to remove this problem. Unless this problem is solved, nobody will pay attention to the basic issue. The original issue will not be solved and the dispute will continue. Therefore, it is essential to solve the issue of 2.77 acres of land that this Parliament should request to Allahabad High Court to deliver its judgement at an early date so that the issue of 2.77 acres of land is solved. Kar-Sevaks who have reached there are not capable of doing any construction work. But if they get opportunity to do something their anger will be pacified and we as well as the Government will get an opportunity for holding further negotiations. The main issue is that of 2.77 acres of land. This dispute should be resolved.

With these words, I again say that the date of Kar-seva has only created the crisis of confidence...*(Interruptions)*

SHRI DIGVIJAYA SINGH: Do you still stand by the letter written to the Supreme Court or not *(Interruptions)*

SHRI CHINMAYANAND SWAMI: I am requesting*(Interruptions)*

SHRI NITISH KUMAR: He is saying-honestly. He, himself does nothing and blames others.

MR. SPEAKER: For it there are laws and courts. Why are you stretching it too far? *(Interruptions)*

SHRI CHINMAYANAND SWAMI: Nine saints had made Kar-sevaks agreeable to not to venture into the Kar-seva and had given four month's time to the Prime Minis-

ter. Out of those nine saints 3-4 saints were called by Government separately. One of them is Shri Vishweshwar Tirth, who was invited for talks on 16th October. Is it wrong? Shri Nityagopal was invited on 23rd September and Swami Vamdev on 5th October. If I disclose the content of the talk held with them you will say that it was all on a personal level. When he returned from there he said that he would not go to meet the Prime Minister in future. What was there which compelled him to refuse to meet even the Prime Minister in future? What was there which compelled him to refuse to meet even the Prime Minister? There must have been discussed something which was not relevant to the issue. He advised other saints not to see the Prime Minister.

SHRI SRIKANTA JENA: This issue has been raised 2-3 times. Why is the Hon. Prime Minister not coming to the House?... *(Interruptions)*

MR. SPEAKER: Why are you trying to sidetrack the issue.... *(Interruptions)*

(English)

SHRI SRIKANTA JENA: Sir, we are debating a very serious matter. The entire nation is worried about it. You have extended the time of the House upto 7 p.m. Why is the Prime Minister not coming to the House...*(Interruptions)*

MR. SPEAKER: Please understand that the Home Minister, the Defence Minister and their colleagues are sitting here. It is a joint responsibility.

(Interruptions)

(Translation)

MR. SPEAKER: Discussion was going on very smoothly. Why are you unnecessarily spoiling it.....*(Interruptions)*

[English]

SHRI RAM VILAS PASWAN: Sir, he is not only the Prime Minister but he is also the Leader of this House.

MR. SPEAKER: He has many other things also.

[Translation]

SHRI CHINMAYANAND SWAMI: Mr. Speaker, Sir, I am coming to the last line.... (Interruptions) I am concluding. I would like to request that if this House is at all interested in finding the solution to the issue, I seek your intervention to protect the mutual trust. Another thing is that it should be made clear as to who is the spokesman of the Prime Minister. Every one should not claim himself as the spokesman of the Prime Minister and offer the formula. Thirdly no army or police should be deployed in Ayodhya as Raja Saheb has said, rather atmosphere of mutual trust and belief should be created. I support him on this count. Army and police forces should not be used there rather action should be taken with great deftness and keeping in mind the feelings of the people. If action will be taken with wit and wisdom then the issue will be resolved.

Regarding the documents as Owassi Saheb has said that this thing or that thing has been said and such and such documents have been exchanged.

If You think proper issue should be referred to the Supreme Court under Article 143 and let it give its opinion. The Supreme Court is free to give its decision on the basis of this document. It is a different thing whether the Government enacts any law or not. If this issue is referred to the Supreme Court the reality will be revealed and who is wrong that will also be decided. The last point is that the opinion of the Supreme Court should be sought by referring the issue to it under Article 143....(Interruptions)

[English]

MR. SPEAKER: We will conclude this debate today. One or two members want to speak (Interruptions)

[Translation]

MR. SPEAKER: You please sit down. You will speak after him. (Interruptions)

SHRI NITISH KUMAR: You should tell clearly whether it was said or not that there was a temple and the Prime Minister had also said that.... (Interruptions) I agree that there was a temple... (Interruptions)

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): It is not true to say that army had been sent to Ayodhya.... (Interruptions) There is not need to send army to check the Kar Seva.... (Interruptions)

[English]

SHRIP.G.NARAYANAN (Gobichettipalayam): Mr. Speaker, Sir, the need to preserve the stability and integrity of our country and maintain communal peace and amity, is absolutely necessary for the very existence of our nation. On this issue, the Supreme Court has already allowed symbolic *kar seva* at the acquired site. Now, tension and anxiety is mounting day-by-day as to what will happen on 6th December when large crowd will gather in Ayodya on the eve of the *kar seva*. I feel that we must approach the problem of this great magniude on the basis of ground reality and sentiments of the people concerned.

In this connection, my hon. leader, the Chief Minister of Tamil Nadu has given a solution for this long pending issue. Her suggestion to allow *kar seva* without disturbing the mosque is practical and deserves serious consideration, if confrontation and communal flair up are to be avoided. We do not want any violation of the court whether it

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is the Supreme Court or Cauveri Water Dispute Tribunal. The verdict has to be respected. Shri Mani Shankar Aiyar has stated that it is only the order of the Tribunal. Even the order of the Tribunal, it is a judicial order, it has to be respected. We have to respect the judiciary.

SHRI MANI SHANKAR AIYAR: I agree.

MR. SPEAKER: Mani Shankar Aiyar, please agree or do not agree.

SHRI P.G. NARAYANAN: We do not want any violation of the court order. I admit that we have to safeguard the rights of the minority. At the same time, we must allow the majority to enjoy their rights peacefully. (*Interruptions*).

AN.HON. MEMBER: You are moving to BJP.

SHRI P.G. NARAYANAN: When we give a solution for this problem, you attribute some motive, saying that we are moving towards BJP. We approach the problem in the interest of the nation. The wishes and aspirations of the majority have to be fulfilled if they are in a peaceful manner and consistent with the principles of the Constitution. So there are some legal difficulties in this issue. What we want is to clear the legal hurdles to create conducive atmosphere to find an amicable solution. So, it is the duty of the Government to create conducive atmosphere to find an amicable solution without hurting the sentiments of the minority and majority as well. Thank you, Sir.

[*Translation*]

SHRI SATYA PAL SINGH YADAV (Shahjanhanpur): Mr. Speaker, Sir, I had been listening with rapt attention all the speeches, and especially that of Shri Chinmayanand Swami, on the subject being debated upon in the House. Fortunately I

know Shri Chinmayanand Swami quite well who hails from my constituency and also has Ahsram there. Swamiji has always been quite rational in his views, but unfortunately, as the other hon. Members have said that Swamiji is just afraid of the tiger he is riding on and that's why he often wavers and deviates from his line of thinking, which in fact is not his natural trait.

Mr. Speaker, Sir, I have heard the speeches of all the hon. Members in the House. Therefore, without taking much time of the House I would simply like to submit on behalf of the Janata Dal (Ajit Singh) that my party fully agrees with the views of the hon. Members of all those, but for the hon. Members of the B.J.P. (*Interruptions*) I agree with the views of the hon. Members of the Congress (I) as well and with those of Shri Arjun Singh even though he is altogether in a different mood. (*Interruptions*)

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, what is this? Just like the Doordarshan he is also referring to the non B.J.P. parties in the House, which is not proper (*Interruptions*)

MR. SPEAKER: Much time has passed. Let him continue as I have not heard anything (*Interruptions*)

SHRI SATYA PAL SINGH YADAV: Mr. Speaker, Sir, it would have taken a long time had I made a mention of the names of all the hon. Members. Therefore, I just submitted that.....(*Interruptions*)

Mr. Speaker, Sir, in fact Shri Nitish Kumar has taken up cudgels on behalf of everyone as if others are novices. (*Interruptions*).

Please let me speak without being interrupted. Why are you talking like this. I had been a Member of the Legislative Assembly and the Lok Sabha for the last 20 years. But is this the proper way? Can he alone make good point? Since the hon. Speaker always praises you and not us, you are talking like

this. Mr. Speaker, Sir, since you praise him, he is talking like this.

MR. SPEAKER: From tomorrow onwards I will praise you also.

SHRI SATYA PAL SINGH YADAV: Mr. Speaker, Sir, I was making a submission that today the House is debating upon a serious issue. Today the people of the country are looking forward to the forthcoming announcement to be made by the Government in the House, rather they are increasingly more impatient today to know about the outcome of the deliberations at the 'Dharam Sansad' going to hold its session in Ayodhya tomorrow. Today the situation has come to such a pass. The Supreme Court has discharged its responsibility by appointing an 'Observer' for Ayodhya, a step which has even been welcomed by the B.J.P. whose leaders are also discharging their responsibilities. And even the VHP leaders also are discharging their responsibilities by rushing to Mathura and Banaras, where in large number people are being mobilised, but it is the Central Government who is maintaining an eerie silence about the steps it is going to take to tackle the situation in Ayodhya on the 6th of this month. That's why whole of the country is panic-stricken and is passing each day in great agony and despair. Supposing the apprehension of Shri V.P. Singh comes true that on 5th or 6th of this month the Government of Shri Kalyan Singh in Uttar Pradesh may resign, then what will the Government of India do, then what has been the affect of all this is very well known to the country. Here I would like to submit that in contrast to the direction of the Supreme Court to the youth of the VHP and the BJP to propagate among the people congregating in lakhs over there that there will be no construction at Ayodhya on the 6th of this month, but the BJP is doing just reverse of that.

Mr. Speaker, Sir, secondly, an accusing finger is being raised against the paramilitary forces. Just now Swamiji has said that the forces are not being rushed to the terror-

ism infested 25 districts of the State, from which he and I hail. This problem has got limited ramifications because it is the discretion of the Centre to make available forces on demand to the State if available, but the Ayodhya issue had got world wide ramifications and has not got bearing not only on these 25 districts. This will have far reaching consequences on the democracy, secular character of the country and on the borders of the country. So, what wrong has the Centre done by rushing paramilitary forces to the state if the apprehension of Shri V.P. Singh really comes true on the 5th or the 6th of this month in Ayodhya? Till date I think approximately one lakh persons might have already reached Ayodhya and I know for sure, which Swamiji will find it difficult to refute, that if these people find it difficult to engage themselves in any construction activity, they will definitely not find it difficult to engage themselves in the acts of demolition. Among the Kar Sevaks will be definitely some misguided youth out to disturb the fabric of unity and integrity of the country on the 5th and the 6th of this month by damaging the present structure at Ayodhya which can neither be called a temple nor a mosque. If any damage is done to the present structure over there, then whole of the nation will have to bear its consequences. And only then the protagonists of the unity and integrity of the nation will realise the extent of damage being done to these in the country. I would like to know from the hon. Minister of Home Affairs, present in the House, that in case such a situation builds up in Ayodhya, will it be possible for him to use force? If not, then how will the paramilitary forces act there and at whose instructions and orders? The present Central Government cannot absolve itself of its responsibility because only during their innings, the unlocking of doors was ordered, 'shilanyas' held and the 'Chaubutra' constructed. So, during their innings temple also could be constructed over there. We are totally in the dark about the steps in the offing. The need of the hour is that all the Hindus-Muslims-Sikhs-Christians and the House should be taken into confidence that

[Sh. Satya Pal Singh Yadav]

if on the very day the Government of Uttar Pradesh fails to act then every step will be taken to maintain the law and order and to protect the disputed structure at Ayodhya. Although we have no confidence, yet I am anxious to hear, despite the eerie silence of the Government, that in the event of such situation, will the Centre come out with an alternative plan of action? I am prepared to believe the word of Swamiji and also think that the Government will see to it that the trust and faith reposed in the latter is not belied. I would like to submit that it will be good if this does not happen for the unity and integrity of the country, but at least don't, say that you have the peoples mandate for such a thing.

19.00 hrs.

You did not get the mandate on your issues. Had the secular forces not been divided, you would not have come to power. This mandate is not for all times to come. Don't be under the illusion that you will again come to power simply on this issue. Shri Khurana, do not raise the issue of faith that you are a Hindu, because we are even more devote Hindus than you are. We also believe that Ayodhya is the birth place of Lord Ram. This question of faith should not be challenged in any court. Sir, I think nothing should be done i.e. status quo should be maintained, till the debatable issue of the birth place of Ram and mosque is settled with the help of the Court, Archaeological Department and the historians whether the disputed structure was earlier a temple or not and until it is decided, they should not take any step. The problem is not going to be solved during the next four months.

[English]

MR. SPEAKER: Now you should conclude. You have made a very good speech, now you should conclude.

[Translation]

SHRI SATYA PAL SINGH YADAV: You favour a solution within a period of four months. However, instead of a period of four months a period of four years should be given. This issue should be sorted out at any rate. I would like to categorically tell the leaders of the Congress (I) and the hon. Minister of Home Affairs that the B.J.P. formed the Government in the State by riding on the tiger of the VHP, which in fact is not a tiger for you but a jackal indeed and must be vanquished so that the unity and integrity of the country is not jeopardised.

[English]

SHRI P.M. SAYEED: Sir, I was listening with rapt attention to Vajapayee ji. I am one of the aspirers in this House to hear the Hindi speech.

MR. SPEAKER: We have no time for a long speech, please.

SHRI P.M. SAYEED: Yes, I will be very brief because most of the points have been amply covered by many speakers. I will not test your patience, Sir, I can assure you. I will only come to the point.

Sir, I see a nexus between in the break of the negotiated settlement and the *kar seva*. Sir, you remember last time when the Prime Minister contacted sadhus and sants directly, there was some apprehension on the part of some associations and organisations that the Prime Minister is directly contacting sadhus and sants and therefore before completion of four months the negotiations got stuck up and they were broken. My friend, Swami Chinmayanandaji, is not here, he was emphasising on faith. It was an article of faith that the understanding between the Babri Masjid Action Committee and the VHP to come to an understanding within a stipulated period of four months. Before that, they have unilaterally

declared *kar seva* on 6th of this month. Sir, I do not know what is the sanctity of this date.

MR. SPEAKER: No, no, please. This will not go on record. (*Interruptions*)**

SHRI P.M.SAYEED: That is the day they have selected.

MR. SPEAKER: These kinds of statements are not necessary.

SHRI P.M.SAYEED: Sir, Vajpayeeji has very frankly admitted that it is a political issue. May I ask him with earnestness when this has happened - a political issue - and from what date. Only from 1989 election they have started Ram as an issue. Otherwise for 40 years starting from 1952 till 1984 Ram was not an issue, Ayodhya was not an issue. He himself was sitting here, we all were sitting in his place. For two-and-a-half years they have not even done the slightest movement to point out to the countrymen that Ayodhya and particularly now they call it as 'the disputed structure' was in existence. Never I can challenge; anybody can stand up and I will yield to them. They can show it nowhere in the history of this country. I respect Mr. Vajpayee very much and he is one of our respected leaders. For a moment, for argument's sake, let us assume that the mosque was built in 1528 on the ruins of a temple and if that mistake was committed, are you going to commit another mistake now? Can two wrong things make one right thing? This is what the people ask now. Are we to maintain the secularism of this country or not? That is the question now. This dispute can be taken to the Supreme Court. Somebody has to decide; who else can decide better than the Supreme Court of India. Under Article 138 of the Constitution we can refer it to the Supreme Court. The Babri Masjid Action Committee and all of us agree that whatever decision is given by the Supreme Court, we are prepared to accept that. Why do you not have faith in the Supreme Court of India.

Sir, I only appeal to them in the hope that better senses prevail on them.

" May Good senses prevail

There is but one God"

'Ekam Kshipra Vidha Vadanti'

SHRI SHOBANADREESWARA RAO VADDE (Vijayawada): Mr. Speaker, Sir, I thank you very much for giving me the opportunity to express our party's view on this very important problem. I would like to say that I was very much disappointed after hearing Vajpayeeji. We all have a lot of respect for him.

MR. SPEAKER: Please state your party's stand.

SHRI SHOBANADREESWARA RAO VADDE: Sir, the entire country is very much agitated as to what is going to happen on the 6th of December. You will very well recollect the anxiety that was expressed on the floor of this very House a few months back when a *kar seva* took place. At that time, the Prime Minister talked to the saints and he made a statement that efforts will be made to resolve this issue amicably and if it is not resolved then this matter will be referred to a judicial authority and without waiting for the reference to the judicial authority, it is most unfortunate that the Vishwa Hindu Parishad and the Bharatiya Janata Party have taken a unilateral decision of announcing the *kar seva* from the 6th of December, 1992.

Sir, I would like to ask one question to the BJP leaders. Mr. Vajpayee was mentioning about the archeological facts. When you are so confident and 100 per cent sure about the genuineness and the correctness of the historical fact about the existence of a temple ruins beneath the Babri Masjid, why do you take this course of action? You abide by the decision of the judicial authority or the Court's decision.

** Expunged as ordered by the Chair.

[Sh. Shobanadreeswara Rao Vadde]

Sir, I felt very happy when Mr. Syed Shahabuddin made it clear about the BMAC's stand on this issue, the other day. Today also, I feel very happy that Mr. Owaissi has categorically stated about BMAC's stand that if the Supreme Court or the judicial authority expresses an opinion that there was a temple beneath the Babri Masjid structure, then they will not insist for the continuation of that Masjid. They are prepared to leave their right over that structure. We are very happy. Today before the hon. Home Minister makes his reply I appeal to Mr. Vajpayee to categorically say, why BJP party does not subscribe to it. If the court gives such a decision why it does not abide by it. When you say you are abiding by the Constitution by the rule of law, it is your minimum duty. Otherwise, you are exposed that with your game plan that you are really not for construction of Ram temple but only for your political advantage and taking this issue to the people and getting the votes. You may think that from with two Members, you have now come to 119 Members. But when the people understand your game plan, again the same old story will be repeated. I warn the BJP and other people who are connected with this. I was very much pained when they said, it may take several months for the court to give a judgement. I ask the BJP, today in four States, your Governments are there. What have you done to bring down the litigation time? Have you brought in law reforms to see that justice is delivered within the shortest time? So it takes such a time time to get and you yourself taking this course of action can we find any fault with the Naxalite people who say "Do not go to the court; it will take a long time; we will ourselves deliver the judgement". Will you accept that?

MR. SPEAKER: It is a very good speech. Please conclude.

SHRI SOBHANADREESWARA RAO VADDE: I may not have a command over the

language. But in simple language, I want to say what I felt in my heart. It is an important matter.

MR. SPEAKER: Now I would say that you are off the mark. You have to come to the point and make the speech (*Interruptions*)

MR. SPEAKER: I have allowed you to speak. Do not quarrel like this. You should also understand we are sitting here for a long time. You should conclude now.

SHRI SOBHANADREESWARA RAO VADDE: I earnestly urge upon the leaders to think over this particular aspect of abiding by the court verdict. Otherwise, it will lead to chaos. Communal harmony is at stake. A large number of people are very much agitated over this. I heard Shri Indrajit Gupta saying going from climax, it came to anti-climax. Earlier, they said, they will simply observe *kirtans* and *bhajans* and no construction work will take place. But from 1st of December, several leaders including some leaders who are Members of this august House and have given Affidavit to the Supreme Court also say: Kar seva does not end with *kirtans* and *bhajans*; but it will be much more. If it really takes place if the Supreme Court judgement is going to be negated, going to be disobeyed what will be the fate of this country? What will be the fate of the people in Ayodhya and in other parts of the country? I urge upon the BJP people and the VHP people to kindly think once more and come up with that type of attitude of abiding by the court judgement. (*Interruptions*)

MR. SPEAKER: It is all right.

SHRI SOBHANADREESWARA RAO VADDE: I urge upon the Union Government to take all stern action against the persons and organisations which flout the court order and which will cause danger to communal harmony in this country for which our fathers of the freedom struggle and fathers of our Constitution have struggled so much.

[Sh. Sobhanadreeswara Rao Vadde]

With these words, I thank you very much.

THE MINISTER OF RAILWAYS (SHRI C.K.JAFFER SHARIEF): Mr. Speaker, Sir, I am grateful to you for giving me this opportunity. I have been seeing that we are all sitting so late and I do not want to tax the time of the House.

Before I could say anything, let me acknowledge that the minorities of this country are grateful to the Indian people, that they have been so magnanimous.

I acknowledge this with great humility. It is not anything relating to the outside. If the majority would not have been magnanimous, I would not have existed 22 years in Parliament in this House.

Let me also remind, as many speakers have repeatedly said, that the mandate of the people is very clear and that is how today we are in this House and that is how they are that side. If the mandate of the people in this country is otherwise, things would have been different. May be, it is their thinking that they can continue to explore their path to change the sides.

Today you go to any part of the country. You search the mind of the minorities or the majority. Every one has respect to Shri P.V.Narasimha Rao, I must say, even the minorities.

It will not be out of context if I say today that when the Ramayan serial was going on, the children and women of minorities never used to leave the TV and go elsewhere to any other programme. If they had not that respect, if they had not that tolerance or religion, they would not have shown that interest. Not all the Indian people, but very few sections of the people of our society, are bent upon poisoning the minds of our people.

Let me tell you today, I must tell Shri Atal Bihari Vajpayee here, to whom all of us have respect, and he knows it, not that we have to say it here, I must tell him that his impression, the people's impression about him, is totally different. Please do not be an advocate for a bad cause.

Luckily, God has been kind and we thought that you have to speak here. You have already spoken outside. People of the country have seen you. I know your worry. I know where your heart is. I only hope please do not sway with them, please try to assert yourself. Stand like a pillar, not for anything else, not for the Party, be for the people of India, people of this country and to this great nation. As I said, nobody is opposed to Ram or Ram temple. I cannot understand. In a democratic set up, the responsibility of the Leader of the Opposition is as great as the Leader of the Government. I do not know how can the leader of the opposition go and say something outside against the Judiciary of this country. How can he say so? What is it that we are going to teach to our posterity. One thing is worrying the people outside. I must tell you about this. In your path to capture power, do not always show that there is a sword which is hanging on the minorities' neck. We can tolerate it. We can understand it. Who will advise the younger people to tolerate who have no jobs? You talk all the time that the minorities are being appeased. What is that the minorities have got? They are in the slums. Today, they are worse than the Scheduled Caste people. They have no jobs. They have no trade. They have got nothing. They are worse than the beggars. Where do you want to drive them? I beg of you to consider this. Let us build a good Ram Temple befitting the Indian nation. Let us not touch the Mosque. Let us think of the posterity. Let us build up a healthy climate in the country so that the secular India not only survives and survives for today but survives for the future and for the posterity.

[*Translation*]

SHRI SURAJ MANDAL (Godda): Mr. Speaker, Sir, not only the hon. Members of the House but also the people of the entire country are deeply concerned in this debate. Yesterday evening, one of my known friends came to me and said that he was going to Ranchi and he had his ticket booked for the 7th. He asked me whether he would be able to cross Uttar Pradesh from Delhi on the 7th and whether the train will run or not. Otherwise, he would go next day and requested me to manage something in this regard. Thus, today people from every corner of the country are worried about the *Kar Sevato* be held on 6th of this month.

Mr. Speaker, Sir, today the people of India are very much worried about the Constitution of the country and the orders of the Supreme Court and they want to know whether the Supreme Court has any ruling for the poor people of the country. Whether it is the duty of those people only who can deliver attractive lectures and who are the political forces to honour the Constitution. It is not only the dispute of a temple or a mosque, it is rather a political dispute which is being raised in our country for the last several years. The elections of 1990 and 1991 were fought on this very issue of *Mandir* and *Masjid* dispute alone. (*Interruptions*)

MR. SPEAKER: We have very little time, we know all the history. If your party has any point of view, please express it.

SHRI SURAJ MANDAL: I respect Shri Vajpayeeji very much and we hear his speech with rapt attention. Today he has said in clear terms that the number of the *Members of his party is less in the House and we are trying to increase that number then we would like to request him that whether his Government is ready to accept the decision of High Court or not. He says that he is trying to increase the number of the Members of*

his party. If he is waiting for the increase in number of the Members of his party, first he should stop these clashes. If time comes and his party enjoys the complete majority and mandate of the people, he may construct temple there, nobody will stop him and then his party can amend the Constitution as well. But his Government should fulfil its promise made in the affidavit. The Uttar Pradesh Government says that the P.A.C. has been sent to Ayodhya, but you must be knowing the opinion of people regarding the P.A.C.

[*English*]

MR. SPEAKER: You come to the point. You do not have to repeat any point that has already been said.

[*Translation*]

SHRI SURAJ MANDAL: Entire Uttar Pradesh is well aware of the credibility of the P.A.C., even then P.A.C. has been deployed there. The newspapers are also saying that PAC will also get involved in the 'Bhajan-Kirtan' being done there. It has been reported that most of the *Kar Sevaks* are youths of the age of 30 years and they are roaming in Ayodhya (*Interruptions*)**

[*English*]

PROF. PREMDHUMAL (Hamirpur): Sir, it is not correct. He is misrepresenting the facts.

MR. SPEAKER: It will go out of the record.

[*Translation*]

SHRI SURAJ MANDAL: Today we as well as the entire nation is anxiously waiting for the arrangements to be made by the hon. Union Home Minister on 6th December.

MR. SPEAKER: All these things have already been spoken. It need not to be repeated.

[English]

Please cometo the point. Otherwise, you please sit down. (*Interruptions*)

SHRI SURAJ MANDAL: Mr. Speaker, Sir, I have mentioned only those things which have appeared in the newspapers.

SHRI KARIA MUNDA (Khunti): Crores of rupees have been taken from tribal people and defrauded. (*Interruptions*)

SHRI SURAJ MANDAL: They have taken money from Harshad Mehta also. They took Rs. 5 crore from Harshad Mehta.

MR. SPEAKER: Mr. Mandal, you have been allocated time for expressing yourself and not for discussing these issues with him. Please come to the point. (*Interruptions*)

SHRI SURAJ MANDAL: From whom did we take money, have we taken money from you? (*Interruptions*)

[English]

MR. SPEAKER: Please sit down Shri Mandal. It cannot be like this and you cannot take the House for granted all the time. I gave you the same time and you are just talking to them, you finish your speech within two minutes.

[Translation]

SHRI SURAJ MANDAL: Mr. Speaker, Sir, I am complying with your point. (*Interruptions*)

I want to request the Government that these problems should be solved within a stipulated time. Today after every three months a problem break out. Neither the Kashmir problem is being solved, nor the

Punjab problem is being solved.

AN HONOURABLE MEMBER: The Jharkhand problem too is not being solved.

SHRI SURAJ MANDAL: Whenever the Jharkhand issue is raised, they raise the issue of constructing the temple. Therefore, I am to say that the temple issue should be settled immediately. At the same time all other problems too should be solved. If the hon. Minister of Home Affairs fails to fulfil his duty on the 6th, he will be called an irresponsible Minister.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker Sir, I thank you very much for giving me a few minutes at the fag end of this debate. I would like to make a comment to begin with that the situation in Ayodhya is not a communal situation. In fact the Ayodhya question is not a communal question. There is no question of confrontation between Hindus and Muslims. But there is a confrontation between the Constitution and those who are prepared to violate it; between the forces of constitutionalism on the one hand and the forces of anti constitutionalism on the other; between the forces of nationalism and secularism on the one hand and the forces of chauvinism on the other. Today the secular State is on trial.

Many a speakers have laid stress on the security of the 2.77 acres. I would like to state here that the temple plan includes not only these 2.77 acres or a part thereof, but also the Babri Masjid. In fact the very crux of the problem is the temple plan. I would like to state that in the eyes of the law the 2.77 acres are just as much sacrosanct as the other disputed land. Therefore the question today is not merely of stopping any construction activity on 6th December in violation of the court order on the 2.77 acres, but also on any part of the disputed land which lies outside the 2.77 acres. I would add even the construction activity on an undisputed con-

[Sh. Syed Shahabuddin]

tiguous land, which forms part of or which is related to the temple plan is equally unlawful. Therefore, the law has to take all these three possibilities into account.

Today a question has arisen about the location of the temple and I would like to make a very interesting point which has not been made here so far. Records have become available now, they are published, of the correspondence between the Government of UP and the District Administration, before the 4th December 1949 event. There was discussion on the possibility and a suggestion and a proposal to construct the Ram temple outside the Babri Masjid, on land which was considered to mark the birth site of Lord Ram. Perhaps it might have included Ram Chabutra. Therefore, if before December 1949 it was possible to construct a Ram Mandir leaving aside the Babri Masjid, then why it is not possible today, I cannot understand. Therefore that point has to be taken into account in coming to any settlement. We have also spoken repeatedly about whether court jurisdiction or the court has no jurisdiction. Even today in the debate many facilities that are being enjoyed by those who adore Lord Ram with regard to what has been called a disputed structure, which I call the Babri Masjid and which the State of UP also called the Babri Masjid, they are by dint of status-quo orders arising out of the pending cases. Three cases on the Title issue have been filed by Hindu parties. I would like to remind my very respected and hon. colleague Mr. Vajpayee that the 5th case has been filed as late as 1988 by the Vice President of the VHP who placed Ram Chandraji in the form of an applicant before the court as the plaintiff and Justice Agarwal himself speaking as a friend of Shri Ram Chandraji. So it is fine to accept the jurisdiction of the court in terms of the status-quo orders when it benefits them; otherwise they challenge it. When it comes to finding a way of claiming that property, then a suit is filed in the name of Ram Chandraji. Therefore, we cannot

accept that anybody is above the law or any such question is above the law.

Today the question is very simple and very limited. Therefore I am not going into any of the old arguments that have been repeated here. The issue is, the Supreme Court in its wisdom has passed an order restricting certain activity which was planned to be commenced from December 6th.

They have laid certain clear limits for it. The question is whether the partners concerned—the VHP and the BJP—shall obey the order of the Supreme Court. Of course, a greater question arises which I direct to the hon. Minister, that in case the Kar sevaks or any section thereof, any group which is outside their control, which is not under their discipline which is in revolt, try to violate the court order, then will the Government step in and perform its duty faithfully and exercise its constitutional responsibility. These are the two questions before us. One answer can be given by Mr. Vajpayee and the other answer must be given today by the hon. Home Minister.

Today we are at a very critical moment in our history. In fact, we are at a historic point, at a turning point. Either the civilised society shall survive in this country of the law of jungle shall prevail; either the republic shall live or the republic shall die. That is the question, Mr. Speaker, today. That is why, this debate is extremely important; and we must have proper answers today from the hon. Home Minister. He cannot dilly-dally, he cannot dither, he cannot waver in the face of the threat to the secular order, to the very existence of the State. Thank you, Sir.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): Mr. Speaker, Sir, the kind of apprehension that I had in my mind, in fact, has been disproved. Actually we were not trying to evade the discussion on this issue. But the fact is that the matter is very delicate; and it reached a very delicate stage. In the course of the debate, if any

sentiments are expressed on the floor of the House which might, instead of solving the issue, create a complications; then, why not avoid the same - this was the attitude that we had adopted so far.

But when I saw that the hon. Members were very much agitated on this issue - in fact yesterday also I was not in a mood to accept this proposal - and when I saw the mood of the House, I thought it necessary that I should share some of the views with the hon. Members; though I must at the very outset say that I will not be able to do full justice to all the issues which have been raised in this House. Then, you can understand my difficulties and the problems.

Sir, this is the proper time when I should also express or reciprocate the kind of sentiment which my learned friend, Shri Jaffer Sharief, had expressed about the majority community and the way they have behaved. I must also reciprocate the sentiment by saying that the kind of restraint which the minority community has shown is a commendable thing for which I would like to congratulate them. I would request all the hon. Members who can persuade all these minorities, that they may kindly ask them to be more patient. Government is fully seized of the matter; and I can assure you that nothing will be done which will unnecessarily create problems for the minorities. That kind of assurance I can definitely give.

In the course of the debate, there were a number of things said on the floor of the House. In spite of the advocacy of hon. Shri Vajpayee, I have still not been able to understand what exactly happened - when both the parties were producing documents, discussing matters in a very cordial atmosphere, when the date for the next meeting was fixed, by any chance if they were not to agree, might be that some kind of a solution about referring the matter to the Supreme Court would have emerged out of it. But, I do not think that even the reasons which hon. Shri Vajpayee gave today, with

all the respect I have for him, was not the issue. I am constrained to say that these are after-thoughts. This was not the issue on the basis of which they have come to this conclusion that there is no escape from this; and that is why a spanner was thrown on the wheel so that the talks would fail. I am still not able to understand this. Suppose the historians has written something, maybe that, he might be having his own information. But according to my information, this is in the newspaper of 28th. This decision was taken prior to 8th of November. So, the article which came later on cannot be a basis for taking a decision before 8th. What was actually the basis on which the credibility issue was also raised by some of the hon. Members that they had approached some of the Ministers. I am happy that my friend, Mr. Kamal Nath, should clarify the whole position that he was not talking in the capacity of emissary of the Prime Minister. If he was discussing certain things in his personal capacity, it was not proper for anyone to say that a number of emissaries are being sent by the Prime Minister and nobody knows, to whom they are talking and what they are talking.

I was surprised when Shri Chinmayanand Swami also referred to it. He is one of the signatories to the affidavits submitted to the Supreme Court wherein he has given an undertaking that the orders of the Supreme Court will be binding and they will be enforced and they stand guarantee of the same. These are not the exact words but the meaning and purport is definitely the same. But he also said that when the para-military forces are being sent to Uttar Pradesh, people feel that when Terai region was facing a certain problem, you could not spare the para-military forces. But all of a sudden, for this issue, you could spare so many para-military forces. Are we or are we not within our right? Once for all, we should take a decision about this matter also. I think, he is not correct. When the Chief Minister of U.P. wrote to me that Terai situation is getting from bad to worse, he requested for sending

[Sh. S. B. Chavan]

some para-military forces. Some of the companies were sent to Terai by Government of India. Even sophisticated weapons that he had asked, were also supplied.

Now the main point which everybody has to understand is whether Government of India has a right to send the para-military forces in any part of the country or not. Let us once and for all understand what exactly is the problem. If I have understood the Constitution correctly, anywhere in India, wherever we want to send the force, there is no bar. We have every right to send the para-military force everywhere wherever we want to send this force. Let there be no doubt about it. I can understand thereafter. Having sent the para-military force, where force is to be used. They are at the disposal of the State Government there. We can also resort to Article 355. It is not that we cannot do it. But in the spirit in which the Sarkaria Commission has reported to us—we have the recommendations with us - he had also given very clear opinion about Article 355 and interpretation of the words 'internal disturbance'.

I can understand your trying to find some kind of an excuse for getting away from the commitment you made to the Supreme Court. It is a different matter. I have no quarrel in that issue. But to say that this is the reason that we feel that Government has lost credibility is far from truth. I do not think that we have done anything. On the other hand, every effort was made inspite of the very bitter criticism which our friends from Janata Dal and others have been making. We wanted to avoid any kind of confrontation. We are still at it. I do not want to still say that we have now chosen a path of confrontation.

I will merely request all the hon. friends, who can possibly persuade, that they will not do anything which will unnecessarily create problems in the country. This debate definitely has national and international importance. There is no denying the fact. That is

why I am really thankful to the hon. Members for the kind of restraint which they observed.

One point was raised by Mr. Paswan. It was that when the temples were being destroyed, Government kept quiet and that is why, now the people are encouraged to destroy the mosque. This is the point which was made. The Places of Worship Bill has been passed. In spite of that, this kind of activity is there. How does the Government tolerate the same? That was the point which he made. I think if you go through that Bill again that has not been converted under the Act, you can understand that it is meant for changing to place of worship from one community to the other. I do not think that while destroying the temple, they have created any place of worship for any other community. They have destroyed the temple. It is not covered under the Act that we have passed. (*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE: It is not destroyed.

SHRI S.B. CHAVAN: It has never occurred to us that temple can also be destroyed by this.

SHRI SYED SHAHABUDDIN: There is already a provision in the Indian Penal Code which says that even the description of a place of worship or destruction... offensive in law.

SHRI S.B. CHAVAN: Thank you for the information that you have given. I was just saying about the Places of Worship Act and whether it can be invoked or not. That is the only point to which I am giving reply.

[*Translation*]

SHRI RAM VILAS PASWAN: What about Sankatmochan Mandir of Hanuman ji? Was he an employee of Uttar Pradesh Government? Where it has been transferred? He was not an employee of the Government to be transferred somewhere.