

WHITE PAPER ON AYODHYA

GOVERNMENT OF INDIA

February 1993

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ABBREVIATIONS USED IN THE PAPER

ADM	Additional District Magistrate
AIBMAC	All India Babri Masjid Action Committee
BJP	Bharatiya Janata Party
BMAC	Babri Masjid Action Committee
CCPA	Cabinet Committee on Political Affairs
CM	Chief Minister
CS	Chief Secretary
COAS	Chief of Army Staff
CPMF	Central Para-military Force
Coy.	Company (of Para-Military Force)
DG	Director General
DGP	Director General of Police
DIG	Deputy Inspector General (of Police)
DM	District Magistrate
DRC	Dogra Regimental Centre
HM	(Union) Home Minister
HS	(Union) Home Secretary
IG	Inspector General (of Police)
ITBP	Indo-Tibetan Border Police
KMDM	Kendriya Marg Darshak Mandal
MHA	(Union) Ministry of Home Affairs
NIC	National Integration Council
NSG	National Security Guard
PAC	Provincial Armed Constabulary (of UP)
PMF	Para-Military Force
RAF	Rapid Action Force

RJB-BM	Ram Janma Bhoomi-Babri Masjid
RSS	Rashtriya Svayam Sevak Sangh
SDO	Sub-Divisional Officer
SSP	Senior Superintendent of Police
UP	Uttar Pradesh
VHP	Vishwa Hindu Parishad

GLOSSARY

Allahabad	An important city of Uttar Pradesh. It is the seat of the High Court of Uttar Pradesh. A Bench of the High Court of Allahabad has been set up at Lucknow .
Ayodhya	City with population of about 50,000, the birth place of Shri Ram according to the Ramayana.
Additional District Magistrate	An officer of the State Administration next to the District Magistrate .
All India Babri Masjid Action Committee	One of the organisations representing the Muslim interest in the Ram Janma Bhoomi-Babri Masjid dispute
Bajrang Dal	One of the organisations in the forefront of the movement for construction of a temple at the disputed site.
Bhajan and kirtan	(Singing of) Hindu devotional songs.
Bharatiya Janata Party	A major political party. It is at present the largest opposition party in both the Houses of Parliament.

Battalion	Formation of a Central Para-Military Force of about 400-500 operational men.
Central Para-Military Force	An armed force raised by the Central Government for the protection of the border during peace-time or for internal security duties. When deployed on internal security duties, it works under the supervision and control of the officers of the State Government.
Central Reserve Police Force	A Central Para-Military Force raised mainly for internal security duties.
Commissioner	A senior civil administrator of the State Government. He is incharge of a division comprising 3-5 districts
Company	A formation of a Central Para-Military Force comprising about 70-80 operational men
Director General	The head of the police force of a state or of a Central Para-Military Force .
Deputy Inspector-General	A senior officer of the State police or of a Para-military force. In the State police, he is incharge of a range comprising 3-5 districts
District	A territorial unit of civil administration. India is divided into more than 400 districts. Administration of a district comes under the control of the State Government.
District Magistrate	The head of the civil administration in a district . One of his important responsibilities is the maintenance of law and order.
Dharma Sansad	Name recently used to describe to the gathering of some His religious figures.

Dogra Regimental Centre	The place where the Central Para-Military Forces were located for possible use in Ayodhya .
Faizbad	The Worship according to Hindu practices. in which the town of Ayodhya is situated. Also the name of the headquarter It of the district.
(Union) Home Minister	The Minister incharge of Is Union Ministry of Home Affairs .
(Union) Home Secretary	Administrative head of the Union Ministry of Home Affairs.
Indo-Tibetan Border Police	A Central Para-Military Force raised for deployment on the Indo-Tibetan Border. Some units of this Force have also been used for internal security duties.
Inter-State Council	A constitutional body for inquiring into and advising upon disputes between States, investigating and discussing subjects common interest between some or all of the States or the Union and the States and making recommendations upon Such subjects for better coordination of policy and action.
Inspector-General	A senior officer of the State police or a Central Para-Military Force next to the Director General .
Janmasthan	Literally, 'the birth-place. In Ayodhya , it refers to the locality in which disputed site is located.
Kar Seva	Voluntary labour; usually in pursuit of religious objective such as the construction or renovation of a temple.

Kar Sevak	A person who participates in the Kar Seva .
Kaushalya Rasoi	Literally, 'the kitchen of kaushalya, the mother of Ram '. It refers to a square platform to the north of the disputed structure in its outer courtyard. It was also called Sita Rasoi after Sita, the wife of Ram.
Kendriya Marg-Darshak Mandal	Literally, as 'central committee for guidance'. A committee of religious leaders set up recently to pursue and guide the campaign for construction of the RJB temple.
Kot Ramchandra	Literally, 'fort of Ramachandra .' It is the name given to the revenue village in which the disputed site is situated.
Kotwali	The main police station of a city.
Lucknow	Capital city of the State of Uttar Pradesh .
Mahant	A Hindu religious figure
(Union) Ministry of Home Affairs	The Ministry of the Central Government concerned with Centre-State relations, internal security, etc. Corresponds to the Ministry, of Interior existing in many other countries.
National Integration Council	A forum of leading personalities of the country including Central Ministers, Chief Ministers of all States, heads of all recognised political parties, prominent Members of Parliament, journalists, artists, authors, and intellectuals for discussions on matters relating to national integration. Its membership presently numbers about 150.
Puja	Worship according to Hindu practices.

Provincial Armed Constabulary	The armed wing of the State police of Uttar Pradesh. Used primarily for riot control.
Ram	Also called Rama, Shri Ram, Bhagwan Sri Ram, Ramachandra, Bhagwan Shri Ramachandra . According to Hindus, Ram was an incarnation of God. He is worshipped as human manifestation of God embodying the virtues of a noble human being and an ideal king.
Ram Chabutra	Literally, 'the platform of Ram'. A rectangular platform which was existing in the outer court yard of the disputed structure.
Ramcharitamanas	A version of Ramayana composed in the 16th century in Hindi.
Ram Janma Bhoomi	The name given to the disputed area in Ayodhya.
Ram Lala	Ram as a child.
Ramayana	Literally, 'the story of Ram '. A Sanskrit epic composed by Valmiki describing the events in the life of Ram. It is one of the holy books of the Hindus.
Ram Katha Kunj	Literally, 'the park for (reciting) the story of Ram.' An area adjoining the disputed site sought to be developed as a theme park.
Rashtriya Swayam Sevak Sangh	A Hindu chauvinistic organisation.
Rapid Action Force	A specially trained component of the Central Reserve Police Force .
Rath Yatra	Literally 'a chariot journey'; name given by Indian politicians to journeys undertaken for mass contact and creating public opinion. The journey is

	undertaken in a vehicle called a rath (chariot).
Sadhu	A Hindu monk.
Sant	A prominent sadhu.
Sant Sammelan	Meeting of sants.
Senior Superintendent of Police	The Officer-in-charge of the Police force in a District .
Shilanyas	Shilanyas
Trishul	Trident.
Tulsi Das	16th century saint-poet who wrote Ramcharitamanas in Hindi.
Uttar Pradesh	The most populous State of India. Ayodhya is situated in this State.
Vishwa Hindu Parishad	Literally, 'World Hindu Council', It is the leading organisation in the temple construction movement.
Valmiki	The first poet who wrote Ramayana in Sanskrit.
Vazoo	Ritual washing of hands and face by Muslims before offering prayers.
Wakf	The dedication by a Muslim of any property for any pious, religious or charitable purpose.

OVERVIEW

1.8 - In his statement to Parliament on 27, July 1992 (the full text of which is at Appendix-IX), the Prime Minister affirmed that the efforts of the Central Government had been to "defuse the situation, avoid a confrontationist approach and to bring about a reconciliation of the views of various concerned parties". The Prime Minister confirmed that he had been making preliminary soundings for some time past towards an amicable settlement through negotiations. In addition to these, he would revive the efforts in this regard by the previous government that had remained unfinished. In case it became necessary the litigation pending in various courts on the subject

would be consolidated and considered by one judicial authority, whose decision would be binding on all parties.

1.9 - As a follow up measure a special Cell on Ayodhya was set up in the Prime Minister's Office which started its work of collection, authentication and examination of the record relating to the negotiations started by the previous Government and preparation of summaries of cases sought to be established by the two sides. It also set about its task of collecting details of cases pending in the High Court and the Supreme Court relating to the dispute, notwithstanding the difficulty that the Union of India was not a party to most of the proceedings. Special arrangements were made to obtain copies of important documents and orders relating to these cases and arrangements put in place for regular monitoring of the proceedings in the Supreme Court and the High Court.

1.10 - Simultaneously, the Prime Minister held a large number of meetings with individuals and groups directly concerned with the dispute as well as journalists, political, religious and social leaders. The discussions held by the Prime Minister facilitated a better understanding of the position of the parties concerned and enabled various sections of opinion to put forward their own insights into the various facets of the problem. No specific proposal or suggestion for a solution was put forward on behalf of the Government, whose endeavour was to be accessible and open to any ideas that might contribute to a settlement. These consultations, backed by the examination of the record by the Special Cell on Ayodhya, helped prepare the ground for the start of the negotiations. On the eve of the resumption of these talks, the Prime Minister wrote to the leaders of all recognised parties requesting their support, the text of which letter is at Appendix-X.

1.11 - On October 3, 1992, the Home Minister presided over the meeting between the AIBMAC and the VHP, the two parties to the earlier negotiations, which was joined by historical and archaeological experts nominated by them. The two sides exchanged and agreed to respond to the statement of case of the VHP presented on 24th February, 1991 and the report of historians by the AIBMAC presented in May, 1991. The VHP also presented a questionnaire addressed to the AIBMAC. A unanimous resolution agreed to carry forward the negotiations, the submission of evidence and comments there on and to maintain peace during the negotiations,

1.12 At the second meeting, on October 16, 1992, several decisions seeking to make the negotiations more meaningful were taken. It was decided that both sides would give their written opinion on the material and the evidence so far presented to the Government in a week's time, by which date any fresh evidence would be accepted and copies made available to the other side the next day. The AIBMAC presented a questionnaire to the VHP. The meeting also decided that the archaeologists and historians nominated by both sides

would be given an opportunity to examine the material relating to the excavations conducted by Prof. B.B.Lal and reports from both sides would be submitted to the Government by 29th October, 1992.

1.13 - Two controversies relating to archaeology and history were raised and resolved in this meeting. The VHP had objected to the historians nominated by the AIBMAC describing themselves as "independent" and argued that the report given by the nominees of the AIBMAC in May, 1991 could not, in that case, be considered as the statement of case by AIBMAC and placed no obligation on the VHP to respond to it. However, upon the AIBMAC formally adopting the report, the VHP agreed to respond to it.

1.14 The other controversy related to the excavations conducted by Prof. B.B. Lal at Ayodhya. His discovery of some pillar bases close to the disputed structure was cited by VHP to support its case. The authenticity of this finding was, however, disputed by AIBMAC which alleged that its historians had been denied the opportunity to examine the original record relating to the excavation. This was settled by making available material relating to Prof. Lal's excavations to the experts of both sides.

1.15 By October 29, 1992, both sides had furnished to the Government their statement of case and comments on the evidence furnished by the other side. In consultation with the two sides, the date of next meeting was fixed on 8th November, 1992 at which crucial decisions were expected, now that the work of presentation of evidence and offering comments on it had concluded.

1.16 - It was at this point that in a sudden and unexpected move, the Kendriya Margadarshak Mandal of the VHP met in New Delhi, followed by a Dharma Sansad, between 29 and 31 October, 1992 and announced the call for resumption of kar seva from 6 December 1992. This move was totally inexplicable in view of the smooth movement of the negotiations as detailed in the foregoing paragraph. The only explanation imaginable could be that the intention of this unilateral announcement was to disrupt the course of the negotiation and prevent the expected reference of the dispute to the Supreme Court, thus dragging the matter into confrontation again.

1.17 In the meantime, an application was moved by a private party in the Supreme Court seeking inter alia, a direction to the Government of India to take possession of the disputed property as receiver to ensure safety of the RJM-BM structure and to prevent kar seva on the acquired land. On being asked, by the Supreme Court the Government of India through the Attorney General for India assured the Court of all assistance to ensure compliance of court orders. The Government of UP also gave assurances to the court on securing the safety of the structure as well as the implementation of court orders. It gave an undertaking in the court backed by letters from Swami Chinmayanand and Smt. Vijaya Raje Scindia, prominent members of the BJP and VHP that the kar seva would be symbolic in nature and would not involve

any construction activity in violation of court orders. After some initial hesitation, this undertaking of the Government of UP was accepted by all organisations involved in the temple construction movement and thus, by the 5th of December, it was felt that the kar seva to be started the next day would be confined to certain religious ceremonies and symbolic manual labour and would not involve any construction work. The safety of the disputed structure itself was never the chief issue during 1991 and 1992, though the Government of India regularly expressed concern to the Government of Uttar Pradesh on this matter. The commitment of the State Government on this count was always clear and unequivocal. In fact some of the leaders had claimed from time to time that the disputed structure was a functioning as a temple. As a measure of abundant caution, however, the Central Government had stationed 195 companies of Central Para-military Forces near Ayodhya in November 1992 so that these could be made available at short notice if and when required by the State Government or for any other contingent purpose. The Chief Minister of Uttar Pradesh protested against this stationing of forces. However, it was not the position of the State Government that they would not use Central Para-Military Forces even if it became necessary to do so. In fact, the services of the bomb detection squads and sniffer dog squads were actually utilised by the State Government after the Central Government brought to its notice the possibility of threat by explosives. The presumption thus appeared to be that the State Government would use the Central forces if the need arose.

1.18 - Initial reports from Ayodhya on 6th December indicated an air of normalcy. About 70,000 persons had assembled in the Ram Katha Kunj for a public meeting with some 500 sadhus and sants gathered on the foundation terrace for performing puja. Everything seemed to be going according to the plan announced by the organisers for doing a symbolic kar seva and observing other formalities of kar seva not involving violation of court orders. As the crowd was being addressed by leaders of the BJP, VHP etc roughly 150 persons in a sudden move broke through the cordon on the terrace, regrouped and started pelting stones at the police personnel. All this happened a few minutes before noon and within a very little time, around a thousand persons broke into the RJB-BM structure. Around 12.20 Hrs about 80 persons had managed to climb the RJB-BM structure and started damaging the domes. At this time, the crowd inside the complex was around 25,000 with larger numbers milling around outside. By 14.40 Hrs crowd had increased to about 75,000.

1.19 - While this criminal activity was going on, the local authorities and the police appeared to be standing as mute spectators, ostensibly under the instructions of the Chief Minister of Uttar Pradesh. This dismal picture of inaction and the State Government's dereliction of duty was because of orders of the Chief Minister of UP not to use force. Even the small contingent of

Central Reserve Police was rendered inactive and powerless by express direction given to them by the local Magistrate and higher State Government authorities. A worse example of irresponsibility and abdication of power by those who had taken oath to defend the Constitution and uphold the rule of law cannot be imagined.

1.20 The following chronology would show that the Central Government had maintained constant contact with the Government of Uttar Pradesh and the officers of the Central Para-Military Force/(CPMF) at Ayodhya. The chronology would also show that constant pressure was kept on the State Government to make use of the Central forces for the protection of the structure. The State Government at no stage explicitly stated that it would not make use of these forces. On more than one occasion during the day, the forces were actually requisitioned but their movement was delayed due to non-availability of Magistrates. Even when eventually a Magistrate accompanied a force comprising a few companies, he sent the forces back after going part of the way. Thus the State Government kept up a pretense without actually using the Central Forces effectively.

9.30 - a.m. - Union Home Secretary (HS) telephoned the Director General, Indo-Tibetan Border Police (DG-ITBP) in Faizabad to keep the CPMF ready and to respond immediately to any request for assistance received from the State Government without waiting for formal order from the Ministry of Home Affairs (MHA).

11.30 a.m. - Everything was reported to be peaceful. Gathering of about 50,000-60,000 kar sevaks was being addressed by top leaders of VHP and BJP.

12.00 noon - Information was received in the Home Ministry through Intelligence Bureau and also through the Central Reserve Police Control Room at Ayodhya that about 150 kar sevaks had stormed the disputed complex. The State Police and the Provincial Armed Constabulary (PAC) did not check them though senior officers were present close to the structure. Local authorities also did not intervene. The kar sevaks started damaging the disputed structure. This information was immediately conveyed to the Prime Minister and the Home Minister.

12.10 p.m. - HS tried to speak to Chief Secretary, Government of Uttar Pradesh who was not available. He spoke to Director General of Police, Uttar Pradesh and urged him to make use of Central forces located near Ayodhya.

12.25 p.m. - HS spoke to Principal Secretary, Home, Government of Uttar Pradesh at Chief Minister's residence asking him to persuade the Chief Minister to accept the assistance of Central forces. Principal Secretary, Home, Government of Uttar Pradesh said that Central forces would be requisitioned

after consulting the Chief Minister. He also said that Home Minister was speaking to Chief Minister on phone at that time.

12.25 p.m. - The Union Home Minister spoke to the Chief Minister of Uttar Pradesh expressing his anxiety about the attack on the structure by the kar sevaks and urged that all attempts should be made to protect the structure. He also urged that Central Para-Military forces should be utilised.

The Chief Minister said he had received conflicting reports of entry into the complex. He would verify and deal with the matter. He, however, did not call HM back as promised.

12.35 p.m. - HS's instructions again conveyed to Director General, ITPB by MHA to provide help to the local administration immediately on demand.

12.40 p.m. - DG, ITBP informed MHA that 2 battalions of Rapid Action force (RAF) at Dogra Regimental Centre (DRC) at Faizabad were ready to move. He also informed that action to damage the structure continued unabated and no action was being taken though Senior Officers of the State Government like Inspector General (IG) Zone and Deputy Inspector General (DIG) (Range), IG and DIG, PAC as also District Magistrate (DM), Senior Superintendent of Police (SSP) were present in the Police Control room.

12.45 p.m. - DM, Faizabad approached DIG, Central Reserve Police Force (CRPF) asking for 30 companies of Para-Military Forces (PMF). DG, ITBP and DG, CRPF in Faizabad were contacted and 30 companies were immediately released.

12.50 p.m. - Again DG, ITBP conveyed to DIG, CRPF and DCO 76 Battalion who were present on the spot to request the DM and SSP, Faizabad to send magistrates to accompany the troops.

1.00 p.m. - HM spoke to Governor, UP drawing attention to the assault on the disputed structure and stressing the need to take action for its protection.

1.15 p.m. - One magistrate and one Circle Officer reached DRC, Faizabad to accompany the CPMFs.

1.25 p.m. - 3 battalions of CPMFs left DRC along with the Magistrate and Circle Officer. Remaining Battalions awaited arrival of magistrates.

1.40 p.m. - HS again directed that all CPMFs at Ayodhya and elsewhere be kept in a state of red alert for use in Ayodhya and elsewhere in Uttar Pradesh. Message conveyed to DG, ITBP by MHA.

1.45 p.m. - DG, ITBP informed MHA that considerable damage to the structure had taken place but UP Police was not taking any action.

1.50 p.m. - DG, ITBP informed MHA that 3 battalions had moved out of DRC along with a magistrate and Circle Officer at 1.25 PM and the remaining

battalions were

waiting for the magistrates to arrive. He also intimated that the District Administration had asked for 50 companies and had been requested to send magistrates wherever PMFs were stationed so that forces could converge and be used by the local administration.

2.00 p.m. - HM again spoke to CM, Uttar Pradesh to enquire about the action taken for the protection of the Structure.

2.20 p.m. - DG, ITBP informed MHA that 3 battalions which had moved from DRC had met resistance and obstructions. Enroute there were a lot of road blocks and people stopped vehicles. The convoy reached with great difficulty at Saket Degree College where the force was again stopped and the road was blocked. Minor pelting of stones also took place. The magistrate asked them in writing to return. DG, ITBP further informed that the 3 battalions had returned accordingly. The Commissioner had been contacted who informed that CM, UP had ordered that there will be no firing under any circumstances.

2.25 p.m. - HS spoke to DGP, UP informing him of sending back of the force by the local administration and requested to issue necessary instructions for use of force.

DGP, UP informed that CM's instructions were that firing should not be resorted to but other kinds of force could be used. HS asked DGP, UP that State Government should issue necessary instructions immediately. DGP promised to attend to this matter immediately.

2.30 p.m. - HS spoke to Chief Secretary, UP and requested him also similarly.

2.35 p.m. - HS spoke to Defence Secretary to keep helicopters ready if any force would have to be moved by air immediately. He was also requested to keep one or two transport planes ready for movement of additional troops if necessary.

3.30-4.30 p.m. - HS was informed that communal incidents had started occurring in Ayodhya, and spoke to DGP, UP and told him that the situation was fast deteriorating and not only Central Forces had been unable to move but there was serious apprehension of communal riots. DGP, UP informed that situation cannot be controlled without resorting to firing and orders of CM were being obtained.

HS also spoke to Chief Secretary, UP and mentioned the same position urging him to take necessary action.

HS also spoke to Chief of Army Staff (COAS) requesting him that in case of communal situation deteriorating in other parts of the country, assistance of Army authorities may be provided. COAS informed that he had already issued instructions to this effect. HS also spoke to Defence Secretary on the same lines.

4.45-6.45 p.m. - Chief Secretaries, Home Secretaries and DGPs of different States/Union Territories were informed by MHA about developments in Ayodhya and told that in case additional forces are required by the State Governments and Union Territories, the local Army authorities may be approached directly since the Ministry of Defence had issued instructions to provide necessary aid.

5.00 p.m. - HM again spoke to Governor, UP

5.05 p.m. - MHA alerted Ministry of Defence that air transport support may be required for movement of forces.

DGP, UP was telephonically contacted. He was told that Army has been asked to remain alert and that Ministry of Defence have agreed to release armed forces wherever and whenever the District Magistrate requisitioned them. The DG was also informed that the plea of DM/SSP that the Chief Minister or the Chief Secretary had asked them not to act will not be tenable in view of their statutory responsibilities in such situations.

5.35 p.m. - MHA asked Ministry of Defence to place 3 AN-32 airplanes at Lucknow at 11 a.m. on 7th December, 1992 since the option of large scale lifting of PMFs by air, and if necessary ferrying them from Lucknow to Faizabad, was being explored.

5.40 p.m. - No order to move was received by PMFs in Ayodhya till about 5.40 p.m.

Additional District Magistrate (ADM) came and reported that they were trying to get magistrates, but since he came alone without any magistrate, he was asked to arrange for the magistrates immediately.

6.30 p.m. - ADM came to the camp where the troops were in readiness, but without any magistrates and said that the magistrates will be provided at Kotwali.

DM and SSP Faizabad were again informed by the Control room through signal that our troops were in readiness for deployment from 1200 hrs but they could not be deployed in the absence of magistrates and in the absence of clearcut orders for deployment.

6.45 p.m. - Idols were placed back where the erstwhile disputed structure stood.

7.10 p.m. - Out of 50 companies kept ready for deployment, 6 companies went with ADM and SDO Police for deployment in Faizabad and reached Kotwali. The remaining companies could not move since magistrates were not provided.

7.30 p.m. - Work started on the construction of a temporary structure for the idols.

1.21 - During this entire period, the Union Home Secretary was continuously in touch with the Prime

Minister. In view of the developments of late afternoon on 6th December, a meeting of the Union Cabinet

was called at 6.00 p.m. The Cabinet resolved to recommend issue of proclamation under article 356 of the

Constitution with the President assuming to himself all the functions of the Government of Uttar Pradesh and dissolving the U.P. Vidhan Sabha. This recommendation was taken personally by the Home Minister to Rashtrapati Bhavan and the proclamation was issued by 9.10 p.m. that very night. In order to assist the Governor, two senior officers were posted as his Advisors. In view of the situation in RJB-BM complex and the presence of over 200,000 kar sevaks in aggressive and militant mood, the decision about the timing of entry of the Central forces was left to the forces themselves. Action was also initiated for evacuation of kar sevaks from Ayodhya, As a result, by the evening of the 7th December nearly 70,000 persons had left Ayodhya. The officers commanding the security forces decided to move the force in the night of 7th and 8th December so as to use minimum force. Action was taken accordingly, and the RJB-BM area was quickly secured. This was managed without having to resort to firing.

1.22 - Government considered the situation at Ayodhya after the imposition of President's rule and took the following decisions as a first set of measures :

(i) communal organisations will be banned

(ii) strongest action possible under the law will be taken to book the culprits who committed various offences connected with the demolition of the Ram Janma Bhoomi-Babri Masjid structure on 6th December, 1992, including those who incited and abetted the offences;

(iii) the responsibility of various authorities in the lapses that occurred on 6th December will be fixed with a view to taking disciplinary proceedings against them, including prosecution where necessary;

(iv) the Government will see to it that the demolished structure is re-built; and

(v) appropriate steps will be taken regarding new Ram temple.”

1.23 - Pursuant to the above, cases under relevant provisions of law were registered and some arrests also made of persons charged with inciting the people to coinmit the crime at ths RJB-BM complex on 6th December. The

investigations into these offences have been entrusted to the Central Bureau of Investigation.

1.24 After completing the necessary formalities, Government have declared the Bajrang Dal, the Islamic Seva Sangh, the Jamait-e-Islami, the Rashtriya Svayam Sevak Sangh and the Vishwa Hindu Parishad as unlawful associations under the Unlawful Activities (Prevention) Act, 1967.

1.25 - On the night of 15th December, 1992, after receiving, the reports of the Governors of Himachal Pradesh, Madhya Pradesh and Rajasthan, that the Governments could not be carried on in accordance with the provisions of the constitution President's rule was imposed in these three States.

1.26 - A decision was also taken to set up a Commission of Inquiry consisting of a sitting judge of a High Court to inquire into the matters relating to the events in Ayodhya on 6th December, 1992. The notification in this respect was issued on December 16, 1992.

1.27 - Being deeply concerned at the cowardly assault on Press-persons and photographers at Ayodhya who were performing an important public duty, this has been included as a specific term of reference to the Commission of Inquiry. Government of Uttar Pradesh has, on the directions of the Central Government, also set up a special cell for the investigation of these offences under the charge of an officer of the rank of Inspector General of Police.

1.28 - The guiding principle followed by the Government of India in the contentious RJB-BM dispute was to leave no stone unturned in the search for an amicable settlement. Herculean efforts have been made in this direction after the Prime Minister's statement in Parliament on 27th July, 1992. The Prime Minister had wide-ranging consultations with a large number of individuals and groups. These included representatives of the two sides, leaders of political parties, representatives from the media, religious leaders and others. These meetings were held to understand the basic stand of the parties concerned and elicit views of different sections in order to gain better insights into all facets of the problem. Even after the resumed negotiations were jeopardised by the sudden and inexplicable call to resume kar seva, the Prime Minister and his colleagues made every effort to make the leaders of the VHP and allied organisations see reason and agree to some acceptable approach to resolve the vexed issue and to call off the kar seva. As part of this process discussions were also held with the Chief Minister of Uttar Pradesh on 30th November, 1992. In this meeting the Chief Minister did not agree with the Central Government's suggestion to enlarge the jurisdiction of the Supreme Court under article 138 of the Constitution which would have enabled an agreed formula for expediting final judicial determination by the Supreme Court.

1.29 - The security of the RJB-BM structure was a matter of constant concern for the Central Government. The Home Minister took up this matter with the Chief Minister of Uttar Pradesh on innumerable occasions through meetings, discussions, letters, etc. He had suggested to the Chief Minister that a comprehensive review of the security plan for the structure be carried out in which representatives of Central organisations should also be associated, but this suggestion was not accepted by the State Government despite repeated requests from Government of India. Particular shortcomings in the security measures taken by the State Government were also pointed out to the State Government. The Central Government also shared with the State Government its assessment that the forces deployed at Ayodhya by the State Government for security purposes were not adequate if any untoward development were to take place. The inadequacy of the security arrangements was also brought to the notice of the Supreme Court on the 30th November, 1992. Central paramilitary forces were stationed at various places in the proximity of Ayodhya on the 24th November itself by Central Government as a contingency measure so that these could be made available to the State Government for deployment at short notice.

1.30 - The Central Government had constantly expressed its concern that Court orders regarding the RJB-BM structure and the land acquired in the vicinity by the State Government should not be violated. In particular, when the Supreme Court called upon the Central Government on 20th November to indicate how it could assist in the enforcement of the earlier court orders, the Central Government assured the court that it would be prepared to give the State Government whatever assistance was required and would also take whatever action the court directed it to take. Throughout November 1992, the unfolding situation with regard to the RJB-BM dispute had been under continuous examination of the Central Government at various levels. Besides consideration at the Cabinet Committee level, there were regular discussions among the group of Ministers concerned and between Ministers and officials. Even during the absence of the Prime Minister on tour abroad, daily meetings were held by the members of the CCPA to review the developing situation. A number of alternatives and proposals to deal with the situation likely to arise from the proposed kar seva were discussed in these meetings, including the option of taking over the administration of the State of Uttar Pradesh under article 356 of the Constitution. Contingency plans to be put into operation in the event of use of Article 356 were also formulated. For reasons discussed below, however, no decision was taken in favour of this option.

1.31 - In so far as the security of the RJB-BM structure was concerned, the U.P. Government had consistently given an unequivocal commitment at the highest level that this would be ensured under all circumstances. Even during the events of July 1992, this commitment was kept by the State Government. Against this background, there was no valid reason to believe that the solemn

assurances given to the Parliament, the Supreme Court, The National Integration Council, The Central Government and to the people of the country, by a democratically elected Government, sworn to uphold the Constitution, would be broken.

1.32 - The exercise of the executive power in our country has to be consistent with the provisions of the Constitution which provide for separate executive powers for the Centre and the States. The maintenance of public order is the primary duty of the State Government. It will be seen that the

Central Government on its own to stationed substantial para-military forces in the State of Uttar Pradesh to come promptly to its aid in the maintenance of law and order. At places near Ayodhya alone, 195 companies of para-military forces had been stationed with orders to immediately respond to the State Government's request for assistance without even the prior clearance of the Ministry of Home Affairs.

1.33 - The Centre cannot and should not dismiss a State Government every time it starts feeling apprehensive about the State Government's commitment to upholding the rule of law especially when it is giving all assurances and making a firm commitment before the apex court of the country. Taking precipitate action in such cases will not be consistent with the provisions of the Constitution. In this particular case at Ayodhya, it is true that the Central Government and others were conscious of the possible risks inherent in the situation. On the other hand, there were the most solemn assurances of the U.P. Government given to the Supreme Court, the Central Government, Parliament and the NIC that the safety of the disputed structure would be ensured. In fact, such public assurances had been given also by the senior leaders of the BJP and the organisers of the kar seva on 4th and 5th December, 1992. In the circumstances then prevailing the Governor of U.P. was asked to send his assessment. In his letter of 1st of December, 1992 he advised against the imposition of President's rule in the State. His letter even hinted at the possible threat to the disputed structure in the event of such imposition. It is on a balance of all these factors that the option of taking recourse to the provisions of Article 356 of the Constitution was not exercised.

1.34 - In a tragedy of such dimensions, analysis and therefore criticism, by benefit of hindsight is inevitable. To an extent, such self-analysis and criticism carried out in a constructive manner is beneficial. It is to be noted, however, that the assurances repeatedly given by the Government of U.P., the public announcements made by the organisers and finally the decisions taken on the 5th December by the Kendriya Marg Darshak Mandal had raised every hope that things would not go out of control during the symbolic kar seva planned for the 6th December. In fact, various political parties, columnists writers, editors had all heaved a sigh of relief at this turn of events. This is

borne out by the newsreports, commentaries, editorials which appeared in the newspapers and magazines that came out just prior to the tragic events of 6th December.

1.35 - The demolition of the Ram Janma Bhoomi-Babri Masjid structure at Ayodhya on 6th December, 1992 was a most reprehensible act. The perpetrators of this deed struck not only against a place of worship, but also at the principles of secularism, democracy and the rule of law enshrined in our Constitution. In a move as sudden as it was shameful, a few thousand people managed to outrage the sentiments of millions of Indians of all communities who have reacted to this incident with anguish and dismay.

1.36 - What happened on December 6, 1992 was not a failure of the system as a whole, nor of the wisdom inherent in India's Constitution, nor yet of the power of tolerance, brotherhood and compassion that has so vividly informed the life of independent India. It was the Supreme Court observed on that day, "a great pity that a Constitutionally elected Government could not discharge its duties in a matter of this sensitiveness and magnitude". Commitments to the Court and Constitution, pledges to Parliament and the people, were simply cast aside. Therein lay the failure, therein the betrayal.

1.37 - Today India seeks to heal, and not reopen its wounds; to look forward with hope, and not backwards with fear; to reconcile reason with faith. Above all, India is determined to press ahead with the National Agenda, undeterred by aberrations.

BACKGROUND

2.1 - At the centre of the RJB-BM dispute is the demand voiced by Vishwa Hindu Parishad (VHP) and its allied organisations for the restoration of a site said to be the birth place of Sri Ram in Ayodhya. Till 6th December, 1992 this site was occupied by the structure erected in 1528 by 'Mir Baqi' who claimed to have built it on orders of the first Mughal Emperor Babar. This structure has been described in the old Government records as Masjid Janmasthan, It is now commonly referred to as Ram Janma Bhumi-Babri Masjid.

2.2 - The VHP and its allied organisations base their demand on the assertion that this site is the birth place of Sri Ram and a Hindu temple commemorating this site stood here till it was destroyed on Babar's command and a Masjid was erected in its place. The demand of the VHP has found support from the Bharatiya Janata Party (BJP). The construction of a Ram temple at the disputed site, after removal or relocation of the existing structure, was a major plank in BJP's campaign during elections held in 1989 and 1991. Other major political parties, however, had generally opposed this demand and had taken

the stand that while a temple should be built, the issues in dispute should be resolved either by negotiations or by orders of the Court.

2.3 - During the negotiations aimed at finding an amicable solution to the dispute, one issue which came to the fore was whether a Hindu temple had existed on the site occupied by the disputed structure and whether it was demolished on Babar's orders for the construction of the Masjid. It was stated on behalf of the Muslim organisations, as well as by certain eminent historians, that there was no evidence in favour of either of these two assertions. It was also stated by certain Muslim leaders that if these assertions were proved, the Muslims would voluntarily handover the disputed shrine to the Hindus. Naturally, this became the central issue in the negotiations between the VHP and AIBMAC.

Evidence produced during the negotiations

2.4 - The VHP has cited a number of British accounts such as gazetteers, survey reports etc. of the 19th and 20th century to support the assertion that a temple existed on the disputed spot and it was destroyed under orders of Babar. Writings of some Muslim historians of the 19th century have also been cited to support this assertion. The AIBMAC nominees have rejected this evidence by arguing that the British accounts have been motivated by their policy of 'divide and rule' and that the accounts of Muslim historians of 19th century are not based on any contemporary source and are tainted by a communal outlook and false bravado. AIBMAC has therefore stressed the need to look into contemporary accounts to establish the truth of the matter and has pointed out that available contemporary accounts, such as Ramcharitamanas of Tulsi Dass, make no mention of the destruction of a temple.

2.5 - VHP has cited certain 18th century documents including an account of an Austrian Jesuit priest Joseph Tieffenthaler, who visited Ayodhya between 1766-1771 AD. The authenticity of this account has not been challenged by historians nominated by the AIBMAC, but they have argued that the account of Tieffenthaler merely records a popular myth in its early phase of creation.

2.6 - There was a minor battle in this part of Ayodhya (Kot Ram Chandra) in 1855 in which a large number of casualties had taken place. A 3-man inquiry report of this incident is available on the records of the East India Company (and a copy is in the National Archives).

2.7 - At some stage during the history of the RJB-BM structure a portion of its compound was occupied by Hindu structures of worship, viz., Ram Chabutra and Kaushalya Rasoi. The presence of these structures is marked in court documents relating to a suit filed by Mahant Raghuvar Dass in 1885. These structures were in existencs till December 6, 1992. There are indications that these structures were considerably older but the evidence on this point is not

conclusive. Some Survey records of 1807-14 have come to notice in which the disputed site has been marked as 'Yanmasthan', i.e., Janmasthan.

2.8 - It is also established that the dispute between Hindus and Muslims over this structure led to communal riots in 1934 in which the structure suffered some damage which was later repaired.

2.9 - The structure and its appurtenant land were notified as a Sunni Muslim Wakf in 1944. The validity of this notification has been called into question in court proceedings.

2.10 - The Ram Janma Bhoomi-Babri Masjid structure contained some architectural elements, particularly fourteen black stone pillars that were said to be part of a non-Islamic religious structure of 11th-12th century AD. The VHP argued that this constituted evidence that the disputed structure was built after destruction of a temple. The AIBMAC, however, argued that there was nothing to suggest that all these architectural elements belonged to a single structure standing at this very site. These could have belonged to different structures in other areas.

2.11 - The excavations undertaken in 1975-80 by the Archaeological Survey of India had brought out some relevant data and antiquities. The concerned photographs, section drawings, and antiquities were also shown to historians and archaeologists nominated by the AIMBAC and VHP on 23-10-1992. The two sides continued to draw diametrically opposite conclusions from the same set of evidence.

2.12 - The historical debate has thus remained inconclusive although much progress has been made in identifying the areas of agreement and difference. Conclusive findings can be obtained only by way of reference to a competent authority. However, as brought out elsewhere in this Paper the negotiations were disrupted at a crucial phase. Now, the entire evidence has disappeared along with the disputed structure. It is tragic and ironical that the Ram Chabutra and Kaushalya Rasoi, which continued as places of worship during periods of Muslim and British rule have disappeared along with the RJB-BM structure at the hands of people professing to be 'devotees' of Lord Ram.

Placing of Idols in the disputed structure

2.13 - As has been mentioned above, Hindu structures of worship already existed in the outer courtyard of the RJB-BM structure. On the night of 22nd/23rd December, 1949, however, Hindu idols were placed under the central dome of the main structure. Worship of these idols was started on a big scale from the next morning. As this was likely to disturb the public peace, the civil administration attached the premises under section 145 of the Code of Criminal Procedure. This was the starting point of a whole chain of

events which ultimately led to the demolition of the structure. The main events of this chain have been summarised in Appendix-I.

2.14 - Soon after the installation of the idols two civil suits were filed by Hindu plaintiffs seeking to restrain the Administration from removing the idols from the disputed structure or placing any restrictions in the way of devotees intending to offer worship. Interim injunctions were issued by the civil court to this effect. These injunctions were confirmed by the Allahabad High Court in 1955.

2.15 - The Hindu idols thus continued inside the disputed structure since 1949. Worship of these idols by Hindus also continued without interruption since 1949 and the structure was not used by the Muslims for offering prayers since then. The controversy remained at a low ebb till 1986 when the District Court of Faizabad ordered opening of the lock placed on a grill leading to the sanctum-sanctorum of the shrine. An organisation called the Babri Masjid Action Committee (BMAC), seeking restoration of the disputed shrine to the Muslims came into being and launched a protest movement. The Hindu organisations, on the other hand, stepped up their activities to mobilise public opinion for the construction of a Ram temple at the disputed site.

2.16 - In 1989, the VHP started a country-wide movement for collection of consecrated bricks (Ram Shilas) in Ayodhya from all over the country. In November, 1989, the VHP laid the foundation stone of the proposed temple at a spot in front of the disputed structure. According to report of local officers and legal opinion available at that time this spot did not form part of the land involved in litigation. Earlier to that, an agreement was also signed (on 27-9-1989) in which the VHP undertook "to abide by the directive of the Lucknow Bench of the Allahabad High Court given on 14-8-1989 to the effect that the parties to the suits shall maintain the status quo and shall not change the nature of the property in question.." A copy of this agreement is at Appendix-II.

2.17 - The communal situation in the country deteriorated considerably in 1990 because of the tension generated from this dispute. Towards October, 1990, a programme of construction of the temple through kar seva was announced by the VHP. It was apprehended that this programme would cause damage to the disputed structure and elaborate arrangements for its security were made. Despite these arrangements, some volunteers of VHP managed to cause minor damage to the domes of the shrine on 30th October, 1990. Police and para-military forces had to open fire to control the crowd of Kar Sevaks seeking to storm the disputed shrine on 30th Oct. and 2nd Nov. 1990. As per official records, 16 persons died in the firing.

2.18 - Following an initiative by the then Prime Minister Shri Chandrashekhar, the VHP and the AIBMAC met across the table in December, 1990 for talks. These negotiations were chaired by Shri Subodh

Kant Sahay, the then Minister of State for Home Affairs. Shri Sharad Pawar (the then Chief Minister of Maharashtra), Shri B.S. Shekhawat (the then Chief Minister of Rajasthan) and Shri Mulayam Singh Yadav (the then Chief Minister of Uttar Pradesh) also participated in the meetings.

The following meetings were held :

(i) The first meeting between the VHP and the AIBMAC was held at Maharashtra Sadan on 1 December 1990. Though inconclusive, the meeting decided to continue the dialogue.

(ii) On 4 December 1990, the two sides met again in the Maharashtra Sadan and agreed to exchange papers on 22 December 1990 in support of their respective claims.

(iii) After the exchange of papers, the third meeting was held on 10 January 1991 where the papers were discussed. It was agreed that the papers submitted by the VHP and the AIBMAC may be divided into four groups as follows :

- (a) Historical;
- (b) Archaeological;
- (c) Revenue; and
- (d) Legal.

It was also resolved that these papers should be examined by experts on the subject whose names would be submitted by both parties by 17 January 1991 and the meeting of the experts would start work from 24 January 1991. Both sides, accordingly, nominated their panel of experts.

(iv) The nominated experts met on 24 January 1991 under the Chairmanship of Shri Subodh Kant Sahay. At the outset, almost all the experts clarified that though they had been nominated by a particular group they would be true to their knowledge and profession without taking any sides. The experts were divided into four sub-groups as resolved in the previous meeting. The sub-groups discussed the matters in a most cordial atmosphere but they could not reach any mutually agreed conclusions. The discussions were to continue the next day but on account of some communication gap, the meeting could not take place.

(v) The next meeting was held on 6th February, 1991 and a resolution was adopted requesting the Government to attest the documents submitted by both sides by comparing them against the originals. Both sides also accepted that they would give written comments on the material presented upto that stage to the Government.

No further talks took place between the parties as the situation changed with the announcement of General Elections to the Lok Sabha (House of the People).

2.19 - At a later date, i.e. 13 May 1991, a group of four historians submitted a report to the Government. These four historians were the ones who had participated in the negotiations as nominees of the AIBMAC.

2.20 - List of the papers exchanged between the two sides is at Appendix-III.

GOVERNMENT OF UTTAR PRADESH: BJP PERIOD

3.1 - Parliamentary elections were held in May-June, 1991, and elections to State Assemblies shortly thereafter. The Bharatiya Janata Party in its campaign concentrated on the issue of construction of a Ram temple at Ayodhya at the disputed site, The BJP formed the Government in four States, including Uttar Pradesh in which the disputed structure was situated.

3.2. - In October 1991, the Government of UP acquired about 2.77 acres of land (Appendix-IV) around the RJB-BM structure. At the same time, it demolished some structures standing on this land (Appendix-V) such as the Falahari Baba and Keshav Das structures and a portion of the Sankat Mochan temple complex. In the light of the controversy which followed these developments, the National Intergration Council met on the 2nd November 1991 to discuss the subject of "Communal Harmony : Ram Janma Bhoomi-Babri Masjid Issue." During the constructive discussion in the meeting, the then Chief Minister of Uttar Pradesh gave the following assurances :

- (i) All efforts will be made to find an amicable resolution of the issue;
- (ii) Pending a final solution, the Government of Uttar Pradesh will hold itself fully responsible for the protection of the Ram Janma Bhoomi-Babri Masjid structure.
- (iii) Orders of the Court in regard to the land acquisition proceedings will be fully implemented;
- (iv) Judgement of the Allahabad High Court in the cases pending before it will not be violated.

3.3 - These assurances were incorporated in the Resolution passed by the National Integration Council, copy of which is at Appendix-VI.

3.4 - In February 1992, the State authorities in UP commenced the construction of a wall enclosing a large area around Ram Janma Bhoomi-

Babri Masjid including the land acquired in October 1991. Certain individuals and organisations announced this as a step towards the construction of the proposed temple. After the construction of the wall had begun, the Central Government had requested the State Government to indicate the development plans for construction work in the vicinity of the Ram Janma Bhoomi-Babri Masjid structure particularly, the land acquired in October, 1991 and the area falling within the wall under construction. In spite of repeated reminders details of these plans were not furnished by the State Government.

3.5 - In March 1992, the State Government leased out approximately 42 acres of land in the vicinity of the RJB-BM complex to an organisation called the Ram Janma Bhoomi Nyas. The State Government informed that the Ram Katha Park project had been formulated by the State Government but this could not be implemented. The RJB Nyas proposed to the State Government that the Nyas will implement the project out of its own resources. Accordingly, the State Government decided to give the land to the Nyas on perpetual lease for the implementation of the Ram Katha Park project.

3:6 - In March 1992, the State authorities undertook demolition of additional structure in the Ram Janma Bhoomi-Babri Masjid complex, such as the Sankat Mochan Temple, major portion of the Sakshi Gopal Temple (except for the room containing the deity and an adjoining room), Sumitra Bhavan, Lomas Ashram, Gopal Bhavan, and shops.

3.7 - Along with the demolition, extensive digging and levelling operations were also commenced. The earth dug from the area in front of the RJB-BM structure was transported and dumped on the western and southern sides. The RJB-BM structure had a steep slope on the west, gradient on the north and south, and level ground on the east. In addition, as a result of this digging operations, there was now a depression of 12 feet on the eastern side. These levelling and digging operation led to apprehensions in the minds of many people and caused concern about their possible effect on the strength and safety of the RJB-BM structure. Fear was also expressed that the collection of water during the rains in the dug up ground could seep to the foundation of the structure and weaken it. Smmilarly, the dumping of earth upto the height of the perimeter wall and the fencing around the structure could render these preventive security arrangements ineffective. These aspects were repeatedly brought to the notice of the State Government by the Central Government. A gist of the correspondence on the subject is at Appendix VII.

3.8 - Other works undertaken in the RJB-BM complex included soil testing at two sites, digging and levelling around the Shilanyas site, laying of a link road behind the Manas Bhavan and bhoomi puja for a sheshavtar Lakshman temple within the newly constructed wall. There were reports of preparations for observing "Chaturmas" at Ayodhya on a large scale from 15 July 1992

onwards, and for holding meetings/sammelans of organisations connected with the construction of the proposed temple.

3.9 - In the meeting of the National Integration Council held on the 2nd November, 1991, the Chief Minister had given an invitation to the Council to visit Ayodhya. Following the discussion in Parliament in March 1992 on these matters, a decision was taken that a delegation comprising members of the Standing Committee of the National Integration Council and representatives of political parties in Parliament should visit Ayodhya. The visit took place on 7th April 1992. The issues considered by the delegation, their conclusions thereon and the recommendations made are given in Appendix VIII. Briefly these recommendations concerned observance of the court orders, expediting the pending proceedings in the High Court, steps for a negotiated settlement, convening a meeting of the National Integration Council and placing the report before both Houses of Parliament. The Government circulated the report to the Members of Parliament and copies of it were also kept in the library of the Parliament. A meeting of the Standing Committee of the NIC was held on 23rd June, 1992 to consider the report. A meeting of the full NIC was also held on 18th July, 1992 in which this report was considered.

3.10 - The acquisition of the land by the Government of UP was challenged before the Allahabad High Court in a number of writ petitions. The Lucknow bench of the High Court issued interim orders restraining the parties from undertaking any construction. Notwithstanding these orders construction activity on a large scale was started on a part of the acquired land in July, 1992. Government of India took up this matter with the Government of Uttar Pradesh to ensure that the orders of the Court were implemented. Home Minister personally visited Ayodhya on 12th July, 1992 to take stock of the situation arising from this construction as also the security arrangements made for the RJB-BM structure. The need to augment the security of the disputed structure was emphasised and various measures were suggested towards this, including making the close circuit TV operational. It was also observed that the Police Control Room which had been shifted from the original location was working from a temporary location which was rather small and at a longer distance. The Chief Minister of UP reacted favourably to Home Minister's visit and promised to implement the suggestions made. Claiming that it might lead to possible bloodshed, the Government of UP expressed its inability to enforce the orders and requested the Union Home Minister or the Prime Minister to intervene and convince the religious leaders to stop the kar seva. It was under these circumstances that the Prime Minister took the initiative in the matter.

PRIME MINISTER'S INTERVENTION AND RESUMPTION OF NEGOTIATIONS

4.1 - The Prime Minister held a meeting with the religious leaders on the 23rd of July and was able to persuade them to stop the construction work. In this meeting the Prime Minister assured them that the efforts initiated by the previous Government for a negotiated settlement of the dispute would be revived and, if necessary, the pending litigation on this issue would be consolidated and considered by a single judicial authority whose decision would be binding on all parties. Prime Minister pointed out that this would require a fairly elaborate exercise on the part of Government and indicated that it could be completed in about four months' time.

4.2 - Consequent on the meeting between the Prime Minister and the religious leaders the construction activity at the site stopped on the 26th of July. Separately the Supreme Court also took notice of the construction work in its proceedings on 22nd and 23rd of July and reiterated that the existing orders of the High Court and Supreme Court had the effect of restraining the parties from undertaking any construction on this land.

Prime Minister's statement in Parliament

4.3 - Prime Minister made a statement in both Houses of Parliament on the 27th of July, 1992 covering these developments. A copy of the statement is at Appendix IX.

Constitution of Ayodhya Cell

4.4 - In terms of an announcement made by the Prime Minister a special Cell on Ayodhya was setup in the Prime Minister's Office. One of the major tasks before this Cell was to collect all documents relating to the previous negotiations, to authenticate them and to examine them to cull out the points made by either side. These documents, running into several hundred pages, were collected by the Cell, authenticated by comparison with the originals to the extent possible and analysed. Based on this analysis summaries of the cases sought to be established by the two sides were prepared.

4.5 - The other major task before the Cell was to obtain copies of plaints, petitions, replies, affidavits, orders and other documents of suits, writs and other petitions pending before the High Court and Supreme Court. This was not easy as the Union of India was not a party to most of these proceedings. Special arrangements were therefore necessary to obtain copies of all the relevant records. Arrangements were also made for obtaining day to day information of current proceedings in the courts.

Consultations with different individuals and groups

4.6 - The Prime Minister followed up his meeting of July 23rd with the religious leaders with over one hundred consultations with different individuals and groups in the months of August and September. These

included representatives of the parties directly involved in the dispute as well as political, religious and social organisations interested in finding a solution of the problem. These consultations were exploratory in nature and were aimed at obtaining an assessment of the spectrum of views held by different people, their positions on the dispute and their proposals for a solution. This assessment, coupled with the spade work done by the Ayodhya Cell went a long way in setting the stage for the resumption of the negotiations.

4.7 - As the solution of a problem like this needed a national effort by all, the Prime Minister addressed letters to heads of all recognised political parties informing them of the proposed resumption of negotiations and seeking their support and cooperation. Text of the letter is at Appendix-IX.

Resumption of negotiations

4.8 - The negotiations between the AIBMAC and the VHP, resumed with the first meeting on 3rd October, 1992 which was held under the Chairmanship of the Union Home Minister. Both the organisations responded favourably to the invitation. The meeting was attended by the office bearers and representatives of these organisations as well as by historical and archaeological experts nominated by them.

4.9 - This meeting picked up the thread of the negotiations where it was left off in February, 1991. The statement of case of the VHP presented on 24th February, 1991 and the report of historians by the AIBMAC presented in May, 1991 were exchanged between the two sides and it was decided that they would respond to them. A questionnaire was addressed by the VHP to the AIBMAC. A resolution was unanimously adopted in this meeting urging the continuation of the negotiations and calling upon the two sides to furnish further evidence and written appraisal of the evidence presented by the other side. The date for the next meeting was fixed and it was agreed that the two sides would maintain peace while the negotiations were on.

Second meeting between VHP and AIBMAC on 16th October, 1992

4.10 - In the second meeting on 16th October, 1992 the AIBMAC presented a questionnaire addressed to the VHP. Several decisions aimed at making the negotiations more purposeful were taken in this meeting. The cut-off date of October 23, 1992 was fixed for giving written opinions on the material and the evidence presented upto 16th October to the Government. The same cut-off date was made applicable to the submission of fresh evidence. It was agreed that copies of material and evidence furnished by either side by this date would be made available to the other side by 24th October, 1992. The final cut-off date of 29th October, 1992 was fixed for furnishing of comments on the evidence submitted by 23rd October. The date for the next meeting was not fixed, but it was accepted that there would be another meeting, the date for which would be announced by the Government.

4.11 - Two controversies relating to archaeology and history were raised in this meeting. The VHP objected to the historians nominated by the AIBMAC describing themselves as “independent”. The VHP historians stuck to their stand that the report given by the nominees of the AIBMAC in May, 1991 could not, therefore, be considered as the statement of case by AIBMAC and hence VHP was not bound to respond to it. The other controversy related to the excavations conducted by Prof. BB Lal at Ayodhya. in 1975-1980. According to VHP he had discovered a series of pillar bases in the vicinity of the RJB-BM structure; a finding which, according to VHP, supported its claim. The AIBMAC, however, challenged the authenticity of this finding as the historians nominated by it had not been allowed to verify the original record and material relating to this excavation.

4.12 - The first controversy was settled when AIBMAC formally adopted the report of May, 1991 by the historians nominated by it and VHP agreed that it would respond to it.

4.13 - The second controversy was settled by giving experts of both sides an opportunity to examine the original record as decided in this meeting. The material relating to the excavations conducted by Prof. Lal including photographs, drawings, pottery, register of antiquities etc. was made available to the experts of both sides in the offices of ASI on 23rd October, 1992. The experts of both sides examined the material and gave their comment to the Government by 29th of October.

Developments between 23rd October and 8th November, 1992

4.14 - As decided in the meeting of 16th October, both sides furnished their statement of case and comments on the evidence furnished by the other side to the Government by 29th of October.

4.15 - Government, in consultation with the two sides, fixed the date of the next meeting as 8th November, 1992. Crucial decisions were expected from this meeting as the work of presentation of evidence and offering comments on it was over. Meanwhile, however, a meeting of the Kendriya Margdarshak Mandal of the VHP was held in New Delhi on 29th of October followed by a Dharma Sansad on the 30th and 31st of October, 1992. An announcement was made on behalf of VHP calling for the resumption of the kar seva with effect from 6th of December, 1992.

Meeting on 8th November, 1992

4.16 - Both the AIBMAC and VHP delegations attended the meeting on 8th November, 1992. AIBMAC circulated a letter protesting against the announcement of kar seva from 6th December and said that the negotiations would be meaningless unless this announcement was withdrawn. The VHP was not willing to consider any change in its programme of resumption of kar seva. Because of the rigidity exhibited at this meeting, it was considered

advisable to adjourn the meeting and pursue the matter in separate meetings with both groups.

Consultations after 8th November, 1992

4.17 A series of meetings were held with representatives of the VHP, AIBMAC, the leaders of BJP and the CM of UP to narrow down the differences. When these failed, attempts were made to get an agreement on a reference to Supreme Court on the contentious issues. Alternatives of making this reference under article 138(2) of the Constitution as well as under article 143 were put forth by the Government. Adjudication of the dispute by the Supreme Court under articles 139 and 142 of the Constitution was also suggested. There was no agreement even on these suggestions. The Government of UP, in particular, refused to give its consent under article 13 (2) for enlargement of the jurisdiction of the Supreme Court.

Meeting of NIC on 23rd November, 1992

4.18 A meeting of the National Integration Council was held on 3rd November, 1992. The BJP and the VHP boycotted this meeting. The members of the NIC passed a resolution supporting the Government in the action to be taken by it for upholding the Constitution and the rule of law and in preventing the contempt of the Court's order. A copy of this resolution is at Appendix-XI.

COURT CASES - VARYING STANDS OF UTTAR PRADESH GOVERNMENT

Title suits

5.1 - Soon after the installation of idols in the disputed structure the premises were attached in December 1949 under section 148 of the Code of Criminal Procedure and a receiver was appointed. Shortly there after two civil suits were filed in 1930 by Gopal Singh Visharad and Paramhans Ramchandra seeking an injunction from the Court restraining the defendants. Which included State Government and certain local Muslims, from removing the idols or otherwise interfering with the worship. A third civil suit was filed in 1959 on behalf of an organisation called Nirmohi Akhara claiming to be the manager of the disputed shrine and seeking its restoration. In 1961, a suit was filed by Sunni Central Wakf Board of U.P. seeking removal of the idols and restoration of the premises as a mosque, these four civil suits were consolidated by the Civil Judge. Faizabad, and subsequently transferred to a Special Bench of the Allahabad High Court at Lucknow on a petition moved by the State Government in the Allahabad High Court. A fifth suit filed in

1989 at Faizabad on behalf of Bhagwan Sri Ram Virajmaan by D.N. Agarwal acting as the next friend was also transferred to the Special Bench. The suit filed in 1950 by Paramhans Ramchandra was withdrawn subsequently. The remaining four suits were being heard together by the Special Bench at Lucknow.

5.2 - In the original suits filed in 1950, interim injunction orders were passed by the Civil Judge to allow puja and not to remove the idols. This order was confirmed on 3rd March, 1951. An appeal against this order was rejected by the High Court on 26th April, 1955. Thus, under this order, worship of the idols had been continuing from 1949 to 6th December, 1992. Muslim prayers were not offered in any part of the disputed shrine during this period.

5.3 - The Hindu plaintiffs in the civil suits had taken the plea, among others, that the disputed structure itself was a temple. Nirmohi Akhara in particular took the plea that it had been a temple since time immemorial. Other Hindu litigants also pleaded that the structure had become a temple by adverse possession. This was one of the important issues before the Court. It was also contended that the suit against Deities was barred, as they had not been impleaded as parties in these suits.

5.4 - The Government of U.P. had been impleaded as a Party in the suits filed in 1950. The Government at that time had filed written statements in which it was stated that the disputed structure was a mosque and Muslims had been offering prayers therein till the idols were placed. The BJP Government of Uttar Pradesh filed an application on 24 September, 1992 seeking leave to make certain changes in the written statement which had been filed in 1950 on behalf of the State Government. The main changes sought to be made were : the Hindus do not admit that the disputed structure is a mosque and they claim it to be the birth place of Shri Ram and a place of worship of Hindus; the idols in the disputed structure are being worshipped by the Hindus; the said belief of Hindus is a matter of faith and it does not give rise to any justiciable issue; the Hindus supported by certain historians assert that there was a temple at the site which was pulled down for the construction of the mosque; the structure does not have minarets and a tank for "Vazoo" and the Hindus do not admit it as a mosque, etc. No final order could be passed on U.P. Government's application.

Proceedings relating to land acquisition

5.5 - The Government of (Uttar Pradesh acquired) 2.77 acres of land in the RJB -BM complex in October, 1991. The purpose of the acquisition as given in the notification was development of tourism and providing amenities to the pilgrims. In the High Court, the Government of Uttar Pradesh filed a counter-affidavit on 21 October 1991 which, inter alia states as follows:

“The land has been acquired for the development of tourism and providing amenities to pilgrims at Ayodhya in District Faizabad.” (Appendix XII)

5.6 - In October 1991, the High Court passed the following interim order: -

(a) The State may take possession of the notified land and may make arrangements for the purpose notified in the Notifications but no structure of permanent nature shall be put up thereon although structure of temporary nature may be put up;

(b) the taking over of possession shall be subject to further orders of the Court; and .

(c) the acquired land shall not be transferred or alienated.” .

5.7 - In a counter-affidavit filed on 3 January 1992, the State Government stated that"..... a part of the land of Shri Ram Janma Bhoomi will be left vacant for the renovation and reconstruction of the Temple of Bhagwan Shri Ram Virajman there and its appurtenant facilities and conveniences through agencies decided upon by the State Government.” ‘

5.8 - In another counter-affidavit filed on 1 April 1992, the State Government reiterated that purpose of acquisition was specified in the declaration by the Government, ie., development of tourism and providing amenities to pilgrims at Ayodhya, However, the State Government also added as follows : .

“The allegation of malafide intentions is denied. In fact the foremost thing to be done for achieving the object of developing tourism and providing amenities to pilgrims at Ayodhya is the renovation and reconstruction of the temple of Bhagwan Sri Ram Lala Virajman at Sri Ram Janma Bhoomi, and the development of adjacent areas as Ram Katha Park. The first essential step to be taken in that direction is the clearance of the site of Sri Rama Janma Bhoom: of several structures and encroachments thereon. The next step is the development of Sri Rama Janma Bhoomi Sthal by the Government and in doing so the area of Sri Ram Janma Bhoomi and some more land adjacent thereto would have to be kept in reserve for the renovation and reconstruction of the temple of Bhagwan Sri Rama Virajman there, and its appurtenances. All this development work is to be completed, according to the decision of the government from public funds in accordance with plans approved by the Government.”.

However, when the construction of the platform started on the acquired land and the matter was raised before the Supreme Court in contempt proceedings, State Government took the stand that this construction was neither approved by the State Government nor any help given for it by the State Government.

5.9 - It is worth noting that in its order of 11 December 1992 the Allahabad High Court held the action of the U.P. Government in the land acquisition matter to be mala fide, and struck down the acquisition.

Construction of the platform by kar sevaks in July 1992

5.10 - “On 15 July 1992, the High Court passed an order stating that: “In the meantime, the opposite parties are restrained from undertaking or continuing any construction activity on the land in question. If it becomes necessary for the opposite parties to undertake any such activity, they will seek prior permission from the Court”.

5.11 - In the petition, a prayer was made to the Supreme Court for restraining the construction work. However, the Supreme Court observed on 23 July 1992.

“So far as the question of imposing a restraint on the continuation of the work is concerned. There are already earlier orders of this Court as well as of the High Court at Allahabad. Which interdict any constructions what we are examining in these proceedings is the very complaint that those earlier order. have been flouted and disobeyed by the respondents. As there are already canting express orders of the Courts interdicting further construction there is in these proceedings concerned with consideration of the question of consequence of their disobedience, no point in adding to the series of orders already passed, except to say that the orders already made, have that effect’.

5.52 - In its affidavit dated 29 July 1992 before the Supreme Court. the Government of Uttar Pradesh stated that the platform was being used for seating of pilgrims during religious discourses at ceremonies. However, certain photographs filed by the petitioners before the Supreme Court show that the pilgrims were seated in the Shamiyanas erected on the acquired land at a distance from the platform. Also letters written by DM and SP. Faizahad to the Chief Secretary indicate that the construction activity was stopped on 26 July 1992 implying that construction activity had been going on prior to that date. Therefore, it is not clear how the platform could have been used for seating pilgrims during religious discourses or ceremonies when the construction activity was in progress along with the use of so much equipment and machinery.

Assurances of the Chief Minister of Uttar Pradesh to NIC and the Court

5.13 It has been mentioned above that the Chief Minister, U.P. gave the following assurance to NIC on 2nd November, 1991:

(i) All efforts will be made to find an amicable solution of the issue:

(ii) Pending a final solution, the Government of Uttar Pradesh will hold itself fully responsible

for the protection of the Ram Janma Bhoomi-Babri Masjid structure;

(iii) Order of the Court in regard to the land acquisition proceedings will-be fully implemented:

and

(iv) Judgment of the Allahabad High Court in the cases pending before it will not be violated.

5.14 - The State Government agreed that these assurances may be taken as representations before the Supreme Court. The Supreme Court accepted these assurances and incorporated these in its order dated 15th November, 1991 as the following extract would show :

“We shall take it and Mr Jaitley (Counsel for Government of Uttar Pradesh) has no objection to our doing so, that the State of Uttar Pradesh remains bound by what has been stated in this paragraph and this shall be the obligation of the State of Uttar Pradesh to stand by our orders of today which is made after taking into account the stand of the State of Uttar Pradesh as disclosed by the Chief Minister and reiterated in the affidavits of the Home Secretary. It shall, therefore, be taken as a representation to the court on which we have made this order.”

5.15 - The Government of Uttar Pradesh had, thus, given clear-cut assurances to the NIC with regard to protection of the disputed structure and implementation of the court orders which stood translated into orders of the Court. In July 1992, however, it expressed its helplessness to stop the construction activity which was continuing on the acquired land. On 6th December, it also failed to ensure even the safety of the disputed structure.

Contempt Proceedings

5.16 - Reference has been made above to the orders of the Supreme Court and High Court interdicting construction activity on the acquired land, When large scale digging, levelling of land and demolition work was done on the land acquired by the Government of Uttar Pradesh in early 1992, contempt petitions were filed against the State Government and the Vishwa Hindu Parishad in the Supreme Court fresh applications were moved in these petitions in view of the construction of a concrete platform which were started on 9 July, 1992.

Assurance to the Supreme Court on the Symbolic Nature of Kar Seva

5.17 - An application was moved before the Supreme Court of India on 2nd November, 1992 in one of the pending contempt petitions expressing apprehensions in view of the announcement of kar seva from 6th December, 1992 and seeking directions to pass ‘a very strenuous order’ restraining the

respondents and other functionaries of VHP, BJP and other organisations and the so-called kar sevaks, saints, sadhus, etc. from committing further contempt by restarting the construction. The application also sought directions to the Central Government to take possession of the site as receiver or otherwise use para-military, military forces 10 contain a very serious situation.

5.18 - In its submissions to the court on this application the State Government said that it did not favour immediate coercive action as there were 'ongoing parleys amongst the various groups for settlement'. On consideration of this stand, the Court directed Attorney General to be present in the Court on 23rd November, 1992 to indicate the Union Government's stand in the matter. The Government of India in its submissions to the Court indicated that it was prepared to abide by and implement in any direction which the Court might give and that it was also prepared to assist the State Government in any way that the State Government wanted if it felt that its own resources were not adequate. During the subsequent proceedings of the Supreme Court the Government of India kept the Court fully informed of the latest developments regarding RJB-BM issue covering matters such as preparation for the kar seva, speeches of the leaders relating to the kar seva, deficiency in security arrangements etc.

5.19 - The Government of Uttar Pradesh took the stand that it was negotiating with various parties. Its affidavit dated 27th November, 1992, inter alia stated the following:

"The process of negotiation with various parties has been initiated by the State Government. The response has been positive..... The State Government is now confident that as long as the Writ Petitions regarding acquisition are pending and the interim orders of the High Court are in force, no construction, permanent or temporary, will take place though to allay the religious aspirations of the Ram Bhakts, kar seva other than by way of construction, as stated, may take place."

This stand of the State Government that there should be no violation of the Court orders while performing kar seva was supported by Swami Chinmayanand, BJP-MP and functionary of VHP in a letter annexed to the affidavit of the State Government. A similar assurance was given the next day i.e., 28th of November by Smt. Vijaya Raje Scindia. The State Government also gave the undertaking to the Court that "It will ensure that no construction machinery or construction material will move into the acquired land and no construction activity will take place or carried out as long as the interim order of High Court is in force in the writ petition pending before it relating to the land acquisition".

5.20 - In its order dated 28th November, 1992 the Supreme Court took note of the above undertaking and the further assurance of the State Government that

‘in the name of ‘kar seva’ no constructional activity, either temporary or permanent, would take place or be allowed to take place on the acquired land” and that “the kar seva would be a symbolic occasion for carrying on certain religious activities to assuage the feelings of the devotees and will not be exploited for any constructional activity, symbolic or otherwise”. The Court further noted that “the State Government has come forward with an emphatic assurance and undertaking that the orders of the High Court will be obeyed and implemented and that no constructional activity will be carried on or permitted to be carried on by whatsoever agency on the acquired land”.

5.21 - Following further submissions by the Central Government and the petitioners, the Court passed a further order on 1 December, 1992 observing that “due publicity be given to the fact that the proposed kar seva from 6 December, 1992 would not involve any construction activity or moving of any building material. Such publicity might inform all those concerned about the limitations of the purposes of gathering. If any, at the place”. The Court directed “both the Central Government and the State Government to issue appropriate publicity through such media as might seem appropriate including the Doordarshan and the All India Radio. This shall be done immediately”.

5.22 - In accordance with the directions of the Court, the Central Government gave wide publicity to the assurances given by the State Government and the fact that during the kar seva there could be no construction activity. While the State Government continued to give the above assurances, the events of 6 December, 1992 completely exposed the real intentions of the State Government. Kar sewaks were allowed to assemble in huge numbers in the immediate vicinity of the disputed structure, proper security arrangements were not made and the State Government failed to live up to its promise to protect the disputed structure. The Supreme Court heard the matter again on 6 December, 1992. In its order passed on that day, the Supreme Court observed that “a grave situation has emerged by the developments that have occurred owing to the violations of the undertakings and assurances given by the State Government to the Court. It is a great pity that a constitutionally elected Government could not discharge its duties in a matter of this sensitiveness and magnitude”.

COURT ORDERS AND SECURITY OF DISPUTED STRUCTURE

Compliance with court orders and ensuring security of the disputed structure were the two major areas of concern for the Central Government in its interaction with Government of Uttar Pradesh on the Ram Janma Bhoomi-

Babri Masjid issue. The concern of the Central Government was shared with the State Government through letters, meetings and personal discussions. The State Government continued to reassure the Central Government of its commitment on both these counts.

Compliance with Court Orders

6.1 - The need to ensure compliance of court orders was taken up by the Union Home Minister at his level with the Chief Minister of UP in meetings, discussions and through letters (Appendix- VII). Letters were written by the Home Minister in this regard on 23 March 1992, 17 May 1992, 29 May 1992, 7 July 1992, 9 July 1992 and 29 October 1992. At the official level also the matter had been taken up on numerous occasions through discussions and letters. During the visit of an Official Team to Ayodhya on 12-14 July, 1992 and of another high-level team to Lucknow and Ayodhya on 31 August, 1992, the whole matter was taken up with the State authorities.

6.2 - Observations relating to the court orders were also made in the report prepared by a Delegation of Members of the Standing Committee of the NIC and Parliament which visited Ayodhya on 7 April, 1992 and the above mentioned Official Team which visited Ayodhya on 12-14 July, 1992. The report of the Official Team was brought to the notice of the State Government for appropriate action on the recommendations. However, the State Government did not indicate the action, if any, taken in this regard. After it was announced that the kar seva would be resumed and it became quite apparent that such kar seva would be tantamount to violation of court orders, the Union Home Ministry again took up the matter with the State Government. At the level of the Home Minister, letters were written on 21st November, 1992 and 3rd December, 1992. The Home Minister drew the specific attention of the Government of UP to the responsibility of the State Government in preventing any activity which would be violative of court orders.

Security of the Disputed Structure and likely fall-out on the Communal Situation

6.3 - The Central Government had always been concerned with the fall-out of the RJB-BM dispute on the law and order situation in the country, particularly in the event of any damage or harm being caused to the structure. Also any construction activity or plan that visualised that the structure would in future be demolished or relocated or absorbed: into a temple would adversely affect communal harmony. The Government of India expressed anxiety over the fact that a number of security arrangements which had earlier been in existence were progressively dismantled by the State authorities; for example, the outer cordon iron pipe barricading, barbed wire fencing, concertina wire rolls and a number of road barriers were removed. Also frisking arrangements before entering the RJB-BM complex were discontinued and free entry had been

allowed into the complex. This made it possible for large crowds to collect around the disputed structure. During the time the karseva for the construction of the concrete platform was undertaken in July 1992, the kar sevaks and others had various kinds of tools and implements with them. The atmosphere was one of religious frenzy and various kinds of inflammatory speeches were made.

6.4 - Maintenance of public order is the responsibilities of the State Government However, in view at the importance of the mater, the Home Ministry took up the question of the security of the structure on the continuing basis with the State Government Innumerable letters were written to the State Government in this regard. A gist of the correspondence is at Appendix-VII The Home Minister Himself wrote letters on 15 October 1991, 13 November 1991, 26 December 1991, 10 January 1992, 23 March 1992, 17 May 1992, 20 May 1992, 7 July 1992. 4 July 1997, 17 July 1992, 11 September 1992, 29 October 1992, 11 November 1992, 21 November 1992, 1 December 1992, 3 December 1992 and 5 December 1992. The Home Minister also conveyed this to the Chief Minister or personal meetings and in discussions, during the period October—November 1992 he also suggested to the Chief Minister that a comprehensive review of the security plan for the structure might be carried out in which the representatives of Central expert organisations should also be associated. However, this suggestion was not accepted by the State Government despite repeated requests from the Home Ministry. Particular shortcomings in the security measures taken by the State Government were pointed out to the State Government. The Home Ministry also informed the Chief Minister that according to the Centre's assessment, the forces deployed by the State Government for security purposes at Ayodhya in connection With the kar seva proposed to commence from 6 December 1992 would not be sufficient to meet the security requirement, especially if any untoward development took place or if in the environment of religious frenzy. Violence broke out. The Central Government also brought the inadequacy of security arrangements to the notice of the Supreme Court on 30 November 1992, and the Supreme Court asked the State Government to give its constructive consideration to the suggestions made by the Government of India. However, no effective action was taken by the State Government.

Stationing of Central Para Military Forces

6.5 - The Central Government had taken the precaution of stationing Central Para Military Forces at various places in Uttar Pradesh on 24 November 1992 itself in the proximity of Ayodhya so that these could be made available at short notice if and when required by the State Government for deployment in connection with the security of the disputed structure and maintenance of law and order. As many 2 195 companies of the Central Para Military Forces were stationed and they were fully prepared to deal with any untoward

development having been equipped with facilities such as tear gas, rubber bullets, plastic pellets and over 900 vehicles. The force included Women CRPF companies, NSG Commandos, bomb disposal teams and sniffer dog squads. The intention was that this force should be utilised by the State Government with minimum loss of time. The Home Minister repeatedly urged the Chief Minister to consider deploying the force in connection with the security arrangements at Ayodhya. However, instead of utilising the force, the Chief Minister criticised the Central Government's action in stationing the force in his State and demanded its withdrawal. He even went to the extent of challenging the constitutional validity of the Central Government's action and made false allegations against Central para-military personnel. The State Government however, accepted the service of bomb detection squads and sniffer dog squads after the Central Government brought to the State Government's notice the possibility of threat by explosives to the disputed structure and urged the deployment of these squads. Despite the Chief Minister's strange and recalcitrant attitude, the Central para military forces stationed near Ayodhya were kept on total alert so as to be made available to the State authorities as soon as required.

Development Plans in the Acquired Land

6.6 - In order to know, inter alia, whether any plans of the State Government or other agencies in or ground the Ram Janma Bhoomi-Babri Masjid complex affected the disputed structure, the Government of India had on a number of occasions, asked the State Government to indicate its development and construction plans in and around this complex including the acquired land. The State Government had informed that the purpose of land acquisition was "the development of tourism and providing amenities to the pilgrim at Ayodhya". It also informed that the acquired land would be used to make "the immediate and urgent arrangement to accommodate the pilgrims and to make arrangement for their shelter and provide them other amenities. This would include amongst other things beautification of the area, shelter places for pilgrims and arrangements for providing medical and drinking water facilities to the pilgrims. In addition, other works would be undertaken for attracting tourists and pilgrims". This matter was also taken up with the State authorities by the above mentioned Central Official Team which visited Ayodhya on 12-14 July 1992. No clear reply was received from the State Government. However, the State Government in a letter dated 26 November, 1992 to the Home Ministry had informed that the development and construction plans in respect of the acquired land (2.77 acres) and other areas had not been finalised. It was not clear how all the demolitions, digging and levelling had been undertaken without any plans having been drawn up. While the situation was not clarified to the Government of India by the State Government, in affidavits filed on behalf of the State Government in the High Court, the scope of the purpose of acquisition was sought to be widened by including in

it matters relating to the renovation and reconstruction of the temple of Bhagwan Shri Ram.

Attitude of the State Government

6.7 - The Government of UP has always taken a clear-cut stand that it was committed to the security of the structure. Mention has already been made of the assurance given in the National Integration Council meeting of 2nd November, 1991 by the CM of UP. It has also been mentioned that the CM's assurance was incorporated in an order dated 15th November, 1991 of the Supreme Court. Assurance on the subject of the security of the structure was reiterated in clear terms in the affidavit of the State Government filed on 27th November, 1992 before the Supreme Court. Relevant excerpts are as follows:-

“The State Government reiterates that it is fully committed to safeguard and protect the disputed Ram Janma Bhoomi Structure in Ayodhya. The State Government has been frequently reviewing security arrangements of the disputed structure and has been taking all necessary steps to ensure its safety. Entry to the disputed structure is carefully controlled and every person is checked before entry. Metal detectors and close circuit T.V. are in operation. Road barriers are also used for controlling the crowd whenever necessary. Recently the State Government has decided to deploy additional 15 companies of P.A.C and additional police force for the security of the structure and for maintaining law and order.

Thus the State Government is fully competent to ensure the safety of the structure without any additional central force.”

6.8 - The commitment to the security of the structure was also stressed in the letters of the CM, UP to the Home Minister. In his letter dated 9th July, 1992 he gave an account of the security arrangements. Again on 12th July, 1992 he wrote to the Home Minister in the context of Home Minister's visit to Ayodhya and reacted favourably to the suggestions made for the security of the structure, Even while construction work was going on during the month of July, 1992, the CM in his letter dated 21st of July, 1992 stated that there was no threat to the structure despite the presence of the large number of people engaged in the construction work. The commitment of the State Government to the security of the structure was again stressed in the CM's letter of 25th November to the Home Minister. Despite this oft-reiterated commitment however, the Chief Minister reacted very strongly to the stationing of Central forces near Ayodhya. The State Government was informed of the Stationing of these forces on 24th November. The very next day the Chief Minister wrote to the Home Minister protesting against this precautionary move of the Central Government He followed this up with letters addressed to the Prime Minister on 26th and 27th November and December, at no stage, did the

Government of UP indicate that it would not use force for the protection of the structure.

6.9 - The State Government has also been reiterating its commitment to enforce the court orders, This commitment has, however, been qualified in the letters to the Central Government as well as in affidavits filed before the Supreme Court by stating that the State Government did not favour the use of force and preferred an approach based on persuasion. This stand of the State Government was also very much in evidence when during July, 1992 it did not use force against the persons engaged in construction work in violation of court orders.

THE BUILD UP FOR DECEMBER 6, 1992

7.1 - After UP Government's assurance to the Supreme Court that the kar seva from 4th December, would be symbolic, it was expected that the Ministers of UP. Government and the senior leaders of BIP and the VHP would tone down the mobilisation efforts and refrain from saying or doing anything that could provoke the kar sevaks to dishonour the undertaking given to the Court. In reality, however, mobilisation efforts were stepped up and the statements of senior leaders on the idea of symbolic kar seva became more and more ambivalent,

Mobilisation of Kar Sevaks

7.2 - As early as 1st December, 25,000 kar sevaks had reached Ayodhya. 370 tents and a kitchen were set up at the Ram Katha Kunj where 16,000 kar sevaks were accommodated in close proximity of the disputed structure. The number of kar sevaks went up to 60,000 by the afternoon of 2nd December and crossed one lakh on 3rd December. On 5th December, i.e. on the eve of the kar seva the number had exceeded two lakhs.

7.3 - In order to lodge such a large number of kar sevaks, about 800 tents had been erected by 4th December. In addition, kar sevaks were also staying in schools and colleges, houses of local citizens verandahs of houses and big shops, temples, Ram Ki Pauri; and even in the open in the RJB-BM complex. The local administration stepped up its efforts to increase civic amenities in Ayodhya in view of the arrival of such large numbers.

7.4 - A number of kitchens were set up for the kar sevaks. Apart from the kitchens at Ayodhya, the district units of VHP in neighbouring districts were directed to prepare and send food packets and eatables everyday.

7.5 - The Central Government viewed the large scale mobilisation with

concern as the presence of such large numbers made the job of ensuring a disciplined conduct of 'token' kar seva more difficult. The large numbers also strained the civic amenities, thereby entailing the risk of epidemic. Finally there was the concern that a section of the crowd could go out of the control of the organisers and cause damage to the shrine. The Union Home Minister, in his letter of 1st December, 1992 to the Chief Minister, highlighted the increased threat to the structure on account of the large influx of kar sevaks and requested him to give 'urgent and serious consideration' to the suggestions made by the Central Government for the security of the structure. In his letter of 3rd December, the Home Minister dealt with the Chief Minister's objections to stationing of Central para-military forces near Ayodhya and urged him to make effective use of them.

7.6 - On 5 December, 1992, i.e., the day before the proposed kar seva, the Home Minister again alerted the Chief Minister of U.P. He pointed out, "There are reports that the kar sevaks are in restive and even belligerent mood and that many of them are resorting to extensive purchases of Trishuls which can even be used for offensive purposes..... As I had written to you earlier the security arrangements made by the State Government may not be adequate for the occasion, especially if any violence breaks out. It has been reported that the control at entry points between the outer and inner cordons is lax because of which large batches of visitors are exerting heavy pressure to enter the disputed structure.....In View of the prevailing situation and the fact that the site of the proposed kar seva and other activities will be in the immediate vicinity of the disputed structure, it is necessary to upgrade the security arrangements substantially, I would suggest that the State Government should examine this matter very carefully and take immediate measures to strengthen the security measures.....As you are aware contingents of Central para-military forces have already been stationed at various places in U.P. so as to make them available at short notice if required In the State Government for the security of the disputed structure and maintenance of law and order in view of the call given for the kar seva. I understand that only about 23 coys, including 4 coys. of CRPE are currently deployed for the security arrangements in and around the RIB BM complex, It is felt that this strength may not be sufficient to meet the security requirements, especially if any untoward development takes place. I shall be obliged if you can have this matter looked into personally",

Statement of the Leaders about the nature of Kar Seva

7.7 - A summary of the statements made by leaders of VHP and BJP noticed between 15th November, to 6th December in the context of the kar seva is at Appendix-XIII, A perusal of this would show that initially senior leaders of BJP/VHP/RSS and allied organisations had not quite accepted the idea of symbolic kar seva. Many of the senior leaders including Shri Ashok Singhal and Shri M.M. Joshi said that they would abide by the decision of the

Kendriya Marg Darshak Mandal (KMDM) rather than that of the Supreme Court regarding the nature of the kar seva. The KMDM meeting held on 5th December defined the programme of the kar seva in a manner that was consistent with the court orders and the assurances given by the Government of Uttar Pradesh. Statements of leaders like Shri L. K. Advani also changed in emphasis by 5th December and favoured a symbolic kar seva or construction on undisputed land.

Rath Yatras of Shri Advani and Shri Joshi

7.8 - The Bhartiya Janata Party decided to re-enact the Rath Yatra by Shri L.K. Advani and Shri M.M. Joshi on the pattern of the 1990 Rath Yatra of Shri Advani with the objective of mobilising people and kar sevaks. Shri Advani announced on 30th November 1992 that his arrest at Samastipur in 1990 during the Rath Yatra had prevented him from touring the eastern districts of Uttar Pradesh before reaching Ayodhya. Therefore, he wanted to complete the last lap of his unfinished Rath Yatra of 1990.

Shri Advani stated that they had now decided to plunge in the Ram temple movement in full strength.

7.9 - The Rath Yatras started on 1st December 1992. Shri L.K. Advani started from Varanasi and Shri M.M. Joshi from Mathura. The starting points had their own sinister significance for the future demands and programmes for restoration of the temples at both these places. Shri Advani travelled through the important towns of Eastern Uttar Pradesh and reached Ayodhya. Shri M M. Joshi travelled through the important towns of West Uttar Pradesh and reached Ayodhya. During their yatra both these leaders gave provocative speeches and mobilised kar sevaks and asked their workers and people to reach Ayodhya in large numbers to perform kar seva.

7.10 - Shri L.K. Advani, during the Rath Yatra, kept constantly appealing to the kar sevaks to take the plunge and not bother about the survival of the Kalyan Singh Government. Shri Advani also kept saying that kar seva in Ayodhya would not remain restricted to “bhajan or kirtan” but would involve physical labour. .

7.11 Shri M.M. Joshi, during the Rath Yatra, maintained that the BJP Government in U.P. would not use force against the kar sevaks in Ayodhya. The nature of kar seva would be decided by the Sants/ Mahants and the RJB-BM issue was a religious matter and it could be solved by the Dharmacharyas and not by the Supreme Court. Sh. Joshi threatened serious consequences if the BJP Government in U.P. was dismissed.

Statements of senior leaders of VHP/BJP on security of the Structure

7.12 - While the statements of the senior leaders of BJP/VHP/RSS on the nature of the kar seva were characterised by ambivalence, their attitude towards the security of the

structure was, by and large, reassuring. Leaders of VHP had criticised the Prime Minister for terming the disputed structure as a mosque in his Independence Day speech. Sadhvi Ritambhara said that Hindu Samaj was 'shocked' when Prime Minister called the disputed structure a mosque. Shri Ashok Singhal and Shri Vinay

Katiyar made clear-cut statements that there was to be no damage to the structure as long as the idols of Ram were installed there. Some threatening statements had come to notice hinting at the possibility of demolition but these were generally contingent upon some 'provocative' action by the Central Government like the dismissal of the Government of Uttar Pradesh.

7.13 - To sum up, the situation during the first week of December was marked by uncertainty about the nature of kar seva. However, the decision of the KMDM on 5th December, 1992 reduced this uncertainty considerably. Even a rehearsal of the symbolic kar seva was organised on 5th December. Seen in the context of the developments of July, 1992 in which there was construction on the acquired land in violation of court orders but there was at no stage any threat to the structure, the doubts that did remain were almost entirely on the question of 'symbolic' nature of kar seva, The declared programme of the organisers of the kar seva, as it stood on the evening of 5th December, 1992, did not envisage any threat to the structure and in fact also promised to respect the court orders. Keeping in view, however, the risks inherent in the situation, Central Government had, as a measure of abundant caution stationed its para-military forces near Ayodhya and shared its concern on the security of the structure with the State Government on a continuous basis right upto the fateful day.

AFTERMATH

COMMUNAL SITUATION IN THE COUNTRY

8.1 - Following the demolition of the RJB-BM structure by kar sevaks on 6th December, 1992, the communal situation in various parts of the country deteriorated sharply. By 7th December, 1992, communal violence had spread in Uttar Pradesh, Madhya Pradesh, Rajasthan, Gujarat, Maharashtra, Andhra Pradesh, Karnataka, Punjab, Bihar, West Bengal and Delhi. Curfew was imposed in many towns in the country as a precautionary measure as also to control the communal violence.

8.2 - By 8th December, 1992, the States of Assam, Kerala and Orissa were also affected by communal violence and the communal situation remained

disturbed. The State authorities stepped up preventive measures including effective enforcement of prohibitory orders and arrest.

8.3 - By 9th December, the States of Meghalaya and J&K also had become affected by communal incidents.

8.4 - More than 200 columns of the Army were deployed in various towns of Uttar Pradesh, Bihar, Madhya Pradesh, West Bengal, Rajasthan, Gujarat, Maharashtra, Karnataka, Haryana, Kerala, Assam and Jammu & Kashmir.

8.5 - By 10th December the communal situation was gradually improving. The States that continued to be seriously affected were Maharashtra, Gujarat, Uttar Pradesh, Madhya Pradesh, Karnataka, Assam, and Rajasthan. On the 11th December, there was further improvement.

8.6 - The situation returned to normalcy in about a fortnight's time. There was recrudescence of violence in Maharashtra and Gujarat in January, 1993 but this was due to certain local factors also.

8.7 - Instructions have been given to the State Governments to organise relief and rehabilitation to the victims of the riots immediately. The National Foundation for communal Harmony has been in touch with the State Governments to identify the children who have been rendered destitute and who need assistance from the Fund.

8.8 - India is a large country with thousands of places where members of different communities live together in brotherhood and harmony. Unfortunately, the coverage of news of incidents and violent events completely overshadows the positive action taken, including heroic acts done, by members of one community to help the distressed members of another community. Already, some socially conscious journalists have highlighted such events to show that the traditional amity that has existed in India among the various communities is still very much there despite the provocative statements and acts of misguided leaders and anti-social elements. - While what has occurred is of the greatest concern, the whole situation needs to be seen in proper perspective. If the total picture is kept in view, the present situation is far from discouraging and there is no reason why normalcy should not return soon to the few places which are still afflicted by communal tension.

STATEMENT BY HOME MINISTER IN PARLIAMENT

8.9 - The Union Home Minister made a statement in the Parliament on 18th December, 1992 on the events related to the demolition of the RJB-BM structure. Copy of the statement is at Appendix-XIV

ACTION TAKEN BY THE CENTRAL GOVERNMENT

8.10 - After the attack on the RIB- BM structure, proclamation for the imposition of the Presidents Rule in Uttar Pradesh and for the dissolution of the State Legislative Assembly was issued on the same day. However, the situation in the RJB-BM complex was very sensitive as large numbers of kar sevaks were still present in Ayodhya. The kar sevaks were in a defiant mood, in this situation, immediate rushing in of security forces would have resulted in large scale use of force violence. It was felt that it would be preferable to send the security forces in the night of 7-8 December, 1992 and use such minimum force as may be necessary to proceed towards the Ram Janma Bhoomi-Babri Masjid complex. The security forces moved in subsequently and secured the RJB-BM area and also took all ancillary measures for bringing the kar seva to a halt.

8.11- Mention has been made above (Overview) of the decisions taken on 7th December by the Government to ban communal organisations, to take strong action for prosecution of the offences connected with the demolition, to fix responsibilities of various authorities for their lapses relating to the events of December 6, to rebuild the demolished structure and to take appropriate steps regarding new Ram Temple. The last two decisions were further elaborated on 27th December as follows :

“The Government has decided to acquire all areas in dispute in the suits pending in the Allahabad High Court. It has also been decided to acquire suitable adjacent area. The acquired area excluding the area on which the disputed structure stood would be made available to two Trusts which would be set up for construction of a Ram Temple and a Mosque respectively and for planned development of the area.

“The Government of India has also decided to request the President to seek the opinion of the Supreme Court on the question whether there was a Hindu temple existing on the site where the disputed structure stood. The Government has also decided to abide by the opinion of the Supreme Court and to take appropriate steps to enforce the Court’s opinion. Notwithstanding the acquisition of the disputed area, the Government would ensure that the position existing prior to the promulgation of the Ordinance is maintained until such time as the Supreme Court gives its opinion in the matter. Thereafter the rights of the parties shall be determined in the light of the Court’s opinion.”

In pursuance of these decisions an ordinance named ‘Acquisition of Certain Area at Ayodhya Ordinance’ was issued on 7th January 1993 for acquisition of 67.703 acres of land in the Ram Janma Bhoomi-Babri Masjid complex. A reference to the Supreme Court under article 143 of the Constitution was also

made on the same day. Copy of the ordinance is at Appendix-XV and of the reference at Appendix-XVI.

8.12 - At the direction of the Central Government the State Government has set up a separate Cell headed by a senior police officer of the rank of Inspector General of Police to conduct and supervise the investigation of the attack on the media persons on 6th December. The Government has also decided that the media persons whose equipment was damaged would be allowed to import replacements and clear the same free of customs duty.

8.13 - Government has decided that the strongest action possible under the law will be taken to book the culprits who committed various offences connected with the demolition of the RIB-BM structure on 6th December, 1992 including those who incited and abetted the offences, Cases under the relevant provisions of law have been registered against certain persons and arrests have also been made. The offences are under investigation.

8.14 The manner in which the events of 6th December took place has given rise to suspicions of a deep rooted conspiracy on the part of the perpetrators of this crime. The Government is determined to take all possible steps to unveil the conspiracy, if any, in all its ramifications and to relentlessly pursue the offenders till they are brought to book. With this in view, the Government has handed over the investigation of the crime to the Central Bureau of Investigation, which is an investigating agency of the Government of India.

8.15 - A Commission of Inquiry headed by Justice Shri Manmohan Singh Liberban of the Punjab & Haryana High Court has been constituted to look into the sequence of events leading to, and all the facts and circumstances relating to the occurrences in the Ram Janma Bhoomi-Babri Masjid complex at Ayodhya on 6th December, 1992 involving the destruction of the Ram Janma Bhoomi-Babri Masjid structure, The Commission will also look into the role played by the Chief Minister and other ministers and officials of the Government of Uttar Pradesh and by the individuals, concerned organisations and agencies in the destruction of the RJB-BM structure. Deficiencies in the security measures and the assault on the media persons have also been included in the terms of reference of the Commission. A copy of the notification constituting the commission is at Appendix-NVIT.

8.16 - The Central Government has declared Jamaat-e-Islami Hind (JEIH), Islamic Sewak Sangh (ISS), Vishwa Hindu Parishad (VHP), Rashtriya Swayamsewak Sangh (RSS) and Bajrang Dal as unlawful associations under section 3 of the Unlawful Activities (Prevention) Act, 1967. The powers to take action under the various provisions of the Act have been delegated to the State Governments. Reports about the execution of the orders have started flowing in. Copies of the notifications under the Unlawful Activities (Prevention) Act are at Appendix-XVII.

8.17 - The Governors of Rajasthan, Himachal Pradesh and Madhya Pradesh reported that the Government of the State could not be carried on in accordance with the provisions of the Constitution After due consideration of the matter President's rule was imposed in these States on 15 December 1992.

8.18 - The Central Government has taken note of the large variations in the quantum of the relief being given to the victims of communal riots among the States and has decided to see to it that the States adopt a uniform pattern of assistance throughout the country with a payment ex gratia of one lakh rupees to the next of kin in case of death and fifty thousand rupees to those who are permanently incapacitated. For the particular case of the riots following the demolition of the Ram Janma Bhoomi-Babri Masjid structure, Government has announced increase in the ex gratia amount in case of death of two lakh rupees as a one time exception. It has been decided to set up a fund for the repair and reconstruction of the places of worship destroyed during the riots. Government of India will also recommend to the States that in addition to the relief in case of death, grievous injury or permanent incapacitation, employment be also given to widows or wards where the earning member of the family has been killed or permanently incapacitated. Other reliefs such as allotment of tenements or house-sites to families rendered houseless, allotment of shops/space for kiosks to families to restart their business and bank loans for capital investments as also working capital for recommencement of industries and businesses affected in the riots have also been recommended to the State Governments. Similar measures have also been taken in the Union Territories.