

## Half Truthful and Half Untold

Historians will indeed take a poor view of the national leadership in the critical days of 1992: a Prime Minister who was either naïve or incompetent and least interested in performing his Constitutional and legal duties: an opposition leader, who was, to say the least, a hypocrite, who had conceptualized and mobilized the people through his Rath Yatra and incited their fanaticism and then called 6 December, the saddest day of his life: a senior colleague of his who was not only a practitioner of ambiguity but a master of double talk; a Chief Minister who swore false affidavits; a political party which planned to build its fortunes by inventing and organizing a movement to undermine the Constitution and the Rule of law: a Government whose ministers, with one honourable exception, were a pack of spineless courtiers: political parties, which called themselves secular but which remained silent spectators of the unfolding drama.

Under the Shariat, while no masjid can be constructed on usurped land, a masjid once consecrated cannot be alienated in any manner-sold or leased or gifted. Even after, the Demolition, the Babri Masjid exists. Because the masjid is the site, the land which has been consecrated for worship, and not the stones and bricks or the structure. And the site cannot be destroyed!

Indeed, the question of title to the site is under judicial examination by the Special Bench of Allahabad High Court under Supreme Court's Order. After the verdict the road map charted by the Supreme Court comes into operation. Under it a place of worship shall be built on the disputed site by the party which has the title but the other party may also construct a place of worship nearby within the Acquired Area.

While the Muslim community has reiterated its commitment to accept the final judicial verdict, whatever it may be, the Sangh Parivar and its associates have taken the stand that they will accept it, only if it is in their favour. This has been repeated by practically all the top leaders of the BJP and the VHP. Unfortunately, the Central Government has not taken so far a clear-cut stand that under the Constitution it has no option but to accept the final judicial verdict and implement the road map.

### Negotiated Settlement

The Hindu organizations continue to harp on a negotiated settlement; there have been many spells of negotiations before and after the Demolition. Many compromises were offered by the Muslim side and many alternatives were considered but all negotiations failed because of the demand of the Hindu leadership that the Muslims in any case must surrender the Babri Masjid site to build a Temple on its site, even if there is no evidence to support the myth of Ayodhya being Ram's janambhoomi or the Babari Masjid site being his janamsthan, or the existence of a Ram Mandir on the site in 1528 and its deliberate destruction by Mir Baqi, Babar's commander, to build the Babari Masjid in its place. None of these inter-linked propositions bear any historical scrutiny. Moreover, the Hindutva forces make similar demands on thousands of other Masjids but, very generously for the present, claim only two in Mathura near the Krishnajanmabhumi temple (despite the earlier agreement) and in Varanasi near the Viswanath temple. This means that even if the Muslims concede the VHP's demand in Aydhya they have to face a protracted battle on other masjids.

### Sangh Parivar ? The Main Culprit

The Liberhan Report on the Demolition in brief brings out the criminal culpability of the Sangh Parivar in clear terms, even though it fails to identify the leaders or the members of the Special Demolition Squads organized by it, hailing from Andhra Pradesh, Maharashtra and Rajasthan. The Report only indicts some leaders of the Ramajanmabhmi Movement/Sangh Parivar present in Ayodhya as well as the bureaucrats stationed in Faizabad and Ayodhya who failed to do their duty. Some of them have died or retired. Some others are already under prosecution. Two FIR's filed on 7 December, 1992, have made little progress because of change of Governments; not much is expected to emerge from these two cases which are now pending before the Special Courts in Lucknow and Raebareli, even if the Government now agrees to expedite them as well as to investigate possible case against the others.

### Clean Chit to Arch Villain ? Narshimha Rao

The Report totally and absolutely exonerates the Arch Villain of the Demolition, the then Prime Minister P.V.Narasimha Rao. This omission needs to be examined in detail because the Report tries to whitewash him and endorse his false defence.

But, before we come to his guilt a word about the Congress role would be in order. Although it did not disown or remove him as it should have done, it refused him the party ticket and the honour of leading it in the next General Election in 1996. But Congress role, right from 1949, right up to 1992 is an anathema. It may be recalled that with a Congress Chief Minister in the state and Prime Minister at the Centre, the Masjid was desecrated in December 1949 and the idols were surreptitiously and illegally introduced therein, the Central directives from Nehru and Patel were ignored, the Masjid was placed out of bounds for the Muslims and a pujari was appointed to service the idols, thus turning a standing, ancient masjid into a de facto mandir. The criminal cases crawled for 30 years; in 1986, the doors of the Masjid were opened for public darshan, converting the de facto mandir into a de jure mandir under a politically manipulated and government backed Order of District Judge of 1.2.86. All along the VHP had enjoyed full freedom to propagate its mission. In 1989, it was permitted to perform the Shila Nyas of the proposed Mandir in the disputed area, blatantly against the High Court Order. It was also allowed to establish a workshop for sculpting architectural elements for the proposed mandir-an illegal enterprise. In order to secure political benefit from its oversight and indirect association, the then Prime Minister Rajiv Gandhi launched the electoral campaign from Ayodhya . In this historic perspective, it will not be fair to place the entire blame on Narasimha Rao as he only tried to carry on the traditions and perhaps the real intent of his party. But he was the Prime Minister in 1992 and had repeatedly assured the Muslims and others of protecting Masjid against Demolition and haste bear responsibility.

### Rule of Rao

Despite Muslim request, he did not declare the Babari Masjid a National Monument of Historical Importance and thus assume full responsibility for its protection.

While the Kar Sevaks were moving to Ayodhya, Government did not instruct any state government or ask the Supreme Court to stop the movement of kar sevaks or even ban the Kar Seva or to restrict them to approach the Masjid in small groups. The Chief Minister had been questioning the placement of Central Forces in the vicinity of Ayodhya, but Rao failed to put him under notice under Article 355 of the Constitution. Rao never asked the Governor for a formal situation report; on the other hand, he asked him not to send a report. Liberhan defends him on the ground that the Governor did not advise him to place UP under President's Rule. This was not mandatory as the Prime Minister had many sources of information.

Rao ignored the daily IB briefings, and did not ask any other sources like the Defence Intelligence. He ignored warnings from other parties. Though, he was given full powers to protect the Masjid by all political

parties (except BJP) in the National Integration Council in November, 1992, even to apply Article 356, he did not take any effective steps.

Rao simply pushed aside the Cabinet Note prepared by the Home Secretary for imposition of President's rule and went away to Africa at the critical time.

On 6 December, 1992, even after the attack had begun in the presence of the top leaders of the BJP and the VHP and the solemn assurances by the Chief Minister and top BJP leaders to the High Court and the Supreme Court stood nullified, he did not dismiss the Chief Minister, not even after the first dome had fallen. He did not accept the CM's resignation submitted at 1 p.m. He convened the Cabinet meeting, after all domes had fallen, and the Mosque had been reduced to rubble and then imposed the President's Rule.

Even after the President's rule was imposed, he refused to order central para-military forces to forcibly disperse the kar sevaks who were engaged in levelling the debris and constructing a makeshift temple. Indeed, this was allowed to go on for 36 hours, till it was completed and the idols which had been removed from Babari Masjid were re-installed. Thus, a new fact was created. Rao never took a clear stand on the legality of the makeshift mandir though it was a clear violation of the judicial order.

Subsequently, Rao went back on his promise to rebuild the Masjid. He refused to assure the Parliament that his government will execute the final judicial verdict and implement the roadmap of 1994.

Rao's behaviour before, during and after the Demolition leads to only one conclusion that for his own reasons, he was a part of the conspiracy, hand-in-glove with the Demolishers. He was in regular touch with the RSS chief Deoras as well as with the BJP leader Advani and acting in collusion with them.

The whole world knew of the intentions and the programme of the Sangh Parivar. They had placed their cards open on the table right from the beginning, particularly after 1985 when the BJP extended its open political support. But the Prime Minister who was the custodian of the Constitution, sworn to maintain the rule of law, who had complete authority and full power to intervene, who had full knowledge of hour-to-hour developments, deliberately undermined the Constitution. That the Report not only gives him a clean chit but absolves him of all responsibility is indeed amazing.

History will one day reveal what transpired between Narasimha Rao and the Sangh Parivar. Even today, we have VHP leader Singhal's testimony that Rao was sympathetic to their cause!

The Report itself was ready soon after the hearings were completed. But apparently the draft was under negotiations with successive governments. This alone explain why Liberhan was given 48 extensions by both NDA & UPA governments and why he took 17 years to submit the Report. It has been suggested that he introduced the Vajpayee factor to save Advani from bearing the full responsibility. To save Rao, he merely reproduced what the former had said in his own defence in his book on Ayodhya. It ignores all the circumstantial evidence which taken together point only in one direction that Narasimha Rao for his own reasons wanted the Masjid to be demolished. Perhaps, he thought that once the Masjid was demolished, the Muslims will forget about it and he would harvest Hindu votes.

### Aspersions on Muslims

Liberhan did not summon key witnesses like Vajpayee or Chandrashekhar, or Rao's colleague Fotedar. He did not summon any Muslim leader, though both the BMMCC and AIBMAC had submitted their affidavits. The BMMCC Convener (Syed Shahabuddin) voluntarily deposed before the Commission and was cross examined. But without citing any evidence Liberhan has criticized and abused Muslim leadership as a whole in general terms. Perhaps having blasted the Sangh Parivar, in order to escape the

charge of Muslim 'appeasement', he had to malign the Muslim leadership to maintain a balance.

The fact is that the Babari Masjid Movement had never claimed that it would raise an army or call upon Muslim community to defend it against the attack by the kar sevaks. Nowhere on their way to Ayodhya, their movement was disrupted by the Muslim; nowhere was Advani's Rath Yatra blocked; nowhere the Muslim community organized any counter-resistance.

Muslim leadership put their faith in the Constitution and depended entirely on the Government of the day which had the undeniable responsibility to protect the Masjid and to stop the gathering elements with crime in their mind and heart and on their lips.

From February 86 to December 92 Muslims submitted innumerable memoranda to the Government, placed their views before the political parties, the members of Parliament and issued statements and wrote letters to the media, pleading for a peaceful settlement. They approached the Kamakoti Shankaracharya as well as the Paramacharya to request them to intervene. Some of them offered to permit the Hindu side to build a temple with Ram Chabutra situated in the outer campus of the Babari Masjid as its base or to construct a temple just next to the Masjid.

In public discourse, the Muslims leadership refrained from using any inept language. Whenever, they spoke of Ram; they did it with reverence and respect. But, they consistently refused to surrender even one square inch of the Masjid proper.

One wonders what Liberhan wanted the Muslims to do. Perhaps he expected them to take the law in their hands, to fight it out in the streets, to create law and order problems. But they did not. Liberhan does not offer any evidence in support of his thesis that 'Muslim action created fear in the mind of the Hindus'. Fear of what?

In any case, in many places the Report goes beyond the terms of reference. On one hand he has not recommended specific action against the actual culprits and named only some RSS, BJP and VHP leaders. On the other, he has made generalized recommendation related to administrative, judicial, electoral and police reforms. The Report is thus lost in irrelevancies. It was perhaps doctored in 2 stages. It has been called a pointless report with nothing that competent journalists covering the Demolition could not have penned the day after.

The ATR submitted by the Government is equally pointless except on one point, the possibility of expediting the ongoing prosecution of some, and investigating the cases against the others, though one wonders what will come out of it.

Surprisingly the Report does not take note of Supreme Court's Order of October 1994 or of the Road Map. Nor does he suggest any alternative formula for further negotiations between the Sangh Parivar and the Muslim community, having left out all negotiations between '86 and '92 and thereafter.

Some people have given much importance to the leakage of the Report a few days before it was to be tabled in the Parliament. The leakage is not the real issue because it did not create any new situation. The real issue is why it took 48 extensions and 17 years and hundreds of hearings, not to speak of 8 crores of public money.

#### Political Fall-out

Some journalists are speculating that the Report will help liberate the BJP from total control by the RSS and it may bring back the non-RSS leadership of the BJP into focus. Some are saying it may help Advani

to re-emerge as the supreme leader as he alone has the reputation and experience to defend, if the Government decides to take action against the RSS.

Whatever they may say, the RSS/BJP are not in a position to revive the Ayodhya question. India has undergone tectonic shifts since 1992 and they will not be able to secure public support for a religious cause when perspectives have changed, aspirations have changed and the next generation and the middle classes, though communalized more than ever before, do not care for religion to dominate politics or the community to get a bad name by staging another Ayodhya. Moreover, the same political card cannot be played again. The Congress has emerged stronger and is prepared to indulge in politics of pale saffron in order to attract the Hindu votes when it needs. The bureaucracy or the elite will turn away from the Sangh Parivar, while Congress caters to the national ambition of India of getting a seat on the high table of international diplomacy and global economy.

What Next?

The Demolition is part of history. Even if the final judicial verdict on title to the disputed site goes in favour of the Muslims, they will not have the strength, numerically or politically, to force the Government to take it to its logical and legal conclusion. The Muslims will have no alternative but to accept the fact of the Demolition and the disinclination of the secular forces to make the reconstruction an issue.

The Hindu extremists also have no alternative. In fact, they face a double jeopardy. It is doubtful whether the masses will associate themselves with a re-run of Ayodhya or kar seva or a project to build a temple on the Babari Masjid site. However, out of anger and frustration, the other historic Masjids, particularly those at Mathura and Varanasi, may be targetted even in low key just to keep the fires of Hindutva burning.

Seventeen years later, the shoddy, inconsistent, ill-drafted Report has little relevance, in today's circumstances and low credibility. But it can still save our Democracy from becoming a Theocracy, if the Government has the political will and takes effective steps to protect the country from the evil designs of those who are preparing for more Ayodhyas. In the light of the Report, the Government must;

1. Ban the RSS, the VHP and the Bajrang Dal which stand indicted
2. Ban all extremist organizations which mentally prepare and physically train volunteers in the use of arms and to take law in their hands.
3. Ban all militant outfits, Senas, Dals, Vahinis etc.
4. Amend the electoral law to deny recognition to a political party which challenges the basic features of the Constitution or seeks to replace the secular state by a theocratic state, based on the supremacy of a particular religion or the dominance of a religious community.

But will it have the will and the guts?

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