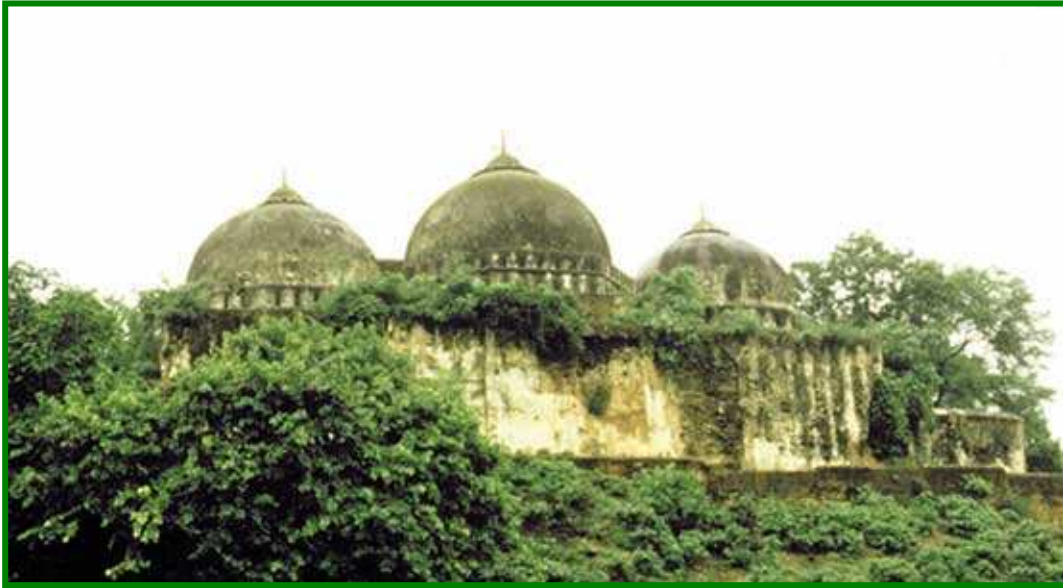


AYODHYA: MASJID-MANDIR DISPUTE

Towards Peaceful Solution

An E-Digest

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Preface

The country is waiting with the bated breath the outcome of the land dispute where Babri Masjid stood. The court is to give its verdict on 17th September 2010. One recalls that in the worst ever communal act occurring in the country the Masjid was demolished on 6th December 1992. At the site a make shift Ram Temple was set up and since then the dispute has taken a worse form.

The court has been hearing the case about the ownership of where the mosque was situated. In anticipation of the judgment government has stated that there is a need for caution and that there should be no disturbance in the wake of the judgment. However the RSS and associates have started giving statements that temple will be built precisely on that spot and that it is matter of faith for Hindus. It is noteworthy that local Mahants (Yugal Kishore Sharan Shastri and others) and peace activists e.g. *Ayodhya Ki Awaj* have started a campaign that the judgment of the court should be respected by all the parties and temple and mosque should come up as per the law of the land. The local peace groups have already begun the campaign with the help of stickers and booklets calling for peaceful resolution of the dispute. Many a Muslim groups and those representing Muslim voice have committed that they will abide by the decision of the courts.

It is in this light that we thought of compiling few representative essays and articles which give the background of the dispute, trace the trajectory of demolition, its impact on the people, the changing attitude of communities, the local longing for peace and the way forward for peace and amity. We hope that social activists and others will benefit from this effort and contribute to the peaceful solution of the dispute. We also hope that the efforts of peace activists will trigger a process where by communal tendencies will be curbed and the atmosphere of peace and amity with strengthen all over the country.

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Mumbai.*

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(A) BACKGROUND

(1) Abode of Ram or House of Allah - Babri Masjid-Ram Janambhumi dispute

Introduction:

Our country, which is plagued with poverty, disease, misery, hunger, illiteracy and lack of adequate medical facilities to a large section of its population, has been witnessing a strange phenomenon. Last two decades have been an observer to the conflicts and issues, which have no bearing on those who are hungry, uneducated or unemployed, on those who use the great blue sky as the roof for their 'housing', the pavement dwellers, who constitute no less than 40-60% in big cities. In the meanwhile the clash for the house of Ram or Allah came as a big bang and has been hogging the front-page headlines day in and day out.

The demolition of 'disputed structure', on 6th December, which till few years ago was known as Babri Masjid, started being referred to as the precise place where lord Ram was born. It was claimed that this was built by the Mughal invader Babur to humiliate the Hindu psyche, and it stands as a shame to the honor and prestige of the nation. Babri demolition came as a big jolt to the whole country. While a section of society (those belonging to the Sangh Parivar, SP) referred to this event as the wiping away the blot on the face of the nation, *Shourya Divas* (day of Bravery), *Hindu Navnirman Divas* (day Hindu resurgence) etc. a large section of population felt it is a day of shame for the secular and democratic values for which we stand. It is a day most of the people believing in the values emerging from India's freedom struggle, the values of democracy and secularism hung their heads in shame. It is a day when many of this section felt that it was the major onslaught on the principles enshrined in Indian constitution.

"The Ramjanbhumi-Babri Masjid controversy is not of recent origin. It originated, thanks to the British policy of divide and rule, in the nineteenth century-to be more precise it originated around 1855, before the 1957 war of independence." (Engineer, 1995, 74). On the night of 22nd Dec. few miscreants entered the mosque and installed the *Ram Lalla* idols in the mosque. This sowed the seeds for renewal of the controversy in times to come. In controversy came to the fore (1984), when in the first '*Dharma Sansad*' (Religious Parliament) of Vishwa Hindu Parishad (VHP) a resolution was unanimously adopted demanding the 'liberation' of the site

of birth of Lord Ram. The issue had been forgotten since 1949. Later Sri Ramjanmbhumi Mukti Yagna Samiti (Committee for Sacrifice to Liberate Ram's Birth Place) was founded under the leadership of Mahant A vaidyanath (27th July 1984). This campaign was to have very serious repercussions, "Its impact derived once again, from the diversity of sects represented in it since 'Vishnuites, Shaivites and Tantrists who have a long history of violent competition were peacefully gathered under the banner of a goddess not worshipped by any of them; Bharat Mata, Mother India' (Jeffrelot, 363, 1996)

Later the political wing of SP, BJP, decided to enter the fray in a big way and accordingly L.K. Advani's Rath yatra began from Somnath to Ayodhya. The trail of Yatra left number of incidences of communal violence in its aftermath.



Also the anti-minority (Muslim) hatred started going up and up due to the repeated campaigns around the temple issue. Advani could not complete his Yatra as he was arrested midway on 25 Oct. 1990 and the Yatra came to a halt. Still many a Kar Sevaks assembled at the Babri Masjid site and tried to damage the mosque. Mulayam Singh Yadav's govt. had to open fire in which several people died.

Following this the call was given for the Kar Seva at the site on 6th Dec. 1992. For the Kar Seva nearly 3 Lakh volunteers were mobilized from all over the country. The BJP chief Minister of the state gave the written undertaking to the court to protect the mosque. In the demolition, which took place, the police and the other paramilitary forces withdrew from the site leaving it open to the Kar Sevaks. The mosque was demolished in 5 and a 1/2 hours and the debris was thrown in the river Saryu. A makeshift temple came up in a day's time, which was declared to be the prelude to the real grand temple, which will be built in future. In the post demolition period massive riots took place all over the country, especially in Mumbai, Surat and Bhopal. The demolition led to dismissal of the BJP governments in four states and preparation for the parts of the temple began in workshops scattered all over. Since then the on-off game of the temple agenda is on. Also different

groups affiliated to RSS (Sangh Parivar) have been talking in different and contradictory voices about the temples at Ayodhya, Kashi and Mathura.

So where has this movement taken us over a period of last 15 years or so? It has been a major movement, which was based on the issue of Religion and has been used for mobilizing a section of the population for political purpose in a big way. Also VHP started making of pillars and other parts of the temple in different parts of the country, despite the matter being in the court. Also interestingly the section of Muslim leadership promised to abide by the court verdict while big section of SP asserted that temple construction *will* be done irrespective of the court verdict. Also BJP has been saying off and on about sticking to court verdict while intermittently saying that ‘Construction of Ram temple is the National sentiment which remains unfulfilled’ (Atal Bihari Vajpayee)

Myth: That there was a ancient temple of Maharaja Vikramaditya’s time *is a fact of History, which is undisputable*, although there is some controversy as to which of the Vikramaditya resurrected the place and built a magnificent temple. It was with 84 pillars of Kasturi, a few of which still stand in the mosque like structure at Ram Janmbhumi and tell their own tale. That temple was desecrated and destroyed by Mir Baqi, a commander of Babar’s hordes after Babar visited to Ayodhya, and a mosque was sought to be raised there, in order to please Faqir Fazal Abbas Qalander. (Nandan, in Panikkar, 1990,22)

‘That the babri Masjid replaced a pre-existent center of worship, is also indicated by the fact that Hindus kept returning to the place, where more indulgent Muslim rulers allowed them to worship on a platform just outside the mosque. (Konraad Elst,Ayodhya and After,1993.3)

Fact: This type of understanding is reflected in most of the literature produced by the VHP etc. in their memorandum to Govt. of India. Historical evidence is presented on these lines and this formulation incorporates three major queries,

- a. Whether Ram was born exactly at the spot where the Masjid was located?
- b. Was a temple demolished before the construction of the mosque?
- c. Was there a popular belief about the existence of Ram Temple and its demolition?

Let’s have a look at these issues one by one.

1. Whether Ram was born at the spot where Masjid was located?

This is very vexed question where myths and facts have got mixed up in an apparently inseparable manner. One of the reasons for this is the very

period of history/ mythology being referred to. Due to the extremely ancient nature of the period being referred to the sources have to be examined very carefully in order to come to a particular conclusion. To begin with while many a Historians will regard Ram as a Mythological figure, many others are endowing the status of a historical figure to him. Noted scholar Suniti Kumar Chatterjee maintains “the Ramayana is basically a creation by some single poet named Valmiki. There is evidently no historical core below the surface. No scholar of Indian history now thinks that Rama, the hero of Ramayana was a historical person who can be relegated to a particular period of time”(Chatterjee, 976-77, 14), Even if we grant that he was a historical figure then the question arises whether he was born in Ayodhya? And if he was born in Ayodhya was he born on the precise spot where the Babri Masjid is located.

Let us keep in mind that even today there are many other Ram Temples right in Ayodhya, which claim that Lord Ram was born precisely at that spot. Coming to the existence of Ayodhya, did it exist when Ram was born? To begin with “The events of the story of Rama, originally told in the Rama-Katha which is no longer extant, were rewritten in the form of long epic poem, the Ramayana, by Valmiki. Being a poem it could have been fictional, including places, characters and events”(Panikkar, 1990, 23). According to Aihole inscription, *Epigraphia Indica*, (Vol. VI, 1990-1901) Rama was born in Treta yug, in the year around 3100 BC. The description of Ayodhya in this epic does not match with the archeological findings. One of the archeologists B.B.Lal had concluded that, 'it would seem reasonable to ascribe the first occupation of the Janmabhumi area to circa seventh century BC.’”(Lal, 1976-77,52) The development of this area as a settlement came much later, certainly not earlier than the end of sixth century or the first half of fifth century, when several other towns emerged in Gargetic plains.

The facts about this issue are well summed up in the report of the 25 eminent historians of Jawaharlal Nehru university who in the wake of growing communalization around this issue came up with a well studied report (S. Gopal, 1989). These historians point out

1. There is no archeological evidence to show that at this early time the region around present day Ayodhya was inhabited. The earliest possible date for settlement at the site are of about eighth century BC. The archeological remains indicate a fairly simple material life, more primitive than what is described in Valmiki Ramayana.
2. In Ramayana there are frequent references to places and buildings on a large scale in an urban setting. The archeological evidence does not sustain such descriptions of an urban complex.

3. There is also a controversy over the location of Ayodhya. Early Buddhist texts refer to Shravasti and Saketa not Ayodhya, as the major cities of Koshala. There are few references to an Ayodhya, but this is said to be located on the Ganges, not on the river Sarayu, which is the site of present day Ayodhya.
4. In the fifth century AD, the town of Saketa was renamed Ayodhya by Gupta king, Skanda Gupt, who moved his residence there. Thus what may have been the fictional Ayodhya of the epic poem was identified with Saketa quite late. This does not suggest that Gupta king was a *bhakta* of Ram. In bestowing the name of Ayodhya to Saket he was trying to gain prestige for himself by drawing on the tradition of Suryawamsi king, a lineage to which Ram is said to have belonged.

Thus we can conclude that nobody can be certain about the historicity of Ram or the existence of Ayodhya in 4000 BC, when Lord Ram is supposed to have lived, same applies to the location of Ayodhya.

It will be worth its while to note that the Ram cult in Ayodhya is a fairly late development. Ayodhya has been a focal point of many religions, Buddhism, Jainism and Hinduism. From about fifth century BC fairly large Buddhist community was living in Ayodhya. Though this religion suffered a setback during first millennium AD, several remnants of its existence did survive. (Hsuan Tsang, Quoted in Hans Baker, 1986,38). According to Jain tradition Ayodhya was the birthplace of the first and fourth Tirthankara. 'The early places of Hindu worship of Ayodhya were of Shaiva or Vishnu provenance. The specific worship of Rama even as an avatar of Vishnu is a much later development. References to the image of Rama appear only in sixth century texts like the Brihasamhita of Varahmihira. ...At the present site of Ayodhya there is no evidence of the worship of Rama until the second millennium AD. Even the inscriptions from the fifth to eight centuries AD do not associate Ayodhya with the worship of Rama' (Panikkar, 1990, 26)

Hans Baker after detailed analysis of the available material concludes, 'the cult in which Rama was worshipped as the supreme form and main manifestation of Vishnu did not rise to prominence before eleventh and twelfth centuries AD'. (Bakker, 1986, 64-65). One can safely conclude that Rama cult became important from twelfth century onwards.

Was Temple demolished before construction of the mosque?

Mir Baqui a nobleman of Barber's court built the mosque at Ayodhya in 1528. As was the wont most of the subordinates to the king used to implement things in the name of their king. The only source for these

credits are the inscriptions on the mosque as the pages relevant to the probable visit of Babur to Ayodhya are missing from the Baburnama, Babur's Auto biography. There is no mention of this even in Tazk-I-Babri, Babur's memoirs. Babur had been forthright in his memoirs as he mentioned the ordering of mutilation of the nude Jain idols in Urwah Valley near Gwalior on the ground of obscenity, he had no reason to hide the demolition of a temple had it been done on the ground of religious conviction.

After the battle of Panipat he had visited Avadh region. Though religious fervor of Mir Baqui is evident in the verses there is no mention of the demolition. Babur's will to Humayun advises him to respect other religions especially, Hinduism, as his subjects are Hindus. Babur himself was no bigot and he gives a good account of his respect for other religions in his Baburnama. During his reign the Guru-Khatti shrine in Peshawar where Hindus offered their hair as an offering, Kachwa where a Muslim lived among Hindu Yogis and a lofty idol house standing next to a

Mosque in Gwalior are good examples of this.



But there is doubt about his visit to Ayodhya itself. There are no contemporary accounts about this episode etc. and one has to infer more from the absence of the demolition etc, as there is no mention of demolition of the

temple in any of the sources at that time. A medieval Persian chronicle, Ain-I-Akbari, written in seventeenth century by Abul Fazl refers to Ayodhya as 'one of the holiest of places of antiquity' it does not mention any demolition and replacement of temple by a mosque. Even Tulsidas, one of the greatest Ram Bhakta's of all the times could not has missed this. He lived just a quarter of century after Babur and it is totally unlike for him not to have mentioned this had this taken place as recently as 25-50 years before his time.

The claims, which have been made for demolition also do not mention the reference source of that time. Ram Gopal Pande's '*Ramjanmbhumi ka Rakta Ranjit Itihas*' mentions that during Babur's reign Hindus attacked the Babri mosque four times, during Humayun's reign ten times; during

Akbar's reign 20 times, to recover the site of temple. Even in this popular book no mention is made of the source of this information.

There was popular belief about Ram temple and its demolition.

Contrary to the projections that there had been series of clashes from the time the mosque was built, the first major clash between the Bairagi Hindus and Muslims took place in 1855. Mirza Jan in his *Hadigah al-Shuhade* chronicles that Hindus captured the Masjid Fidai Khan and demolished it. Muslims retaliated and made Babri Masjid as their base. This description makes an interesting point that Bairagis had the tacit support of British rulers. The clashes resulted in casualties from both the sides. Bairagis on seeing the British forces attacked the Babri masjid and ultimately took control of the masjid, dug up Muslim graves and also installed the idols there (Mirza Jan Quoted in Shahabuddin, 1996,22).

It is clear that the first confrontation took place at the instance of the British who succeeded in driving a wedge between Hindus and Muslims? In due course after heavy sacrifice Muslims took control of Mosque and filed the suit for the legal possession of the place. In 1858, the Muslims filed a complaint about construction of clay *chabutara* near the pulpit of the mosque and puja started being performed there. (Mirza Jan, 1986,30) In 1860 Babri Masjid was properly registered and there are records that the Mahant of Hanumangarhi who wanted to build the house nearby was disallowed.

The other argument in favor of the existence of Ram Temple is based on the myth that since most of the Muslim rulers destroyed Hindu temples to build mosques, Mir Baqui must have destroyed a temple. (See medieval history myths). Even if some Muslim rulers destroyed some temples that does not prove that Ram Temple was destroyed to build Babri masjid. The British chroniclers sowed the seeds of controversy. (P.Carnegy's 'Historical Sketch of Tehsil Faizabad, Zilla Faizabad', Lucknow-1870, and H.R.Neville's Faizabad District Gazetteer, Allahbad 1905) The underlying current of British officials is best manifest in translation of Babur's memoirs by Mrs. A.F. Beveridge. She suggests in a footnote that Babur being a Muslim and 'impressed by the dignity and sanctity of the ancient Hindu shrine would have displaced at least in part' the temple to erect the mosque. (Gopal, 1989, 6). Thus the British policy was very simple. They had to win over the loyalty of the Indian subjects from the previous rulers. They projected themselves as liberators of Hindus from the tyranny of Muslim rulers. They presented the whole history in a communal fashion and the myth of temple destruction by Muslim rulers came in handy for that. So here this basic assumption guides the gazettes and other writings and gradually this British interpretation becomes the

official one and it gets revived at suitable times. S.Gopal and others hit the nail on the head when they point out, it is in the nineteenth century that the story circulates and enters official records. Others then cited the records as valid historical evidence on the issue. (Gopal, 1986, 6).

The third assertion that that Ram was born precisely on that spot is a question of faith so temple should be built there operates entirely on different level. Faith cannot be the basis of History. The facts of history alone guide us about these issues. Resorting to faith can be very a dangerous game and there can be politically motivated faiths also as in this case there was no controversy on this issue before the British rule and also the same had died down after the independence. It was revived and given the coating of faith etc. for goals, which have nothing to do with the religion etc.

The 25 eminent historians from Jawaharlal Nehru University sum up their observations as follows (A Historians Report to The nation, 1994, 64)

1.1. No evidence exists in the texts that before the 16th Century (and indeed before 18th Century) any veneration attached to the spot in Ayodhya for being the birth site of Rama.

1.2. The legend that the Babri Masjid occupied the site of Ram's birth did not arise until late 18th century; that a temple was destroyed to build the mosque was not asserted until the beginning of 19th century, when the observers, before whom the assertions was made, disbelieved it.

1.3. The full-blown legend of destruction of the temple at the site of Ram's birth and Sita-ki-Rasoi is as late as the 1850's. Since then what we get is merely the progressive reconstruction of 'imagined history' based on faith.

Myth: The Babri Masjid contains 14 black stone pillars, with non-Islamic motifs; and these must have part of the structure of the destroyed mandir. Brick pillar base temple was demolished in 1528-29 and the Mosque was erected. This was correctly put forward by VHP during the negotiation about the dispute.

Fact: These black stone pillars are there. But similar pillars have also been found in a graveyard at a distance of $\frac{3}{4}$ KM. The motifs on these suggest a date around 9-10 in some and 10-11 century in others. Thus these don't belong to a single structure. The motif found on the pillars are also similar to the one's on many a site in eastern India. (Bannerji, 1981, plates XXXIX b and XC d). These pillars are made of black basalt stone, which is found in Raj Mahal and Mirzapur. "We have many instances of the transportation of building material from one place to another in pre-industrial India. The Ashokan sandstone pillars were quarried and made cylindrical in Chunar

from where they were sent to different parts of the country. Under Firozshah Tughlaq, Ashokan pillars from Meerut and Topla were brought to Delhi.” (A Historian's Report. 1994,53). The experts of VHP claim that the carvings on pillars show Vaishnava association. But the core Vaishnavite symbols like *shankh* (conch), *chakra* (wheel), *gada* (mae), and *padma* (lotus) are missing from these. Moreover the general height of these is around five feet, which cannot be the one of supporting pillars. So these pillars are there as decorative pieces and not as the remnant of the previous structure.

It should be noted that glaze ware pottery has been found in the trenches above the floors associated with the brick pillar base structure, and immediately below the general floor of Babri masjid. The type of pottery is never used in Hindu temples and is associated more with Muslim households. This indicates that brick-pillar structure had already fallen down and was out of use around 13th century and the site was inhabited by Muslims. Similar glaze tiles have been found in other parts of Ayodhya where there was a Muslim population. D. Mandal of Dept. of Ancient history, Culture and Archeology (Allahbad Uni.) has well summed up the archeological angle of the controversy (D.Mandal, 1993, 63)

1. Of all the archeological material brought to light so far in connection with the (now demolished) mosque, only those from Lal's trenches near the mosque actually count as primary archeological evidence. These too need to be utilized only in accordance with minimal standards of objective observation. Rather than the discovery of lower pre-mosque structure extensively constructed of stone, what has been found is that brick is ubiquitous in lower levels.
2. As evidenced by the available stratigraphy, the so-called pillar bases are certainly not coterminous with one another, but belong to different structural phases, so that the question of their being the components of a single structure is ruled out.
3. There are clear indications that the brick bases are in reality the remains of various walls of different structural phases.
4. These brick remnants speak for *kaccha* construction, and that of brick, but certainly not for a 'magnificent stone temple.
5. Certain strata have been described as 'pre-Islamic'. However, no diagnostic artifacts have been recovered from these levels suggesting that the description is invalid. The stone sculptors 'found' have neither stratigraphic context nor co-concurrence with diagnostic cultural material rendering it impossible to date them either by stratigraphy or by association
6. No evidence exists for their having been dumped in the sixteenth century inside the pit-not a single sixteenth century arte-fact has been associated with the 'hoard', and the pit has been, in stratigraphic terms, contaminated by later material. There is a total absence of stone

processing work at the site in spite of the fact that a temple using stone abundantly has been visualized.

7. Smashed or vandalized sculptures are strictly confined to a negligible area, and not scattered over the site. Even if it were suggested that all the smashed sculptures were dumped in to one pit, it is difficult to accept that a temple of the size of visualized, would have such a small collection of stone sculptures and further, the sculptures found are incompatible with materials unearthed in the scientific excavations, giving it the status of a mere surface find.
8. No artifacts of the type usually associated with temples have been reported in the systematically excavated trenches. The occurrence of broken 'pillar bases' (even if confirmed to be pillar bases) and walls disturbed by pits are not ascribable to 'mass' or 'massive' destruction, as claimed.

Mandal concludes, 'The available information is quite adequate to support the categorical statement that there was no temple, either of stone or of brick or of both materials, lying below the mosque at the site during the three centuries (thirteenth to fifteenth) which preceded the construction of the mosque.'

Myth: The Ramjanmbhumi movement is not only for construction of the temple for Lord Ram but is also for reawakening of the National self esteem. "...Ramjanmbhumi movement is not only for religious unity but also for National unity. Ayodhya struggle is the struggle for integrity and unity of India' (Truth of Ayodhya, Bharatiya Vichar Sahdhna, Nagpur,p.24)

Fact: As pointed out above the controversy had died down after the skirmish of Ninetieth century. The question did not come up until after partition. In the anti-Muslim atmosphere attempts began to convert this masjid into a temple. During the period of national 'awakening', i.e. the freedom movement leading to the independence of India and formation of nation state it never came up. Even it was lying in hibernation after the installation of the ram lalla idols during the night of 22-23 Dec. 49. "A few Hindus entered Babri Masjid at night when Masjid was deserted and installed a deity there. District magistrate and Superintendent of Police and Force on the spot. Situation under control. Police picket of 15 persons was on duty at night but did not apparently act" (K.K.Nayyar, District Magistrate's telegram to Chief Minister, G.B.Pant, Quoted in A.A. Engineer, 1995, 79) The communalization of society went on in a big way in late 70's and early 80's due to which the Muslim fundamentalists started coming up with the agitations like the one opposing the Shah Bano judgment and on the other hand VHP started pressing for the temple building at the site of the masjid. Pt. Nehru was very furious about this transgression of some Hindus in installing Ram Lalla idols in the masjid. He repeatedly wrote to UP CM to get the idols but the local DM (K.K.Nayyar)

did not budge. He later resigned and joined the previous avatar of BJP, Jana Sangh and in due course became M.P. The premises were locked and were opened for worship by Hindus only in 1986. The role of judiciary was very suspect,' the judiciary will be described as the villain of the piece. (Justice V.R. Krishna Iyer). 'It has let us down in preventing the madness from building up' Soli Sorabjee (both these quotes from A.A. Engineer, 1995,p.80)

There are complex factors leading to the build up of the issue. Indira Gandhi's tilt towards Hindu communalism after the emergency, local BJP sympathetic official, the rising communalization of society all contributed to the problem going from bad to worse. V.H.P. went hysterical after the conversion of some Dalits in Meenakshipuram to Islam. It went on to raise issue after issue to further drive the wedge between two communities and in due course took up the issue of Ram Janmbhumi. Hindu fundamentalist politics was intensifying its onslaught and used the Shah Bano episode to beat the drums of communal politics at the highest pitch. Rajiv Gandhi reduced the serious social issues to the game of cards. After having played the Muslim card in reversing the Shah Bano judgment, he came forward to play the Hindu card by getting the locks of masjid opened for the devotees of Rama. This manipulative politics came in handy for the fundamentalists of both the communities who were waiting for the pretexts to take their politics to a higher pitch.

Meanwhile Babri Masjid Action Committee under the leadership of Syed Shahabuddin got lot of flak when it is supposed to have given the call for boycott of republic day 1987. He denied having given such a call but the damage was done irreparably. The intensity of communal riots went up



tremendously in the wake of all these happenings. VHP took the issue to nook and corner of cow belt by initiating the Ram Shila Pujan and other mobilization programs. These programs and provocative propaganda by

VHP, RSS etc, led to number of communal riots in many a places, Indore, Mhow, Ratlam, Kota, Jaipur, Bhagalpur and others. The foundation stone of Ram Janmbhumi was laid on 9th Dec. with the connivance of Rajiv Govt., which succumbed to the pressure of VHP-RSS campaigns. This was

followed by the Rath Yatra of L.K.Advani, which brought together an assertive dominant minority to take up this issue. And finally the Kar Seva of 6th Dev. 1992 demolished the Masjid and inflicted a serious wound to the secular ethos of the country.

This campaign far from expressing the National resurgence and awakening was restricted to a handful of dominant sections. They were also able to mobilize some gullible sections along with the most deprived elections that out of desperation seek to join any expression of their frustration. The majority of Nation, which held on to the principles of Freedom Struggle, principles of democracy and secularism was a bystander in this game of communal forces. Ayodhya has played a role for the building up the politics of Hindu Right, Sangh Parivar, and at political level for the BJP. 'It has cleverly projected this issue to draw the political mileage from the section of majority community, by asserting that it has been wronged in the history. 'It has done manipulation of religious symbols to arouse emotions of common voters of India and to alienate the others who till this periods have lived in communal harmony and amity' (Louis, 2000, 236). SP has also projected the state to be coming in the way of Nation (Hindu Nation) Commenting on the strategy of BJP in RJB campaign Louis (ibid) further points out; 'In the entire 'struggle for Janmsthan' the BJP has tried to absolve itself and the upper caste rulers of the inhuman treatment towards Dalits, Tribals and women from the down trodden communities'

Even BJP, which ultimately took over this religion, based politics in a big way lost the elections consequent to the demolition and it has not been able to secure more than 25% of votes, indicating that it is hardly a representative of the Nation or will of the majority. In a way it is a cleverly planned movement for the communal politics, which has ignored the National sentiments of democracy and secularism. In a way it has been planned and executed to bring together only those elements of society who have no respect for the norms of Indian constitution, the norms of Liberty, Equality and Fraternity. This movement has trampled on the principles of pluralism, and respect for all religions. It has not only resulted in the demolition of a Masjid but also wounded the psyche of large sections of minorities. It has not only created a major gulf between the communities but also resulted in the communal riots taking the lives of many an innocent poor and also damage to the property worth rupees hundreds of crores.

It is a political movement, which has consolidated the social and electoral base of RSS and its progeny. In the wake of this, different affiliates of SP spread in the south as well, where they had negligible presence so far. In north its presence became more assertive and dominant. 'It was a project pursued in religious idiom by BJP and its front organizations, the SP, for political ends. In 1991, the BJP's main electoral plank was the 'Hindu'

demand for the temple at Ayodhya. This nexus between religion and politics proved to be extremely 'rewarding' to the BJP-it won as many as 118 seats in parliament and emerged as the main opposition. More importantly it came to power in four north Indian states-U.P., M.P., Rajasthan and Himachal Pradesh-and reported its presence in almost all other states.'(Panikkar1993, p.63) Panikkar further adds, 'In the past, religious denominational parties like the Hindu Maha Sabha and the Muslim League had functioned within the secular polity. In course of time, very few could resist the temptation to take recourse to religion for electoral gains. This departure from the secular premises of the constitution was linked with three important factors: 1) The increasing religiosity in Indian Society, 2) the decreasing popular base of the Indian National Congress, 3) the ambivalent nature of secularism as practiced by the state.'(Panikkar, 1993, p.64) The political movement unleashed by SP succeeded in embedding Hindu Consciousness as a symbol of Muslim aggression against the Hindus and their religion. 'Ayodhya therefore became the site for constructing Hindu solidarity and avenging Muslim wrong. The effective communication of this dual meaning enabled the Hindutva to advance.'(Panikkar, 1993,p.66)

Myth: The Masjid collapsed because of the bomb blast (K.S. Sudarshan, RSS leader first in a public meeting in Kerala and then while deposing in front of Liberhan Commission) and the leaders of BJP were trying to protect the masjid. (Mr. Vajpayee speaking in the parliament while rejecting the demand of opposition calling for three BJP ministers charge sheeted in the demolition case)

Fact: Mr. Sudarshan while first speaking in a public meeting in Kerala (6th Dec. 2000) said that he wants to share a well-guarded secret with his audience. He went on to say that he was witness to the demolition from the stage and even before the Kar sevaks could remove just the plaster from the walls of the masjid, there was an explosion and the masjid came down. When heavily criticized in the media for this statement he went on to modify his statement by saying that Mrs. Niramala Deshpande, the noted Gandhian who was also present at the spot had stated this. He reiterated the same in front of Liberhan commission inquiring in to the demolition of Masjid. Mrs. Niramala Deshpande in her deposition to the commission denied having ever said that and stated that she was the eyewitness to the demolition of mosque by Kar Sevaks.

In Lok Sabha in the face of intense criticism of Mr. Advani, Mr. Joshi and Ms. Uma Bharati, for their role in demolition and in the light of charge sheet filed in the court against them, the opposition demanded that these ministers resign. Mr. Vajpayee the Prime Minister while replying to the debate (Dec. 7, 2000) rejected the demand for the resignation of his colleagues and said that his colleagues had in fact gone there to defend the mosque.

- Mr. Advani has been charge sheeted by C.B.I. on the grounds that
- he conspired to demolish the masjid by starting the Rath Yatra
 - on the eve of demolition he had a secret meeting at the house of Vinay Katiyar the Chief of Bajarang Dal and currently (2001) a member of Parliament, to finalize the demolition.
 - He as BJP President advised the UP chief minister Kalyan Singh not to resign till the last dome falls
 - He advised the Kar Sevaks to block the roads leading to Ayodhya to prevent the central forces intervening to prevent the demolition.
- Mr. Joshi and Ms. Bharati are charged for giving provocative slogans from the dais on the fateful day.

Here it is worth its while to recapitulate some of the events leading to



Babri demolition. A section of community started responding to the call of SP (Sangh Parivar). In right earnest SP began the Rath Yatras culminating in the call for Kar Seva on 6th Dec.1992. The call to get the Kar Sevaks went from town to town and SP mobilized three lakhs of them and of course twenty thousand Kar Sevikas also to do the cooking and cleaning jobs for the Kar Sevaks. Most of the leaders of SP's aspirations were reflected in Advani's statement that Kar Seva will be done with bricks and shovels and Vinay Katiyar summed it up by saying the mosque will be demolished and the debris will be thrown in river Sarayu. At the same time Mr.

Joshi stated that decision of Sants and Mahants (about Kar Seva etc.) is more important to them than the verdict of the court and they will implement the wishes of *Sants* and *Mahants*. Incidentally the *Sants* and *Mahant's* had given the call for demolition of Masjid.

On the day of demolition on the dais were sitting Mr. Advani, Mr. Joshi, Mr. Sudarshan, Mr. Singhal and Sadhvis Ritambhara and Uma Bharati. Throughout the demolition the Sadhvis from the dais kept exhorting their Hindu brethren to wipe away the 'symbol of shame' to the Hindu Nation,

to drive away the '*Babar Ki Aulads*' to Pakistan and also that this is just the beginning of building a Hindu Nation, its day of bravery (Shourya Divas), and this Nation Building exercise, which has begun with Babri Demolition, will continue with further tasks like demolitions in Kashi and Mathura (*Ye to Kewal Jhnaki Hai Kashi Mathura Baki Hai*). There was not much information about the casualties and deaths in the demolition exercise, one of the reasons being that most of the journalists were beaten up following the demolition and their cameras etc were destroyed by the rampaging mob. The debris of the demolition was taken and thrown in river Sarayu.

Since then the BJP's electoral strength after an initial set back in assembly elections started going up. Simultaneously a section of society started realizing the dangers of SP politics and SP itself started finding the alibis and started cooking falsehoods, which could exonerate it from the guilt of Babri demolition. The first attempt came in the form of an article by Mr. K.R. Malkani, an RSS ideologue, who in an article in a popular newspaper said that demolition was the handiwork of ISI, the favorite culprit of *all* the crimes committed in India. Mr. Sudarshan's attempt to put the blame on Congress being responsible for the blast, which brought down mosque is far from the truth. It is not that Congress govt. did not falter in protecting the demolition of the mosque. Its crime in the demolition tragedy is one of the 'omissions', a dereliction of duty etc. But it was the SP and its paraphernalia, which led the onslaught on the mosque. It was BJP govt. in UP, Kalyan Singh, the then blue eyed boy of BJP, who gave an undertaking in the court to protect it; it was him who committed to National integration council to ensure that nothing untoward happens. Despite that it was the BJP led UP administration which provided all the facilities (water-electricity etc.) to Kar Sevaks.

As we have seen Mr. Advani, the Architect-in-Chief of demolition led the mobilization of Kar Sevaks to Ayodhya, he had advised the Kar Sevaks to block the roads leading to Ayodhya to stall the possibility of the central forces coming in to prevent the demolition. He had advised Kalyan Singh not to resign till the last dome comes down. Uma Bharati hugged and embraced Joshiji in celebration of the demolition. Mr. Vajpayee the very next day tendered an apology to the Nation for the demolition and a week later he assumed threatening posture by saying that this is what happens when the will of majority (in real sense-the Dominant Minority) is not respected (Puniyani, 2000,7).

Myth: The solution to Ayodhya problem lies in making the Ram Temple at Ayodhya on the lines of the Somnath temple, which was built with the help of state.

Fact: To begin with Somnath temple was not built after demolishing any mosque. There was a dilapidated temple, which was reconstructed by a private trust. Some leaders wanted state to take up the reconstruction of this but the govt. firmly denied this request on the ground that a secular state should not be indulging in temple constructions. The President Dr. Rajendra Prasad was invited by the reconstruction committee to inaugurate the same. But cabinet decided that the state functionaries should not get involved in such matters in their official capacity and if at all they should be doing in their capacity as the citizen's and not as representatives of the state. (Aiyer, Telegraph, 2000)

Today Ayodhya has become a vexed issue and we need to take a bold and honest decision. First of all the courts decision has to be given the sanctity and 'faith' should not be the guiding spirit in such matters. We cannot abandon the historical facts at the altar of political contingencies of the dominant minority. Amicable solution to Ayodhya can be found only by a cool reasoned approach, free from the hysterical paranoia of the religion-based politics. All the communities have to be taken along and the legality has to prevail over the irrational assertions of a section of community.

Table I

The Rath Yatra of Advani left a trail of blood in its wake resulting in communal violence not only reroute but also scattered far and wide. Between 1st Sept. and 20th Nov. 116 communal riots took place in which 564 people died.

Number of Riots and casualties

| S. No. | State/U.T.s | No. of riots | Casualty |
|--------|----------------|--------------|----------|
| 1 | Andhra Pradesh | 4 | 27 |
| 2 | Assam | 1 | 7 |
| 3 | Bihar | 8 | 19 |
| 4 | Delhi | - | 8 |
| 5 | Gujarat | 26 | 99 |
| 6 | Karnataka | 22 | 88 |
| 7 | Kerala | 2 | 3 |
| 8 | Madhya Pradesh | 5 | 21 |
| 9 | Maharashtra | 3 | 4 |
| 10 | Rajasthan | 13 | 52 |
| 11 | Tamil Nadu | 1 | 6 |
| 12 | Uttar Pradesh | 28 | 224 |
| 13 | West Bengal | 2 | 6 |

(Divided We Stand, Delhi Forum, N. Delhi 1992)

Table II

Chronology of Events;

- ❖ The controversy was brought to fore in 1984, when in the first ‘*Dharma Sansad*’ (Religious Parliament) of Vishwa Hindu Parishad (VHP) a resolution was unanimously adopted demanding the ‘liberation’ of the site of birth of Lord Ram. The issue had been forgotten since 1950. In due course Sri Ramjanmbhumi Mukti Yagna Samiti (Committee for Sacrifice to Liberate Ram’s Birth Place) was founded under the leadership of Mahant Avaidyanath (27th July 1984)
- ❖ On 25th September it launched a procession, which set off from Sitamarhi in Bihar with the mission of liberating the temple of Ayodhya. This march reached Ayodhya on 7th Oct.84, it carried the idols of Ram and Sita in a large truck and the main slogan of the march was *Bharat Mata Ki Jai* (Hail Mother India). “Its impact derived once again, from the diversity of sects represented in it since ‘Vishnuites, Shaivites and Tantrists who have a long history of violent competition were peacefully gathered under the banner of a goddess not worshipped by any of them; Bharat Mata, Mother India’ (Jeffrelot, 363, 1996)
- ❖ Later in 1986 a large Sant Sammelan, held at the bidding of the *Yagna Samiti* set up a Ram Janmbhumi Trust, which called on the govt. to transfer the property rights of Ayodhya site so that the biggest temple of the world could be built. Meanwhile VHP organized multiple campaigns to rouse the issue. In the same year an application was filed in the court of the munsif to remove the restrictions on the *puja*. The application was turned down.
- ❖ On 1 Feb. District judge of Faijabad ordered opening of the locks of the Masjid. Muslim community was not allowed to offer prayers. The Babri Masjid Action Committee (BMAC) was formed, followed by the countrywide mourning by Muslims. Also Sunni Central Waqf board filed a writ petition against the district judge’s order.
- ❖ In March 87 large number of Muslims assembled at Boat club demanding handing over of the Babri Masjid. While in April a congregation of Hindus assembled in Ayodhya demanding the liberation of Ramjanmbhumi. In 1989 a shilanyas was held on 9th Nov. and the foundation of temple was laid the next day, plinth was dug 192 feet away from the masjid. The atmosphere was kept

on the boil by the aggressive campaign of the organizations involved.

- ❖ From Jan. 1990 onwards VHP especially and the Sangh Parivar as a whole kept threatening to storm in and build the temple. On 3rd January 1990, Sadhu Sammelan at Allahabad decided that the Mosque should be shifted, lock, stock and barrel.
- ❖ In the *Dharam Sansad* Feb. 14 was decided as the date for the construction of the Mandir. On Feb. 7th, the VHP announced a postponement and said that they were giving V.P. Singh exactly 4 months' grace period (to resolve the issue). So, construction was planned for June 1990. Meanwhile, 50,000 video cassettes of a 70 mm. film on the 'Ayodhya dispute' were distributed by the VHP/BJP abroad and infinite number in India as a whole. (Among other things, it showed how on one night in 1949, the *Ram Lalla* idol appeared inside the Babri Masjid from nowhere.)
- ❖ On May 1st, 1990, Dwarka Shankaracharya, Sampooranand Saraswati was arrested, along with 10 followers, under Sec.151 IPC, (apprehension of breach of peace), by Mulayam Singh Yadav and temples in Gujarat observed a Bandh in protest.
- ❖ On May 7th, 1990, another attempt at construction was thwarted and 163 people were arrested in Ayodhya. On May 9th, the Shankaracharya was released.
- ❖ End May, BJP called for a National Referendum on Ayodhya, but VHP rejected it. Sometime between then and mid-June, Muslim leaders rejected V.P. Singh's offer to mediate, because they found that the VHP insisted on having the '*Garbha Gruh*' under the arch of the Masjid.
- ❖ L.K. Advani proposed Somnath to Ayodhya Rath Yatra on 16th June 1990

The V.H.P. set the date of October 30th for the construction of the Ram Mandir, the very date on which Advani's Rathyatra was supposed to arrive at the gates of the Babri Masjid. Advani gave warning about a mass movement and there was general talk by Sangh Parivar about Dharmayudha or Holy War.

As per BJP's decision to enter the fray in a big way, L.K. Advani's Rath yatra began from Somnath to Ayodhya. The trail of Yatra left number of incidences of communal violence in its aftermath. Also the anti-minority (Muslim) hatred started going up and up due to the repeated campaigns around the temple issue. Advani could not complete his Yatra as he was arrested on way on 25 Oct. 1990 and the Yatra came to a halt. Still many a Kar Sevaks assembled at the Babri Masjid site and tried to damage the

mosque. Mulayam Singh Yadav's govt. had to open fire in which fifty people died.

Following this the call was given for the Kar Seva at the site on 6th Dec. 1992. For the Kar Seva nearly 3 Lakh volunteers were mobilized from all over the country. The BJP chief Minister of the state gave the written undertaking to the court to protect the mosque. In the demolition, which took place, the police and the other paramilitary forces withdrew from the site leaving it open to the Kar Sevaks. The mosque was demolished in 5 and a 1/2 hours and the debris were thrown in the river Saryu. A makeshift temple came up in a day's time, which was declared as the prelude to the real grand temple, which will be built in future.

Table III

'Ayodhya was once projected as a symbol of grave assault on Hindu faith itself. By referring to Muslims as Babur Ki Santan (Children of Babur), the Muslim community as a whole was held responsible for acting against Hindu faith. Ayodhya thus became the site for constructing the Hindu solidarity and avenging the Muslim wrong. The effective communication of this dual meaning enabled Hindutva to advance.'

K.N.Panikkar

In spite of troubled history of our country- foreign invasions, civil wars and frequent periods of intense oppressions, misery and economic distress, the stream of Indian culture continued to flow- and we could create one of the richest and most variegated culture of Human race.

Sajjad Zaheer

(From, Praksh Louis, The Emerging Hindutva Force, ISI, and Delhi 2000)

Box

The Ramjanmbhumi issue, the demand by a militant section of Hindu opinion for demolishing of a mosque in Ayodhya and the building of a temple to Rama on that site, brings into sharper focus than at any time since 1947 a sickness, which free India has not been able to shake off and demands reprisal of many basic features of our society.

S. Gopal, Introduction to Anatomy of Confrontation, Peguin, Delhi 1991

Box

Poem

6th December

When Ram returned from banishment,
The memories of Jungle came to him

On seeing so many people in Ayodhya
On 6th December, Shriram Might have thought
How come so many devotees have come to my house

Friend your sword is vegetarian
All the stones which you threw at Babur
Hit me in my head

**

Even before he could wash his feet in Sarayu
He could see the deep stains of blood
Without washing his feet he got up
Saying
The atmosphere of my capital is so repulsive
I have got Second banishment on 6th December.

(2)

A Brief Survey of Communal Situation in the Post Babri-Demolition period

December 1-15, 2001

by Asghar Ali Engineer

It is about 10 years since demolition of Babri Masjid on 6th December 1992. The demolition of Babri Masjid itself was a major event, which seriously dented our commitment to secularism. The demolition also created a serious crisis of identity for Indian Muslims and resulted in earth-shaking riots in Mumbai and number of other places in India. In this article we will take a brief look at the communal situation in India in the post-Babri demolition period.

As pointed out above the demolition of Babri Masjid was followed by outburst of communal violence throughout India particularly in Bombay, Ahmedabad, Surat, Calcutta, Kanpur, Malegaon, Bhopal, Delhi and several other places in which hundreds of people lost their lives. In fact the whole decade of eighties and early nineties was a period of great communal crisis.

As it is well-known the Ram Mandir controversy was purely political one; it was neither religious nor even historical in nature. Most eminent historians belonging to secular schools of thought maintained firmly that there is absolutely no historical or archaeological proof for existence of any temple at the site of the Babri mosque. When confronted with the historical and archaeological arguments the Sangh Parivar leaders changed the line of arguments and started saying that it is not historical matter alone, it is basically a matter of faith for the Hindus.

However, in this article we are more concerned with the post-Babri demolition decade and communal situation therein than all these endless arguments. As pointed out the Ram Mandir controversy was raised only to polarise votes between Hindus and Muslims. And there is no doubt that the BJP was great political beneficiary of this controversy. It went on increasing its seats in parliament thanks to the Ram Mandir controversy and through strategic alliances in the elections. It had increased its strength from two to 88 seats in Parliament in 1989 elections itself with the help of this controversy and through alliance with V.P.Singh's Janata Dal and other secular parties. In 1991 elections this controversy was at its height and the BJP further increased its strength from 89 to 114.

The Narsimha Rao Government, however, continued for full term until 1996. In this election though the BJP increased its strength further. However, it was isolated from other secular parties. It tried to form its government on the basis of being the largest party and hoped that once it forms government other 'secular' parties will be tempted to support it for temptation of power. However, until then the secular parties considered the BJP as really untouchable and refused to come to its rescue. Thus the BJP Government failed after 13 days in existence. And Janata Dal was invited to take the reins of power as it managed to gather necessary strength in parliament.

Then it appeared as if the secular parties cared for ideology and refused to compromise with communal forces. But this situation lasted but for a short period and soon number of 'secular' parties teamed up with the BJP to ride piggyback to power. It is true that in the post-modernist world ideologies have lost all meaning. However, religious ideologies are gaining in strength and hence religious fundamentalism has gained in strength all over the globe. In India Hindu fundamentalism, as in Pakistan Islamic fundamentalism has gained in strength considerably. But for temptation for power by these secular parties the BJP would not have been in a position to lead the NDA coalition.

Meanwhile the Shiv Sena -BJP alliance came to power in Maharashtra. It is interesting to note that under the Congress Government at the Centre and in Maharashtra the Muslims had suffered so much that in sheer desperation a small section of Muslims voted for the Shiv Sena candidates. Their argument was that it is better to deal with a known enemy than with a hidden enemy. There was also another contributory factor to the victory of Shiv Sena-BJP alliance in 1995.

Angered by the 1992-93 riots in Mumbai in which about 1000 people had died or disappeared, some anti-social elements allegedly led by Dawood Ibrahim and it's cohorts and aided and abetted by Pakistan's ISI. It naturally had greatly angered the people of Maharashtra. The Government

in Maharashtra at that time was of the Congress and was headed by Shri Sharad Pawar. Also the Shiv Sena made several promises to the voters like providing free houses to the slum dwellers of Mumbai. All this combined the Shiv Sena-BJP alliance won the 1995 assembly elections.

The BJP of course cashed in on the Ram Mandir sentiments. The Maharashtra was one of the most affected states by the Ram Mandir controversy. The RSS was after all founded by a section of Brahmins in Maharashtra. The Success of the Shiv Sena-BJP alliance was partly the result of Babri Masjid-Ramjanambhoomi controversy. The bomb blast in March 1993, which was result of Mumbai riots of 1992-93 also, as pointed out, contributed to the success of Shiv Sena-BJP alliance in Maharashtra.

Communal Violence in Post-Babri Demolition Period

It is interesting to note that the number of major communal riots in post-Babri Masjid demolition period went down considerably. Three major riots took place in this period, besides several small riots in which 2 to 6 persons were killed. These three major riots are Coimbatore in Tamilnadu in 1997, Kanpur in U.P. in March 2001 and Malegaon in Maharashtra in October 2001. In Coimbatore riots more than 40 persons were killed while in Kanpur and Malegaon more than 15 persons were killed. In between these major riots more than 150 small riots have taken place throughout India since the Mumbai riots of 1992-93.

However, absence of major riots should not delude us to conclude that the communal situation has eased in India in the post-Babri demolition period. Far from it. It has, on the contrary worsened. Two important trends are quite noticeable in this period. The South India which was relatively free of communalism and communal violence began to experience outburst of communal violence. Thus the Coimbatore communal riot and subsequent bomb blast there during February 1998 is symptomatic of this. The Coimbatore communal riot was result of aggressive communal propaganda by the Hindu Munnani which gave rise to some Muslim youth taking to path of violence to pay the Hindu Munnani in the same coin. Some Muslim youth murdered RSS activists and the Hindu Munnani people murdered Palani Baba, a Muslim saint who was allegedly the inspiration of the Muslim fundamentalist youth. Ms. Jaylalitha also tried to take advantage of the situation and adopted rather pro-Hindutva stance. It is alleged that the Hindu Munnani got political support from her.

The second noticeable trend was anti-Christian attacks after the BJP came to power in Gujrat and after the BJP-led Government consolidated its power at the Centre. The attacks on Christians were not known earlier. Communal riots usually took place between Hindus and Muslims. However, since 1998 anti-Christian violence began and mainly the VHP and Bajrang Dal were involved in these attacks on Christians. After Gujrat

number of incidents took place in U.P., Maharashtra, M.P., Bihar and Orissa. Orissa witnessed the ghastly incident of burning alive of a Christian priest Father Grahm Staines and his two young children at the hands of Bajrang Dal activists. The Wadhwa Commission report also concluded that Bajrang Dal had a hand in this ghastly incident.

The Gujrat also witnessed number of anti-Muslim incidents particularly in the rural areas after the BJP assumed power in Gujrat. The BJP adopted most aggressive communal stance in Gujrat in the post-Babri demolition period. The Bajrang Dal and VHP cadres adopted very aggressive stance against Christian and Muslim minorities in that highly communalised state.

Since the BJP came to power at the Centre it has to be rather cautious in communal matters to keep the alliance together. Various secular partners of the National Democratic Front have to care for their minority, especially Muslim voters in their respective states, particularly in Andhra Pradesh. It, therefore, keeps out of the Hindutva agenda, which still includes construction of Ram temple in Ayodhya. But the other constituents of the Sangh Parivar like the Vishwa Hindu Parishad have no such constraints. Thus its office bearers like Mr. Singhal and Pravin Togaria openly talk of starting the construction of Ram temple at Ayodhya from March 2002. The Sangh Parivar is not only keeping the issue alive but is also exploiting it for the forthcoming elections in U.P. in early 2002.

Since the NDA Government led by BJP has come to power the education system has been greatly communalised. It is well known policy of the BJP to take over most sensitive like Human Resource Ministry which not only controls education but also premier research institutions like the ICHR, ICSSR, NCERT etc. All these key research institutions have now been taken over by the hard core RSS elements. All key research projects are being now monopolised by them. The important Towards Freedom volumes which were critical of the RSS role during freedom struggle and its pro-British stance were suddenly withdrawn from publication. Also, the school text books are being tempered with. Recently the CBSE (Central Board of Secondary Education) suddenly has issued circular to edit out certain portions of history text books written by noted secular historians like Romila Thapar, R.S.Sharma, Bipan Chandra and Satish Chandra. Such selective withdrawal will help indoctrination of young minds and will be prohibitive of encouraging critical understanding of history. The communal forces often temper with history and project the past uncritically as the golden era particularly the past dominated by the majority community rulers and denounce whole sale the past if dominated by minority community rulers.

Conclusion

There is no doubt that India has been passing through very critical period in the post-Babri demolition period as far as its secular polity is concerned. Not only political but also social and cultural space has been communalised. The eighties of course witnessed major communal riots but the BJP began to acquire strength by raising historical controversy like the Ramjanambhoomi and communalised politics as never before. But after it came to power as a major partner of NDA it began to monopolise the educational and cultural space which is much more harmful. The Sangh Parivar in U.P. did not allow shooting of the film Water whose script was approved by the Home Ministry. Indian cultural space is being increasingly communalised. Secular space in the fields of education and culture is of vital importance for unity and integrity of India. A long term damage will be done to Indian unity if socio-cultural spaces come under communal ideology. All secular forces should come together to prevent this.

(3)

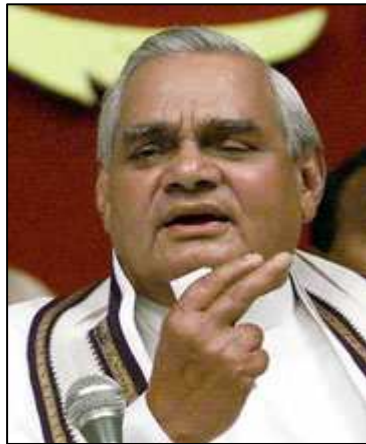
Vajpayee's Statements and Medieval History

Asghar Ali Engineer

(Secular Perspective Feb. 1-15, 2001)

Historians tell us that for every historical event there are many narratives, and a historian chooses any one of these in keeping with his ideological predilection. No one can, however, be sure as to which narrative is correct. The motivations of human actors are very complex and much more so of the rulers. This can best be illustrated with what statements Mr. Atal Bihari Vajpayee made recently about Ramjanambhoomi and Babri Masjid.

When the opposition raised the issue of two charge-sheeted Ministers and their resignation for their role in demolition



of Babri Masjid and stalled parliamentary proceedings for several days, Shri. Vajpayee made a statement that construction Ram Mandir would be in 'keeping with national sentiments'. Of course he drew ire of some of his NDA allies and again he said that the problem of Ram Mandir should be solved either through dialogue or the court verdict should be awaited in the matter. That silenced his allies but did not satisfy them as they were answerable to Muslims in their

respective states. They continued to convey their concern about Vajpayee's statement. The opposition of course could not be satisfied with such obfuscation on the part of the Prime Minister and continued to raise their voice against Vajpayee's earlier statement about 'national sentiment'.

When the Prime Minister went for holidays in Kumarakom in Kerala he issued his 'musings' to the press. He took yet another stand in his musings about Ramjanambhoomi Babri Masjid issue. The passages about the Babri Masjid and Ramjanambhoomi in his musings are quite telling and full of re-publican virtues. He said in his musings that his government would accept, and was constitutionally bound to implement the judiciary's verdict, whatever it might be. He also said emphatically that law would take its own course should any organisation attempt to disturb the status quo.

What is more, he categorically said that it was "flagrant violation of the law" to demolish the "disputed mosque structure" without waiting for the verdict of the Court. He also went on to say in his musings, "the wrongs of the past cannot be righted by a similar wrong in modern times."

Now the crucial question is which of his statements a future historian should take seriously; his earlier statement that building of the Ram Temple is in keeping with the national sentiments or the one made by him in his musings? Naturally different historians will choose to focus on one of these statements depending on their view of Vajpayee as a 'Hindu fanatic' or as a 'liberal democrat'. A particular historical narrative is chosen depending on the historian's view of the person he/she is writing about. As pointed out above the historical actors say or do something under certain circumstances and compulsions. What one says or does is as important as why one says or does.

Shri Vajpayee made the above two contradictory statements under different compulsions. When the Sangh Parivar put pressure on him and also the coming elections in U.P. bothered him he made one statement. But when he saw that his image as moderate took severe beating by his 'national sentiment' statement and his allies felt alienated from him he revised his statement and donned the earlier mask again. Thus it will be seen that a political actor cannot ignore her/his compulsions while saying or doing something. It is true of all, historical actors, rulers and politicians.

Human behaviour is not determined by her/his ideals and religious beliefs alone. The main determinant of human behaviour is his interests and much more so when it comes to a ruler or a politician who has to reconcile contradictory interests. Thus the historical acts of rulers should not be used in the contemporary context to promote hatred between communities.

If some temples were demolished by Muslim rulers one should not draw conclusion that they did so on account of their hatred for Hindu religion and idol worship. It is for historians to discuss the circumstances, which led to demolition. For such demolitions there are different narratives. An objective historian will take all these narratives into account and decide as to which narrative is nearer the truth. Romila Thapar, a noted historian, for example points out different narratives about Somnath temple. In a lecture she cautioned people against attempting a history of the Somnath Temple in Gujarat with a black-and-white interpretation of evidences.

Dr.Thapar said that there were five different and mutually contradictory sources for reconstructing history of the temple which was raided by Mahmud Ghaznavi in 1026 A.D. These sources, she pointed out, were Turko-Persian literature, Jain texts, Sanskrit records, British colonial writings and nationalistic readings of the Temple's history. Each of these sources, Dr.Thapar said, highlighted the versions of interests of the sections it represented, and thus arriving at hard and fast conclusions based on anyone of them alone was faulty. She also challenges the colonial reading of history by the British historians that the raids by Ghaznavi had cause deep rift between the two communities. Had the raids traumatised the Hindu community, she argued, the temple committee, two centuries after the event, would not have donated land to a Muslim trader to build a mosque close to the temple. Not only had the land been given, but all kinds of help in building the mosque was extended too and written records of these donations were also available.

Even Aurangzeb while demolishing some Hindu temples had given jagirs (landed estates), the records show, to many other temples. While he demolished one Shiv Temple (where Gyanvapi mosque was built) in Varanasi, he gave jagir to another Shiv Temple (Jangambadi Shiv Temple) in the same city. He has issued firmans giving such grants to many other temples as far away as Gawahati. Like our modern rulers those medieval rulers also acted under contradictory situations and political compulsions. Such acts should not be ascribed to those rulers' hatred for Hinduism and idol worship. This black and white reading of history has done enough damage to cordial relations between Hindus and Muslims since colonial period.

A historian from Hyderabad Mr. Ziauddin Shakeb came to know during his researches that many temples in Vrindavan area like Krishna Damodara and Govinda Deva have in their cellars centuries old copies of the Qur'an and Mughal administrative documents in calligraphy developed during the time of Emperor Babar. Ziauddin points out that only few copies of the Holy Book might have been left written in that style of calligraphy. The documents in the cellars of the temples relate to the land

and financial aid given by Mughal kings to the temples in Brindavan. These cellars also contain rare copies of Hindu scriptures like Ramayana and Mahabharata. The religious books of Muslims are kept with great respect by temple priests and they are in good shape, says Shakeb. More importantly Shakeb tells us that many Muslims leaving the country at the time of partition deposited their documents including these scriptures with the temples thinking that they would be safe there. Quoting the temple priests, Shakeb says that the Islamic heritage collection was handed over to the temples by Muslims who were migrating to Pakistan.

But we are misusing the history today for our own political needs. History has become powerful political tool for some politicians in India. It is as powerful as religion for arousing human passions. Ramjanambhoomi-Babri Masjid controversy has been raging in this country for more than a decade and is still far from being settled. It has aroused religious passions on both sides of the communal divide. The BJP has come to power mainly by using history for political ends. This controversy is being revived with full force once again in view of the forthcoming elections in U.P.

It is unfortunate that a section of educated middle class gets carried away by these sentiments and helps political parties play these games for obvious reasons. It is high time we use our wisdom rather than emotions to resolve the much-misused controversy. The Sangh Parivar, particularly the VHP and the RSS have developed strong vested interests in keeping the controversy alive not only for political purpose but also as a powerful tool for religious revival. Religious revival benefits the VHP Sadhus and religious leaders retain their hold over powerful sections of Hindu community and brings them undreamt of financial resources. Thus religious fanaticism being promoted has behind it not only religious fanaticism but also powerful interests.

But it is as detrimental to national interests as it is beneficial to the VHP leaders. It is for the people of India to decide which interests are dearer to them, national interests or the interests of a few religious fanatics. The judiciary should also play its part by expediting its verdict. How long the country will keep on suffering on account of these inordinate judicial delays. Here it is not any individual but entire nation, which is paying the price. It is also said that the court verdict also may not ultimately solve the problem as the VHP will reject it if it goes against them. In view of this possibility some fair-minded Hindus and Muslims should come together to find solution to this complex problem with the spirit of give and take. Many suggestions in this direction have already been mooted but an honest and sincere dialogue should search for a solution acceptable to both to save the nation the agony and to enable it to concentrate on real issues.

(B)
THE DISPUTE AND ITS PERCEPTIONS

(4)

Ayodhya's Voice

By Asghar Ali Engineer

09 October, 2003

I visited Ayodhya recently along with the Magasaysay awardee Mr. Sandeep Panday who has been working here for quite sometime to bring peace to this strife torn town. It is so interesting to talk to people of this place. I had to hold a workshop on communal harmony for Ayodhya and Faizabad towns and Sandeep was helping us in this connection. We met a cross section of people to hear their voice.

The country hears only the voice of Sangh Parivar and their most aggressive members like Singhal and Togadia. The media also has no time to project the voice of people of Ayodhya. Perhaps it does not sell. What sells is the powerful voice of Sangh Parivar and this Parivar has convinced the world that it is most authentic voice of 800 million Hindus of this country.

The communal forces always tend to homogenise the whole community as if millions of people belonging to a community speak one voice and surrender their minds and bodies to one individual or one party or one clique of persons. It is this one individual or party or group which takes all decisions and others simply endorse it. No dissent is ever tolerated. It is violently suppressed if it ever raises its voice. Before partition Jinnah also projected himself as the sole representative of Indian Muslims. All others had to endorse his decisions.

The Sangh Parivar always maintains that all Hindus want to build the Ram temple at Ayodhya and that it is historical fact that a temple stood there and Babar demolished it and build a mosque in its place. It is a 'proven fact' and no one can question it. And the one who does, is an 'enemy of Hinduism'. The communalists have sole right to understand and interpret history.

It is miracle of modern day propaganda through media that has converted a non-existent problem into the most potent problem. What did not exist has not only become a powerful problem but has also become the cause of killing of thousands of innocent people across India. It was on account of Ramjanambhoomi-Babri Masjid problem that 59 people were set afire in Sabarmati Express in Godhra on 27 February 2001 and more than one



thousand people killed most cruelly in retaliatory act in Gujarat from 28th February onwards and continued for more than six months.

And it was on account of this non-existent problem that BJP rode to power though it had repeatedly

failed to do so before. Shri L.K. Advani's rath yatra in 1990 failed to lead to Ayodhya as planned but did lead to Delhi as intended. The rath may not reach Ayodhya in near future but it does help retaining Delhi. The raths in medieval period helped win wars so the modern Toyota rath led the BJP to power in Delhi.

The people of Ayodhya know this better than anyone else. They have paid heavy price for it and still continue to pay. And they have been as helpless so far as other people of India have been. They have silently borne the brunt of Sangh Parivar's aggression for years. They are, it seems, no longer prepared to do so. Every time the VHP leaders announce their programme of 'kar seva' or sant yatra or Ram Lalla darshan the people of Ayodhya have to shut their shops. Lakhs invade the town disturbing their normalcy and often inviting prolonged curfews. Every citizen of Ayodhya shudders to think of VHP programmes in their town.

Now again the VHP has announced its programme in Ayodhya on 17th October. Lakhs of 'Rambhakts' once again will march to that town for 'Ram Lalla Darshan'. Everyone I met in Ayodhya told me that every time election is announced the VHP tries to organise its show in Ayodhya as if this is the only way for BJP to win elections. It is people of Ayodhya who pay price for the election anywhere in India. The BJP perhaps knows no other way of winning the election.

We met Mahant Gyandas who is chief Mahant of Hanuman Garhi temple which is one of the most significant shrines of Ayodhya. The Mahant was sitting surrounded by his followers. It is important to note that the land for Hanuman Garhi temple was donated by the Nawab of Avadh and the temple was built by one of his Nawab's Hindu courtier.

I asked the Mahant whether he would like Ramjanambhoomi temple to be built at the site of Babri Masjid. Gyandas told me the temple can be built only when Hindus and Muslims come together to build the temple. Hindu-Muslim unity is more important than the temple. If they cannot agree to build the temple let us wait for court's verdict. It cannot be built by shedding human blood.

When Gynadasji was saying this I was reminded of Maulana Azad's presidential address at the Ramgarh session of AICC. Maulana had said in his presidential address that even if an angel descended from heaven and declared that I have brought the gift of India's freedom from heaven, I would refuse to accept it until Hindu-Muslim unity is achieved. For, if India does not get freedom it is India's loss but if Hindu-Muslim unity is not achieved, it is humanity's loss.

The Hanuman Garhi's Mahant was also making almost similar point. If the temple is to built it is Sangh Parivar's loss but if Hindu-Muslim unity is disturbed it is entire country's loss as well as loss for whole humanity. But who cares if humanity suffers as long as the Sangh Parivar can come to power. Mahant Gyandasji is against VHP and considers it as anti-Hindu. VHP, he tells me, has no right to talk in the name of Hindus. Hindus have not elected them to represent them or to build Ramjanambhoomi temple in their name. He also said that those who tore open the stomach of a pregnant woman and threw the foetus into the fire cannot even qualify as Hindus, let alone building a temple in the sacred city of Ayodhya in their name.

Sandeep had also convened the meeting of many other Mahants and some citizens of Ayodhya who have constituted an organisation called Ayodhya ki Awaz (Voice of Ayodhya). The Mahants and other people of Ayodhya have floated this organisation in order to fight the VHP plan to convert Ayodhya into a battle ground for their war for power. They have suffered silently so far but can bear it no longer and have decided to fight it out peacefully and democratically. Ayodhya ki Awaz has now become voice of all peace loving people of Ayodhya.

The meeting was attended by some important Mahants of Ayodhya like Mahant Bhawnath Das who was also Sarpanch of Hanuman Garhi and is president of Samajwadi Sant Sabha. He presided over the meeting. Jugal

Kishore Shashtri also took part in the meeting who is convenor of Ayodhya ki Awaz and also edits the weekly paper Ramjanambhoomi. He counters the VHP propaganda through his paper. Shri Shashtri is quite vocal and committed to maintaining peace in Ayodhya.

Another Mahant Madhwan Das, a Mahant associated with Hanuman Garhi and who is also a corporator from Ramjanambhoomi ward was also present in the meeting. Mahant Girish Tripathi who has done his M.A. in political science from JNU also took part in the meeting. Badal Acharya who is son of Chief Mahant of Dant Dhawan Kund and is preparing to take over as Mahant himself and Rangesh Achari son of Rajsabha Mandir too came for the meeting. One Sadiq Ali, an activist who repeatedly suffered in Ayodhya is also actively associated with this organisation and was present in the meeting.

In his introductory remarks Bhawnath Das said that it was high time that we fought against those who go to the extent of setting fire to the Sabarmati compartment killing scores of innocent Hindus in order to organise carnage of Muslims so that they can win the elections in Gujarat. They would like to convert whole India into Gujarat, if they could. Now we must show courage and fight the VHP menace.

A concrete programme was chalked out for facing the situation on 17th October when the VHP is again trying to bring lakhs of its supporters to Ayodhya. All Mahants present in the meeting felt that since elections have been announced in the four states the VHP is again staging this drama and it should not get away with it every time. Everyone present felt that this committee should demand ban on the entry of outsiders like Singhal and Togadia and a memorandum to be submitted to the chief minister of U.P. to this effect. There was some difference of opinion whether they should demand ban on entry of so-called Rambhaktas. It was suggested that those who want to come for genuine Ram Lalla darshan should come in groups of four or five. However, Jugalkishore Shashtri was of the opinion that those brought by VHP should not be allowed to enter Ayodhya at all on 17th October.

It was also decided to stage a peaceful dharna at the Gandhi statue in Ayodhya on 2nd October to highlight these demands. The members of working committee and some others should take part in this dharna. It was also decided that citizens of Ayodhya should resist entry of VHP supporters on 17th October and one person from every house in Ayodhya should take part in it. Suitable pamphlets and stickers would be published for mobilising the people of Ayodhya.

It is indeed heartening that many Mahants and other people of Ayodhya are girding up their lions to fight the VHP campaign, which has nothing to do with building Ramjanambhoomi temple but only to keep alive this controversy for political purposes. The voiceless people of Ayodhya who have suffered for so long are now giving themselves an effective voice. The Mahants have also decided not to sit it out silently. They are preparing to throw gauntlet to the VHP at last.

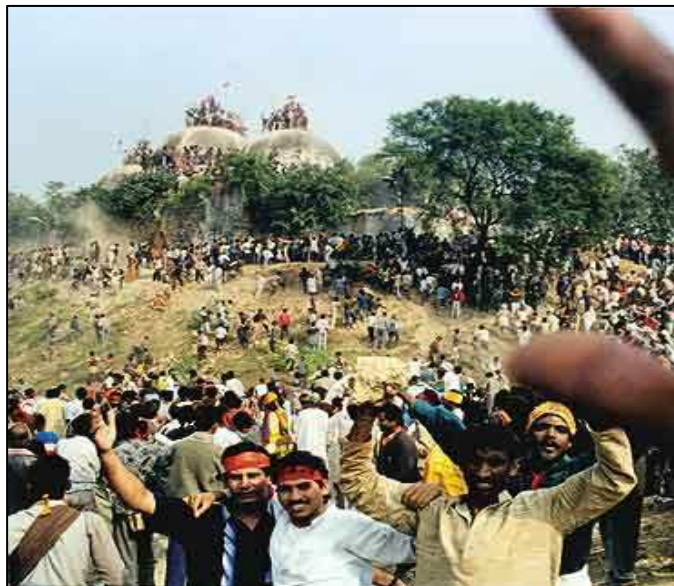
(5)

Babri Demolition- Half truths Galore

Ram Puniyani

Lalu Yadav who currently (April 2009) is a bit cross with the Sonia led Congress went on to bite the Congress by stating that Congress too was responsible for Babri demolition. The add-on statement came from recently retired RSS Sarsnghchalak, Mr. K. Sudrashan, who was present on the dais when Babri was being demolished. Sudarshan pointed out that what Lalu is saying is half truth as it was Narsimha Rao, the then Prime Minister, who actually wanted the Babri to be demolished. He went on to say that his predecessor, RSS chief Rajendra Singh, had called upon Rao many times to request for an early decision by the court, which did not come by so he is inferring that Rao himself wanted the demolition.

BJP spokespersons are saying that the demolition was a conspiracy between Narsimha Rao and Kalyan Singh, while Kalyan Singh after joining forces with Mulayam Singh Yadav is saying that BJP had kept him



in dark and demolished the mosque so that he has to loose his chief minister-ship. It is a matter of interpretation as far as Rao's intention is concerned. As far as Kalyan Singhs is concerned his double speak is obvious. And what is sure is that what Sudarshan is saying is not only a distorted version

but also less than half of truth. What is sure is that RSS affiliates did plan

the demolition in a very cool calculated manner. What is surely known is that Advani who raked up Ram temple issue, also planned the Rath Yatra for which the RSS combine, mobilized lakhs of Kar sevaks.

Interestingly it seems Sudarshan is fond of 'revelations' which have no concrete substance. In year 2000 Mr. Sudarshan while speaking in a public meeting in Kerala (6th Dec. 2000) said that he wants to share a well-guarded secret with his audience. He went on to say that he was witness to the demolition from the stage and even before the Kar sevaks could remove just the plaster from the walls of the masjid, there was an explosion and the masjid came down. When heavily criticized in the media for this statement he went on to modify his statement by saying that Mrs. Niramala Deshpande, the noted Gandhian who was also present at the spot had stated this. Mrs. Niramala Deshpande in her deposition to the commission denied having ever said that and stated that she was the eyewitness to the demolition of mosque by Kar Sevaks.

What is definitely known is that during the nation-wide campaign for the temple, Mr. Advani stated that "Kar Seva will be done with bricks and shovels." Another BJP stalwart Murlu Manohar Joshi asked his followers to demolish the masjid, he also said that nature of Kar Seva will be determined by Sants and not by courts. As per him demolition was a prerequisite for temple building. Vinay Katiyar, the then Bajrang Dal Chief went on to say "Masjid will be demolished and debris will be thrown in river Sarayu". Ashok Singhal of VHP was not to be left behind asserted that "Decision of *Sants* will prevail over decision of legal courts". Please note that the sants had already given the call for demolition of the masjid. At this point of time Kalyan Singh led BJP government in UP promised to courts, by a sworn affidavit, and National integration council through a statement that it will protect the mosque. There was a countrywide mobilization by different wings of RSS.

Kar Sevaks arrived in big number from middle of November 1992 onwards. All necessary assistance was provided by state (electricity, water). Rehearsal of demolition was done by 450 especially trained Volunteers. Nearly 20000 Kar Sevaks took the responsibility for cooking. Thick ropes, steel hooks etc. were arranged for. All the roads leading to Ayodhya were blocked by putting obstacles on the roads to prevent the central forces from reaching Ayodhya. On the day of demolition only trained volunteers were allowed near the mosque. RSS volunteers ensured that others were prevented to come nearby to avoid injury and unnecessary crowding.

On the stage Bhajans were sung by Sadhus. Advani and Joshi were on the on the dais. Uma Bharati and Ritambhara were exhorting the Kar Sevaks by shouting the slogans (1) *Ek Dhakka aur do, Babri Masjid tod do*, (2) *Yeh to kewal Jhanki hai: Kashi -Mathura Baki Hai* ((1) Give one more

push: break the Babri mosque (2) This is the just the beginning: next it is the turn of Kashi and Mathura). With demolition of third dome, jubilation began. One section of Kar Sevaks beat up journalists and broke their equipment. The returning Kar Sevaks burnt and destroyed the Muslim property.

As the demolition was going on Kalyan Singh (UP Chief Minister) was advised by Advani not to resign till the demolition is complete. Kalyan Singh accordingly resigned as soon as mosque was demolished. Simultaneously his govt. was dismissed by Rao govt. at Center. P.V. Narsinha Rao the Prime Minister and Shankarrao Chavan, Home minister could have intervened when the demolition was going on and when post demolition makeshift temple was being built but they preferred to sleep. Kar Sevaks made the makeshift temple and installed the idols. BJP leadership was initially apologetic (we are sorry to the nation -Vajpayee) and later aggressive, asserting, "It was the will of god", and still later threatened: "if the sentiments of majority community are not respected, this is what happens"

So what is known is that Advani was the prime mover of the idea and planning of demolition. What is surely known is that it was Advani who was very much present on the stage when provocative slogans were being given to demolish the mosque. There is no doubt that Rao might have colluded with RSS, and there may be some truth in the saying that Rao was wearing Khaki Shorts underneath his dhoti. But he was at worst the one who let the things happen, he might have prevented it by keeping awake to the threat no doubt.

The other interesting part of the story is the Advani later claimed that it was the saddest day of his life. He wept he says. Now this is beyond comprehension. He mobilizes the kar sevaks, he says Kar seva will be done with bricks and shovels, he wants the Ram temple precisely at the spot where the mosque is located! So clearly he is the prime demolisher of the mosque. He is clear that this will catapult him to power, which this dastardly act did by paving the way for BJP to come to power. Then why this statement that this was the saddest day of his life, tears in the eye?

When Manmohan Singh accuses Advani of being weak, as he was found weeping when Kar Sevaks were demolishing the mosque, is at best a good debating point in response to Advani's claim. As such Advani knew he has achieved what he wanted to by demolishing the masjid.

The projected version, saddest day-tears in eye- is just to further enhance the electoral calculations. By demolishing the masjid he polarizes one section for his ride towards the throne. But this is not enough to come to power, he needs wider electoral base and so the projected moistening of the eye, to broaden the electoral net to catch more sections to back him.

While Manmohan Singh has caught him well in the debate, Advani and company are merely playing their game in a very calculated way. That's why Sudarshan keeps making revelations at appropriate times. Revelations which belong to the World of make believe.

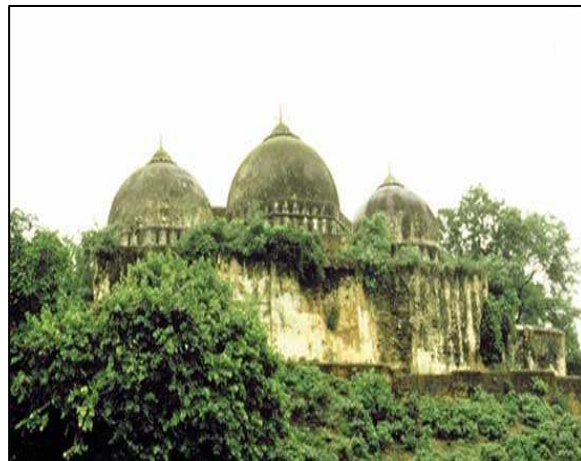
It is said that half truth is more dangerous than a lie, nothing else can demonstrate this than the statements of Lalu, Sudarshan and Advani!

(6)

History and Nature of the Ayodhya Dispute

By Irfan Engineer

The dispute over Ramjanmabhoomi-Babri Masjid, it is said, is creation of the colonial rule. It is difficult to be very sure on how far direct is the hand of the colonial rule in inventing and or sustaining the dispute between some elements from both the communities. However, there is



little doubt that the colonial rule benefited from the dispute and therefore did not seem to take effective steps to see the dispute resolved. The authorities under the Colonial rule allowed the dispute over title of the land to acquire communal overtones. Whatever the former colonial masters did, or

omitted to do, the post-Colonial state fared even worst in the matter. Post-Colonial State allowed the dispute over the land title to almost completely polarise the two communities. Essentially a title suit between the plaintiffs and the defendants over a piece of land was allowed to acquire religious and communal colour with competing all India mobilisations by political leadership belonging to both the communities. Even the most secular Prime Minister of the country - Jawaharlal Nehru found himself unable to resolve the dispute and / or stop it from acquiring communal colour, when he had the opportunity in 1949.

There are no two opinions that in the year 1528 a mosque was built by Mir Baqi by one of the Governors of the Mughal Emperor Babar. The Sangh Parivar maintains that this mosque was built after destroying a Ramjanmabhoomi temple, which existed on the land whereas the Muslim political leaders as well as most reputed historians of integrity insist that there is no credible proof that there was any Ramjanmabhoomi temple.

After the anti-British rebellion in 1857, the crown proclaimed that it would remain aloof and would not interfere in the religious matters of people of the Country. The Colonial power however, was often called upon to mediate disputes between communities. The Colonial State did not prove to be an honest mediator in the disputes. The state had its own axe to grind - legitimising the rule of the intruder being the uppermost. At times, the state even invented and created new disputes so that it was called upon to mediate. Ramjanmabhoomi-Babri Masjid dispute appears to one of such disputes created by the Colonial rulers. The District Gazetteer of 1905 notes that till 1855, Hindus and Muslims prayed in the same premises which is now contentious Ramjanmabhoomi-Babri Masjid site. After 1857 rebellion, an outer enclosure was put in front of the mosque and the Hindus who were forbidden access to the inner yard raised an outer platform (chabutra). The first signs of the dispute sometime in 1861 appear too close after the 1857 rebellion to warrant such a conclusion. A British officer who was officiating as a Commissioner and Settlement Officer, Faizabad, in 1861 wrote a book *A Historical Sketch of Fyzabad Tehsil Including the Former Capital Ayodhya and Fyzabad*. The book was based on what he found was "locally affirmed" and his own surmises - Ayodhya must at least have possessed a fine temple in the Janmasthan. The dispute was initially only regarding Chabutra adjoining the Babri Masjid. He further wrote: "*It seems that in 1528 Babar visited Ayodhya and under his orders this ancient temple was destroyed*". There is slender evidence to conclude that Babar ever passed Ayodhya.

Hindu priests wanted a temple constructed on the Chabutra to be able to conduct their worship without vagaries of weather, as Chabutra was an open platform. It is not clearly known as to when and how the Chabutra came to be constructed, and whether the Chabutra was raised on a land having legal title or an usurped land adjoining the mosque called Babri Mosque.

In the year 1885, one Mahant Raghubar Dass, claiming himself to be the Mahant of Janam Asthan had filed a suit on 19-1-1885 in the Court of Sub-Judge Faizabad, Pandit Hari Kishan (Suit No. 61/280 of 1885). It was alleged in the said Suit that Chabutra of Janam Asthan was a platform of 21 feet towards East and West and 17 feet towards North and South. It was further alleged in the said Suit that as there was no building over it and the Mahant and other priests had to face grave vagaries of the weather. The Mahant therefore wanted permission to construct a temple over the said Chabutra of 21 X 17 feet, which had been prohibited by the Deputy Commissioner of Faizabad. The Suit 61/280 of 1885 was dismissed on 24-12-1885 by Pandit Hari Kishan, Sub-Judge of Faizabad. Relying upon the site plan prepared by Gopal Sahai, the Learned Sub-Judge observed:

"The entrance to the enclosure is under a gateway on which appears the superscription of "Allah". Immediately on the left is the platform or chabutra of masonry occupied by the Hindus. On this is a small superstructure of wood in the form of a tent. This chabutra is said to indicate the birthplace of Ram Chander. ...

"... in between the mosque and Chabutra, there is a wall...and it is clear that there are separate boundaries between the mosque and Chabutra and this fact is also supported by the fact that there is boundary line built by the Government before the rent dispute".

It was further observed that if temple was allowed to be constructed on the Chabutra at such a place, then there would be sound of bells of the temple and sankh, when both Hindus and Muslims passed from the same way. If permission was given to Hindus for constructing temple then one day or the other there would be rioting and thousands of people would be killed. Thus, the learned Sub-Judge opined that awarding permission to construct the temple at this juncture is to lay the foundation of riot and murder, hence in view of the policy and also in view of justice the reliefs claimed should not be granted. The Sub-Judge also rejected the reliefs sought on the ground of adverse possession and observed that:

"It is most unfortunate that a masjid should have been built on the land specially held sacred by the Hindus. But as that occurred 356 years ago, it is too late now to remedy the grievance. All that can be done is to maintain the parties in status quo."

The Appeal of Mahant Raghubar Dass against the judgement of the Learned Sub-Judge before the District Judge of Faizabad and the Judicial Commissioner, W. Young (Civil appeal No. 27 of 1886) was also dismissed. In his judgement dated November 1, 1886 observed:

"This spot is situated within the precinct of the grounds surrounding a mosque erected some 350 years ago owing to the bigotry and tyranny of the emperor who purposely chose this holy spot, according to Hindu legend as the site of his mosque. The Hindus seem to have got very limited rights of access to certain spots within the precinct adjoining the mosques and they have for a series of years been persistently trying to increase those rights and to erect buildings on two spots in the enclosure namely (1) Sita ki rasoi (kitchen of Sita) and (2) Ram Chander ki Janmabhoomi (birthplace of Lord Rama)... I am further of the opinion that the civil courts have properly dismissed the plaintiff's claim."

Two things are to be noted here. The suit as well as the Appeal was rejected on grounds of adverse possession. The dispute was about the Chabutra situated in the precinct on which a building was sought to be erected and never the mosque itself. As set out in the judgement, certain elements from the Hindu community tried to persistently increase their rights - in the second and third round to the entire mosque itself. Even though the reliefs prayed for were not granted, the judgement tried not to antagonise the Hindu Community entirely by mentioning the atrocities of the tyrannical and bigot emperors (from whose tyrannical rule the colonial rulers claim to have "liberated" the sub-continent). It is not clear on what supporting evidence did the judges observe that the tyrannical Mughal Emperor out of bigotry demolished a temple 350 years ago to build a mosque in his name. Thus in spite of the judgements, the Ramjanmabhoomi-Babri Masjid controversy remained very much alive.

In 1934 riots, which were triggered off by the slaughter of a cow in the village of Shahjahanpur near Ayodhya, riotous mobs demolished part of the wall surrounding the mosque and damaged the domes. However, the mosque was restored at the cost of the Government.

Interestingly, there was also litigation between Shia Central Board of Waqf and Sunni Central Board of Waqf in the Court of Civil Judge, Faizabad. An inquiry was conducted the Commissioner of waqfs under the

UP Muslim Wafqs Act. By judgement dated 23/3/46, it was held that the mosque was found by Babar Shah and used by members of both sects.

Till 22nd December 1949, Muslims offered namaz in the Babri Masjid. However, on the night of 22nd December 1949, idols of Bhagwan shri Ramchandra were surreptitiously smuggled and installed inside the mosque. Constable Mata Prasad at Ayodhya Police Station reported the incident next day morning and the District Magistrate K.K. Nayar sent the following message to the Chief Minister and Chief Secretary by radiogram:

"A few Hindus entered Babri Masjid at night when the masjid was deserted and installed a deity there, DM and SP and force at spot. Situation under control, Police picket of 15 persons was on duty at night but did not apparently act."

K. K. Nayar, who later contested elections on the then Jan Sangh ticket, wrote in his diary:

"The crowd made a most determined attempt to force entry. The lock was broken and policemen rushed off their legs. All of us, officers and men, somehow pushed the crowd back and held the gate. The gate was secured and locked with a powerful lock brought from outside and the police force was strengthened."

Nayar also wrote to the Chief Secretary that in grave risk of large-scale riots it would not be desirable to attempt the removal of the idols through governmental agency. He also advised against stopping *bhog* and *aarti* but advised that the present *pujari* should be changed. Markandey Singh, Magistrate, First Class, and Additional City Magistrate, Faizabad-cum Ayodhya after being "fully satisfied from information received from police sources and from other credible sources that a dispute between Hindus and Muslims of Ayodhya over the question rights of proprietorship and worship in the building claimed variously as Babri Masjid and Janmabhoomi Mandir, Mohalla Ram Kot, within the local limits of my jurisdiction, is likely to lead to a breach of peace," ordered the attachment of the "said buildings" under Section 145 CrPC and appointed Priya Dutt Ram, Chairman, Municipal Board, Faizabad-cum-Ayodhya, as receiver to arrange for the care of the property in dispute on December 29, 1949.

Then a civil suit number 2 of 1950 was filed on January 16, 1950 by Gopal Singh Visharad in the court of the civil judge, Faizabad, praying for a declaration that he is entitled to worship and visit without obstruction or disturbance Shri Bhagwan Ram Chandra and others installed in the Janmabhoomi and a perpetual injunction restraining the defendants from removing these idols. Amongst the eight defendants were five Muslims and the state of Uttar Pradesh, the Deputy Commissioner and the Police Superintendent of Faizabad.

The civil judge N.N. Chadha, granted an interim injunction on 16/1/1950 allowing *puja* and *darshan* though the rights were in dispute. The Order was later modified on 19/1/1950 as follows:

"The parties are hereby restrained by means of the temporary injunction to refrain from removing the idols in question from the site in dispute and from interfering with the puja etc. as at present carried on."

In addition to the above suit, three more suits relating to disputes over receivership and waqf were filed during the intervening period. The Nirmohi Akhara also staked its claim for ownership of the disputed land.

A lawyer of Ayodhya, Umesh Chandra Pandey quietly moved an application on 25/1/86 in the Court of Sadar Munsif, Hari Shakar Dubey seeking directions restraining the respondents from imposing any sort of restrictions or hurdles in the *darshan* and *puja*, etc. of Lord Rama and others in the Janambhoomi offered by him and other members of the Hindu community. The Application was in regular Suit no. 2 of 1950. The Munsif refused to pass orders on the ground that the file of the leading case along with which the above suit was consolidated was requisitioned in the High Court. Umesh Chandra had no *locus standi* in the above suit, and had not even impleaded all the defendants in the suit as party respondents in the application. Umesh Chandra filed an appeal against the order of the Munsif before the District Judge, Faizabad, K.M. Pandey on 31/1/86. The district judge rejected the application of the Mohammed Hashim to be impleaded as a party in the appeal. The District Judge recorded the statements of District Magistrate, Indu Kumar Pandey and Senior Superintendent of Police, Karma Vir Singh to the effect that:

"...it is not necessary to keep the locks at the gates for the purpose of maintaining law and order or the safety of the idols. This appears to be an

unnecessary irritant to the applicant and other members of the community. There does not appear to be any necessity to create an artificial barrier between the idol and the devotees. It appears that the opposite parties have remained a prisoner of indecision for the last 35 years. Somebody in his wisdom thought fit to put locks at the gates at any point of time and nobody since then has seen whether there is any necessity to retain locks or not".

The District judge then observed:

"after having heard the parties it is clear that the members of the other community, namely the Muslims, are not going to be affected by any stretch of imagination if the locks of the gates were opened and the idols inside the premises are allowed to be seen and worshipped by the pilgrims and devotees. It is undisputed that the premises are presently in the court's possession and that for the last 35 years Hindus have had an unrestricted right of worship as a result of the court's order of 1950 and 1951. If the Hindus are offering prayers and worshipping the idols, though in a restricted way for the last 35 years, then the heavens are not going to fall if the locks of the gates are removed. The district magistrate has stated before me today that the members of the Muslim community are not allowed to offer any prayers at the disputed site. They are not allowed to go there. ... If this is the state of affairs then there is no occasion for any law and order problem arising as a result of the removal of the locks. It is absolutely an affair inside the premises. There is no justification for retaining locks after the positive statements of the district magistrate and the SSP Faizabad that the law and order situation can be very well kept under control by other means as well and for that end it is not necessary to keep the locks on these gates."

The appeal allowed and the respondents - district magistrate, the city magistrate and the police superintendent of Faizabad were directed to open the locks forthwith and not to impose any restrictions or cause hurdle in the *darshan* and *puja*, etc. of the applicant and other members of the community in general. With the order of the District Judge, the site, which was in the register of waqf as a mosque for over over 400 years as a mosque was converted into a de facto temple. The procedure adopted by the district judge of recording the statement of the District Magistrate and the Senior Superintendent of the Police was very unusual to the say the least. Application of Umesh Chandra Pandey was incompetent as he was not a party in the suit. The suit itself was not pending. Gopal Singh

Visharad, the Plaintiff in the Regular Suit No. 2 of 1950 had died years ago and no substitution had been made in his place and as such the suit had automatically abated. Such an order could not be passed altering the situation after 36 years. Also, contrary to the general procedure and practice was the fact that the District Judge rejected the application of the Muslims who were originally party to the suit to be impleaded as a party. The District Judge had no basis to conclude that Muslims would not be adversely affected and that too without hearing the applicants to be impleaded as a party. The District Judge in effect adjudicated the rights of the contending parties without hearing all the parties to the suit on a very narrow and negative ground that there would not be any law and order problem if the locks were removed. The adjudication was not on strength of respective claims and the case of the parties, as all the parties concerned and the strength of their claims were not heard were not heard at all. Law and order problem is never a consideration while adjudicating rights of the party. If the courts adjudicate rights of the parties to litigation on consideration of law and order, what we will have is not rule of law but rule of might. The background in which the judgement was delivered will not be out of place here. The SSP and the DM would not have given the statement about their confidence in being able to maintain law and order, without approval of the State and Central Government. The Rajiv Gandhi Government was on the one hand trying to appease the Muslim Fundamentalists on the issue of Sahabano and intended legislation for denial of maintenance to divorced Muslim women under S. 125 of Cr.P.C. On the other hand, the Government was also trying to appease the Hindu community by getting the locks of Ramjanambhumi-Babri Masjid opened for *darshan* and *puja*.

Supreme Court Judgement in Ayodhya case.

The decade of 1980 will be remembered as a bloody decade with communal clashes all over the country as the issue of Ramjanambhumi was politicised and nationalised by the Sangh Parivar. The Ramjanambhumi, which had hitherto remained a dispute between some elements from both communities in Ayodhya, was taken to every nook and corner in most cities and even rural areas all over the country. The demand for which the mobilisation was aimed was to open the lock of the Babri Masjid and permit *puja* and *darshan*. After the lock was opened, the next demand was handing over the entire site for construction of Ramjanmabhumi Temple and shifting of the mosque outside *panchkoshi*

parikrama. Legally, it was difficult to achieve this fete without the intervention of the courts and the state. The issue of title of the property, which is the main legal issue involved in the dispute pending in the courts operates against the protagonist of Ramjanmabhumi temple. For right to worship cannot be claimed as an easement on somebody else's property. So far as law is concerned, faith and belief, or even proof of place of birth of Bhagwan Ramchandra is also not a relevant issue to decide the title and / or grant right to worship. Agitational mobilisation by the Sangh Parivar was to pressurise the state and the courts to act and the pressure did work.

First the UP State acquired the place surrounding the place in the name of providing certain facilities to the pilgrims, the site on which Rajiv Gandhi laid foundation stone of the Ramjanmabhumi on in November 1990. Babri Masjid was then demolished on 6.12.92 by mobs mobilised by the Sangh Parivar. The Courts as well as the state allowed the mob to assemble in the naïve belief that the Mosque will not be touched. Then the Union Government issued ordinance named 'Acquisition of Certain Area at Ayodhya Ordinance' on 7.1.93 for acquisition of 67.703 acres of land, including the site of Babri Masjid. The Ordinance was later replaced by an Act. The Union Government also made a Special Reference under Article 143(1) of the Constitution of India to the Supreme Court for the opinion of the Court on:

"Whether a Hindu temple or any Hindu religious structure existed prior to the construction of the Ram Janma Bhumi - Babri Masjid (including the premises of the inner and outer courtyards of such structure) in the area on which the structure stood".

The reference itself was slanted in favour of the majority community. The Court was called upon to give its opinion whether *any* Hindu religious structure existed prior to construction of *Ram Janma Bhumi - Babri Masjid*. ... The structure that stood was certainly not "Ramjanma Bhumi" but Babri Masjid admittedly constructed by Mir Baqi. The only contention of the protagonist of Ramjanma Bhumi Temple being that the same was after demolition of Janam Asthan Temple. Secondly, no time frame was prescribed for examination of existence of Ram Janma Bhumi - Babri Masjid. If the referendum had been answered in positive, the Union Government would have been compelled to hand over the entire site on which Babri Masjid stood to the Hindu litigants or a trust or association. The Supreme Court however rejected the reference as superfluous.

The five judge Constitutional Bench of the Supreme Court was also called upon to adjudicate on the validity of the Acquisition Act in *Ismail Faruqui Vs. Union of India* (1994 (6) SCC 360). The Judgement delivered by Justice Verma on behalf of the majority held the Act as a whole to be valid, striking down only Section 4 (3) of the Acquisition Act on the ground that extinction of judicial remedy for resolution of the dispute without providing any alternative dispute resolution forum amounts to negation of rule of law. The Section 4 (3) is as follows:

"If, on the commencement of this Act, any suit, appeal or other proceeding in respect of the right, title and interest relating to any property which has vested in the Central Government under Section 3, is pending before any court, tribunal or other authority, the same shall abate."

Even while holding Section 4 (3) to be void and unconstitutional, the majority Judgement upheld the Constitutional validity of the rest of the provisions of the Act, including that of Section 3 by virtue of which, right title and interest of the 67.703 acres of land area, including the site of Babri Masjid stood transferred and vested in the hands of the Central Government. The minority Judgement delivered by Justice Bharucha delivering judgement on behalf of himself and Justice Ahmedli held that the section 3, 4 and 8 are unconstitutional.

The majority Judgement held that the land of even mosque can be compulsorily acquired by the state and it stood on the same footing as that of other places of worship. While there can be no quarrel with that, the effect of compulsory acquisition could not be lost in the case at hand. The minority judgement held that secularism is absolute and

"the state may not treat religions differently on the ground that public order required it. ... When adherents of the religion of the majority of Indian citizens make a claim upon and assail the place of worship of another religion and, by dint of numbers, create conditions that are conducive to public disorder, it is the constitutional obligation of the State to protect that place of worship and to preserve public order, using for the purpose such means and forces of law and order as are required. It is impermissible under the provisions of the Constitution for the State to acquire that place of worship to reserve public order. To condone the acquisition of a place of

worship in such circumstances is to efface the principle of secularism from the Constitution..."

Section 7 of the Acquisition Act is slanted in favour of the Hindu community as section 7 (2) required maintenance status-quo as prevailed before 7-1-93, which would mean that idols must be retained where they were before 7-1-93 and *puja* as carried on as before. Section 7 would entail idol would remain and *puja* continue for an indefinite period.

The Ayodhya Judgement thus struck down only section 4 (3) of the Acquisition Act as per the majority Judgement and as a result of striking down Section 4 (3) all the Suits pending before the High Court revived and the High Court is now hearing the suit day to day. The minority Judgement, however, held that the Acquisition Act vested a whole bundle of rights in the Central Government, including that of the disputed site. According to Section 6 of the Acquisition Act, the Central Government was enabling provision and the Central Government could further transfer whole bundle of right and property to any authority or a body or a trust on terms and conditions that the Central Government might think fit to impose. Those terms and conditions are not specified in the Act, nor is there any indication in that behalf available. The majority Judgment however held that after the pending dispute was adjudicated, the Central Government would hand over the disputed site in accordance with the adjudication to appropriate authority, trust or body. In the event the adjudication is in favour of litigants from minority community, would the Central Government with any political party in power have the political courage to hand over the disputed site to a body, authority or trust of minority community to reconstruct the demolished mosque? That remains to be seen.

Conclusions

To summarise, admittedly, Babri Masjid was built by Mir Baqi in the year 1528 and is noted in the waqf register of Sunni Central Board of Waqf. In 1885 and 1886, the claim of the Hindu litigants was only on the Chabutra as they wanted to construct a structure to protect the devotees from the vagaries of the weather and no more. On the strength of adverse possession, the courts dealing with the dispute during the colonial period rejected the prayers of the Hindu litigants to construct any structure even on the Chabutra. The prayers were rejected even though the courts held (it is not known on what evidence) that the Masjid was built on land held

sacred by the Hindus but that occurred 356 years ago on the same spot. After independence, the Hindu litigants adopted incremental approach, slowly enlarging their rights and claims with combination of surreptitious acts, agitational mobilisation and repeated applications to the court. Surreptitious acts when no legal claim left on their side. Another round of litigation on threat of agitational mobilisation. The claims were based not on the strength of title to the property but on their right to unhindered and unrestricted worship. After the idols were smuggled inside the Mosque, there was another round of litigation, which virtually ignored the title and turned the court into a receiver of the property giving the Hindus increasing access to the property as and by way of right to worship, while the Muslim community was denied the access in spite of the fact that the property was a waqf property. After the locks were opened in 1986 on the ground that there would be no problem maintaining law and order if the locks are open, the Hindu nationalist forces were emboldened even more. As they were mobilising their forces and indulging into hate propaganda, the State remained a mute bystander refusing to act and take preventive measures for maintenance of law and order. Even the courts when they had the opportunity did not act decisively and the hoodlums of Hindu nationalist forces were allowed to assemble in large numbers, ultimately resulting in demolition of Babri Mosque and construction of a makeshift temple. The Courts as well as the executive rewarded those who demolished the Mosque by legitimising the "rights" acquired by force in the name of maintaining status - quo and maintaining law and order. The Central Govt. acquired the disputed site and the surrounding areas under the Acquisition Act, thus depriving the Muslim litigants of their defence or claim of adverse possession to the disputed site. The Supreme Court majority Judgement legitimised the acquisition by state in the name of maintaining public order. The litigants from the minority community, we feel, are fighting a losing battle - not because their claim to the title of the disputed site is weak or defective, but because they cannot match the power of the Hindu nationalist forces in creating law and order problem, which is material in influencing the decision making in our country. The Hindu nationalist forces have enlarged their rights and claims from Chabutra to worship on the very disputed site not because of their legitimate claim but by threatening not to obey the orders of the Court in matters of "faith".

(7)

Ayodhya: Abode of Ram or Allah

07/19/2010

By Ram Puniyani

On the tragic day of 6th December 1992 the Babri Mosque, a 450 years old archeological structure was demolished by the RSS combine, (RSS, BJP, VHP, Bajrang dal and other progeny of RSS). A makeshift temple was hurriedly constructed at the site. The RSS combine has been pressing since then for the resumption of its efforts to build a Ram temple at the site since they claim that Babri mosque was built by demolishing Ram Temple. This claim is not backed up by Historical and archeological data. The argument put forward was that 'Faith' will decide the birth place of Lord Ram and Sangh Parivar will be guided by the mahants and sadhus about the future course of action.

Meanwhile four court cases have been going on in the Allahabad High Court Lucknow bench, about the issue of title of the land, where Masjid was located. Of these four the arguments in three of the four Ayodhya title



suit cases have been completed. The arguments for fourth case will be over by the month end (July 2010). While one is waiting the result of these court cases, RSS combine has already planned to build pressure for constructing Ram Temple, irrespective of the outcome of the court cases. The cases pertain to ownership of the land

where the mosque was located. VHP etc. are asserting that no mosque will be permitted in Ayodhya. As per VHP, mosque has to be outside the 'Shastriya Seema' (Boundary) as given in the Ramcharita manas (The Ram Legend, by Tulsidas) of Ayodhya. Meaning there by that Ayodhya is a holy place of Hindus only. Meanwhile, BJP and other associates have been instructed to step up the demand for building Ram temple at the precise spot where they had demolished the mosque on 6th December 1992.

It must be made clear that Ayodhya means (A+Yudhya: A no war zone). It

is not only holy for Hindus. Ayodhya has been a focal point of many religions, Buddhism, Jainism and Hinduism. From about fifth century BC fairly large Buddhist community was living in Ayodhya. Though this religion suffered a setback during first millennium AD, several remnants of its existence did survive. According to Jain tradition Ayodhya was the birthplace of the first and fourth Tirthankara. The early places of Hindu worship of Ayodhya were of Shaiva or Vishnu provenance. The specific worship of Rama even as an avatar of Vishnu is a much later development. References to the image of Rama appear only in sixth Century. Nawab of Awadh region, where Ayodhya is located had given land for the biggest temple in the area, Hanuman gadhi.

One of the arguments being put forward is that state should take up the building of the Ram Temple at Ayodhya the way Somnath temple was built by the state. Advani and many others have been claiming that the Somnath reconstruction was done as per the decision of the Nehru cabinet. This is a total lie. Since the public memory is too short anything propagated repeatedly starts sounding like being true, the way Hitler's propaganda minister Gobbles used to do. Contrary to this a little peep into the recent history will show us that Indian Government had nothing to do with the reconstruction of Somnath temple. The lie that Nehru Government had reconstructed or supported Somnath reconstruction is a distortion of the fact that two ministers of Nehru cabinet were involved in the reconstruction in their personal capacity. As such when the idea of reconstructing temple at Somnath was mooted by Sardar Patel, Gandhi who was alive at that time opined that Hindus are themselves capable to build the temple and they don't need Government money or assistance for reconstruction neither should Government give money for such a construction.

With the death of Sardar Patel, K.M.Munshi and N.V. Gadgil, who were ministers in Nehru's Cabinet, took up reconstruction work at personal level. There was no question of reconstruction proposal being passed by the Cabinet as falsely being claimed by communal forces. After the completion of the temple for its inauguration, the then President of India Dr. Rajendra Prasad was invited. He accepted the invitation against the wishes of Pundit Jawaharlal Nehru. Nehru opined that public officials should never publicly associate with faiths and shrines.

This falsehood is being deliberately put forward to pressurize for temple construction, irrespective of the court ruling. Today nearly two decades after the demolition of the Babri Mosque, we have seen as to how much damage this Ram temple campaign has done to the political scene in the country. One also recalls that immediately after the Babri demolition, the

then Prime minister Narsimha Rao had proclaimed that the Mosque will be rebuilt at the same spot. Accepting the outcome of demolition will be giving legitimacy to the criminal act perpetrated by RSS combine.

At the moment there are diverse opinions about what should be done at the site. Most of the Muslim groups have committed to respect the court verdict. The VHP etc. on the contrary are campaigning for temple irrespective of the outcome of court cases. Even before the demolition they had asserted that it is the 'faith' and not the law of the land which will guide their actions. In a democracy, it is the law of the land which should dictate the policies of the state and the actions of political groups. At this crucial juncture, what is needed is the utmost respect for law and promotion of communal amity and national integration. Since the demolition of the masjid the communal amity has been badly mauled. The suspicion about each other, the communal divides have widened and there is a set back to the concept of the rights of weaker sections of society and minorities.

The spreading of lies and emotive campaigns by political parties are not in accordance with the values of Indian Constitution. The elected representatives of people are duty bound to follow the Indian Constitution, so there is a need to appeal to all concerned to come to this basic understanding to uphold the values of freedom movement as enshrined in the Indian Constitution and let the court judgment be the decisive factor of future course of action.

(C)
PATH TO FUTURE: PEACE AND RECONCILIATION

(8)

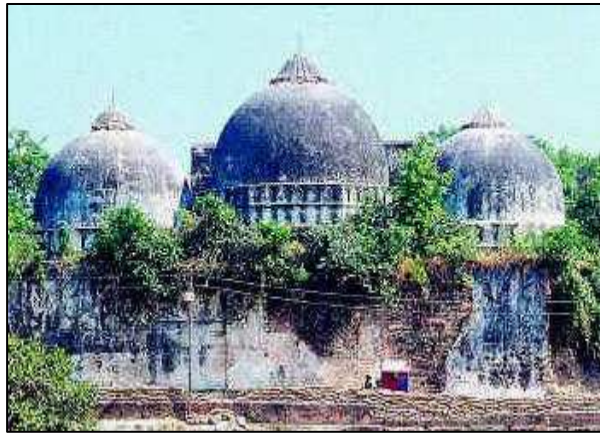
Pitiable aftermath of Inquiry Commission reports

Ram Puniyani

With the tabling of Liberhan Commission on one side we saw valuable truth being endorsed judicially, whatever we knew got a stamp of legal understanding, on the other it also brought to notice two very crippling aspects of the commissions of inquiry. The first observation was that Liberhan Commission, which was to take six months to give the report, took 17 long years to submit the report. It took over many extensions on one pretext or other. It cited the non cooperation of its legal counsel, Anupam Gupta, non cooperation of political leaders as the causes of delay. Surely the time taken by Liberhan can not be justified or

condoned under any circumstances. It seems the judge has taken the nation for a ride. Secondly, despite immaculate observations, it failed to give the proper and matching recommendations. It names 68 major culprits for demolition, but punishment wise it does not recommend the punishments to be given to the guilty. On the top of that Home ministry's Action Taken Report is still more disappointing as it does not deal with the observations of the commission and in a round-about way neutralizes the observations of the commission.

This the Commission has spent crores of rupees of national wealth, and what it produced has no serious implication on the polity of the nation, so the question once again has come up as to what is the use of such commissions.



This question has been further highlighted more as some of the other major commissions/reports of recent times are hanging fire as the actions about them have been either painfully slow or non-existent. One is talking of the fate of Gopal Singh Commission, Rangnath Mishra Commission and

of course Sachar Committee. Most of these have brought to our attention the serious problems dogging our country. While Gopal Singh and Rangnath Mishra Commission reports have so far been put in the cold storage, the fifteen point program of Prime minister on Sachar Committee is yet to take off. So the question is naturally being asked, why inquiry commissions?

We have witnessed a series of commissions on innumerable range of issues. These commissions or committees can broadly be put under four categories. First are the one's which have been instituted in the wake of murders of the prominent figures of the country. Immediately after the country got independence, the nation was plunged in darkness as the father of the nation was murdered by Nathuram Godse, the then Secretary of Pune branch of Hindu Mahsabha who was editing a paper called Agranif Hindu Rashtra. J.L.Kapoor Commission was instituted which named Godse as the main culprits. Hindutva ideologue Savakar was also one of he accused but he had to be let off as there was no corroborative evidence against him. Similarly the findings of Commissions of inquiry which went into the murder of Indira Gandhi and Rajiv Gandhi were implemented to a great extent.

The other type of commissions relate to the problems of Dalits in general. Kalelkar Commission and Mandal Commission are the major ones.



Kalelkar Commission, 1955, did set a landmark of the needs of dalit community, but its implementation was patchy and ineffective. Mandal Commission was appointed in 1977 by Janata Government. It remained in the cold storage till 1990, when VP Singh for playing one up over

Devilal, his competitor in the power game, implemented the commission report and that became a transition point for Indian political chessboard. The results for dalits and OBCs were positive through these inquiry Commissions.

The third type of Commissions has been to inquire into the communal violence against minorities. Here the major one's have been Jagmohan Reddy (1969, Ahmedabad) Justice Madon Commission (Bhivandi, Malegaon 1970), of Justice Joseph Vithayathil Commission, (Telicherry 1971), Jamshedpur report 1979, Venugopal Commission (Kanyakumari 1982), Nanavati Commission (1984 anti Sikh Violence), Justice Srikrishna (Mumbai 1992-93 riots), Bannerjee Commission (Godhra Train burning 2002), Wadhava Commission (Pastor Stains Murder 1999). Nanavati Shah Commission is yet to submit the full report on Gujarat Violence. What is common in most of the reports barring few is that they have been able to identify the culprits, the lapses in administrative apparatus, the failure of political leadership and the role of Hindutva organizations in most of the cases of violence except in anti Sikh violence, where Congress was the major player. What is also common is that most the recommendations of many of these have been not implemented and the guilty were generally not punished.

The fourth type of reports is about the plight of Muslim minority. On the pattern of the commissions for dalits they have brought to fore the economic and social miseries of Muslim minorities. These reports have also pointed out the marginalization and discrimination against Muslim minorities. We have seen even the reports about dalits took long to

implement but as far as Muslims are concerned Government is getting cold feet even to discuss them, what of implement them. Manmohan Singh's famous statement that minorities have the first right on the social resources was used politically against him, while the fact is that in a family, the weaker members, children, old and handicapped should- must have the first preference in family resources.

We can also note that Citizens have also taken lot of initiative to investigate into serious disasters of society, Citizens for Justice and Peace (Gujarat violence) India People's Tribunal (Investigating crimes against Christian minorities in Orissa, and investigating the impact of Communalism in the country) Anhad (Tribunals on police atrocities against Muslims in the name of terrorism) have raised the conscience of the nation in the matter.

The major hurdles in investigation by official Commissions have been mostly the legal procedures and sometimes even the attitude of some judges which was most painfully obvious in case of Liberhan.

So overall how do we evaluate the institution and work of these commissions? First is that by and large they have brought forth the truth of these events in most of the cases, murders of the leaders, forces behind carnage, social status of the community. Second, the legal endorsement of this commission has given strength and credibility to the campaigns and demands of Human rights groups and the victims. That's where the matters rest.

Many Commissions have given biased conclusions also, like Wadhwa Commission. Many of these had been not forthright enough to blame the culprits despite enough evidence. Many of them have failed to prescribe the proper punitive action against the culprits. The commissions related to social situations have by and large done a very good job but their implementation depends a lot on the will power of the political leadership.

A balanced view about commissions should be that they do contribute positively to formulation of social policies and justice but the political leadership in particular has behaved in an opportunistic way blocking the implementation of these and thereby depriving the community from the justice. There should be many a provision which need to be added on in the Inquiry commission acts and their implementation. The selection of Judges is also motivated politically. What we can try is to add corrective clauses to the Inquiry Commission Act. The first thing to keep in mind is their time bound nature of work. It should be made clear to the Judges that the work has to be finished in a particular time frame. The commissions should be headed by sitting judges and not the retiring Judges. In cases

like Liberhan, they should be scrapped after a couple of years and substituted by a new person.

The biggest problem in the inquiry commissions is the political and bureaucratic leadership. This is where the human Rights groups and social movements have to put sustained and unrelenting campaigns against the laziness and lack of will power of the Government. While appointing the commission the Government has to commit to take sincere action against the culprits or implement the measures to uplift the victim community. The Human rights groups and community concerned must be taken into confidence about implementation of the report. When the ministry finalizes ATR it must discuss with the rights groups and community leaders and get there feed back. One will like to say this valuable tool of our democratic society needs to be taken much more seriously that the present government is taking. Problem is not with the provision of Commissions, problem is with their execution and implantation and we need to improve upon on that.

(9)

Babri Masjid and Indian Muslims:

By Irfan Engineer

On 6th December 2007 the incident of demolition of Babri Masjid will complete 15 years. After the immoral, irreligious and illegal act of demolition of Babri Masjid, a lot has changed as far as Muslim politics is concerned. Demolition of the Babri Masjid was attack on secularism and democracy.

One unfortunate repercussion of the demolition of the Babri Masjid and the communal riots that followed in which Muslims were victimized was that the influence of ISI increased. Under world don Dawood Ibrahim and gold smuggler Tiger Memon conspired with the ISI to carry out serial bombings in Mumbai on 12th March 1993. Muslim Youth who were victims of communal riots that followed the demolition of Babri Masjid could be persuaded to undertake training in Pakistan to carry out the bombings in which over 287 people died. Anti-social elements amongst the Muslim community in the south was also attracted to religious fundamentalism after 1992 and plethora of communal organizations like Al Umma sprang up in the South for the first time. Muslims in the South always identified themselves with the Dravidian Movement. However, after 1992 there was rise of Militant Islam and RSS head quarters were bombed in Tamil Nadu to seek revenge of demolition of Babri Masjid.

There were Communal riots for the first time in Coimbatore in Tamil Nadu, in which 27 Muslims were killed by the police in firing on unarmed mob followed by attack by Hindu Munani in the year 1998. The unilateral attack on Muslims was followed by bomb blasts in the same year in Coimbatore. In Kerala, Maulana Madani started militant organization Islamic Sevice Society to counter RSS. ISS attracted hundreds of youth in its fold. Madani was ultimately jailed and spent several years in prison, for his role in Coimbatore Bomb blasts but was acquitted recently. There were bomb blasts also in Jammu region of J&K State, on Akshardham temple in Gujarat, in Shiv temple in Varanasi (UP), near Jama Masjid in Delhi. There were bomb blasts in a BEST public transport bus in Mumbai and series of bombings in local trains in Mumbai in which 147 people died. Most of these bombing were motivated the spirit of revenge for attacks on Muslims in Gujarat in the year 2002 and in other communal riots. ISI provides training, weapons and financial resources.

The confrontationist strategy of the Babri Masjid Coordination Committee and Babri Masjid Action Committee led by Sultan Salahuddin Owaisi and Zafaryab Jilani utterly failed to stop the demolition of the mosque. The Muslim leadership which thrived on emotional and identity related issues also nearly collapsed along with the Babri Masjid. The community is very cautious in responding to any identity related emotional issues. There is a feeling within the community that education is the only salvation. Many organizations focusing itself on secular education have been more popular after the demolition of the Babri Masjid than before. Particularlry, Muslim girls have topped the Secondary School Certificate examinations in Maharashtra and other states. Recently in Mumbai, two girl students defied the edict of few conservative elements within the community to attend college and sought police protection for the purpose. There is increased awareness and urge for secular education within the community. Some fundamentalist or political islamist organizations started rethinking their ideology and are now working for communal harmony, secularism and justice for all. Jamat-e-Islami is one such organization which has reviewed its stand on the issue of Islamic State. It has formed organizations to promote communal harmony. The organizations related with Jamaat are working for peace and justice for all sections of the society.

The backward classes amongst the Muslims are now organizing for extension of benefits of affirmative actions to the backward classes to them. In doing so, they emphasize their regional identity and identity of the caste from which their forefathers were converted. The Pasmada Muslim Mahaz (Forum of Backward Muslims) in UP and Bihar is one such organization. It is a welcome democratization of Muslim identity emphasizing on plural culture within the Muslim community. Islamic

religious identity is only one small but important factor in the identity, but even more importantly not the only factor. The backward Muslims, by claiming their former caste identities are proud of their Islamic identity as well as their local cultural identity. It acts as a bridge between Islam and regional identity as backward Muslims are proud of both aspects of their identity. It connects them to their Hindu brethren and builds harmonious relations with them. Claiming backward Muslim identity, the backward communities amongst the Muslims also engage with the state to be more democratic and extend affirmative action to them on the ground that they are backward classes too and not to discriminate between Hindu and Muslim backward classes. Andhra Pradesh Govt. has recently added to the list of backward classes, names of Muslim communities and passes legislation to extend 4% reservation to Muslim backward classes.

The Sachchar Committee Report has once again focused the attention of the community to the issues of social and economic backwardness and unity with the backward sections of the society irrespective of their religion. It will be a formidable challenge for the secular-democratic leadership within the Muslim community to stay focused on issues of social justice and equality in spite of all the discriminations, atrocities, human right violations that members of the community and Islam being targeted by the media and inimical forces.

(10)

Ayodhya: Showing the Way

Ram Puniyani

Recently an Aman Peace caravan was organized by different secular groups, Ayodhya Ki Awaj, Asha and CSSS (Dec 6 to 12, 2009). This Karvan (procession) began from Ayodha and culminated in Ajmer. En-route it organized various programmes in different cities, Lukhnow, Kanpur, Bharatpur etc. The programs were in the nature of candle light marches, talks, songs for communal amity, interacting with school children and interacting with different communities. All through the Karavan was warmly received by people of different communities, Hindus, Muslims Sikhs and Christians.

It must have been the best way to forget the effects of the politically motivated demolition of Babri mosque on 6th Dec. 17 years ago. The demolition, a well planned offensive brought many tragedies not only to the country but also to the residents of Ayodhya. Since the launch of agitation to build Ram temple, the repeated campaigns disturbed the peace and amity in Ayodhya. While it is claimed to be the birth place of Ram,

there are ample records to show that Ayodha was a sort of no war zone (A- no, Yudhya-war). It has been the place of importance for Muslims as they believe it is the place of two of their Major Prophets, Hazrat Shish and Hazrat Nuh. The Sufi shrines in this area are a place of major attraction for people of all the religions.

There are relics of place of worship for Buddhists who say that the Buddha Vihars in this area were destroyed by upper caste Hindu kings.



The land for the biggest temple in the area, Hanuman Garhi was given by Nawab of Awadh. There are many a Ram temples here and interestingly most of the temple priests claim that Lord Ram was born in their temple. It was a political trickery of highest order that the

Masjid was brought into dispute by installing the Ram Lalla idols on the night of Jan 22, 1949 and since then the Masjid got locked by the pro RSS, District Magistrate of the city and rest created a tragic situation which is too well know by now.

Since the VHP campaign created lot of political turmoil, disruptions of law and order started taking place and so the number of pilgrims to the city started declining. In the after math of demolition people say that the business activity of Ayodha has come down by half due to which many traders have shifted out their business. The mutual trust and relation between communities came under stain, but these bonds were too strong for communalists to break and so the peace activists could retrieve the ground very fast.

Many a social workers focused on Ayodha to build the community bridges and in due course local platform for peace and amity made the voice of Ayodha heard all over the country. The local populations also pointed out that how can the communalists decide the fate of Ayodhya? It is they who live there and so the future plans of Ayodhya have to be drawn by them. While the loss of lives and property due to the post demolition violence was difficult to heal, the focus was on peace in the city.

Apart from many other initiatives the intercommunity mingling between Hindus and Muslims were promoted by Ayodhya ki Awaj, Asha, and many other Gandhian groups. This had remarkable effect on the city's life. It was best seen in the form of organization of Roza Iftaar at Hanuman Garhi temple, the temple of eminence in the city. This experiment in



intercommunity living was a pleasant one for all except the communalists, who sowed the seeds of discord amongst the organizers and this experiment had to be stopped. But the seeds of amity sowed by this experiment of Roza Iftar at hanuman garhi temple went on and communities

devised other mechanisms to live shoulder to shoulder. In the same direction many a seminars, lectures and workshops were organized in Ayodhya, and this cemented the community bonds further, these acted to remove the misconceptions about each other and brought back the pre demolition atmosphere of amity.

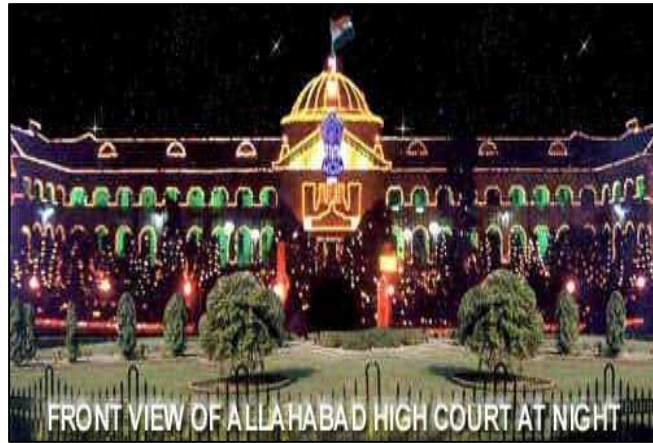
Many a small local papers brought out by local activists carried valuable material on the history and traditions of Ayodhya and created an atmosphere of peace. It is heartening to note that later the troubles which were planned by communalists were foiled due to the popular initiatives and the control over law and order by the state.

This Peace March by secular groups is the culmination of the peace activities going on in Ayodhya. This demonstrates that while Rath Yatras by communalists aimed to divide the nation, it is yatras like this which are a strong step in the direction of national integration. It may not have been much covered by the big media, but it did touch the heart and minds of the society. It also demonstrates that people are basically peace loving and the adverse effect of divisive and sectarian politics can definitely be undone by the process of dialogue and community interaction at all the levels.

Peace should be the Outcome of the Ramjanmabhoomi-Babri Masjid Verdict

By Irfan Engineer

Everybody is waiting holding their breath and apprehensive as to what the verdict will be on 17th September 2010 by the Lucknow Bench of the Allahabad High Court in the Title suit of Ramjanmabhoomi-Babri Masjid case. There are no two opinions that in the year 1528 a mosque was built by Mir Baqi by one of the Governors of the Mughal Emperor Babar and is noted in the *waqf* register of *Sunni Central Board of Waqf*. In 1885 and 1886, the claim of the Hindu litigants was only on the *Chabutra* that was outside the Masjid compound wall called Ram Chabutra as they



wanted to construct a structure to protect the devotees from the vagaries of the weather and no more. The courts dealing with the dispute during the colonial period rejected the prayers of the Hindu litigants to construct any structure even on the *Chabutra* even though the courts held (it is not known on what evidence) that the Masjid was built on land held sacred by the Hindus but that occurred 356 years ago on the same spot. After independence, the Hindu litigants adopted incremental approach, slowly enlarging their rights and claims with combination of surreptitious acts, agitational mobilisation and repeated applications to the court. Hindu litigants resorted surreptitiously smuggling Lord Ram's idols on 22nd December 1949 inside the Masjid. This was followed by another round of litigation praying for unhindered and unrestricted right to worship the idols within the Masjid precincts on threat of agitational mobilisation. The claims were based not on the strength of title to the property but on their right to unhindered and unrestricted worship. This fresh round of litigation virtually ignored the title and turned the court into a receiver of the property giving the Hindus increasing access to the property as and by way of right to worship, while the Muslim community was denied the access in spite of the fact that the property was a *waqf* property. After the locks were opened in February 1986 on the ground that there would be no problem maintaining law and

order if the locks are open, the Hindu nationalist forces were emboldened even more. As they were mobilising their forces and indulging into hate propaganda, the State remained a mute bystander refusing to act and take preventive measures for maintenance of law and order. Even when the courts had the opportunity, they did not act decisively and the hoodlums of Hindu nationalist forces were allowed to assemble in large numbers, ultimately resulting in demolition of *Babri Masjid* and construction of a make shift temple. The courts as well as the executive rewarded those who demolished the Mosque by legitimising the "rights" acquired by force in the name of maintaining status - quo and maintaining law and order. The Central Govt. acquired the disputed site and the surrounding areas under the Acquisition Act, thus depriving the Muslim litigants of their defence or claim of adverse possession to the disputed site. The Supreme Court by a majority judgement legitimised the acquisition of the land on which *Babri Masjid* stood, by state in the name of maintaining public order. The litigants from the minority community cannot match the power of the Hindu nationalist forces in creating law and order problem, which is material in influencing the decision making in our country. The Hindu nationalist forces have enlarged their rights and claims from *Chabutra* to worship and finally on the disputed site not because of their legitimate claim but by threatening not to obey the orders of the Court in matters of "faith".

Matter of Faith

The issue in the title suit of the Ramjanmabhoomi case was who owns the structure of, and the land on which *Babri Masjid* once stood. The RSS brought in the issue of faith as they were not confident of winning the title suit. It cannot be disputed that the Masjid was *waqf* property for more than 420 years when the title suit was filed in 1949. Assuming that Lord Ram was born (only on the basis of faith of RSS and their affiliated organisations) on the spot where *Babri Masjid* stood and further assuming that there was a *Ramjanmabhoomi* temple on the spot, law of adverse possession would come into play and the title would pass on to the *waqf* Board on the ground that undisputedly, they have the possession of the land and the structure of Babri Masjid for over 12 years. The *Sangh Parivar* started forcefully contending only on the basis of their faith that Lord Ram was born on that very spot where there was a *Ramjanmabhoomi Mandir* and the *Mandir* was demolished to construct *Babri Masjid*. The *Sangh Parivar* led mobilization did succeed in getting the Allahabad High Court to frame the issue of 'whether there was a *Ramjanmabhoomi temple prior to the construction of Babri Masjid*' for trial of the Title suit. The issue is otherwise irrelevant in deciding the Title suit. That is why the *Archeological Survey of India* was ordered to dig Masjid precincts and their report has been submitted to the Court. However, it is doubtful if anything was found. Judgments of courts in secular states are not given on

the basis of faith. If faith is made central to governance, conflicts will increase due to religious and sectarian diversity that exists in India. Pakistan split and utterly failed to survive as a united nation on the basis of faith though it was created on that basis. India with much more diversity has survived only because it did not make faith central to its governance. And whose faith would matter for governance? What if there is conflict in faith on the basis of caste, sect, *Akharas* and *Muths*?

Faith as a Raod to Power?

Irrespective of our religious persuasion, in a democracy, all must have faith in governance based on transparent procedures and fair systems to deal with contentious issues. Our faith and our world view cannot be imposed on others. Gandhiji had faith in truth. Kabir had faith in love. Often we hear high and mighty accused of various charges proclaim that they have faith in the Courts. What they actually mean is that they have faith in impartiality of the courts, in the transparent procedures for fair trials to establish the facts. Sangh Parivar now tells us that their faith must be unquestioningly accepted (as against respected) as *the fact* by all, including the state and not called upon to furnish evidence. Sangh Parivar wants to use their faith as a tool to enlarge their claims and rights and convert it into a path to power.

Peace as outcome:

Irrespective of the outcome of the court's verdict peace may be elusive. If the verdict is in favour of *Ramjanmabhoomi Nyas* holding in their favour that a temple existed before the construction of the *Masjid* or that land should be transferred to the Temple Trust, the Sangh Parivar will be strengthened and are likely to become more aggressive in their approach. This may persuade the Muslim litigants to impugn the order of the Allahbad High Court and file an Appeal in Supreme Court, though prominent leaders have opined that the verdict of the High Court should be accepted by the community even if it is not in their favour. Ram Temple may in that case be constructed on the land under massive cover of security forces. Peace will be elusive. If the Court holds in favour of Muslim litigants that the land belonged to the *Waqf Board* and / or that there is no evidence to support the contention that a temple existed prior to the construction of Babri Masjid, the *Sangh Parivar* will not accept the verdict as they never promised to accept the verdict of the Court. Sangh Parivar will aggressively mobilize demanding a legislation to transfer the entire land acquired under the Land Acquisition Act to the Nyas/Temple Trust. In my humble opinion, in case the Court holds in favour of the Muslim litigants, having made the point, the community leaders should rise above sectarian politics show statesmanship and undertake to build a monument or a memorial for peace and harmony showcasing the values of peace as reflected in all religions with common prayer hall for all

religions, or an institution for the study of all religions and spiritual traditions. The land has been acquired by the Central Government and the even if the High Court holds in favour of the Muslim litigants, the Central Government may not find it easy to transfer the land to *Waqf Board* or any Muslim Trust. The decision on transferring land will be delayed indefinitely.

The need is to defeat communal politics and peace should be the outcome. Unless justice is done there is no peace. Justice must be done in accordance with the existing laws and not on basis of faith, as there are faiths and faiths, and all faiths must be equally respected.

