



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 7

SECURITY SETUP
AND ENVIRONMENT

62. THE SECURITY SETUP AND ENVIRONMENT

- 62.1. The State's primary and constitutional obligation is to uphold the law and its majesty. Its *dharma* is to act fairly and without let or hindrance or favour.
- 62.2. This Commission has been charged with the onerous responsibility of unfolding the sequence of events leading up to the "Karseva" on 6th December 1992 and to objectively consider the security provided to the disputed structure. I have dealt with this aspect contextually in various other parts of this report. However even at the cost of repetition, it would be appropriate to refer to the compendium of facts in its pith and substance as emerged from the evidence and the testimony of the witnesses who offered their justifications and excuses for what they did, and more importantly what they did not do.
- 62.3. I need not attempt a *nouvelle* definition of the concept or idea of *Security*. *Security* is commonly understood to be the insulation from external dangers. It can be termed as the process of securing a thing or person. In the context of the disputed structure, *Security* meant the keeping the structure safe from any trespass, intrusions and / or encroachments by unauthorized persons.
- 62.4. I am mandated to identify facts, circumstances and persons, notwithstanding their stature or character, who contributed to, or were responsible for, the criminal failure and whose conduct and the acts of commission leading to the destruction of the disputed structure. It created a climate of distrust and hostility and widened the cleavage amongst the communities.

62.5. The task before the Commission is onerous and can never be fully accomplished to everyone's satisfaction, particularly in view of the conscious effort by vested interests to mask the evidence and cover up the events. In many ways the scope of the Commission is historically unprecedented and unparalleled as its ambit covers the whole range of facts, events or happenings of centuries and decades, covering the whole nation, its two major communities, countless individuals, religious faiths, their followers, political and social organizations and other innumerable social, religious, political and historical events. It is so vast and its dimensions so broad, bringing within its remit the social and historical dynamics of Indian society, while at the same time, the implications of each one of the factors affecting the main event, which will cast its shadows for a long time in times to come as well. In every sense, a unique and never before attempted task and onus was placed before a one-man Commission. The Commission is to determine the facts relating to the constitutional working of institutions, the involvement of religion in politics, ethical and moral governance and the uncharacteristically strong reaction by a community traditionally having a history of tolerance of faith, of accepting followers of any religion or origin and allowing them to assimilate in the mainstream of the country. Historically, it had also provided them the opportunity of equal representation in governance; securing the highest tradition of human freedom as human rights etc.

62.6. The Commission was mandated to gather evidence about suspect organizations or individuals who intended to violate and transgress the multi-

cultural, multi-regional, multi-religious, multi-linguistic milieu of the country, thereby endangering its unity. It was further mandated to suggest ways and means to be adopted by the Government to forestall and nip in the bud any such future activity before it acquires monstrous dimensions, which could result in a deluge of miseries heaped on the citizens or on the ordinary common man by power seekers and false messiahs of society.

63. The State's duty to secure and to protect

- 63.1. I have reviewed the past experiences of religious fanaticism provoked from time to time, the consequences of the religious issue acquiring political nature, the consequences of the participation of political parties in religious matters and its effect on politics and on security. I have analyzed, observed, attempted to pierce through the veil of the political executive, the bureaucratic machinery, legislative will as well as the preparation for security made and provided prior to 6th December 1992.
- 63.2. The White Paper issued by the government and the one by the BJP, books written by different authors and the oral statements made were referred to and history spanning many decades was gone into. Facts and circumstances for the purposes of the security and other issues relating to it were assiduously examined. One need not go into the threat to the disputed structure, security provided, protection needed or provided prior to 1949, though some evidence in the form of historical background and allied material in the form of some books which have been written, some other write-ups and essays were placed before me.
- 63.3. In substance, it emerged that the authors of the documents, articles, references made in history and even history written about Ayodhya, travelogues, judgments had concluded that the attempts of Hindus prior to 1949 to repossess the disputed structure for innumerable reasons and considerations failed, This Commission had evaluated the procedure for

security employed for the disputed structure as well as the will of political or the legislative executive, or executive subservient to their political masters. In this context, one seriously needs to consider a mechanism which will assert the obligations prescribed under the Constitution so that any reluctance or recalcitrance by any subordinate authority will be over-ridden by the federal authority. Nothing less could have prevented the happenings of December 6, 1992.

63.4. The Constitution given by us to govern ourselves envisages a secular state and secular sovereign. These are the foremost aspirations of the people imbibed in the Constitution. The Constitution of India provides for setting aside considerations of religion, caste etc., and keeping them from interfering with governance. It is incumbent on the State and it is its primary responsibility to ensure a secular polity and see that the State or the State's leadership or the people governing, termed as political executive or by any other name or institution, are not permitted to deviate from it or articulate their polity by terming it by any other name than secular, as understood by a common man. Philosophizing secularism envisaged by the Constitution by describing it or articulating it by any other name be it pseudo-secular etc., would be the subversion of the Constitution, for ulterior or hidden political agenda.

63.5. Governments and Administration are duty-bound as ordained by the sacred duty imposed by our Constitution to keep to the secular credentials and to further ensure that nothing should detract the people from reasonableness, coupled with the social importance of the situation, taking care of the

consequences of acts etc. The State is enjoined to maintain or protect constitutional rights though there cannot be any fixed administrative formula for creating and sustaining such a framework. All administrative actions, legislative enactments, thoughts and philosophies are subject to and have to be tested on the anvil of the Constitution. All institutions, means, acts etc., of citizens are required to be directed for achieving what the Constitution envisages. Our Constitution ensures greater good for larger numbers while protecting the fundamental rights of individuals or the people in minority and provides for an orderly society governed by laws.

- 63.6. Religion and caste have retained their impact on our society. RSS ideologues preached the philosophy of Hindutva, Hindu Rashtra, cultural and Muslim attitudes, Akhand Bharat etc., since 1924. The RSS and its allied associations have always held the position, sometimes mutedly, and later on vocally, about their perception of Hindutva, Hindu Rashtra and cultural nationalism. To them, secularism as contemplated in the Constitution had a restrictive connotation only. Insinuations and suggestions were made in the public discourse while referring derisively to it as pseudo-secularism. Compliance with traditions and sentiments of the majority was and is their stated belief and which had to be achieved. It has an inherent contradiction with respect to securing and ensuring the fundamental rights provided by our constitution. The general mass of population of Hindus could be deemed to be apathetic to the disputed structure, referred by some as the *Babri Masjid*.

64. The power to police the state

64.1. Executive powers connote governmental functions after legislative and judicial functions have been specifically distinguished. It has been recognized that executive power comprises of determination of policy as well as its execution, maintenance of order, carrying out and supervision of general administration of the State. At times the Government or State executive functions without there being any legislation. Here, the State makes administrative rules to carry out the residuary powers vested in it. It includes initiation of all legislation, maintenance of law and order, carrying out general administration, maintenance of peace etc. It is a residuary power in the process of governance. The three lists in the Constitution confer the power and jurisdiction for its exercise on the State or Centre, i.e., the State List, Union List and the Concurrent List.

64.2. One of the major objects of society is peace and tranquillity within it. *Law and order* is a State subject under the Constitution of India. Ensuring independent functioning of institutions, enforcing laws, maintaining law and order, maintaining peace, protecting rights – constitutional or otherwise – are the State's function. Police powers with the state are exercised by the concerned police, or bureaucratic, or political executive, subject to constitutional restraints. These powers cannot be subverted or manipulated in violation of constitutional or other legal and human rights. Exercise of executive or police powers are inherent apart from being residuary powers

required for administration. Maintenance of law and order in modern society envisages assurance and willingness from citizens to comply with the law even though individually one may not agree with it.

64.3. The Police is the coordinating arm of the Administration to enforce law and order, to maintain discipline, enforce orders of the lawful authority etc., even by force in the discharge of its functions. The police is the basic and main force with the State. It is the coercive management mechanism of the government. Wide statutory powers are conferred on the Police to maintain law and order and peace in the society. Legitimate use of force is justified in order to protect life of the citizens or property against various forms of violence. The State is empowered to take measures or steps to ensure peace and amity amidst people under the overall umbrella of the constitutional framework of the country.

64.4. Principally, it is the District Police, which is described as the State or District Police force of the State for administration. It is the armed hand of the State or Administration, which can be utilized according to the needs of the time. The PAC is the armed wing of the Police force with professional weapons training, akin to the military cadres to help the district Police. It is deployed subject to the control of the SSP of the district. The PAC is required to support the district Police in suppression of disorder, crime, violence, and help in apprehending dangerous criminals. The Superintendent of Police of the district is empowered to assign duties to them, the record of which is required to be maintained.

- 64.5. This Commission has dealt with the hierarchy of the Police in a separate chapter in this report.
- 64.6. It would suffice to note here that under the U. P. Police Regulations, the DGP of the Police heads the Police department and the Police administration. He deals with gazetted officers, transfers and postings, and grant of leave etc. The State is divided into zones and the Police divided into a range constituted of various districts. IG heads a zone, while the DIG a range, and the SSP a district. The DIG is duty bound for reporting about breach of peace, matters of political nature etc., while the Commissioner has been ordained to exercise the power of supervision of matters relating to police administration.
- 64.7. Powers flow from statutes, traditions, practices, demands, needs of state, and exigencies for governance. Police is the sine qua non for governance, administration, maintaining peace, maintaining law and order, peace and tranquillity in the society. The Police have been empowered to use force to disperse unlawful assembly likely to cause disturbance in public or one being dangerous to public peace and order, though use of force is subject to the orders of the District Magistrate. Yet the Police can do so independently too without the orders of the District Magistrate.
- 64.8. The only caveat being that this power can be exercised only when the District Magistrate is not available or unreachable or if any delay may prejudice the situation. A further rider is put that the Police authorities will inform the District Magistrate at the earliest. All the statutory powers and

use of discretion is with the District Magistrate under the Criminal Procedure Code.

- 64.9. It is well known that politicians set the course following the weather of the day and flavour of the time with a constant eye on the next polls. It has been the general experience that normally politicians and public men having grains of a politician are loathe to accept responsibility for consequences of their action, much less on the use of force while exercising constitutional powers and discharging constitutional functions. Of course in his public pronouncements the politician generally takes care to recite words or regulations authorizing him to deal with the police affairs relating to promotion, budget, assignments etc. The politician usually in day-to-day working has come to expect from police or administration favours for his constituents, friends, relations who are usually the members of the political executive, or legislators from a constituency, or member of a particular caste or religion in a constituency. Possibly there cannot be two opinions that professional politicians work through their local leaders or agents, who can be loosely termed to be active supporters, brokers and pretentious intermediaries of the government. It is generally well-known that appointments to senior posts in police, civil service or any other service are mostly on the premise of proximity to the political bosses or the political party in power, irrespective of one's professional standing. Similar processes have also come to be adhered to for appointments to various other institutional and even constitutional institutions. It is the political party in power which impacts the budget, equipment and facilities for policing, apart from other amenities to the Police

officers. We have to examine their role and responses in the context of the current dynamics of governance. It is not expected from the Police officer that he shall shape his professional behaviour in accordance with the political culture. Normally it is expected that he would work independently within the framework and the spirit of the Constitution of India, devoid of considerations of his personal gains, losses or any political ambitions etc. Politicizing the Police would be the end of democracy which unfortunately, is evident in our system.

- 64.10. Statistically, in any of the elections, none of the political parties has succeeded in gaining an absolute majority from the total electorate and have largely secured less than a third of the votes actually cast. This winning percentage is quite obviously a very small percentage of the total electorate, much less of the total population of the state. The political parties succeed or fail on the support of a small number of the votes of the Electoral College and much less of the population eligible for casting votes. The demands of such a number are represented and extrapolated as the demand of the nation which may not even be by all the voters of the party voted to power in a democratic system like ours. I may observe that that the demand for the construction of the temple or the issue of temple construction which was never the prominent relief sought even in the civil suits was brought out from oblivion for a hidden and motivated reason for acquisition of power. It therefore cannot be termed as the demand of the majority, much less of the nation.

64.11. There are increasing tensions in the police-public interface particularly where the communal dimension is pronounced. The Police usually have to use force in order to deal with the cases reasonably and sensibly. The effectiveness of the Police authority would rest on public consent and cooperation for efficiently and effectively protecting fundamental rights or liberty of religion etc. The Police cannot and could not and should not do what is not sanctioned by law and at the same time maintain ambivalence in a given situation to mask inaction and that would in fact be incriminating. The impetus for planning and taking appropriate action should be based on trends and historically known bias of populations, conduct of political or religious bodies or leaders. No doubt powers must be exercised circumspectly and their exercise must be scrutinized with particularity of the requirement of reasonableness. The notion of reasonable grounds for belief imports objective standards, having regard to the character, antecedents, propensity to commit violent offences, reason to fear or perpetration of crimes of violence against another person or property. Police has to take into account the credibility of their information sources, authenticity of facts, and their co-relation to the circumstances prevalent in the area of contention and then formulate their response. The Police are duty bound to take appropriate steps to foreclose or stop the offence of incitement of a religious or communal resentment. Police is expected to use its preventive powers to prevent a conduct which appears likely to prejudice and encourage breach of peace. A dominant criterion for use of force is the object and purpose of the crowd.

64.12. Crowds differ from occasion to occasion or purpose to purpose, nature to nature, as can be seen that a crowd on ceremonial occasions or festivals are quite different than ones for political purposes or trade union activities etc. There is again a distinction between peaceful crowd and aggressive crowd. It is well known that usually an assembly converts into a crowd in the due process and at times becomes a mob. The motivation of the people assembled is the major factor for the assembly converging into a crowd and thereafter into a mob. There is no gainsaying that all assemblies, or crowds or mobs or congregations carry with them a motive or a particular object. Undesirable people with criminality of various natures or selfishness, irrespective of the nature lurking in their mind, get mingled with in it. In the mob of the unlawful assembly or in the crowd or the conditions carries with them the leaders, professional agitators and organizers either with a little ability or no ability at all to control their followers. The mischief mongers, leaders albeit criminals intermingled with the crowd instigate the crowd by their acts, deeds or by exhorting them to take recourse to violence. The threat of violence appears from a mob without any warning, which can be either a slow or a sudden process.

64.13. Converting of a crowd into a violent mob is usually a hidden agenda of the leaders or mischief mongers, except in some exceptional cases, when it may be otherwise. Finally, in a mob everyone becomes a leader of his own. One loses one's rationality in a mob. One attempts to be a hero in a mob. Every sensible leader is expected to be sensitive to such possibilities. It is well-known that when people collect, their faculties have a tendency to be

disoriented whether through hysteria or otherwise. The SSP is required to inform the District Magistrate about it and its causes. The Superintendent of Police is ordained to act on the directions or instructions of the District Magistrate. U. P. Police Regulations ordain the District Magistrate that in case of situation having a bearing on general law and order directly, the SP is to act according to his instructions and guidelines. It was made incumbent for DIG to visit or inspect at least six weeks before the date on which additional force is required. Regular patrolling through the beat system by the Police is incumbent. It is the District Magistrate who through the Commissioner sends a proposal for contemplated additional force.

- 64.14. Wherever there is a likelihood of conflict because of enforcement of law, policing becomes dependent upon the exercise of discretion of the officer, which again depends upon the particular circumstances of the case, and the scale of the situation they are required to handle. Force is to be exercised keeping in view foreseeable consequences. The authorities would be required to assess the force required to be used, against the standard of their common experience in relation to the provocation offered in order to determine the state of mind of the crowd or agitators. It has an element of subjective assessment which may sometimes be difficult to make. No situation would permit the Police authority to constitute itself as one of the protestors or protectors of partisan views or for class of possible future beneficiary who would thereby become potentially secured at the expense of others less fortunate. Whether the situation can be dealt with as speedily as is reasonably possible, it can look into the circumstances, the rapid progress, and directness

of the course employed. These are some of the matters which are required to be considered but are not the only matters. They cannot seek justification or comfort merely in the assurances of dubious people nor can they wait for a situation to get out of hand merely because political instructions are either withheld or camouflaged under the pretext of consultations and deliberations. The Police should not be dictated to, by the requirement of political agenda to be enhanced, as their responsibility and guiding mandate is for maintenance of law and order. The services should be free from political biases and personal agendas which was apparently not so in the case in hand. Every step to deal with crowd or crowd management taken was in conformity with the desire and wishes of local leaders, political leaders of the political party in power in the State of U. P., and the government of the State or its policy to achieve the political ends which were expressly desired otherwise.

64.15. Under the Police Act, a Police officer is duty bound to maintain general diary, recording therein, the complaints, charges, names of the persons arrested, names of the complainants, offences, weapons or property, name of witnesses, and other important events or political disaffection towards the government etc.

64.16. It may be noticed that under the Police Rules, all records, books etc., are retained for 45 years, but in the present case, these were not even maintained, as the SSP in his statement categorically stated that no daily diary was maintained by him.

- 64.17. Other officers who were examined gave similarly evasive replies. No records were produced before me, not even the audiotape speeches recorded by various agencies, could be secured by the Commission for lack of definite information.
- 64.18. Statutorily and administratively the District Magistrate is the head of criminal administration. He controls and directs the district Police under the Superintendent of Police of the district directly. The SP of the district is required to inform the District Magistrate about developments regarding law and order. The District Magistrate is further required to send information to the government or the higher authorities. The District Magistrate is bound to ask the Police regarding appropriate action taken, explanation for inaction, or abuse of authority. He is required to inform the government of the facts and happenings in the district. The U. P. Police Regulations further provides that the Magistrate and Police officers shall act in cooperation with each other. It envisages that the District Magistrate is responsible for dispersing of the crowd and in his absence, it is the duty of the Police officer present there, to determine the force required and to the extent to which it is to be used. Use of force should focus on attaining the object. Similar guidelines have been provided for use of arms, when to use them, to what extent, till when, and the designated authorities who can order firing, and on whom etc.
- 64.19. The Commissioners of Divisions exercise general power of supervision over the matter relating to Police administration. The District Magistrate has been ordained to send proposals for additional forces to the government through the Commissioner.

64.20. There is no doubt that the ultimate judgment on the standards of adequate security must rest with those vested with the responsibility of enforcing the security. The story of the actions of the state in providing security in this case is a story of apathy, rank incompetence, voluntary abdication of its responsibility, strongly suggestive of complicity. It is the ultimate breakdown of the executive process of the state, a nightmarish situation, which our constitutional framers hoped would never come to pass. It was believed that the political executive of the day would have a modicum of maturity to fulfil their constitutional obligations with a sense of duty and not for cosmetic consumption.

64.21. This is an era of religious oriented upsurge or religious disturbances or of mobs, or of crowds or of guerrilla oriented crowds. It is generally for acquiring power. Communal riots, violent mobs, unspecified civil wars, criminalization of politics or society, unemployment, descending economic conditions, ascending rise in living style, scientific development, awareness of human rights are the concomitants of the present age. The crowds or mobs are of different nature. Broadly, they are peaceful, or are of religious nature who are neither mobilized or motivated nor hyped like the ones at Kumbh Mela, while others are mobilized, exhorted for a particular object, and are usually hyped to achieve their object, like the ones for *Karseva* etc. A large number of people are getting engaged in large-scale organized or unorganized mass violence by frenzied, religion-oriented and power hungry criminals or persons with criminal motives. It cannot be denied that usually mobs or crowds or assembly, be it religious, or of other nature, have a

definite motive or object with an open or hidden, conscious or subconscious mind, with the agenda of acquiring political power.

- 64.22. These are the new challenges for statesmen, politicians etc., especially the State, Police, executive or political executive etc. Mobs cannot be controlled in an emotional haphazardous manner. Mob control in itself is a distinct and specialized subject. It needs specialized training and effective, aggressive and positive Police action without political directions or interference, if nothing more at least no undue interference. There are different methods of crowd control, one is preventive and the second is mob control. Prevention could be through political, economical, sociological, psychological or moral means. Secondly, mob control can be by policing, or by force or military force for which public and political support is a must. Crowd control envisages independent, timely and correct reaction to a situation, experience in command, good judgment, sound organizational planning, logistic support to the force, discipline etc. The challenge of governance is extremely complex in modern societies and gets many times more complicated in an ethnically and culturally diverse society as ours. These complexities call for extremely skilful management of the sentiments of the different ethnic and cultural groups, allowing for their distinctive identities but simultaneously amalgamating their political and economic ambitions in the constitutional framework contemplated and envisaged for this country.

65. Good Governance

- 65.1. Governments are expected to pursue policies conducive to the greater good of the people and through its different branches ensure their security, without in any way compromising the interests of any minority. It needs to be emphasized that this is the bare minimum expectation from the government. This end cannot be achieved only for the sectarian interests of the majority. It is quintessential that while providing for the greater good, the interest of minorities have to be protected. While providing for the greater good of the people, the fundamental rights can not be trampled or tampered with. Partisan interests of strengthening vote banks cannot be the stated overt or covert goal of the government of the day.
- 65.2. Constitutional governance does not admit of advancement of sectional or personal interest through the offices of the state, nor can policies intended to be divisive in nature be enunciated, particularly when the divisiveness of such policies is self evident. Constitutional rights are guaranteed and have been insulated from the vagaries of the state institutions. These cannot be tampered with under any circumstances.
- 65.3. Keeping in view the multicultural composition of the Indian society, the framers of the Constitution had judiciously mandated to construct a secular state. Over time, the concept has been distorted depending upon political inclinations. Denouncing the other as pseudo secular, each political group articulates the letter and spirit of the constitutional scheme of secularism to

suit its own purpose. One and all witness testified the need for secularism even though in practice they may have been conducting themselves otherwise.

65.4. It was put and perceived mostly by the BJP and the other members of the Sangh Parivar that Hindus were divided into many political parties. Muslims constituted one bloc on the basis of religion. Therefore the Muslims had a decisive role in electoral politics, particularly given the dispositions of the populations in different constituencies. Their role was seen as tilting the scales in favour of one bloc or the other in the political process of striving for numerical majority. Political parties try to woo them for elections. The Constitution should not be used as a game of chess, and cannot be permitted to be used or articulated as such. Secularism is the basic structure of the Constitution. Everything cannot be dumped on the ground of political expediency.

65.5. Careful emphasis has been laid by the framers of the Constitution, that the State should not have any religion of its own. The State is required to be neutral. A party or political party seeking power is enjoined not to espouse any religion, lest it becomes the state religion.

66. The genesis of the dispute and the Sangh Parivar

- 66.1. Admittedly the dispute about the disputed structure remained confined to Ayodhya or to the self-proclaimed religious leaders of Ayodhya only as a local level religious issue, till almost 1989. Sometimes in the 1980s, the RSS with the connivance of some staunch Hindus appeared to have started entertaining thoughts that the local dispute could be used for exploiting the same at the national level for advancing their own philosophy it could be used for political ends.
- 66.2. The seeds sown by the District Magistrate in 1949, started sprouting effectively somewhere in 1983, when the RSS leadership started initiating or introducing the local dispute in a big way, though initially not very aggressively.
- 66.3. It was Prof. Rajender Singh, the highest office bearer of RSS, who in association with like-minded persons, brought the dispute out of the hands of the local persons pursuing the litigation, and gave it a name of a “movement for liberation of idols”. The phrase used in the observations made by the then District Magistrate in 1949, in his notes.
- 66.4. In 1983 the VHP and RSS visibly started dabbling in the issue with ulterior motives to gain political capital out of the situation, as later events unveiled. Another predominant fact that emerged was that the leadership of the movement till the demolition remained with the RSS, or the ones who are,

or were, lifetime members or preachers or sympathizers, under the active guidance and advice, or even under the control of RSS.

- 66.5. The VHP and the leaders of the movement claim not to be subject to the control of RSS, still they could not deny their being under the influence or guidance or directions of RSS in the movement. This would be obvious on examination of the various bodies which were formed, with respect to construction of the temple, or disputed structure, or for leading the movement. This aspect is dealt with elsewhere, in detail in this report.
- 66.6. From the totality of circumstances and facts having come on the record, it would be reasonable to infer that at this point of time; they were still testing the potential of the likely advantages which would accrue to the party politically was being tested. Resultantly, it was kept in low profile. Literally speaking, there is nothing on record that a demand was raised for construction of the temple till 1983, or even until sometime later. The dispute with respect to the disputed structure was associated and merged with the other disputes relating to Kashi and Mathura. Even at this stage, the question raised and the demand made, was for the liberation of the idols in the disputed structure. *Ekatamka Rath Yatra*, *Kailash Yatra* too were started for the liberation of the idols in the disputed structure in 1984. There was no threat to the disputed structure prior to 1983/1984.
- 66.7. Briefly, the evidence recorded before the Commission shows that small *Yatras* which were taken out neither met with any success much less major one nor had any impact at any level much less at the national level. The *Tala*

Khola movement was launched. It started acquiring significance in the context of the national scene, as projected by the media. Selective members of the political parties started covertly dabbling in the Ayodhya affair. In spite of this the security provided in 1949 continued. It can be observed that the object of the police force provided, or of establishing a Chowki in the Ram Janambhoomi Babri Masjid complex, was to maintain peace and not for providing security for the disputed structure.

66.8. From the preponderance of evidence, it can be inferred that there was neither an organized attempt for construction of the temple, nor any such demand was made till 1983. The demand for possession, or right to receive the offerings, or removal of the Receiver and the litigation undertaken by individuals went on drifting in civil courts. The dispute was exaggerated and an imaginary threat to the peace was blown up by an apparently biased District Magistrate. The circumstances and collateral evidence and the letters exchanged between him and the Government, or the notes thereof, suggest the questionable role of the then District Magistrate. In a manner of speaking, this singular action sowed the seeds of heightened communal friction in the future. His action paved the way for diminishing the effectiveness of the writ of the courts in the matter for all times to come.

66.9. Various *Rath Yatras* were stage managed in 1984, to give impetus to the demand for liberation of the disputed structure. In its desire to exploit the political and social potential, the RSS generated momentum for the movement, after decades of Independence. Predominantly, the *Ram Janambhoomi Mukti Yajna Samiti* was constituted in the *Akhara* of Paramhans

Ramchander Dass at Ayodhya, by the Vishwa Hindu Parishad by associating Dau Dayal Khanna as the Convener, with other persons like Nritya Gopal Dass, Onkar Bhave, Mahesh Narain Singh, Dinesh Tyagi, Ashok Singhal, Mahant Avaidyanath, Paramhans Ramchander Dass, etc. All these people were either members of, or associated with, or were under the control and influence of the RSS.

66.10. The claimants to the disputed structure were unsuccessful in their attempts made prior to 1984. The Hindu organizations and believers in Hinduism were thereafter induced to support the movement, as they were of the opinion that it could not succeed without the support of a party at the national level. Paramhans Ramchander Dass³²⁸ categorically stated, “*Since we were of the opinion that the movement cannot succeed ... hence RSS and VHP, believers in Hinduism were requested to do so*”. KS Sudarshan, *Sarsanghchalak* of the RSS stated that the *Ram Janambhoomi Mukti Yajna Samiti* rightly sought the support of the gentlemen of Hindu society. In consequence of it, RSS through its All-India Working Committee gave assurance of its total support. The leadership in the higher echelons was conscious of the powerful and lethal potential of using religion for political purposes, and was not loathe using it. The caste arithmetic in India had cast its shadows on the political scene in India.

66.11. A call to like-minded parties to join the movement was given. In this game of power politics, major role was being played by caste configurations. Almost all the top political leaders who appeared before this commission

³²⁸ DW 11

accepted it. It is unfortunate for the country that among the many political stalwarts there was no one who could or would, or who sincerely intended to dilute the rigidities of caste divisions, especially behind the scenes. On the contrary, many used it to build their ideologies and persona, and hence have remained partisan or sectarian leaders.

- 66.12. There is no evidence to suggest that the intentions of the VHP and its allies vis-à-vis the movement, was restricted to expression of religious sentiments and was devoid of political overtones. Expressions were used with definite political gains as the objective. The religious element was either completely subsumed, or became an adjunct of the political agenda. It is not possible for me to delve into the psyche of individuals, as the statements of most of the witnesses enunciated the versions with heavy personal overtones. All the leaders involved at this stage, i.e. Ashok Singhal, Paramhans Ramchander Dass, Prof Rajinder Singh, Dau Dayal Khanna etc., had their own perspective and objectives to achieve, but gathered under a common banner of the religious issue, and kept their intentions or agenda concealed, to be negotiated at the appropriate point of time. Later it appears to have been unfolded as observed in this report, for achieving a political object of acquiring power. Great care was taken to position the movement as one in sympathy with the Hindu sentiment, while camouflaging the political intent and ends of the principal players. Religious leaders were involved, to keep up the façade of the movement being in sync with the Hindu sentiment. In furtherance of their strategy, the VHP convened a *Dharam Sansad* in April 1984 at Delhi, inviting the Sadhus and Sants of their choice irrespective of

the fact whether they had any popular following, or not. The VHP got the endorsement of the *Dharam Sansad*, for launching the movement for liberation of idols in the disputed structure. The VHP constituted *Dharam Sansad*, *Kendriya Marg Darshak Mandal* etc., as various bodies of itself, to achieve their hidden agenda, which especially got exposed when the leadership started interfering, commenting, making demands administratively or otherwise, from the BJP and asking for their participation.

66.13. It may be noticed that still there was no demand for demolition of the disputed structure. There was no threat held out openly to the disputed structure. There is nothing on record to show that either the leadership or others took a stand that the disputed structure is a sign of slavery or humiliation suffered by the nation. At the most it can be taken that even the decision taken at the *Virat Hindu Sammelan* as far back as October 1984 at Lucknow, was with respect to submitting a memorandum to the Chief Minister for demanding the opening of the locks only.

67. Bringing the “issue” to the forefront

- 67.1. By 1984 firebrand leaders like Vinay Katiyar, principally an old time RSS *pracharak* along with other local and vocal leaders, started coming out openly on the scene.
- 67.2. The *Tala Kholo* movement was intensified. It created an ambience for consolidation of Hindu feeling. In totality, it added to the emotive caste and religious sentiments and was a further leap towards consolidation of society on the basis of religion.
- 67.3. The leaders of the movement used every tool, be it psychological, emotional, religious, political, use of threat, hope etc., for strengthening and intensifying the movement by using the power of words, writings and media. They fostered conflicts, sowed seeds of disintegration, bred hatred, and created caste and religious divide. Muslims’ loyalty, patriotism, nationalism was made suspect as a suggestive undertone of the movement. All the agencies and their resources, including those of the state or political organizations or institutions in sympathy were used through political rhetoric and suggestive inferences to build the political movement in the name of building sentiments of a particular community. To be successful in achieving their political ends, they used it as an innovative and imaginative platform which unfortunately took the form of an emasculated interpretation of the secular fabric of the country and was packaged to appeal to raw passions mixed with heavy religious overtones. The consequences of this approach were

deliberately overlooked or complacently under assessed, as being of manageable proportions – a display of an extraordinary faculty of complacency, common among leaders of the masses.

- 67.4. The suspended *Ram Janki Rath Yatra* was restarted on 23rd October 1985. In 1986 strident demands were made to open the locks and if necessary by breaking them open before the festival of Ram Navami. It is worth noting that, adding fuel to the fire a declaration was made by Paramhans Ramchander Dass threatening self-immolation, if locks were not opened. From the prognosis of the evidence and his conduct and his speeches, it emerged that he was one of the pronouncedly belligerent, fiery, violent, Machiavellian leaders of the movement. He asserted himself to be one of the earliest initiators and dictators of the movement after 1947.
- 67.5. The currents and cross currents of the demand for opening the locks appear to be characterized by a general air of a 'free for all'. On the one hand, while agitations to press the demand were being orchestrated, one Umesh Chander Pandey, on 21st January 1986, made an application to the Munsif for opening of the locks on the gates in the railing, and on the other hand, it was proclaimed in the conference of Sants at Lucknow, on 19th January 1986, that on 8th March 1986, the struggle would commence. Interestingly, the District Judge hearing an appeal against the declining of application for preponing the hearing of the application by the Magistrate, directed the opening of locks in view of the statement of the then District Magistrate before the District Judge, that unlocking of locks would not be a law and order problem, which was made the basis of the order.

67.6. The RSS welcomed the opening of the locks by passing a resolution, and reiterated its support to the gathering movement. It exhorted the RSS workers and the Hindu Samaj to support the movement. Awakening of Hindu conscience in the entire country was the stated mission. Leaders like KS Sudarshan of RSS were saying, and even stated before me, that Muslim leaders are advising their community to maintain relations with the foreign invader Babar, only because he was a follower of Islam. He went on to further depose that they should not connect themselves with Babar - they should provide to Muslim society of India to feel as the component of a comprehensive national life after getting free from the mentality of separatism - asked for removal of statues of foreign rulers from public places. He continued to hold forth that the symbol of national shame should be removed. The policy of fundamentalism and communalism indicating that even after four decades of independence that they have kept themselves separate from the mainstream of pride was attributed to the Muslim leaders, while others were charged with policy of appeasement of Muslims³²⁹. It is at this stage that the people started noticing that some dispute was going on with respect to disputed structure.

67.7. The public perception of the dispute began to assume noticeable proportions. To counter the growing public rhetoric and claim, the *Babri Masjid Action Committee* was constituted. The Muslim leadership became active and started asserting counter-claims, and made a demand to the then Chief Minister, through its MLAs of Uttar Pradesh to put the locks again. It would be

³²⁹ See CW 18/14 and the statement of KS Sudarshan (CW 18)

expedient to note at this stage, that not a single Muslim from Ayodhya was a member of the Babri Masjid Action Committee. It may be further noted, that no Muslim from Ayodhya much less from the district of Faizabad, much less of any stature or standing, took any active part in the dispute, or ever participated in any negotiation. Reference may be made to the statement of Kalyan Singh.

- 67.8. VHP by constituting a *Dharam Sansad* drew known and unknown Hindu religious leaders into the fray, which in my opinion, was to keep alive or give a boost to the image of the issue as religious. To counter the claim, Muslim religious leadership like the Shahi Imam of Jama Masjid joined the issue and stepped into the dispute.
- 67.9. Soon almost all political players, sensing an opportunity to advance partisan interests also jumped into the fray. They became conscious of political gains hidden in the movement and recognized the significance of the potency of the issue for electoral purposes. The hidden political potential started unveiling itself, when it showed up significantly in its success during polls in 1989 in increasing the number of seats for the BJP in Parliament. Self-seekers in politics, political leaders veiled as religious leaders from either religion, started manipulating their followers for the numbers which matter in a democracy, thereby giving a further boost to the caste politics, concedingly which had entered our democratic process. The respective communities started fishing in troubled waters. The history of the country as well as the Constitution began to acquire extended connotations and interpretations, depending upon the inclinations of a particular group

representing that trend of thought. This was being done regardless of the repercussions and consequences on the public. The attempt over centuries or times immemorial by our preachers and philosophers and thinkers to dilute or remove the evil of caste and religion was set to naught by vested interests. The constitution was manipulated and articulated in the process for acquiring political power. The principal religious issue started getting obliterated of its basic nature. The fundamental and the genetic dimensions of the dispute were rapidly obliterated by the assumed political overtones, which were generated by different political players. The RSS, its allies and supporters however remained convinced of the prospect of definite political and cultural dividends from the shape and size of the movement and the dispute. The state of Uttar Pradesh had also begun to take direct interest in the issue.

67.10. In view of the order to open the locks by the civil court, and thereafter on its execution, deployment of the police force was increased to that of one platoon of PAC, and one company at the Shilanyas site. The police force was not deployed for the security of the disputed structure; rather it was deployed for maintaining peace around the disputed structure.

67.11. The rival claimants, i.e., the protagonists of the temple construction movement, as well as those claiming the disputed structure to be a mosque, i.e., the All India Babri Masjid Action Committee etc., constituted various committees all over the country and put their resources for competitive mobilization – one for construction of the temple, later named as *Karseva* and the second for maintaining the status quo, and protecting the disputed structure as it is, i.e., reverting back to the status prior to 1947. Nobody took

note of the developing, explosive potential of the views and opinions being openly and vociferously expressed and reported in the media. The government chose to leave the matter in the hands of the contesting parties and the courts.

67.12. The movement of *Tala Kholo* and liberation of the disputed structure veered around to the demand for construction of the temple at the disputed site. In order to pursue their demand, the VHP through *Dharam Sansad*, or vice-versa, declared a programme of *Shila Pujan* to further give a boost to the demand for construction of the temple. As a corollary of this programme, a declaration was made in February 1989 that the foundation stone of the Ram Temple would be laid on 10th November 1989. The pro-Masjid group started opposing it. Claims and counter-claims started picking up, which not only created tension between the Hindus and Muslims, but it gave a further impetus to the movement. Inflammatory, defamatory and provocative speeches were exchanged between the two communities. The issue started acquiring significance in the national psyche with the simultaneous hardening of stances of the leaders of the two communities.

67.13. Communal cleavage and tension started building up and the issue started acquiring sensitive and emotional dimensions, on a large scale. The pro-Masjid group decided to go on a long march to Ayodhya and the others decided at Haridwar to oppose it. The Government of India, sensitive to the issue, started initiating steps to diffuse the situation of confrontation, especially relating to the long march by Muslims and the opposition by the protagonists of the construction movement. The Government issued a press

release to the effect, *“The Government is determined to take necessary steps to find an acceptable solution through negotiations and urged upon all concerned to respond positively to the negotiations. The Government offers its good office to respective parties in this respect. In the unlikely event of a negotiated settlement not coming through, the Government would take steps to expedite the legal process through the High Court. I, therefore, earnestly appeal to all the concerned to give up the agitative approach and cooperate with the Government to find an acceptable solution”*.

- 67.14. The Home Minister of India Buta Singh held a meeting with persons like Col. B. L. Zaidi, Khursheed Alam Khan, Syed Shahabuddin, Suleiman Sait, etc. He succeeded to an extent in defusing the situation and persuading the Muslim group to call off the long march. In the process, Muslim leaders demanded the removal of idols from the mosque, that impartial administration at the local level should be installed, Muslims detained under the National Security Act should be released and the Government should take steps to expedite the legal process. They expressed that a solution would not be possible through negotiations, as hardliner Hindus will not accept it; while the *Ram Janambhoomi Mukti Yajna Samiti* took a stand that the question of negotiation on Ayodhya does not arise, and that it is one of the three most sacred places for the Hindus. They averred that the scriptures and historical evidence establishes it to be a temple, elements of Mosque - like minars - are not there, while Hindu religious signs are engraved, and Islam does not permit sharing of mosque. They were of the view that the legal solution to this problem would not be effective, as it related to centuries' old

faith of Hindus. They are not averse to holding talks with the Masjid protagonists provided that they would talk with them.

68. Ayodhya and the surrounding areas

- 68.1. Faizabad is a district headquarters with a population comprising mostly of Hindus and Muslims, at a distance of 10 km. from Ayodhya. It is on a plain terrain. It has lanes and by-lanes, and inter-locked roads with accessible pathways. It is a police range too. It has some sensitive areas around it.
- 68.2. Succinctly it emerged from the site plans placed before this commission and the statements of witnesses, especially SC Chaubey³³⁰, NC Padhi³³¹, Paramhans Ramchander Dass³³², Mulayam Singh³³³ etc³³⁴., that Ayodhya is a religious town. People with religious fervour converge on it.
- 68.3. It is situated at a distance of 10 kilometres from Faizabad. The town is linked with the rest of the country and other towns through national highways, highways, link roads, kuccha roads, railway, ferry etc. It emerged from the evidence that there are six routes converging to Ayodhya town from Kashi, Prayag, Sitapur, Gorakhpur, and Jhansi. There are two main routes by road from Faizabad to Ayodhya though other means to reach Ayodhya by kuccha roads or ferries are available. Predominantly, the main entry to Ayodhya from Faizabad is through the national highway.
- 68.4. Check points were stated to have been installed on record, for entry into

³³⁰ CGW23

³³¹ CGW 32

³³² DW 11

³³³ DW 12

³³⁴ See CGW 23/16, CGW 16/24

Ayodhya at Saryu Bridge, Darshan Pura near the Degree College and College Crossing, near Sadak Ganj post, main road by the side of the *Durahi Kuan* and the railway station; though there is nothing on record to show that they were operative at all. The checkpoints existed only on paper in 1992.

- 68.5. The town was divided into police chowkis in two zones, which are further divided into five sectors. The town was under the charge of a Superintendent of Police, and the zonal in charge were Deputy Superintendents of Police while an Inspector was in charge of the sectors.
- 68.6. *Ram Janambhoomi* had two Chowkis under the charge of a gazetted officer, one Inspector/ Sub Inspector as SHO, three constables and ten Home Guards. They were required to make arrangements for religious, sensitive institutions, the security of the *Karseva*, *Karsevaks*, and communicate with the Control Room, apart from patrolling the area. Chowki *Ram Janambhoomi* had a territorial jurisdiction of four kilometres.
- 68.7. The conglomeration of villages and towns surrounding Ayodhya are Gonda, Faizabad, Sultan Pur etc. It was recorded in the official record, as well as not even seriously disputed, that the *Karsevaks* used to stay in these villages and towns as nomads from time to time, in anticipation of any hurdles imposed by the state for the *Karseva*. The sensitive villages and towns were predominantly inhabited by Hindus³³⁵. It is mentioned in the official record that there are about 29 towns sensitive to communal frenzy, though Kalyan Singh instead of admitting this simple fact recognized even by the

³³⁵ See the statements of D. B. Roy the SSP Faizabad, CGW49 C K Mishra, and CGW50 Harish Dubey, who reported in CGW50/1 about the stay of *Karsevaks* in surrounding areas.

Administration, continued to state that there were no communal riots during his regime, without pointing out any particular steps taken, or the planning made, to prevent the communal riots.

- 68.8. For the purpose of discussing the security dimensions, it would suffice it to say that there is a *Ram Janambhoomi* complex in Ayodhya which includes 2.77 acres of acquired land. The disputed structure is situated on raised ground, that is on a mound of 30 ft. height in the east and 50 ft on the other sides. It was surrounded by uneven land, temples and other buildings etc., which were levelled in July 1992 by the government as well as the *Karsevaks*, despite the stay order of the High Court.
- 68.9. There was a huge track near it. There was turf on the western side of the structure. The disputed structure included as understood by one and all, three domes, the *Ram Chabutra* and inner courtyard subservient to the structure towards the east of it. Its length was 75 ft from west to east while the length of the temple proposed to be constructed is 270 x 250 feet with the main gate at a distance of about 250 feet. The site of the Shila Nyas was at a distance of 250 ft. from the proposed main gate which is outside the disputed structure³³⁶. There was a wall on the back of the domes 10 feet to 12 feet high at a distance of 15 feet from the disputed structure. There was a steep 30 feet deep gradient following the wall with 30 ft depression. There were houses, roads and fields after the depression on the back of the disputed structure. There were two main roads, one on the eastern side and the other on the northern side of the disputed structure. A new road was constructed

³³⁶ See the office note in file number 4.200/300/D/89.

to reach the disputed structure and the 2.77 acres of land of the *Ram Janambhoomi* complex for *Karsevaks*. They did not need to go through the bazaars³³⁷. There was no security wall on the northern side of the disputed structure.

68.10. There were three concentric cordons, namely Isolation Cordon, Inner Cordon and Outer Cordon around the disputed structure for security, and for organizing the Darshan by the *Karsevaks* or the pilgrims³³⁸. The security wall 18 ft. wide, known as Ram Deewar was built by the State Government coinciding with the boundary wall of the proposed Ram Temple. It was built below the disputed structure from the south-western end towards the Shesh Avtar Mandir on three sides, i.e. east, west and south, around the 2.77 acres of the acquired land, with varying height of 5 ft. from inside, and six to seven feet from outside. There was no security wall on the north of the disputed structure³³⁹. There was a 10 ft. high wall with three gates in the Outer Cordon with barricades and concertina wires to regulate the crowd³⁴⁰. The Isolation Cordon around the disputed structure has an area of about 200-250 ft. surrounded by 8 feet high wall, with gates for entry and exit in the wall. The area between the Isolation Cordon and the Outer Cordon of about 150 ft. was known as the Inner Cordon. It had piped barricading with an iron door. Frisking used to be carried out here for entry from the Outer Cordon. There were shops, *Sankat Mochan Mandir*, *Shila Nyas*, *Amar Dass Mandap*, huts, with various clear levelled passages. *Shesh Avatar Mandir* was within the

³³⁷ See the statement of CGW 20 Abdula Nasir,

³³⁸ See CW 8/3

³³⁹ See DW 13/21

³⁴⁰ See CW 8/3

security wall. Outside the wall there was Kuber Tilla.

68.11. On December 6th 1992³⁴¹, 10,000 people were staying inside the walled area or near it. The camps of the *Karsevaks* being near the disputed structure, the available space had shrunk to a few hundred yards around the disputed structure. Adding to this was the weak barriers, which had affected security measures adversely. In totality, inadequacy of security was provided to meet the situation arising later. NC Padhi affirmed that the number of persons staying in the walled area varied from time to time.

68.12. There was a highway at a distance of 200 yards from the disputed structure. The distance between the Isolation Cordon and the Inner Cordon was 15 ft. and the Inner Cordon and the Outer Cordon was 150 ft. The security wall was at a distance of 192 ft, while the Shila Nyas was at a distance of 162 ft. from the disputed structure. The *Karseva* was to be carried out at a distance of 200 to 300 yards away from the disputed structure. *Ram Katha Kunj* and open land of about 40-50 acres is after and outside the security wall.

68.13. There is a small structure in this open land, which is the office of the VHP and the roof of the structure is, and was used as a *manch* (platform) to address the public assembled in *Ram Katha Kunj*, through the public address system. It is at towards the southeast corner of it. Camps of the *Karsevaks* known as *Karseva Puram* were at a distance of 330 feet from the disputed structure on the banks of the Saryu River.

68.14. The evidence shows that the *Shesh Avatar Mandir* was rebuilt to

³⁴¹ as pointed out by CGW 32 N.C Padhi,

accommodate about 2000 people. Between the *Shila Nyas* site and the *Garb Grab* about a thousand people could gather while the Isolation Cordon could accommodate 200 to 500 people. In the space of the Inner cordon, 200 people could be accommodated while in the Outer Cordon 1000 people³⁴² could gather.

68.15. *Ved Mandir* crossing is at the corner of the acquired land. One road to this crossing comes from Durahi Kuan, while another road leads to Hanuman Garhi, and to Ved Mandir and the third leads to Faizabad. The entry to the disputed structure was from near this crossing through an opening on the Durahi Kuan road. There were barricades dividing the entry, one for men and the other for women. After going to the Garb Grah, the exit was through *Ragbhar Dwar* on the north of the disputed structure. The exit and entry was half a loop in front of the *Garb Grab*.

³⁴² See statements of CGW 32 NC Padhi, CGW 45 Mohibulla and DW 11 Parambans Ramchander Das.

69. The Shilanyas and the Shila Puja programme

- 69.1. The VHP got the Sants involved in the Shila Puja movement which was supported by the RSS and carried forward through its Swayamsevaks. It got the Sants involved in the movement who used to make supportive declarations in favour of the decision of the VHP to perform Shila Nyas. The other members of the Sangh Parivar intensified the mobilisation drive for it.
- 69.2. A meeting was held by the VHP and the RSS on 26th and 27th at Nagpur, addressed by Bala Sahib Deoras, H. V. Sheshadri, Prof Rajinder Singh, Nanaji Bhiwal. The situation was equated with *The Emergency* and it was said that the *Ram Janambhoomi Babri Masjid* issue is a challenge to the RSS who could alone counter it by organizing the Hindus politically. People were exhorted to support those political parties or leaders who gave an undertaking to work for safeguarding the interest of the Hindus and organizing them politically. Persons like Kanshi Ram, BP Maurya were attributed to be playing a dangerous political game on the behest of the Islamic countries. It was officially recorded³⁴³ by the State Government wherein the activities of the VHP with respect to the Shila Puja were recorded. The movement for the consecrated bricks started catching on.
- 69.3. On prognosis of the evidence it is observed that through strained interpretations and distortions, the use of religious context and religious philosophies were to give innovative labels to serve the ends of the different

³⁴³ on the files in the file noting 4.200/30/D/89

players in the movement. Puritanical texts and liberal thought were ignored, to advance narrow sectarian interests by religious organizations and leaders who should normally have been repositories of received wisdom and superior maturity, but who became oblivious to the fact that the developed distortions could have serious consequences for the integrity of the social fabric of the country. The public discourse on the issue was thoroughly confused through insinuations, laboured illusions and rank distortions, generating a needless controversy in the connotations of Hindu, Hinduism, Hindutva and the identity of a Hindu.

69.4. BJP's strategy for political positioning was being formulated in the context of the implications of the amendments being contemplated after the Shah Bano case judgment and its likely impact on the sympathies of the Muslim voters. The anxiety was enhanced in this regard and consequently the induction of the temple movement was drafted to develop their electoral blocks. Reference can be made to the statement of LK Advani. It can be observed in totality that by 1989 it was too obvious that the movement for construction of the temple with the implicit demolition of the disputed structure had political objectives for acquiring power, though mounted under the temporary banners of religion or insignia of eradicating the memory of slavery. Acquiring political power was at the bottom of all the programmes proposed or observed. Similar object appears to be there for the opponent's claims i.e. the Muslim parties.

69.5. The BJP came out openly in support of the movement for temple construction, *Shilanyas* and *Shila Pujan* by passing a resolution in its National

Executive at Palampur in June 1989, though its important leaders were already covertly supporting the movement. The stage was set to run the dynamics of national political idiom through the Ayodhya movement and taking vantage positions for political gains in caste and religion based politics.

69.6. In October 1989, in an emergency session of the Lok Sabha all the political parties excepting the BJP resolved not to participate in cooperate in the Shila Pujan and Shilanyas program. The government tried to persuade the VHP to cancel the programme. The Supreme Court declined to stay the *program* and observed that the carrying of Shilas to Ayodhya cannot be stopped. Despite this the protagonists declined to change the *Shila Pujan* and *Shilanyas* programmes.

69.7. The BJP declared that the nature of the temple issue did not admit of judicial determination. It accused other political parties of betraying the sentiments of the overwhelming Hindu majority in the country and accused them of appeasing the Muslims under a veneer of secularism while being inimical to Hindu sentiments. The RSS, VHP, BJP and Shiv Sena proclaimed themselves to be representing the Hindu point of view while accusing the other political parties of running a campaign of slanderous propaganda based on misrepresentation. They demanded that the Ayodhya issue be treated in *para materia* with that of the Somnath temple dispute and demanded the possession of the disputed structure to be handed over to the *Ram Janambhoomi Nyas*.

69.8. The *Shila Pujan* was conceptualized and planned by the VHP and carried out

by the RSS and its associates. The VHP and the RSS divided the country into eleven zones and appointed 22 *Sanyojaks*. It was to be carried out at every sub-division and in every village. The *Shilas* were to be brought in a procession to be sent through a *Rath* to Ayodhya. The programme was carried out by the RSS, BJP, Bajrang Dal and VHP who collected more than 3,50,000 *Shilas* and more than Rs. Three Crores for the programme from all over the country. It escalated communal tension all over the country. It was carried out in terms of the agreement and undertaking by the VHP represented by Ashok Singhal with Buta Singh, the Home Minister whereby it was specifically agreed that any courts' orders would be followed in letter and spirit.

69.9. During this period persons bearing a Sadhu-like look or figure, in spite of their being or not being Sadhus and Sants, much less known or renowned, or being small-time preachers, used to travel 20 to 25 kilometres a day to for mobilizing support for the movement.

69.10. It was followed by various declarations and a warning at the Boat Club meeting that any impediment put in the *Shila Pujan* or *Shilanyas* will result in the launching of a bitter and fierce struggle. The workers and office bearers of the BJP, RSS, *Akhil Bharatiya Vidyarthi Parishad*, *Sarswati Mandir Acharyas* and other political activists and youths and students participated in the *Shilanyas* and *Shila Pujan* programme. The Government was conscious of the growing influence of the VHP. Provocative flags were displayed and propaganda by BJP, Bajrang Dal and Shiv Sena was carried out. A note to that effect was recorded in the official record. The Intelligence Bureau of the

Central Government reported the highly fragile nature of the communal situation, the communal violence in view of the forthcoming elections, the inadequacy of the police's control mechanism in the context of heightened communal mistrust and attitude between Hindus and Muslims with the rapidly growing influence of the VHP in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Gujarat, Orissa, and Bengal resulting in Hindu resurgence. It was reported that bigger and more provocative flags and banners were being displayed in large numbers; there was increasing use of religious symbols and insignia by Hindus and the Muslims. Aggressive steps like collecting and securing weapons in anticipation of violence against them were taken by the Muslims and Hindus. The Intelligence Bureau also noticed new demands of religious nature and the growing nexus between criminals on either side of the border resulting in proliferation of arms, arsenals and gun factories, with increase in financial assistance from Islamic countries leading to conspicuous type of activities like building Mosques, blatant communal propaganda of the BJP and Hindu fundamentalist organizations like Shiv Sena and Bajrang Dal. The IB further noted that Muslims were known to be collecting firearms for protecting the Muslims and the Babri Shrine³⁴⁴.

69.11. The High Court of Allahabad observed in its order dated 20th March 1989 that there was no evidence to infer that the Babri Masjid was intended to be demolished. The Government neither permitted nor intended allowing the VHP to demolish the mosque nor was encouraging them. The High Court vide its order dated 14th August 1989 declined to grant an injunction on the

³⁴⁴ *These facts are noted in the official record in the notes in file no. 3/200/32/D/89.*

performance of *Shila Pujan*. It ordered for maintaining the status quo with respect to the property, which included the land acquired, and further desired that peace and communal harmony should be maintained.

69.12. Persons like Paramhans Ramchander Dass, Uma Bharti, and Vasudev Acharya Ramanujam contributed liberally towards the fund. Similarly, it was noticed that funds for Muslims, i.e., for the Babri Masjid Action Committee came from various sources.

69.13. The place for *Shilanyas* was formally selected by the Government as suggested by Vinay Katiyar. He informed the Deputy Commissioner in October 1989 regarding the exact location for keeping the Shilas. The *Shilanyas* site was declared as not covered by the order of the High Court, which prima facie satisfied all. At the time of carrying out the *Shilanyas* at the undisputed site, force was deployed. Shilas in thousands reached Ayodhya after being carried on *rathbs* with the monogram of Ram. Ashok Singhal of the VHP laid the foundation of the proposed temple at the spot in front of the disputed structure, at the selected site. Kameshwar Chopal, a *Harijan Bandhu* from Bihar laid the first stone in the presence of international and national media with the blowing of conch shells, reminiscent of the ancient traditions to celebrate victory of armies in battle with heavy religious symbolisms. Bells were rung where lakhs of people had gathered.

69.14. The VHP gave a call for *Karseva* for construction of the temple after the *Shilanyas*. The construction was stopped in view of the impending elections.

Parliamentary elections were held in 1989. The Ayodhya dispute or issue was used as a major issue for campaigning for election by BJP and its associates. The BJP saw some effect of raising the issue in their success at the polls in Uttar Pradesh, Madhya Pradesh, Rajasthan and Himachal Pradesh etc. The Janta Dal and the BJP having contested the elections as a joint venture formed the Government with the support of the Left parties. A number of communal clashes took place in 1989 - 1991. The fact is corroborated by Parkash Singh and even Kalyan Singh could not deny it.

- 69.15. The State sought 160 companies of CRPF with wireless and handheld sets, with 192 to 198 companies required to deal with the law and order problem as they observed that they could not spare more than 50 companies of PAC for the said programme. A detailed programme was put forth for the utilization of the force to the following effect: for interception at District Headquarters, 3 companies each at an average in 25 communally hypersensitive districts, i.e. 75 companies; 2 companies each at 21 communally sensitive districts, i.e., 42 companies; one company each in other 21 districts. For arrangement at Ayodhya, 20 companies with 3 extra companies in each of the bordering districts of Faizabad i.e., 15 companies; 15 companies required to be deployed at Lucknow; 15 companies required to be deployed at the three main routes. It was observed that 27 districts are communally hypersensitive. There was a need for coordination with the neighbouring states. The requirement of putting a ban on taking out trishuls, spears, arms or the provocative slogans, requirement of surveillance on the activities of the undesirable elements, and utilizing the good offices of

influential secular persons was expressed and noted. Against the demand raised for 160 companies, only 60 companies with anti-riot equipment in connection with the VHP programme of Shila Nyas were sent. Out of them 10 were deployed in Faizabad, 5 in Gonda, 5 in Rai Bareilly, 5 in Lucknow, 5 in Sitapur, 5 in Allahabad, 3 in Kanpur, 2 in Jhansi, 2 in Agra, 3 in Meer, 3 in Moradabad and 3 in Bareilly along with 190 companies of Home Guards were deployed in various places. The demand for more and more companies was pointed out. The above facts are so recorded by the State of Uttar Pradesh in its record³⁴⁵.

69.16. There were no barriers of any nature put up in 1989 or before that in the town of Ayodhya or around the disputed structure, or between Ayodhya and Faizabad. Whatever barriers or barricades were there, the object was only to regulate the flow of pilgrims or Karsevaks at the Shila Nyas site or the disputed structure. The facts are too obvious as there is not an iota of evidence on record with respect to any barriers being there. In 1989, two parallel barricades around the disputed structure were erected which were strengthened in 1991.

69.17. At the time of the *Shilanyas* in 1989, the strength of the force was increased to a company, which was later increased from time to time. In July, 7 companies of PAC plus the district police force was deployed though the Government was against using force at the time of *Shilanyas* in 1989. The force deployed during the Shila Nyas was 80 companies of CRPF with 31 in

³⁴⁵ See note in file 1.100/36/D/89.

reserve and 180 companies of PAC with 4 reserves³⁴⁶. The force was equipped with arms, anti-riot equipment, Lathis, ammunition and transport. The Police force available to the Uttar Pradesh State was 1,60,000 of district Police out of which 1,10,000 were earmarked for deployment and the rest were deployed in police stations. There were about 450 companies of Home Guards available to the State for deployment, out of which 30,000 Home Guards were deployed. At the time of Shila Nyas when there was neither any dispute with respect to the site of Shila Nyas, nor there was any objection by the Government or the State about Shila Nyas, rather it was carried out with its consent, nor were the Muslims were seriously raising any objection with respect to Shila Nyas, though they claimed the disputed site as part of a graveyard, but later accepted it to be an undisputed site, one can say that there was no dispute to Shila Nyas at the relevant time in 1989.

69.18. Marg Darshak Mandal, a body of the VHP assumed Shila Nyas as the beginning of the construction of the temple at the disputed structure and exhorted the Karsevaks for the same.

69.19. Arrangements were made with triple barricading of iron pipes near the *Ram Janambhoomi* for the security of the *Shilanyas*, with deployment of 1 company of Central Reserve Police³⁴⁷.

69.20. The State took notice of the fact that the *Bajrang Shakti Diksha Samaroh* was attended by 80 Sants and 8200 to 8300 volunteers and a pledge was administered to about 2000 Bajrang Dal volunteers to make the supreme

³⁴⁶ See file No. 9.200 (5) D/90

³⁴⁷ See file No. 3/200/32/D/89 link file

sacrifice for the *Ram Janambhoomi* temple in September 1989. Provocative slogans raised by the Bajrang Dal activists who were creating an atmosphere of confrontation too were noted. It was further asserted by Mahant Avidyanath that “*Hindu Rashtra came into being the day Pakistan was born*” which assertion was again repeated before this commission by him when he appeared as a witness. Various meetings were held by the Muslims and their declaration that they will not allow the demolition of the structure at any cost too, were taken note of.

69.21. The State was not only in the know of it, but was also conscious of the provocative speeches made on the inaugural session of the *Bajrang Shakti Diksha Samaroh* by Vinay Katiyar, Ashok Singhal, Paramhans Ramchander Dass, Acharya Giriraj Kishore, Jai Bhan Singh Pavaiya, etc. A threat was held out that in case the Muslims created obstacles in the construction of the temple, then Jama Masjid and other mosques would be converted into temples³⁴⁸.

69.22. Open threats by exhorting the dacoits to take to arms for Ram temple were made by Ashok Singhal, Devrah Baba, Harish Bhai etc. Similarly, Dharminder Maharaj in Rajasthan declared that rivers would be filled with heads of people. Parkash Sharma held out a threat that the Bajrang Dal does not believe in saying, but in doing and offering the availability of its workers for the construction of the temple; at the same time, Uma Bharti exhorted people for sacrifice like Rani of Jhansi. Paramhans Ramchander Dass a known history-sheeter of Ayodhya town, apart from being of doubtful

³⁴⁸ See file no 3/200/32/D/89 (link file).

reputation lately emerged as a recluse and asserted himself to be the Mahant of the Nirmohi Akhara. He called for destroying the opponents of God Rama branding them as traitors³⁴⁹. Open defiance and threats were held out to deal with the forces that may obstruct the construction of the temple. It was further declared that the movement has to be taken to the streets, villages and students, thereby creating an environment similar to the struggle for the independence of the country³⁵⁰.

69.23. Parkash Singh described the barriers, which were of three types in Ayodhya.

The first type was permanent barrier, which could be opened and closed. The second was moveable barrier with horizontal bars, which could be raised and dropped according to the exigencies. The third type of barrier was of ropes to regulate the traffic or movement of people visiting the area. These were portable barriers. The ropes were there around the disputed structure and sanctum sanctorum, which were later removed.

69.24. The various *Rath Yatras* and provocative speeches had by now not only started breeding communal frenzy, but had taken it to a national scale. Various steps were taken to mobilize the masses and gain their sympathy.

69.25. Sants and Mahants helped in cleverly disguising the issue as essentially a religious one, barely concealing the political motives. Repeated mobilizations helped in raising an army of committed *Karsevaks*.

69.26. Between January and April 1990 a charade of consultations with the

³⁴⁹ Officially accepted in its noting in file 4.200/30/D/89 (link file).

³⁵⁰ See note in file no. 4.200/30/D/89 (link file).

AIBMAC ostensibly seeking a solution through negotiations continued, but the political dimension having been enunciated by the BJP and its supporters was intended to overtake all such efforts and deliberations. With this object in mind and in furtherance of raising the ante, Param Hans Ramchander Dass who had filed a petition in the 1950s, withdrew the pending court case citing delays in the progress of litigation. Seemingly, some courts proceedings were allowed to continue by the other persons who had filed various suits. Since the Central Government led by VP Singh was supported by the BJP, the government was granted leeway to find a solution to the disputed structure, though the decision for commencement of the construction of temple at the disputed site had been taken at Prayag in February 1990. It was declared on 23rd June 1990 that the decision for the construction, date and place having already been taken, would not be changed and which would start from the Garb Grah. The meeting for negotiations was already fixed for 7th June 1990. A committee was constituted led by Madhu Dandavate, who remained silent and inactive.

69.27. In order to lend urgency to the Government's efforts, LK Advani held out ominous warnings that the nation would face the greatest mass movement of the time, if the dispute was not settled amicably or otherwise, or if any attempt was made to scuttle the VHP's stand.

69.28. The BJP White Paper, though concealing in words the emotion generated and the tension hyped between the two communities, included in it, a conclusion and declaration that courts could or would not determine historical issue relating to faith or politics. The principal protagonists

appeared to have been playing ducks and drakes with the concept and dimensions of the issue of temple construction and taking constantly changing positions to suit the context and timing of reactions of the Government, the media and courts. The intensity of emotions was played around with, time and again, depending upon the party leadership's perception of the advantages accruing out of the dynamics of the issue. Thus it was allowed to expand its ramifications through different outlets and organs of the complex politico-social-cultural structures of the BJP and RSS³⁵¹.

69.29. The mobilization of Karsevaks, by all *Karseva* Samities, other members of the Sangh Parivar and leaders, including LK Advani, was undisputed. Mobilisation of the masses on the basis of religion was not only encouraged by the BJP but was carried out by taking out *Rath Yatra*.

69.30. LK Advani declared in September that he would commence his *Rath Yatra* from Somnath on the ninth of October and issued a warning for withdrawing of support to the Union Government should his *yatra* be thwarted. The objects declared by him for the *Rath Yatra* were: I) spreading awakening/awareness about the dispute II) disseminating the BJP's views on this iii) awakening people politically IV) opening the debate on secularism. It may be noted that Advani after due caution observed that the Muslims are not opposed as suggested, but only those who have become expert in using religion for fulfilment of their oblique objects. Simultaneously Vajpayee observed it was a direct challenge to caste and religion.

³⁵¹ See statement of CGW 49 CK Mishra.

69.31. The *Rath* carried the image of Ram, the incarnation of God and who occupies the prime place of reverence in the pantheon of Hindu deities, an image of the proposed temple and the Lotus assigned to the BJP as its election symbol. It was admitted by LK Advani that the *Rath* has a specific significance in Hindu religion and impacts on the psyche of Hindus because of its symbol of divine motion in the religious context. The charioteer of this modern Rath, LK Advani was sought to be characterised as the successor to the charioteer of lord Ram's Rath, Lord Krishna who gave the discourse of *Geeta* on the battlefield of Kurukshetra. The *Rath Yatra* was undertaken to reap the benefits of the increasing religious fervour that had been built up, and during his mass contact and mobilization, taking shelter and recourse to Swami Vivekananda's observations, Advani cited that religion is the soul of India, although Swami Vivekananda's words were in a different context altogether.

69.32. The people's sentiments and fervour were aroused by narrating anecdotes from the epic of Ramayana or about the characters in it during the course of the Rath Yatra. The symbolism associated with the epic was liberally used and interspersed with political and religious metaphors, to create an impression amongst the masses that the cause in which the *yatra* had been undertaken was noble and in the pursuit of realizing the Hindu sentiments. One of the objects of the Rath Yatra categorical admitted was to politically awaken the people. LK Advani explained that he had to correct the religious toned speeches of persons like Pramod Mahajan who used to describe and compare the whole affair with Angad's foot in the Ramayana epic. Through

caricatures, tableaux and verbal allusions, it was portrayed that Lord Ram was in prison within the disputed structure. Some of the political leaders said that it was a cultural issue and did not have religious innuendos, but they could not deny that it had religious trappings.

69.33. The BJP decided to withdraw its support from the VP Singh government after taking out the *Rath Yatra*.

69.34. Ashok Singhal said that the Ram Jyoti was lit in Ayodhya, and the carving of stones for the proposed temple was started at Ayodhya by 31st August 1990.

69.35. The leadership and the Karsevaks apprehending obstruction to the *Karseva*, in view of the declaration of the then State Government opposing the construction of the temple, stationed themselves in the villages surrounding Ayodhya by 30th September 1990. Later on 30th October 1990, quite a number of them staying in the villages were able to penetrate the security net. The Intelligence of UP reported that the RSS was holding secret meetings with respect to *Karseva* and their strategy was making it difficult to get proper and correct information. Similar was the situation in 1992.

69.36. By October 1990 Syed Bukhari said, "*Muslims would not accept any formula.*"

69.37. Simultaneously, the issue involving the implementation of the Mandal Commission recommendations got mixed up with the Ayodhya issue.

69.38. In totality the communal ambience in the country became surcharged. Security around the disputed structure and in the state was tightened. Rakesh

Sinha³⁵² admitted this.

69.39. The State Government in 1990 assessed the security, taking into account the call for *Karseva* for construction of the temple and the prevailing belligerent mood of the Karsevaks participating in the movement. On the basis of the intelligence sources, the state and its executive made an estimate of the nature of the threat, extent of the anticipated damage or desecration of the disputed structure or the religious places. The state kept in view the call of *Karseva* for construction of the temple or from various speeches addressed during mobilization, the declaration made with respect to participants in the *Karseva*, force deployed and the bystanders who might be affected. The State was conscious of the defiant and confrontational attitude, of the Sangh Parivar, the organizers of the movement, the protagonists of the movement and of the political parties either supporting or opposing it.

69.40. The threat perception to the disputed structure was considered very high by the state. The state and the administration in general took stock of the situation vis-a-vis the stand and policy of the state. The State maintained its official position of not allowing the *Karseva* for construction of the temple and to protect the disputed structure from any damage whatsoever and ensure the implementation of the orders of High Court for maintaining the status quo and secure it against possible assault. The State Government in order to attain the above said objects sought the help of the Central Government. The objective of the security plan in 1990 was total physical security of the disputed premises and the structures at Ayodhya, Mathura

³⁵² CGW19

and Varanasi. The State restrained leaders and activists and contained them, not allowing congregation of frenzied karsevaks in Ayodhya, and prevented large-scale movement of *Karsevaks* towards Ayodhya. The UP State also requested the other States to stop the *Karsevaks* from coming to Ayodhya.

69.41. Barriers / check posts known as 'nakkas' were put up between Faizabad and Ayodhya and also throughout the State. Barricades around the disputed structure in Ram Janambhoomi complex, regulating the entry not only to Ayodhya town, but to the *Ram Janambhoomi* complex or the disputed structure were provided. Nakabandi was done in Faizabad, Ayodhya and the surrounding districts. District Magistrates were to ensure that the *Karsevaks* do not reach the disputed structure. Barricades were provided at 7 places between Faizabad and Ayodhya and 15 were provided at *Ram Janambhoomi* complex and the roads leading to it. Nakabandi was carried out around disputed structure on the streets sealing it with wooden barricades. Wireless sets were provided at the police station on the boundary as well as to the police personnel at the various points in the Ram Janambhoomi complex.

69.42. The State provided loudspeakers, wireless sets, fixed wireless sets, mobile sets, hailers, body protectors, helmets, vehicles and other equipment like batteries or generating sets with arrangement for direct connection with control room. Video cameras, still cameras, mobile and fixed wireless sets directly connected to control room were provided at Nakabandi, with a further direction to maintain the records of goings-on in that area. Lighting arrangements at various barriers and points were provided. Arrangements for stay of the forces at the barriers were organized by the State. On each Naka

one DSP, Police Inspector, armed forces was deployed. Transport vehicles were stopped. The State deployed at some places one Head Constable and four Home Guards. Patrolling of the VIP roads was undertaken. Road transport to Ayodhya was virtually stopped while trains passing through the town were diverted³⁵³.

69.43. All passages and roads going towards the disputed structure as well as to the back of the Manas Bhavan were sealed. The Eastern side of the Ram Mandir was closed by strong barricades. On all the points, one Assistant Sub Inspector, three constables and a gazetted Police officer and duty magistrate were deployed. Eighteen companies of PAC were put on duty in Ayodhya. Nakabandi was put under the supervision of three SPs who were also given tear gas squads, ropes, vans and trucks. CCTV was put up at various places within the Ram Janambhoomi complex. Police Chowki and Control Room were set up and were in contact with the Secretariat. Forces were positioned on rooftops and the Bhavan near the disputed structure with a list of residents around the disputed structure. There was a double iron barricade with channel gates, providing a separate entry to the *Shilanyas* site and the Grab Grah. Passage to the disputed structure had an iron gate with Door Frame Metal Detector and sentries posted outside the barricading.

69.44. The security of the disputed structure was provided by establishing four cordons around the disputed structure with deployment of one Inspector, four Sub-Inspectors, two Head Constables, eight Constables, four lady Constables and one company of PAC. In the Inner Cordon, one Inspector,

³⁵³ See CW 16/40.

four sub-Inspectors, three Head Constables, twelve Constables, 8 lady Constables, 16 Constables, four lady Constables and two companies of PAC was posted. Outside the Outer Cordon which was loosely termed as the fourth cordon, mounted Police was put on duty. DSP of Local Intelligence Unit was posted at the disputed structure. Tear Gas squad and bomb disposal squad were put on duty at the outer cordon. Fire unit was stationed at the Durahi Kuan. No person other than Police officers and Pujaris were allowed to go near the disputed structure. No passage around the disputed structure was allowed. Anti-sabotage, anti-mines, anti-explosives checks were provided. No crowd was allowed to collect.

69.45. Attempts were made to stop the recruitment of *Karsevaks*. A list of communal people, anti-social people, and arms license holders was made as a preventive measure. The Police station in-charge was to manage with force deployed. Four companies of PAC with one company of the CRPF along with Head Constables were sent to rural areas around Ayodhya. Attempts to stop the *Karsevaks* from the starting points were made. Local intelligence office was activated. Temporarily jails were made. Sector Commanders were at liberty to ask for additional force. Four companies of PAC were deployed to patrol the 20 kms area of the river. Aerial survey facility through helicopter to check people going by the unspecified routes was deployed.

69.46. The then Chief Minister Mulayam Singh proclaimed that the disputed structure was completely insulated and no one would be able to penetrate it. The other states too prevented the *Karsevaks* from commencement of their travel.

- 69.47. The karsevaks were exhorted by Ashok Singhal, Vinay Katiyar, Parmhans Ramchander Das, S. C. Dixit etc. and despite tight security the *Karsevaks* led by Ashok Singhal sneaked through the security arrangements or cordons and unfurled the flag on the disputed structure in October 1990. This resulted in firing in order to control the karsevaks.
- 69.48. The State Government in 1990 decided to identify and categorise important places. It was also decided to identify fundamentalists whose motive was to lower the image of the country and create resentment and panic among the people, inflame communal passion and communal riots. Contingency plans were provided for security at special occasions and drills were conducted keeping in mind threat perception, ground conditions and their repercussions, requirement of surveillance, anti-sabotage, checks, access control, perimeter protection, availability of striking force, providing trade commandos who can deal with the attacks, making special arrangements for believers, special dealing on special intelligence of security threat, taking into consideration the sources emanating the threat and probability of the threat being carried out to the logical end.
- 69.49. It was recorded officially that Faizabad was sealed from sacrificial karsevaks and Ayodhya was kept in isolation from outsiders. Faizabad was made out of bounds for undesirable elements. Check posts were established. Buses were checked. Checking and blocking was carried out and detained people were sent to jail. Bomb detection squads with dog squads were deployed. A reserve force was sought of 200 companies out of which 50 companies were exclusively for railways and hundred for sensitive districts. In totality, 10,000

officials and forces were deployed with an additional 30,000 Home Guards on duty.

69.50. Administratively the whole town of Faizabad was divided into 10 sectors, while Ayodhya town was divided in five sectors. Traffic and travel control rooms etc were provided. In all two control rooms one at Faizabad and the other at Ayodhya were established one of these was connected with the other states with the Hotlines. Help of 150 companies of paramilitary forces was sought. Two companies of central paramilitary forces were deployed in Ayodhya town alone by 30th of September 1990. It was decided in the meeting of additional DGP, jointed DGP, IG Faizabad that 70 companies of PAC, 20 SPs, 40 DSPs, 100 Inspectors, 300 Sub Inspectors, 300 Commanding Officers, 100 head constables with 200 constables to be withdrawn from each zone and be deployed for the programs of Punch Kosi, Chauhdakoshi, Kartik Poornima and for the program for *Karseva* for construction of temple during the period 26th of October to 2nd November 1990³⁵⁴.

69.51. It cannot be denied that substantial grounds for suspicion about the security of the disputed structure existed especially in view of the mood of *Karsevaks* and their leaders, slogans, past conduct and other circumstances enumerated in the earlier part.

69.52. The Prime Minister VP Singh, on 5th October 1990 in answer to the request of the Chief Minister for help of the administration responded by sending

³⁵⁴ See file number 7/630/GI/90

paramilitary forces and placing them at the disposal of the State Administration. He confirmed that 98 companies of paramilitary forces had already been sent and 82 companies would be sent in four instalments, firstly 29 companies and two platoons, 20 companies in second, followed by the third and fourth. On the 30th of September 1990 there were 50 companies of paramilitary forces deployed in Ayodhya; one hundred companies were deployed in 25 sensitive districts along with 50 companies deployed in other important towns. In addition to the deployment of the paramilitary forces 184 companies of PAC along with 480 companies of Home Guards were deployed. It was observed that ordinarily out of 184 companies of PAC, 124 companies are deployed in the State for law and order, anti-dacoity etc., though in the present situation of the call for *Karseva* for construction of the temple, as a special circumstance, PAC etc. was deployed as above said. It was mentioned that due care was to be taken while deploying the forces keeping the religious predispositions of the PAC personnel who may be carried away by the motivating appeals of the fundamentalist elements or religious emotions or may come under the provocative speeches or influence of the motivated leaders in order to turn against the State administration³⁵⁵.

69.53. Arrangements for preventive detention were made or thought of, on the assessment of Intelligence and threat perception for making preventive detention effective and meaningful³⁵⁶. The state took note of the working of the Vishwa Hindu Parishad whose strategy in the past had been to tactically prolong negotiations while professing to relent, using the time gained to

³⁵⁵ Reference can be made to the note recorded in official file number 7/630/GI/90.

³⁵⁶ So recorded in File No.200 (4) D/90

mobilize maximum mass support and ensure physical presence of its active cadres at strategic places. It was suggested that negotiations should be concluded at the earliest so that adequate time is available for taking administrative action as soon as possible. On 31st August 1990, a meeting was held by the Home Secretary in which DIG (Intelligence)-Laxman Prashad, A.N.Singh-DIG(DGP OFFICE), Shekhar Aggarwal-Special Secretary, B.K. Singh-Special Secretary and R.K. Singh-Joint Secretary participated and following steps were taken: (1) A list of persons of Vishwa Hindu Parishad at country level and State level had already been provided. At district level, a similar list was almost ready and the intelligence Department was asked to complete it by 7th September 1990. (2) The Home Secretary had given his consent to increase in the capacity of jails and for the creation of temporary jails. (3) Directions were issued for the preparation of the list of important sant-mahatmas likely to court arrest. (4) With regard to VHP's declaration of its programme of 31st August relating to formation of Seva Samities at district and sub-division levels, IG-Intelligence was asked to complete the work of preparation of the list. (5) From the point of preventive measures, Police stations were asked to record the sensational and provocative slogans used by political and religious organizations relating to construction of the temple. The Special Secretary was asked to ensure implementation of the above. (6) Delegation of powers was made to organizations other than regular magistracy for maintaining peace and order. (7) The Government's steps and the apparent contradictions in opposing the same by the VHP were to be highlighted in the media. (8) As there were apprehensions of the *Karsevaks* and others carrying trishuls and other

weapons, the DGP and Intelligence Department had recommended a ban on carrying such weapons. The Special Secretary was advised to promulgate the order of banning. (9) The Women's Wing of the Police, Home Guards and the CRPF were to be mobilized to arrest and handle the women protestors should such a contingency arise. (10) After 15th September, Intelligence Department should provide all the information relating to people or important people coming to Ayodhya and their movement and the stay arrangements provided in the villages, along with the deployment of Magistrates in Faizabad. (11) Information to be secured relating to the material to be collected for construction, and on the Architect, Engineer, special workers from where they have to come, and what arrangements are being made for them, from which source, relating to Shilas, cement is being arranged, in how much time, in how many stages; (12) Resultantly, a contingency plan to be developed for sudden action by the Government on any development, to enable the Chief Minister to take appropriate decisions. The contingency plan to be prepared by 5th September, 1990. (13) Muslims organizations should be under continuous observation. (14) In the event of additional force not being available from the Centre, request to be made for alternative arrangements for additional forces from other states. Chief Secretary considered the following aspects: Intensity of the problem, the number of *Karsevaks* and extent of their reactions of *Karsevaks* in case of arrest; preventive arrest of main leaders of the organizations, and the repercussions in the case of arrest, maintaining peace following problems relating to stoppage of pilgrims, construction material, and prevention of entry into Ayodhya of Sadhus & Sants and mahatmas.

69.54. It was anticipated that 1 to 1.5 Lakh *Karsevaks*, 10,000 Mahants and Sadhus would converge to Ayodhya and in case of their arrest there would be likelihood of severe law and order problem as they had the support of the local people. Keeping in view the danger posed by the *Karsevaks* on the date fixed, i.e. 30th October 1990, which was the date for Panchkoshi Parikarma, it was decided that the entry for the ceremony should be prevented to avoid administrative problems. A meeting of the police officers was called on 12th September 1990. While considering the action plan of IG-Security, Faizabad, the facts brought to the notice were the future programme of Vishwa Hindu Parishad and RSS in which lighting of Jyoti, taking out Vijay *Yatra* procession, coming of *Karsevaks* in large numbers to Ayodhya, reaching of two trucks full of stones at a distance of about 2 kms from the disputed structure where a banner had been put, carving work having started, a film with respect to this being prepared for showing to the people. Officers expressed that apart from Vishwa Hindu Parishad, RSS was also associated in this and that these organizations were working secretly and trying to avoid coming to the notice of the Administration. They urged that the coming of *Karsevaks* to Ayodhya be stopped and the Administration should not allow the *Karsevaks* to start from the respective divisions. It was decided that Panchkoshi and Chauhdakoshi Parikarma and bathing in Saryu River be banned. There should be complete preparedness in Ayodhya as the possibility of *Karsevaks* sneaking in could not be ruled out. The district authorities were asked to prepare a final plan for their requirement of the force. Bajrang Dal, RSS and Shiv Sena declared the support to Vishwa

Hindu Parishad. It was surmised that there was a possibility of riots during *Vijay Yatra* and the Government's position could be compromised.

69.55. To meet the situation it was proposed to arrest the *Karsevaks* at district levels especially active *Karsevaks* of Bajrang Dal, RSS, VHP and Shiv Sena, seek public cooperation, deploy workers at village level to propagate government policy, persuade *Karsevaks* not to go to Ayodhya, seal the borders, deploy Home Guards in Faizabad, make arrangements for workers in temporary jails, leadership for the various steps to be provided by Zonal IG's, cooperation and information to be sought from mandals, force to be used where necessary, records of negotiations and information to be maintained, decision about the number of deployment to be taken before 3rd October 1990, transport services to be skeletal in nature and after due checking, publicity of relevant information to be carried out, army help to be sought to deal with the situation of communal riots and reserve duty, flag marches, means of communication to be kept open and available, army not to be to stop the *Parikarmas*, 24-hour hotline with the State Secretariat to be maintained for information, two helicopters to be arranged to be used in Faizabad, wine bars to be closed and trains to be stopped.

69.56. BP Toshniwal, Vishnu Hari Dalmia, SC Dixit, Pingle, Acharya Giri Raj Kishore, VK Shukla participated in the negotiations on behalf of the VHP while the self proclaimed author and one of the oldest agitators for the Ram Temple, Paramhans Ramchander Das, as well as the members of the *Dharam Sansad* and *Kendriya Marg Darshak Mandal* and the Sadhus and Sants were not associated.

- 69.57. During the negotiations, Syed Bukhari declared “*Muslim community will not accept any formula in which the suggestion to put idols in the disputed structure is proposed.*” Similarly no local Muslim was associated in any negotiations.
- 69.58. Negotiations carried out in 1991 at various levels were not apparently making any headway.

70. Formation of the BJP Government in UP in 1991

- 70.1. Elections were declared in March 1991.
- 70.2. The District Magistrate wrote to the Home Secretary, that Karseva has complete political support. The leaders of the VHP and the RSS perceived that everything had to be set for the success of the programme. It was believed that in case of its failure, Hindu organizations will lose their identity in the politics of the country. The BJP accepted the present moment as the most important. It was felt that in case of strict restrictions and their implementation, Hindu organizations would proportionately politically gain. SNP Sinha stated that the VHP called the meeting of the Dharam Sansad at Delhi in 1991. The facts were recorded in the official noting.
- 70.3. Vishav Hindu Sammelan of Hindu sympathizers and Hindu organizations was organized by the RSS and the BJP under the aegis of the VHP in the Boat Club in April 1991. It was an unprecedented gathering of political parties like the BJP and RSS. VHP & RSS self proclaimed social organizations for the Hindu causes. The protagonists of the movement were either directly or indirectly off-shoots or the front face of the RSS. BJP, VHP, BD and other similar Hindu organisations with an object accomplishing or uniting or organising Hindu's and preach Hindu religion were run by the Swayamsevaks under the direct or indirect guidance or control of the RSS. This was literally admitted by KS Sudarshan though a strained effort was made to wriggle out of it. I have already observed that all

the members of the Sangh Parivar inter-se were connected inseparably with the RSS. Despite the fact that various protagonists of the movement proclaimed to be its organizers, it was categorically admitted by Kalyan Singh on oath before this commission that the Boat Club meeting was arranged and managed by the BJP workers. Even LK Advani, an astute icon articulately stated that the rally at the Boat Club was organized by the VHP and the BJP was invited to address it. The banners, “Jo Hindu Hit Ki baat Karega Wohi Desh par raj Karega” were displayed and slogans were raised at the meeting. Promise of Ram Rajya which is synonymous with ideal rule or governance was made. The reminiscent of other evidence too leads to the conclusion that it was a BJP and RSS organized rally. It is not disputed that the banner as referred above in this report too was political. Statement of KS Sudarshan corroborates it. He admitted that the speeches made at the Boat Club are in the records of the RSS and the same would be produced though later they were not produced in spite of his undertaking to do so. Uma Bharti evaded the answer with respect to inter-se relationship of the VHP with Kendriya Marg Darshak Mandal or Dharam Sansad, or named the organisers of the boat club rally. She admittedly was a member of these organizations. Ashok Singhal categorically admitted that the above institutions were floated or constituted by the VHP, who used to settle their agenda, call their meetings and execute the decisions. They had no legal entity.

70.4. The BJP formed the Government in Uttar Pradesh by May/June 1991.

- 70.5. All possible attempts were made to veil the real intention of the leadership of the movement or its icons, the local leadership or the political leadership under the RSS who was the driving force behind the entire movement. It had a countrywide network of Swayamsevaks trained under the guidance of experienced retired officers and others ideologically aligned with the political thought and philosophy of the RSS, preached for decades.
- 70.6. It is not for me to observe or comment on the intrinsic logic and cogency of the line of thought and cultural ideology of the RSS and its affiliates. It would not serve any purpose in the context of the terms referred to the Commission. However, I am constrained to say that the theme of the temple issue and its surrounding circumstances were adroitly built up, developed, astutely motivated to link the creation of the political space for the BJP for embedding its ideology in the minds of the general masses, and securing a large political place for itself in the electoral arithmetic of the country. The orchestration and management of the political ethos and circumstance was managed by the RSS, LK Advani, Atal Behari Vajpayee, other members of the RSS and the BJP and notably Kalyan Singh, K Sudershan, HV Sheshadri and Govindacharya. It was backed by an array of resolutions by the RSS and BJP. The *Rath Yatra* was used as a convenient device for acquiring political power.
- 70.7. Kalyan Singh, an accomplished politician with educational background and well-trained RSS Swayam Sevaks, sought to gloss over the truth by stating that the movement was started by Sadhus and Sants, supported by the VHP

when the movement was conceived, nurtured and carried out by the RSS and its frontal organizations like the VHP.

- 70.8. The BJP attributed its victory in the elections to its election manifesto for the construction of the Ram Temple at the disputed site. It is well-known in the world of politics that imagery is crucial to communicate with the rank and file. Kalyan Singh stated that no slogan was raised by him when he visited Ayodhya after assuming the office of the Chief Minister, which is in fact a cautious and articulated answer capable of conveying that he himself has not raised the slogan while simultaneously not denying that the slogans like, “*Ram Lalla hum Aye hain and Mandir yabin Banayenga*” etc., were being raised in his presence. The slogans were in conformity with the Election Manifesto of the BJP. The fact was not only widely reported and written about, but it predominantly emerges so from the body of evidence led before me.
- 70.9. The stated position of the BJP as it emerges from its later conduct and pronouncements both during BJP led governments, as well as within BJP as a political party, was that it construed its success in the polls as an electoral mandate for construction of the temple after removing all hurdles. It was because of its manifesto or the issue of construction of the temple, that people had returned them to power. It was their democratic duty or obligation to fulfil their election promise to their voters and construct the temple at Ayodhya.

71. BJP's Success in the elections

71.1. BJP secured an absolute majority in the election in the Uttar Pradesh Legislative Assembly, while it secured only 116 seats in the Parliament. As given out in various statistics BJP secured 25 per cent of the popular votes polled at the national level. A theory was propagated not only before this commission but also after their success in the elections to the Uttar Pradesh Legislative Assembly that it was the mandate of the people to the BJP to build the temple in Ayodhya while other organizations or political parties were working to ensure that the BJP did not redeem its electoral promise. It was emphasized and declared that the BJP would not budge from its electoral promise of construction of the temple³⁵⁷.

71.2. The IB pointed out in March 1991 that there was an imminent threat to the Babri Masjid structure from the activists of the temple movement. The BJP Government used to proclaim that it had the will to protect the disputed structure irrespective of the political party forming the government. A security plan³⁵⁸ was sent to the DGP VK Jain and the same was acknowledged by SP Sinha³⁵⁹. Comments of SSP Faizabad on the security plan of the IB were sought³⁶⁰. The comments of CK Malik too were sought

³⁵⁷ Refer to the statements of Acharya Dharminder Dev, Sikander Bakht, S C Dixit, S. B. Chavan, Kalyan Singh, Vinay Katiyar, Murlī Manohar Joshi and CW 4/4 made in Parliament, before this commission or in the media.

³⁵⁸ CGW 12/27

³⁵⁹ CW 12, vide CW 12/28

³⁶⁰ CW 12/29

on 21st March 1991³⁶¹. Reminders for comments were sent from April to June 1991 to IG (Security) or DIG Faizabad or the SSP³⁶². Godbole³⁶³ stated that the Security Plan was prepared with the participation of Home Secretary, DGP of paramilitary forces and Director IB etc. Various suggestions including construction of a security wall, restricting the convergence of people to the disputed structure etc., were made. The SSP sent his comments³⁶⁴ on 27th March 1991. The SSP in his comments broadly agreed with the existing security and the Security Plan of the IB and suggested that in addition to this another fence should be fixed on the outer side, concertina wire should be filled in between the two. Concertina wire needed to be placed at a few places. There was only one fencing for a long distance on the road going from the main gate towards the Durahi Kuan while double fencing was needed there. He found large gaps through which a person could enter inside though there were barbed wires around the whole disputed structure. A strong gate needed to be constructed in front of the collapsible gate which was missing. Construction of watch towers with floodlights was agreed upon. Police control room and latrines were the weak points / spots for security which needed to be secured with concertina wire, gaps needed to be sealed and it needed double barricading. Telephone poles and trees needed to be wrapped with barbed wires. Wall needed to be erected on empty spaces, sentry posts at the edge of the outer wall to be put up a little further away and stairs needed to be protected. It was pointed out that

³⁶¹ *vide* CW12/30

³⁶² *through* CW12/31, 32,34,35,36,37,39,40

³⁶³ CW 13

³⁶⁴ *through* CW 12/33

since the type of barriers at Durahi Kuan and Ved Mandir were of no use therefore stronger gates should be constructed. It was suggested, since one and half section of PAC reserve was not sufficient in the Control Room, a platoon of reserve mounted Police, one additional SP and Zonal officers should be posted.

71.3. The requirement of additional SP and three DSPs with gazetted officers on duty for all 24 hours was stated. Apprehending ambush attacks the need for more wireless sets and posting of mechanics for the repair of metal detectors was also felt. Not fixing up of iron barricades and chain between them and putting of wire mesh on the windows was pointed out. Fixing the duty of the constables on the rooftops was found to be insufficient. SP stated that trained bomb disposal squad should be there along with *malis* to clear the bushes and trees.

71.4. Deployment of half a section of PAC on duty was desired all the time apart from allocation of more force in Police stations and appointing of additional staff of Local Intelligence Unit. More powerful electricity transformers, additional generator, fire fighting equipment, and torches for the sentries were sought to be sanctioned. On 27th March 1991 the comments of DIG Faizabad were asked for on the report of SSP. DIG Faizabad sent his report and comments³⁶⁵ on 16th April 1991. He had inspected the site and gone through the assessment of the IB pointing out insufficiency of security in case of attack by mob due to non-existence of compound wall, improper fencing of parameter, larger distance between the barriers, insufficient

³⁶⁵ *vide CW12/38*

availability of Police in the complex at a time, the weak barriers on the road followed by crowd coming from side complex, failure of electricity, fire and erosion due to natural factors. He agreed with the comments of the SP on the above factors. He stated, digging of deep and wide trenches outside the perimeter fence would be necessary. It was found necessary to increase the staff of Local Intelligence Unit, the need to increase allocation of force to Police stations and providing the additional PAC. He pointed out the necessity of preparing a contingency plan with respect to the dilapidated conditions of the disputed structure. SP and Zonal officers inspected the area in order to strengthen the security on 25th April 1991 and made suggestions³⁶⁶.

- 71.5. Deficiencies in security in addition to the comments of IB report were pointed out as follows: requirement of providing double barricading from Main Channel Gate to the rear of the gate of control room with fixing of concertina wire, present gate was incapable of holding offensive crowd during peak times, need of strong gate on road between Manas Bhawan and Shakshi Gopal Temple, whole of the road to be closed and passage for letting in one person at a time to be provided, requirement of fixing of barbed wire on the boundary wall of Shakshi Gopal Temple which is in front of the foundation site and towards Manas Bhawan as one could reach the side of the disputed structure by jumping over the wall, fixing of pipe barricading from transformer to South-West corner towards Kuber Tilla, fixing of barbed wire from transformer to CRPF camp, erection of iron gate on Southwest corner

³⁶⁶ *vide CW 12/52*

where there is a way to Kuber Tilla, providing 10 sentry sheds and 4 Sentry posts on *Parikarma* behind *Ram Janambhoomi Babri Masjid* site, construction of wooden sheds for Sentry posts, construction of five Latrines near Summitra Bhawan because otherwise people could jump and go inside, encircle trees and poles by barbered wire as they could be used to jump inside, construct sentry sheds at staircase, construct the iron gate on road going towards Kanak Bhawan just opposite Manas Bhawan from front side of Channel gate in order to stop crowd coming from side, necessity of barricading of Fire Brigade, transformer, generators etc, need of iron gate opening towards the *Ram Janambhoomi Babri Masjid* from the side of Manas Bhawan to be made strong because crowd could easily break it, need for immediate filling of cracks in the wall from main Channel gate to gate behind control room, need of sandbags as old ones were torn, chairs and tables to be provided for VIPs, air conditioning of control room and providing of false ceiling under tin shed at main Channel gate as during summer it becomes impossible to sit there.

- 71.6. It was specifically pointed out that barriers already fixed were not sufficient to control the increasing crowd bent upon violence. SP addressed another letter on 25th of May 1991³⁶⁷ to DIG pointing out that after the departure of the untrained sub inspectors posted before elections the remnant strength declined to barely one or two sub inspectors against the needed complement of 17 to 18, similarly out of three companies of PAC one company was left behind after election, bomb disposal squad too had been withdrawn which

³⁶⁷ CW 12/53

was required 24-hours. Inadequacy of force was apparent. It was pointed out that no action on the recommendations of the IB was being taken. PAC sent on election duty was sought back as the election was postponed so that picketing at Rang Mahal, Manas Bhavan, Kuber Tilla, Sita Rasoi, Durahi Kuan etc could be strengthened and the control of Ayodhya and the sanctum sanctorum could be restored. It was pointed out that even CRPF had been withdrawn.

- 71.7. Need for changing the security arrangement which was continuing since 1990 as apprehensions of attacks being planned to capture the disputed structure with a view to create religious frenzy during elections or afterwards was pointed out. Making arrangements of mobile squad, CCTV at *Ram Janambhoomi* complex and at the site was sought. It was mentioned that Vinay Katiyar and many leaders of BJP made declaration in Ayodhya and Faizabad to the effect that if their party gets a majority, they would demolish the structure and throw it in Saryu river and will take oath of office only after that. Need for strong security arrangements so that acts of antisocial elements could be dealt with was expressed. Comments of SSP and DIG were sent to DGP³⁶⁸ on 18th of June 1991 with a request for taking immediate steps for security in the complex on each and every point suggested by the IB³⁶⁹ as the recommendations needed discussion at government level. It involved policy

³⁶⁸ *CW 12/41*

³⁶⁹ *vide CW 12/42*

decisions and financial approvals. The statement of CK Mishra³⁷⁰ may be referred to.

71.8. By his visit to Ayodhya and his acts and conduct immediately after assuming office, Kalyan Singh made it clear that the old days were over. A categorical signal was sent by the declarations, assertions and the steps taken by him and his handpicked officers that *Karsevaks* would receive welcome treatment henceforth and *Karseva* would not be as it was on earlier occasions. The new government meant business and was serious about constructing the temple in place of the disputed structure.

71.9. The security wall was constructed by the Government in 1992, in conformity with the boundary wall of the proposed temple according to the plans drawn up by the VHP, which was no coincidence. Even the name given to the security wall was *Ram Deewar* both by the State Administration as well as the protagonists of the movement which fact was never refuted by the State. In fact, the State Government from time to time by its various acts, deeds and conduct, expressly stated that the construction of the wall was the beginning of the construction of the temple by the government of BJP. It is a well thought pre-planned act of State.

71.10. After the visit of Kalyan Singh to Ayodhya, the sleepy hermit town not only became religiously hyperactive, but the whole state appeared to be in sync with the fervour being built up by the Party, its affiliates, and the religious activists, with Government prevaricating from time to time. It was holding

³⁷⁰ CGW49

several contradictory positions of going ahead in mobilizing for *Karseva*, or *Karsevaks* for construction of temple at the disputed site, while simultaneously proclaiming that it is duty bound to protect the disputed structure, and in the same breath declaring that it would fulfil its electoral promises.

71.11. The land was acquired for the construction of the temple in the garb of development of a Ram Katha Park. The State was allowed to take possession of the notified land and to make arrangements for the purpose notified but no structure of permanent nature was allowed to be put up thereon although structures of temporary nature were permitted. The taking over or possession was made subject to further orders of the court and the acquired land was ordered not be transferred or alienated.

72. The dismantling of the security apparatus

72.1. It is not easy to delve into the minds of human beings and even more so where human hearts nurse various ambitions including political ones, but facts and circumstances are important pointers to infer from, and throw light on the intentions and consequent actions of men and women. The acquisition of the land was motivated by considerations which had nothing to do with the development of tourism. It was only an ostensible reason with a clear ulterior motive to create a new unalterable *status quo*, which would be seen as fulfilment of the election manifesto of the BJP government in power, with reference to the temple construction issue. The state, its leaders and the government officers concerned spoke, with a forked tongue taking shelter behind a thin veil.

72.2. The intention becomes abundantly clear when the State and its leaders sought to lease the land in perpetuity to Ram Janambhoomi Nayas, the frontal body of the VHP for construction of the temple for a paltry amount of One Rupee and that too to just one party. Kalyan Singh stated that the land was acquired with the consent of the VHP. It was accepted in the BJP White Paper that the object of acquisition was to make the land available to the Nayas for construction of the temple, though that substantial area abutting the structure and access to it was left intact. It was proclaimed that 2.04 acres out of 2.77 acres belonged to the VHP only. It was stated that the object of acquisition was to avoid a later title dispute. He admitted having

not stated so before the High Court when their acquisition was under challenge.

- 72.3. Kalyan Singh gave no explanation about the camouflage except saying that it was not necessary to disclose anything at that stage. Intention of the acquisition gets further obvious and clear when the land was acquired for the temple on the demand of the so called Sadhus and Sants, Vinay Katiyar, Ashok Singhal and other VHP leaders, who were having a feeling that the government of the time was theirs and for them.
- 72.4. The bureaucracy fully understanding the nuances of the language and the requirements of the statute, with the intention to please the political executive provided all means and collaborated to cover their acts for achieving their hidden agenda. It misdescribed the object of acquisition which was in fact the construction of temple.
- 72.5. AK Saran³⁷¹ stated that the land was acquired for the tourist complex while SP Gaur³⁷² admitted it to be otherwise. It was oblique and dishonest governance, bereft of constitutional obligations and befooling the people whom they were required to serve transparently. It was in fact a breach of faith reposed by the public, with the objective of acquiring and retaining power alone. Kalyan Singh in his statement before this commission stated that the urgency for acquisition was the first anniversary of *Karseva* falling on 2nd of November 1991 and building the temple on 30th October 1991, Birhad of Parikarma on the 16th and 18th of November 1991. For making the

³⁷¹ CW8

³⁷² CW9

necessary arrangements for the same by providing amenities for the large influx of pilgrims, the urgency provisions for acquisition were invoked since a delay would have frustrated the object and purpose of the acquisition.

- 72.6. It may be observed here that the pilgrims and *Karsevaks* have been referred by witnesses carrying two different connotations. One represents pilgrims who go to Ayodhya voluntarily on festivals, while others called *Karsevaks* are brought in hordes as consequence of mobilization for *Karseva* for construction of temple.
- 72.7. Brahma Dutt Divedi, Lal Ji Tondon etc., though not concerned with the security, participated in various conferences and meetings about Ayodhya where they tried to persuade even the Home Minister of India to scale down the security. The Home Secretary joined on 1st August 1991.
- 72.8. In July the piped barricade cordon in front of the Ram Janambhoomi exit gate and 5 barriers from feeder road were removed which resulted in reducing it to one barrier on the rear and southern side of the structure. The fencing under the barriers was removed. The dumping of earth reduced the effective height of the fencing and rendered it ineffective³⁷³ and thereby facilitated easier access to the disputed structure. The laying of underground telephone lines for the Dogra Regiment was stopped. The various suggestions for the security made and noticed in my report were consistently and consciously ignored. Even the DGP's suggestion for removal of iron poles near Shila

³⁷³ See the statement of CW 14 Parkash Singh DGP.

Nyas site and shifting the same near the wall was only recorded in the official files and never acted upon..

72.9. Decisions were taken for the upgradation of security measures and dealing with the communal situation, including the installation of doorframe metal detectors on the gates of the security wall, providing a separate passage for carrying construction material going to Shesh Avtar Mandir, providing funds to the District Magistrate, Faizabad, for increasing the height of the security wall, constructing eight watchtowers, providing an additional generator, installing dragon lights, installing channel gates at the entry points for devotees, strengthening the barricading, stationing PAC Company in Inner Cordon, providing funds for expenditure on lighting arrangements in the *Ram Janambhoomi Babri Masjid* complex in the budget of the Home Department, creating five additional posts each of Magistrate and DSP for supervising security arrangements.

72.10. Consequent on the acquisition of 2.77 acres of land demolitions were carried out and temporary structures were built³⁷⁴. It was mentioned in an official note that Murali Manohar Joshi visited the site and stopped the ongoings which were in violation of the courts' orders. This was patently false as the Police reports of the time show that Vinay Katiyar and his allies carried out the demolitions of the structures existing on the acquired site with a view to facilitate subsequent construction and *Shilanyas*.

³⁷⁴ recorded in the government documents dated 10th October 1991

72.11. It was recorded in official notings that the District Magistrate sought clear directions and guidance from the State for security on 16th October 1991, in view of the program announced by the VHP for construction of the temple. In continuation of the letter, which was not produced before me, a Radiogram dated 19th October 1991³⁷⁵ was sent by District Magistrate and SSP, Faizabad, to the Chief Secretary, Home Secretary, DGP, I.G. (Intelligence) of the Government of Uttar Pradesh, the Commissioner and to the DIG, Faizabad. It was mentioned in the radiogram, that as informed earlier on the telephone on 18th October 1991, Vinay Katiyar, MP, Faizabad, Laloo Singh and Sant Ram Dewedi, both MLAs, were carrying out the demolition of the buildings and Sankat Mochan Temple etc., which were in occupation of the various persons named therein, and were alleged to have been transferred by them to the *Ram Janambhoomi Trust*. It was specifically mentioned that the buildings etc., standing on the land were a part of the disputed land in the original suit of 1961 of the Wakf Board. In order to comply with or enforce the government's clear order to protect the disputed land at any cost, additional adequate forces may be rushed at once to Ayodhya, because it was probable that subsequent similar attempts would be certainly made in the days to come to demolish some of the other structures in the disputed land and to start construction of temple as per the announced programme of VHP. Desirability to consider government communicating with VHP etc., at their level in the larger interest of law and order too, in view of the telephonic talk between Chief Minister, Revenue Minister and Energy Minister was pointed out.

³⁷⁵ DW5/13

72.12. The Principal Secretary (Home) Prabhat Kumar maintained an ambivalent attitude with a view to let political intent dictate the circumstances. Referring to the note of Shekhar Aggarwal Special Secretary (Home)³⁷⁶ and after noticing that the land acquired by the tourism department fell within the ambit of the status quo order of the court, he ordered examination of the orders of the Courts to see if they have been violated. He took notice of the fact that the district administration had categorically pointed out that people were taking away the debris with the help of the VHP men after demolishing the buildings near the Shila Nayas Sthal and Sankat Mochan Temple where the idol of Hanuman Ji was installed. The opinion of the district administration was that the demolition and acting in such a manner amounted to violation of the Court's order. It was mentioned in the note that as pointed out by the district administration, carrying out demolition around the disputed structure or the *Ram Janambhoomi* complex could cause danger to the peace, and could create a law and order problem. The Central Government's apprehension about the volatile situation arising out of the land acquisition was known to him.

72.13. The security steps have been outlined earlier as well but need to be recalled in the current context. Security was provided for manning the Outer Cordon, ensuring access control, providing striking reserve deployed around the temple complex and road barriers. Ram Janambhoomi Babri Masjid Police station was provided with one SHO, 3 HC, 12 constables for staff was likely to be augmented after full sanction was received from government. The C.O.

³⁷⁶ DW 5/13

was made responsible for security with one Deputy Commandant, 3 DSPs of PAC made available to him being on duty in the complex. Only one Sub Inspector of the Local Intelligence Unit with the assistance of one Head Constable, that too according to the need as the sanction of the full complement from the State was awaited. Fire extinguishers with additional equipment were to be sent from the district headquarters, 2 CCTVs were provided and four were awaited, to be made available on sanction. It was pointed out that the public address system had been installed which was factually incorrect as admittedly the only public address system in the complex had been installed by VHP. Portable wireless sets were made available with one static set, ten dragon lights, generator set, tear gas squad, mounted Police, and floodlights for the entire Ram Janambhoomi Babri Masjid Complex. Rotating lights, night vision binoculars were needed to be sanctioned by the State.

- 72.14. For providing of electronic poles, with respect to perimeter wall, chain-link fence, pressure sensors, infrared beam pillars, anti-sabotage and mines were to be decided after a meeting on 22nd October, 1991. The information by the DIG (Intelligence) U. P., informing that the security presently being done on the ground was strong, cordons are in position, five effective barriers are there on roads, thorough frisking and checking is being carried out and the Police is maintaining effective control, was put on record. An attempt was made by the Home Secretary to avoid categorical directions by observing that the Legal Remembrancer in principle opined that despite civil suits and dispute the State Government had got a right to acquire the land, and to see

whether the orders of the Court have been violated or not, is the job of the Tourism Department. He further observed that it required to be determined that the site where demolitions were taking place fell within the four corners of the Court's order, and if some people were violating it by themselves, and if so, was it the duty of the State Administration or the state of U. P. to stop them? He suggested that the district administration be told that the government is of the clear view that the government and its officers should not violate the Court's order in any manner and keep up its respect. To fulfil this object all possible steps in this direction should be taken. It could not be expected that an officer of such a high level would even give a second thought or imagine any doubt about the State's duty to implement the court's orders specifically when the State itself was a party to it. The State cannot take shelter behind the veil that demolition was being carried out by the people by themselves and on their own. The implementation of the Court's order cannot be denied to be one of the State's pious duties or a constitutional obligation.

72.15. The Home Secretary prepared the record facilely and pretentiously to meet the legal requirement for some later eventuality. It may be noticed here that the District Magistrate Net Ram, and SSP Faizabad BM Saraswat, reported the above facts, and they were later transferred within two or three months of sending the report.

72.16. It was recorded that ten companies of CRPF were sent to the State on 22nd October 1991 for deployment to deal with the situation in Ayodhya vide letter dated 20th October 91 which was in fact requisitioned for the purpose,

still the State diverted the force to deal with terrorist activities and communal tension etc., and to which the Central Government objected.

73. The last quarter of 1991

73.1. Chief Minister Kalyan Singh was confronted with the press reports to refute his theory that everything was being done legally and demolitions were taking place with the consent of all. It was categorically published that the strong arm tactics were adopted by VHP for taking possession of Shakshi Gopal Temple near Ram Janambhoomi Babri Masjid complex, which had forced the Mahant of the Temple to seek the protection of the Court. VHP was out to destroy the very religious fabric and tenets of Hindus, and has forced the Sadhus in possession of the acquired land to flee from Ayodhya. It was to give an impression that everything was being done by consent. It was reported that Sankat Mochan temple was demolished despite the Stay granted by the Allahabad High Court. It was further reported, that pre and post demolition events lend credence to the conclusion, the VHP had so far used the local Sadhus and Sants, and those who did not see eye to eye with Paramhans Ramchander Das, Vinay Katiyar, Ashok Singhal, Giriraj Kishore Acharya Vamdev and the other Sangh leaders, for achieving their political ends of the BJP or the Sangh Parivar or RSS were hounded out since their utility was over. Their protests were consciously and continuously ignored by the political executive, police and the local administration on the pretentious ground that there was no formal complaint ignoring the totality of circumstances of their inability to do so.

- 73.2. Vinay Katiyar the local BJP MP used threats and the local police for getting temple and buildings vacated in the surrounding area of the disputed structure. The administration was working under the guidance of the VHP leaders Ashok Singhal, Paramhans Ramchander Dass, Vinay Katiyar, Acharya Giriraj Kishore etc, Vinay Katiyar and Circle Officer called Mahant Ram Kirpal Dass at Ram Janambhoomi Police outpost and advised him for giving up the possession before it was too late. Kalyan Singh Chief Minister instead of reacting to it and not even denying the facts stated, God knows how many stories are published in the newspapers and that there was no need to refute them or for taking any action on the reports particularly when no complaint was lodged.
- 73.3. Two to three Lakh visitors were expected during the *Parikarma* on October 3. Therefore a warning of caution on Diwali was issued. The SSP was asked to ensure coordination of the PAC and CRPF to achieve the desired objective of adequate security. It was further advised that in order to prevent any emotional biases developing in the uniformed forces, the SSP should address the force twice a day. Security was reviewed.
- 73.4. The DGP took a meeting on 21st October 1991 about the security attended by Additional DGP (PAC), Additional DGP and IG (Intelligence), IG (Lucknow), IG (CRPF), D. I. G. (Security) and AIG etc., and decisions were taken with respect to security . It was observed that since we were apprehensive about security in view of the past conduct and because of the call given for 30th October 1991 and 2nd November 1991, consequently DGP directed in the meeting that the existing barriers around the disputed

structure be maintained. The following other decisions were taken i.e., to obtain the wide spectrum explosive detectors from Delhi, a company trained in unarmed combat be positioned, that CRPF should come with cane shields and body protectors, that teargas squad, rubber bullets firing squad, ADM, SPs, Commandants to be made available round the clock, availability of the Magistrate be ensured, frisking at Ayodhya should be done by civil Police not by CRPF, IG Lucknow Zone and Intelligence should go to Ayodhya on 22nd October 1991 and check the adequacy of security.

- 73.5. Prior to 27th October 1991, taking of photographs in and around the disputed premises was prohibited. In the presence of the Chief Minister a decision was taken to grant permission for taking photographs in the daytime.
- 73.6. VHP decided to place a saffron flag on Shilanyas premises. It was recorded in the office note.
- 73.7. The Administration was directed that no flag be permitted to be hoisted on the disputed domes. The premises be checked without delay for explosives and mines etc. The disputed premises and Shilanyas site be separated with double barricading with gates and deployment of Police force so that nobody is able to go from Shilanyas site to Garb Grah. All frisking was to be stopped, gates to be secured with locks and concertina wire to be put in the barricading, the force to be provided with strong padlocks to secure the gates. There was apprehension that large numbers of people would descend on the site and may start construction on sudden provocation at the disputed

structure or damage it. Sufficient force was asked to be deployed to deal with the situation, as far as possible without using force or resorting to firing. Despite the official note observing the decision prohibiting against force, in the presence of the Chief Minister he stated that decision was only taken in 1992 December. It emerges from the evidence beyond any doubt after coming in power of BJP, the Chief Minister expressly directed the Director General of Police not to use force against the karsevaks or the organisers of the movement. Apart from this, the state administration and the executive as well as the BJP and the movement leadership expressly and by every means at their disposal sent a categorical message that no force would be used against the karsevaks. The ambience of the previous government stood obliterated and the karsevaks would be welcomed and treated with respect. They would have a free field day as they desired. I have got no reason to disbelieve after analyzing the evidence that Parkash Singh, who categorically stated that the then Chief Minister Kalyan Singh orally ordered him not to use force on the karsevaks. He pointed out that it was for the Home Secretary to put this on the official record as it was ordered during the meeting with the Chief Minister. But for obvious reasons, he consciously withheld it from the record.

- 73.8. On the 30th October 1991 the *Karsevaks* after evading the security cordon unfurled a saffron flag on the domes. They tried to damage an outside wall of the disputed structure by removing some bricks. The state apprehended that despite the flag having been removed and the attempt to damage having been foiled, still incorrect facts could be publicized by the political communal organizations to incite communal violence. The false propaganda by them

could not be ruled out. It needed a vigil for forestalling and contradicting the false propaganda. The Principal Secretary (Home) issued a circular to the District Magistrates desiring them to bring to the notice of the people that no damage has been caused. It was further required that the intelligence machinery be geared up to collect information about the design of those political and communal elements who may try to exploit the situation to their advantage³⁷⁷. A hypocritical circular was issued - the government and the political party themselves had the same objective for which the flag was hoisted. They impliedly accepted political and communal trappings in the demand for construction of temple at the disputed site.

73.9. The government having agreed to allow 500 to 1000 people gathering at Shilanyas site and the Martyrs Day celebrations. In view of this, RC Aggarwal³⁷⁸ pointed out to the DGP³⁷⁹ that there was every likelihood of the people with differing backgrounds going out of control and forcing their entry into the Shrine in view of *Prakatsave* from 31st December 1991 to 8th January 1992 and the *Ekta Yatra* of BJP, observing *Shaurya Diwas* and commencement of construction from an unannounced date. He pointed out that the *Karsevaks* had climbed the domes on the 30th of October 1991 in the presence of Nritya Gopal Dass, Param Hans Ram Chander Dass, Avaidya Nath, Morpanth Pingle, Vishnu Hari Dalmia, Acharya Giri Raj Kishore, Uma Bharti who were participating in the events. In view of the removal of the barriers for regulating the movement, security forces positioned in the

³⁷⁷ It is recorded in File 20 .200/87/D/91

³⁷⁸ CGW31

³⁷⁹ vide CGW31/2

Isolation Cordon were likely to be outnumbered with possible adverse consequences including the panic reaction of forces. Everything depended on the quantum of the State's force deployment in the Outer Cordon and Inner Cordon, which would affect their ability to control, direct and regulate the crowd. He expressed his apprehension on the possibility of confrontation between the State Police and paramilitary forces.

73.10. Intelligence reported to the State Government that provocative speeches were made in *Shaheedi Gali* still nothing moved in government, nor there is anything on the record that the force demanded was given or not. It was recorded in the official notings as a fact that though demand for 14 companies of PAC and four companies of CRPF was made by I. G. (Security) for November 1991. Assessment for the deployment of force was desired to be carried out according to the sensitivity, crowding and time with no reduction beyond the minimum force levels during sensitive times. Without providing or specifying the minimum force levels, it was further desired that the force should not be reshuffled often because orientation has to be given again and again. Orders were issued accordingly to SSP who further issued the orders as found mentioned in a letter³⁸⁰ of Godbole the then Home Secretary of India.

73.11. By 3rd of December, substantial force was withdrawn and only five companies of PAC and four companies of CRPF were left to be deployed in the whole of Faizabad district which were deployed in Ayodhya earlier. DB Roy admitted and corroborated that the above observations and orders issued and

³⁸⁰ DW 13/20

stated that the orders were observed more in violation than in conformity. SP Sinha³⁸¹ addressed a letter³⁸² to the SSP, Faizabad, on 1st November 1991 wherein it was observed that as some *Karsevaks* died in Shaheedi Gali, Shaheedi Divas would be observed where provocative speeches would be addressed by Sadhivi Ritambra etc. Apprehending that the *Karsevaks* would be agitated he asked the SSP to make preventive arrangements for the eventuality of *Karsevaks* being provoked, by providing tight security arrangements at road barriers, Shila Nayas Sthal and areas adjoining the disputed structure, keeping reserve force, teargas squad and rubber bullets squad etc. The SSP was asked to address the force. Another letter³⁸³ was addressed to IG, Lucknow Zone, by SP Sinha³⁸⁴ asking the SSP for fool-proof arrangements at the disputed site and in Faizabad city on 1st November 1991 being a Friday, which was necessary as a large number of Muslims lived in Ayodhya and Faizabad city. SP was asked to ensure that no one gained entry with shoes on. Police personnel trained in unarmed combat were required to accompany visitors to avoid mischief. Visitors were not to be allowed to stand there to sing religious songs. Recalling the incident of 31st October, 1991, arrangement for teargas squad and rubber bullets squad at the stairs with deployment of at least one platoon apart from reserve was suggested. It was pointed out that vigilance should be of top quality.

73.12. On 1st November 1991 on checking the security, it was found that the suggestions were not carried out. Providing of masonry wall, chain links,

³⁸¹ CW 12

³⁸² CW 12/45

³⁸³ CW 12/16

³⁸⁴ CW 12

infrared pillars, watch towers, iron grills, iron gates with padlocks on feeder lanes, installation of iron frame in portion of the temples, round the clock communication facility and laying of underground cables was not done.

73.13. The Joint Secretary (Home) pointed out the apprehensions about the security of the disputed structure and the non-implementation of the recommendations with respect to security because of large congregation of people in the complex³⁸⁵.

73.14. Ram Sewak SP Gorakhpur reported supported by the report of the Additional DGP, Lucknow³⁸⁶ that *Karsevaks* were coming with trishuls etc., from Gujarat, Punjab, Himachal Pradesh, Haryana, Rajasthan and Maharashtra for the *Bajrang Dal Rudra Mahayag* and Martyrs Day, that is, for observing Shaurya Divas on 30th October 1991 and *Shradhanjali Divas* on 2nd November 1991. They were being brought on the false propaganda that the disputed structure has been demolished.

73.15. It was reported that the PAC and CRPF deployed around the disputed structure got swayed by the slogan of 'Jai Shri Ram'. The fact is corroborated before this commission by the statement of Acharya Dharmendra Dev as well as by others.

73.16. Chief Minister Kalyan Singh gave an assurance to the National Integration Council about the security of the disputed structure and to abide by the courts order and to prevent any recurrence of the incidents of October 31st.

³⁸⁵ Reference may be made to CW 13/38.

³⁸⁶ vide CW 12/44

- 73.17. LK Advani stated that though the High Court decision pertained to land acquisition, but certain issues pending there were not determinable judicially, no restriction on Uttar Pradesh government to have legislation etc., would be acceptable. He stated that the recent happenings would not be repeated.
- 73.18. The same assurance was repeated by Chief Minister Kalyan Singh on his own behalf as well as the State before the Hon'ble Supreme Court which was incorporated in the Court's order on 15th November 1991. The Supreme Court issued a specific caveat for the State Government's responsibility for protection of the Ram Janambhoomi - Babri Masjid structure as well as the directions with respect to land acquisition, to be fully implemented. Directions for compliance of High Court's order dated 25th October 1991 in view of the assurance of the Chief Minister were issued³⁸⁷.
- 73.19. The DGP³⁸⁸ on 3rd Nov 1991 ordered the implementation of the directions regarding flow of *Karsevaks* to be regulated by putting up barriers. No instrument were to be allowed, rowdy and mischievous elements trying to take things in their own hand were to be dealt with strongly, the stairs were to be guarded, concertina wire was to be put up along the Garb Grah, radio telephone facilities were to be activated to maintain connectivity with Lucknow, civil Police contingent was to be deployed in Isolation Cordon, gates of *Shilanyas* site were to be kept closed and the Control Room was to be organized. Court's orders should be implemented.

³⁸⁷ Reference may be made to DW 13/20 and White Paper.

³⁸⁸ vide CGW7/11

- 73.20. All decisions appear to be facile, pretentious and therapeutic as no action appears to have been taken.
- 73.21. For the VHP's *Bajrang Yagya*³⁸⁹ *karsevaks* were to come from the districts. About hundred *Karsevaks* were there in *Karseva* Puram and Janaki Ghat with no outside leader except Purshotam Narain Singh Organizing Secretary of VHP Awadh, Onkar Mate Organizing Secretary of VHP Madhyachanchal, Shambhu Nath Singh Joint Secretary VHP of All India Vidyarthi Parishad and Vinay Katiyar. It was declared that *Karseva* would be resumed on 7th November 1991 and will continue till 16th November 1991.
- 73.22. The morale of the *Karsevaks* was observed to be low. They were saying that they have not come here to eat and sleep but to construct the temple and after calling them there they had been cheated. Acharya Dharminder Dev stated that the *Karsevaks* were emotionally upset and the Sadhus associated were expressing their resentment against the proposed symbolic karseva agreed to by Kalyan Singh. The Sadhu Samaj was in favour of early construction of the temple while the VHP and the BJP were interested in prolonging the entire construction issue to maximize the political dividends. There is nothing on the record to point out that the BJP and VHP either persuaded or attempted to implement their object of prolonging the issue of construction of the proposed temple.
- 73.23. Some of the leaders including HV Sheshadhari were criticizing the government for further complicating the matter by acquisition, since the

³⁸⁹ *vide CW 12/25*

foundation site had gone out of the hands of the VHP. It was stated that the VHP was trying to get the land handed over to the Trust. On 3rd of November 1991³⁹⁰, on the information of the SP (Intelligence Branch) Gorakhpur, that though large number of *Karsevaks* had left and only about 600 remained, still it was desired that there should not be any slackness in vigilance over the *Ram Janambhoomi Babri Masjid* complex. Instructions were issued that the security arrangement for 2nd of November 1991 would continue though it was at liberty to strengthen the security arrangements at its discretion, to maintain law and order in view of the local requirement.

- 73.24. It was pointed out that in view of the midterm poll on 15th November 1991, it was apprehended that the *Karsevaks* would engage in destructive and violent activity between 10th and 15th November and during elections, so as to gain attention and mileage for their identity and presence. In view of this, there was a greater need for ensuring a heightened vigil and frisking so that any ugly situation was avoided, to collect more information and activating the local intelligence units for security of the disputed structure, for keeping up the morale of Police, of the PAC and other forces posted on security duty in view of the apprehensions expressed by the SP Gorakhpur. In his report, he also mentioned strains and stresses in the relationship between PAC and CRPF and the need for proper coordination between them. It was suggested that a meeting of Intelligence and other concerned officers in the *Ram Janambhoomi Babri Masjid* complex be taken to apprise them of the up-to-date situation and the follow-ups needed at their level.

³⁹⁰ *vide CW 12/43*

73.25. Severe exception was taken to the non-reporting of the incident of 31st October 1991 and the need to ensure that the Control Room must work more systematically, with the posting of a responsible officer so that minute-to-minute information of all the incidents could be conveyed to the concerned officers. It was further pointed out in the report of SP Gorakhpur at Faizabad that the future programme has been decided by the VHP to mobilize young enthusiastic *Karsevaks* numbering 500, from each district, who would come and stay for a day and then go back. It was reported that another Maha Yagya would be conducted between 27th November 1991 and 14th of January 1992. At the same time, because of resentment of the Muslims and the reported incidents of 31st October 1991, a protest led by Jessica Pandey of SJP, supported by the Communists would be made. A Memorandum was given to the Commissioner and some shops at Faizabad remained closed in protest. A demand for handing over the disputed structure to the Army and a ban on Hindus entering within 200 yards of the disputed structure was raised.

73.26. A special message was sent³⁹¹ on 4th November 1991 that workers of Shiv Sena had taken an oath at the Saryu river to demolish the disputed structure. Shiv Sena and *Karsevaks* with fundamentalist beliefs and ideology would be present in Ayodhya. Such elements would take advantage of the crowd during Parikarma festival and attempt to enter the disputed structure. A special message³⁹² was flashed referring to the Police diary dated 8th November 1991. SP Sinha informed Faizabad Police that there was

³⁹¹ *vide CW 12/26*

³⁹² *CW12/24*

competition between the Bajrang Dal and the Shiv Sena to earn fame by blowing up the mosque which was in the knowledge of the VHP. The Shiv Sena was practicing archery under Krishna Kumar Pandey at Ayodhya. They were acknowledged in the official notings.

73.27. It was reported and recorded in official files by the Secretary (Home) that on 13th November 1991 the incidents of communal violence at Varanasi were not sudden but were pre-planned by some organizations and the recurrence of such attempts could not be ruled out. It was advised that all arrangements should be made to meet the situation, which was recorded in official record though Kalyan Singh had the temerity to state that there was no communal violence during his tenure.

73.28. Chaubey declined the suggestion of frisking by the CRPF on 12th November 1991. He said that it had become necessary to keep a watch, to not permit entry of persons with extremist ideology, which further required their monitoring³⁹³. SSP Faizabad was required to personally oversee and make appropriate arrangements; all the officers were required to be sensitized to this need. On 13th of November 1991 by alluding to the conversation dated 9th November 1991 the DGP Reserve Police said that they are neither experienced nor equipped for frisking and asked for directions from DGP CRPF. It was further brought to his notice that the local Police was fully equipped and trained for this and they were doing it without any equipment.

³⁹³ See *CW 12/24, CW 12/26*.

73.29. The Special Secretary, vide his note dated 20th of November 1991 informed the Chief Secretary and Chief Minister that some people with the help of the VHP were destroying buildings and taking away the debris in violation of the High Court order resulting in destructive activity at the *Ram Janambhoomi Babri Masjid Complex* and creating law and order problem and therefore additional central forces were required to be sent to safeguard the complex. The government adopted a therapeutic approach and contented itself by observing that it was the State's responsibility to stop the activity and to maintain the High Court's prestige. The State was committed to protect the disputed structure. It directed the DGP to ensure the protection of the disputed structure. JD Puri³⁹⁴ corroborated this by his statement. This is recorded in the official record.

73.30. The Central Government addressed a letter³⁹⁵ to the Chief Secretary on 26TH November 1991 after taking note of the letter addressed by the Chief Minister on 15th November 1991 to the Home Minister of India regarding the security arrangements at the Ram Janambhoomi Babri Masjid complex and informed that out of the recommendations made by the Central team for the security of the disputed structure the following recommendations still awaited implementation: provisions for 10' feet masonry wall with two barbed wire overhang as perimeter fencing, chain-link fence with pressure sensor at a little distance of from the parameter wall and installation of infrared pillars inside the corridor along with fence, setting up of watch tower all along the parameter with rotating floodlights, reliable communication

³⁹⁴ DW 13

³⁹⁵ CW13/38

facilities, provision for iron grills and wire mesh on all the windows of the adjacent building overlooking the complex, provision for iron gates with padlocks in important feeder lanes to restrict convergence of overenthusiastic crowds into the complex, installation of iron frame in the portion of temple in which stairs to the domes main structures are situated, communication facilities round-the-clock between the control room and important pickets set up around the complex, provision for 8 ft. high chain link fence with two barbed wire overhang around the power supply transformer and standby diesel generator located near the complex, and laying off underground cables for replacing the overhead electric transmission lines to connect the lighting points along the parameter to the poles.

73.31. About 250 workers of Shahjhan Pur under Vijay Singh were detained by the Police on 13th December of 1991, as they intended to picket the disputed structure. All the five barriers of Ved Mandir, Manas Bhawan barrier, Durahi Kuan barriers were open during daytime and closed at night.

73.32. On 14th December 1991, State Minister, S.C. Dixit and Vinay Katiyar went to Ayodhya and directed the District Magistrate and SSP, Faizabad, that all the road barriers on the way to the disputed structure be removed and frisking be stopped by 15th December 1991. The officers told them that this can be done only if the orders are dispatched to them by the Administration or their senior officers. It was recorded in the office noting also. The inconvenient officers were therefore transferred out.

- 73.33. It was stated by Parkash Singh that AK Saran, one of the principal police officers had loyalties outside the department and the posting of the SSP, DB Rai was at the instance of the BJP. Braham Dutt Divedi compelled the police to lower its guards which created problems for the police.
- 73.34. A decision was also taken by the Chief Minister³⁹⁶ about removal of the barriers and stopping of frisking at the desire and instance of Vinay Katiyar, Rajinder Kumar Gupta, Lal Ji Tondon, Braham Dutt Divedi, Surya Partap, SC Dixit, Ashok Singhal etc. It was brought to the notice of the Administration vide letter dated 16th December 1991³⁹⁷ that VHP workers had put bricks and cement at the site of the *Shila Nyas* and the VHP tried to construct a platform near the foundation site which the Police foiled³⁹⁸.
- 73.35. It was pointed out that the workers of the VHP were engaged in secret meetings and information was not readily forthcoming about the content of those meetings. Therefore the security needed to be reassessed and the force deployed accordingly. Removal of the forces without replacement had an adverse effect on security. The fixation of norms of the PAC and CRPF was sought. It was stated that since the Supreme Court had said that the outer wall of the disputed structure was part of the disputed structure therefore security of the entire area should be given to the CRPF as practical difficulties were being faced in security arrangements. It was pointed out that the decision of IG Lucknow, and the DGP was for deployment of four companies of CRPF and six companies of PAC in the *Ram Janambhoomi*

³⁹⁶ *Exhibit CW 13/2.*

³⁹⁷ *CW 12/49*

³⁹⁸ *Recorded in the official noting file 20.200/87/D/91.*

Babri Masjid complex in Ayodhya, while at the time there were six companies of PAC for Faizabad district, while *Govind Sahib* festival was going on for Baisakhi. It was pointed out that there were seven companies i.e., four companies of CRPF and three companies of PAC, which were asked to be replaced with CRPF. Three more companies of PAC for Faizabad, Ayodhya and Tanda towns were asked for.

73.36. It was reported that in view of the participation of large number of Sants on Ram incarnation day and the unity march of Murli Manohar Joshi where the Minister would participate, more force may be required. A request for a high-level review of security with the participation of intelligence officers along with the request for handing over the security to CRPF was made.

73.37. A letter³⁹⁹ dated 17th December 1991 was addressed by Saraswat SSP Faizabad, to the DIG AN Singh referring to the incident of 8th December 1991 when an idol of Hanuman Ji was placed near Kanti Mosque. Mazars in Ayodhya were smeared with cow dung and symbols of Shivji were placed. It was observed that the acts appeared to be attempts to spread communal disharmony. The District Magistrate Net Ram ordered a magisterial inquiry with respect to the incident of 31st October 1991 on 20th December 1991⁴⁰⁰ to enquire what the laxity was in the police arrangement and to fix the responsibility of officers. Magistrate Tiwari was appointed the Inquiry Officer. The inquiry never saw the light of the day. The SSP asked for the report on 12th March 1992 with no reply.

³⁹⁹ CW 12/49

⁴⁰⁰ vide CW 12/50

73.38. A meeting was held by the Chief Minister on 28th December 1991 and attended by Rajinder Kumar Gupta Finance Minister, Surya Partap Singh Minister of State for Home, Lal Ji Tondon Energy Minister, Braham Dutt Divedi Revenue Minister, Chief Secretary, Principal Secretary (Home), Secretary to Chief Minister, Director General of Police UP, IG Police, Lucknow Zone and the IG (Security), wherein Braham Dutt Divedi gave fourteen suggestions with regard to the security arrangement of *Ram Janambhoomi Babri Masjid* complex. The decisions taken⁴⁰¹ were, (1) there should be no restriction in the place between the bases of three domes. The barrier fixed with ropes or the portable barrier placed with a view to control the crowd, be removed (2) there should be no barrier in the open complex inside the *Ram Janambhoomi-Babri Masjid* and the visitors should have full freedom of movement. In substance, the proposal to put the flow of visitors unrestricted to the left and right of the *Ram Janambhoomi* site was accepted (3) Restriction imposed on people going round the Kaushalya Rasoi by closing the passage between the Lion gate (*sic*) and Kaushalya Kitchen being not effective and there would be full freedom of going round the Kaushalya Rasoi (4) Concertina wire on the staircase was allowed to continue (5) Sloped barricades placed on the south of the *Ram Janambhoomi* fixed in 1989 to continue (6) Barbed wires fixed on the poles of the barrier in the corner outside Kaushalya Rasoi to be removed (7) the security arrangements of *Ram Janambhoomi-Babri Masjid* has been reinforced after 31st October, 1991 (8) Pillars and pipes fixed around the foundation site should be shifted and fixed adjacent to the Wall (9) Barriers on three different roads at a distance of the

⁴⁰¹ as minuted in CW 13/34

temple be removed by removing the sliding barrier and poles to continue (10) In respect of the request for selective frisking only, it was not agreed to in the meeting (11) Four sides of the acquired land were fenced with barbed wires, replacement of which would be thought of after building a wall around the acquired land (12) Tin shades put up by the department have been removed (13) Soil should be sent for testing (14) Barricading in the south side of the Katha Mandap, which was put up to control the crowd, should be removed after the Unity March.

73.39. By 30th of December seven road barriers from feeder road and leading to the structure near Manas Bhawan, Ved Mandir, Rang Mahal and Durahi Kuan were removed. It was decided that crowds should not be allowed at the entrance gate on the way from Hanuman Garhi barrier to Ved Mandir, and access controlled or regulated, stairs to be covered with concertina wire, gates to Shila Nyas to be locked and concertina wire be put up and security on the main gate to the Durahi Kuan to be provided.

73.40. SP Sinha vide his letter⁴⁰² dated 30th December 1991 referring to the letter⁴⁰³ in pursuance to letter dated 28th December 1991 mentioned possibility of a rift between the VHP, Bajrang Dal and *Ram Janambhoomi Sewa Samiti*. He noted competitive singing songs between VHP and others. Lal Das's disciples were opposed to VHP, mutual rivalry was reported.

⁴⁰² CW 12/47

⁴⁰³ CW 12/48

- 73.41. DGP Parkash Singh⁴⁰⁴ addressed another letter dated 30th December 1991 pointing out that since it was agreed that the pipes pitched around the foundation site were to be shifted near the wall, mechanical support be provided by PWD authorities so that the poles could be re-fixed in minimum time in case of need. It was intimated that the security measures / arrangements be modified as minuted above.
- 73.42. DGP Chaubey on 31st December 1991 in a letter, pointed out that the removal of barriers installed for regulation of the crowd was having a material bearing on protection of the Ram Janambhoomi Babri Masjid Complex where CRPF was deployed.
- 73.43. In conclusion, based on the totality of circumstances, facts and on analysis, and the conduct of the officers later appointed to high posts, it leads to the inference that inconvenient officers dealing with Ayodhya were transferred from time to time to suit the government to achieve their election manifesto, or their promise to the electorate. Kalyan Singh, when asked to explain these facts and comment, as an intelligent witness tried to remain vague and played with the words rather than dealing with the sum and substance of the radiogram and the note prepared by the Home Secretary for action to be taken which in fact was sent. There cannot be direct evidence about the intentions of the party or a person, and yet the official note of the Home Secretary amply demonstrates the working of the mind of the state, its officials and the political bureaucracy when he said it is for the Tourism Department to determine whether the High Court's orders are being violated

⁴⁰⁴ CW14

or not as it apparently required a great effort to determine whether the stay order applied to the site, whether the state was bound to stop the *Karsevaks* while they were violating the Supreme Court's orders. In the face of the well-known fact brought to the notice of the Government, that it was Vinay Katiyar and others, with the help of the VHP who were carrying demolitions at the site, the Government rather than stopping them, did not even formally ask the VHP to stop. Implicitly the conduct of Vinay Katiyar etc., was approved and no action was taken against him or others. A façade of compliance of the court's orders and keeping up the prestige of the court's orders was expressed by the UP Home Secretary. He recorded that we should ensure that court's orders are not violated by officers. It was still kept open that the people may or can do it.

73.44. It can further be observed, rather a reasonable inference can be raised that the administration was not only depending for law and order on VHP, in fact the state was not acting nor taking any categorical stand with respect to the security of the disputed structure. The local administration was under political pressure of Vinay Katiyar, Braham Dutt Dewedi, Lalji Tondon, Rajinder Kumar Gupta, Surya Partap, SC Dixit, Ashok Singhal, Acharya Giriraj Kishore, Paramhans Ramchander Dass, Avaidya Nath, Champat Rai and Laloo Singh, Revenue Minister, Excise Minister etc. and the local legislators for permitting the VHP or the local leaders to have their way for the construction of temple. The State administration, political executive, police etc., were either actively, or passively by their overt and covert acts, conniving with the local leadership of the VHP in the legal and illegal

activities carried out at Ayodhya. It gave a categorical message that the state meant business, meaning that there should be construction of temple by any means and at all costs.

- 73.45. A pretention of asking the DGP to provide the additional force was made. The fact is further corroborated when undisputedly a flag was unfurled on the domes, provocative speeches referring to one religion were made, so much so that the buildings were demolished in violation of the court's orders and the Chabutra was built under the leadership of Vinay Katiyar, when in order to maintain and sustain the facade of compliance of the court's order, Murli Manohar Joshi went to Ayodhya to stop the construction.
- 73.46. The escalating mobilisation successfully carried out by the Sangh parivar resulted in growing frenzy amongst the Karsevaks. The communal and religious fanaticism was intended to provoke the adherents of the other religion against which it was directed, who were no less guilty of contributing to the vitiated atmosphere as the Sangh Parivar.
- 73.47. The Police and the local administration neither took any action against the executors of acts, nor enhanced the security. Nothing was done on the ground, much less by substantially strengthening the security, which was visible or could be felt by the common man or by a person carrying such thoughts to counter any possible threat to the disputed structure. Even the IB team which went for inspection on 30th October was attacked by a mob. The State administration, political executive, police and the local administration was totally insensitive to the developing situation. Facts are

recorded in the office notes of the state which do not show that other than statements, anything else was done on the ground.

73.48. There is an old saying that *temperate reasonable language appropriate to the argument is the foundation of logic*. The speeches are only a small part of means of expression, which draws on all arts, gimmicks, gesture, ambience, attitude of the speaker etc., which in fact convey more than words. The language of the speeches were so modulated as to convey the unmistakable impression that the cause being espoused was fundamental to the citizens of the country and anybody who thought, felt or spoke otherwise, would be deemed anti-national if not a traitor. The speeches of the leaders or icons were followed by local leaders. Neither their speeches nor they themselves were under the control or discipline of any centralized agency. The contents were always a mixture of passionate appeals for dominance of the majority sentiment, need to correct the lapses of history, and deliberate manipulation of the legality of the rights of the majority, to overwhelm and prevail, and establish its will over every contrarian position.

73.49. The sequence of events from 1991 with regard to the security arrangements at the disputed site, various initiatives, and the nature of responses, make an interesting spectacle of how the political and bureaucratic machinery of the state approaches the issue of security of the citizens and their property. To begin with, the distinctive police forces belonging to the State and the Centre approached their responsibilities with differing perspectives. The SP of Faizabad stated that there was no dispute⁴⁰⁵ after discussion with CRPF

⁴⁰⁵ *vide letter CW 16/5*

officers. He emphasized on the responsibility of the PAC with respect to law and order. Subsequently letter were exchanged and a report was made by SC Chaubey in April 1992. OPS Malik stated that SC Chaubey visited *Ram Janambhoomi* complex along with DV Mehta IG, Lucknow Zone, CK Malik IG (Security), DIG Faizabad, SSP Faizabad and District Magistrate who after discussion with respect to the security arrangements made suggestions. In view of the demolition of the buildings in the *Ram Bhoomi Babri Masjid complex*, levelling of adjoining lands, and forthcoming *Ram Navami* festival, it was pointed out that with the filling of the depression near the *Ram Janambhoomi Babri Masjid* on the southern side, effectiveness of the barbed wire fencing on the Outer Cordon had been diluted which made it easy for the rowdy crowd to reach the disputed structure and possibly cause damage.

73.50. Levelling had made available more space for congregation of crowd near the disputed structure which posed a greater danger to the disputed structure and danger from projectiles too was spelt out. Request for revising the security plan was made. It was suggested that entry to the Garb Grah should be regulated and not more than twenty persons be allowed at a time, who should further be escorted by civil police. Crowd should be regulated from various places within and outside Ayodhya town and should not be allowed to congregate near the entry points. It was further suggested that CRPF be deployed in the inner cordon also. Even on 2nd December 1992⁴⁰⁶, JS Bisht pointed out that a large gathering near the entry points would overwhelm the CRPF personnel, which may result in law and order problem. He requested

⁴⁰⁶ vide CGW 16/4

for regulating the entry and recommended the posting of gazetted police officers with wireless sets to regulate the crowd properly.

74. Planning for security

- 74.1. On prognosis of experience of various police officers or as specified by various authors on police planning and from the evidence of the security of the disputed structure, various factors and principles were needed to be kept in view while planning security
- 74.2. Anticipation, instant police reaction, strength of the force required, some part of which to be kept reserved for deployment to reinforce those already deployed was needed. Decision were required to be taken with respect to the quantum of the reserve forces taking into account factors like the nature of problem, expected crowds, extent of their being armed, extent of their motivation, place or location etc. Planning for strategic positioning of forces, taking into account the existing as well as internal security measures including the area for crowd dispersal, temper or militant nature of crowd, provisions for normal free flow of traffic to be maintained, availability of army support, the accessibility by the police or paramilitary forces to the disturbed area or place were required to be planned in advance.
- 74.3. The need for use of weapons has to be considered keeping in mind the adequacy of police strength for aggressive crowd, requirement of the decisive tactics, need for planning of tactics and strategy, eliminating delay and procrastination in decision making. There was a need for a show of force and for deployment of tactical riot police formation using the element of surprise. It needed handling the mob simultaneously from the rear for creating fear as

it is well known and experienced that the timid members of the mob will always be at the back of the crowd.

- 74.4. The mob leaders should be apprehended and mischief mongers and undesirable elements identified and apprehended beforehand as incidents of looting etc. may be unexpected but may spread quickly. Simultaneous reconnaissance and collection of information and intelligence through local contacts of potential mischief mongers and rioters should be organized. There is a constant need for surveillance to be fortified
- 74.5. The area affected requires to be sealed with barricades and roadblocks which are physical and psychological means of containment. It is too obvious that in case of a direct conflict between police and mob, several layers of barricades provides room for manoeuvring. Barricades with manpower support provide obstacles to person trying to go in or out. Inter-twining barbed wire provides increases their effectiveness. Using of concertina wire for temporary barricades was needed.
- 74.6. Arrest teams, vans, photographers, press people and videographers were required to be used as it dampens the enthusiasm of those who want to remain anonymous. Steps had to be taken for political and public support for crowd control irrespective of the desire of the elected government.
- 74.7. There was a need for steps to be taken for strong organizational planning and ensuring logistical support to the forces at the spot. The character or nature or reputation of the force including the caste and communal factors or their inclination for particular cause had to be kept in view. Aggressive patrolling

was needed to be fortified

- 74.8. It was opined by RC Aggarwal⁴⁰⁷ IG CRPF, that the basic principles required for crowd management is that the crowd is kept within manageable limits, is divided into manageable segments, there is deployment of adequate force and access area is controlled.
- 74.9. AK Saran opined at Kumbh Mela the requirements for the crowd management were sensitizing the area, establishing police post at different places, developing intelligence about the movement of terrorists etc., acquiring knowledge about the movement of anti-social elements, establishing contact with other states, motivating forces, providing adequate passage for the free movement of the people and police in case of a stampede etc.
- 74.10. BP Singhal an experienced police officer of the rank of DGP and an office bearer of the VHP opined that in order to control the huge crowd one method is to make an arrow formation so that you can enter towards the arrow and the crowd keeps moving back as the arrow head formation moves on. The other method is by organizing a slant kind of wall moving in a diagonal manner pushing the people gradually back. The force at low-level gives support and the crowd keeps shifting towards the desired direction. Regulatory processes are a part of crowd control management i.e. one has to have barricades, dedicated pathways and breakpoints etc., where one can stop the pressure of the crowd at any point of time one likes.

⁴⁰⁷ CGW31

74.11. He opined on a rough and ready reckoning that a force of about two hundred to three hundred is required to control about 1000 people which again depends on whether the force is ready to use Lathis, tear gas, or open fire; and if not, then the need is for a massive force. He stated that one of the factors for crowd control is to see whether the crowd is loose as in the case of melas, or whether it is a determined crowd with a set objective or purpose. Two powerful persons are needed for controlling one berserk person. Similarly one squad of police using tear gas can hold back the crowd from one particular direction.

74.12. The roads determine the width of the crowd, while in case of a crowd in an open area, the tear gas shell is required to be exploded to one side of the crowd. Peeyush Srivastava⁴⁰⁸ admitted and opined that tear gas can be effective within one hundred square feet and if the wind is favourable, it can affect 300 square feet for 10 to 25 minutes. He further opined that 200 yards of open space or field is required for firing and reloading shells which was never available at any point of time at the site of the *Babri Masjid* domes. His statement to the fact that tear gas shells were fired is false, in view of the predominant statements of other witnesses as well as from the fact that no fired shells were recovered. SC Chaubey pointed out that the effect of a long-range tear gas shell is 135m and offshore is up to 90m. The distance between the disputed structure and the place of chanting of the *mantras* was 75m.

74.13. In order to control the crowds, public and political support is a condition precedent, regardless of the desire of elected governments. It needs

⁴⁰⁸ CGW10

independent timely correct response to the situation and not knee-jerk reaction. Experience in command is required, as is good judgment, strong organizational planning, logistics support to the force, and high morale of the force. A disciplined, ably led police force is the sine qua non for crowd management and control.

- 74.14. Suspicion has been defined as a means for which no cogent evidence or documentary evidence is necessary. Knowledge includes personal knowledge and knowledge derived from documents or from sundry other sources such as intelligence, gut feelings and an innate sense of the majesty of law and a degree of reasonable suspicion. It may arise on account of the conduct of the suspect's demeanour, gait, movement, dress, time, place and number of other circumstances with indefinite criteria. Hunch is not baseless suspicion or instinct, but relevant to the specific reasonable inferences which one is entitled to draw from the facts, in the light of his experience. Usually the tactical principle adopted by the Police force as axiomatic in the forces is planning, acquiring information about various aspects of the crowd and finding ways and means to deal with each situation for dispersing the rioters. Obvious means and ways for dealing with the crowd or mob are sealing the affected area, establishment of parameters, establishment of physical security in the area, exit and access in each unit of the area, chances of mob accepting alternatives, aggressive mobile and foot patrolling, establishment of guard and beats, punting etc . There can be no real step-by step guide for such circumstances. Suffice it to say that all concrete steps can only follow when there is honest intention and planning for an object to be achieved.

74.15. Lathi charge could not be carried out because of the requirement of space in the Inner Cordon, which space was in fact not there. The statement of OPS Malik with respect to the lathi-charge cannot be accepted. Reference may be made to the statement of Ram Lal⁴⁰⁹. BP Singhal and others accepted that Intelligence usually vaguely informs about the potentiality of violence and not about its nature. It further emerged from the statements of AK Saran, Uma Shanker Vajpayee, DB Roy, Bisht etc., that to regulate a crowd of 200 disciplined people one needed 30 people and if not disciplined it needs a company's strength. Similarly an opinion emerged from their statement as well as of Akhilesh Mehrotra that one constable can control 100 people in peacetime, while with barricades he can do more. During riots or in the case of a frenzied crowd a company would be needed to handle 200 undisciplined people. Anju Gupta opined after referring to the book of PPS Sidhu that access control management in streamlining the flow of the crowd by making potential entries insurmountable etc. are the basic parameters in crowd management. It emerged from the substantial reading of opinions that the ratio of deployment required is 1:10 to control 1000 to 8000 people of a peaceful crowd, while in case of a riotous crowd, 6-20 companies are required at a distance of 500 yards from the object to be secured.

74.16. Guidelines and policy has been laid down for administration of police by the Criminal Procedure Code, PAC Act of 1948, Police Act, UP Police Rules, regulations and administrative instructions, issued from time to time. It has been laid down therein that ordinarily the decision making officer should be

⁴⁰⁹ CGW15

from an area that is close by; he should possess local knowledge and have a working system of information at his disposal. If possible the officer should not be connected with the majority caste or religion where policing is needed extensively. It was envisaged therein that the force should be conversant with the topography and have knowledge of the rioters' nature and the intent of the crowd. It is obvious that the minimum requirement for ensuring the security of the disputed structure was, planning for it. It is envisaged that it should be made in advance, with perception, hindsight, foresight, and far sight keeping in view the character, morale, past conduct, fanaticism, sensitivities of issues, and attitude of the leaders, their influence among the locals, capacity of liberal attitude, past happenings and incidents, defiant mood of crowd or its leaders, requirement of forces to meet the force of the crowd, need for use of arms etc. In the Inquiry we need not go into the innumerable circumstances calling for use of force or firearms to disperse the crowd. It has been observed by various authors that it is a proven social phenomenon that the number of persons desiring to flee from the danger area on the scene of mob action usually outnumber the curious onlookers from outside the area desiring to enter the area to see or participate in some way in the events taking place, which is further augmented by TV and radio coverage. Innumerable factors show that there was in fact no planning for providing security to the disputed structure.

74.17. It can be concluded that the police never used teargas on the Sixth of December 1992, the fateful day. Requisition of tear gas squad was merely eyewash.

75. State of the security arrangements in 1992

- 75.1. The state police was totally hamstrung in various ways. None of the factors or basic principles or past experience for crowd control were taken into consideration either in July 1992 or in December 1992 for policing at Ayodhya or Faizabad at any level of the state. No contingency plan for crowd control or for security of the disputed structure was worked out. The views of the aggrieved party were not taken by the police for policing around the disputed structure. Instead, the protagonists and organizers were consulted by the police from time to time. Evidence on record suggests that organizers of the movement were browbeating the administration in political and executive spheres. They were claiming that they themselves were the State Government.
- 75.2. It emerged beyond doubt that the local leaders, particularly Vinay Katiyar, Ashok Singhal, Mahant Avidyanath, Mahant Paramhans Ram Chander Das, Acharya Giriraj Kishore, SC Dixit, BP Singhal and Champat Rai used to be closeted almost day and night with not only the officers of the local administration but also with the officers in the higher echelons of the administration, who were posted to their specific posts at their insistence or at least with their consent. They intentionally became tools to act for the political executive to achieve their election manifesto as well as a veil for their state activities for achieving the political objectives of the political party.
- 75.3. The organizers of the movement were fully satisfied about the pliability of

the administrative officers posted who proved to be loyalists by not only supporting the goals and methods of their masters, but also by veiling them from the people and the media. There was total abdication of professionalism in the administration, police, bureaucracy, and executive. The political executive went about its game plans. Attempts were made to convey that the Police is with the *Karsevak*. Slogans to that effect were raised, "*Badi khushi ki bat hai, Police hamara sath hai*". From prognosis of the facts, evidence, circumstances and conduct of administration, police, bureaucracy and political executive, it leads to the conclusion that the requirements of pre-planning or planning or of any contingency plans for security of the disputed structure and for crowd control were consciously not made.

76. December 1992

- 76.1. The *Karsevaks* started reaching Ayodhya in November 1992 on the mobilization for construction of temple specially undertaken by the icons of the movement like LK Advani and Murli Manohar Joshi and others leaders as well as by the states governed by the BJP apart from the protagonists of movement. The *Karsevaks* were motivated and indoctrinated with the belief in the Hindu religion and that the disputed structure was constructed by Muslim rulers at the place of temple of Ram who is believed to be incarnation of God by Hindus. The disputed site was labelled as the sign of slavery, which needed to be removed. The hate towards the disputed site and Muslims exacerbated the differences between the two communities and claimants to the site engineered through provocative speeches and slogans , religious discourses and religious parodies by the leaders carried out from time to time during various mobilizations.
- 76.2. Paramhans Ramchander Dass and Vinay Katiyar claimed in the press conference on 5th December 1992 that *Karseva* would be carried out effectively for construction of the promised temple at the disputed site.
- 76.3. Ashok Singhal claimed and declared that *Karseva* would not be by Bhajan and kirtan, it will be one decided by Sadhus and Sants, and not by the courts. Proclamations that the temple will be built at all cost were made and it was declared that neither the courts nor the state nor the administration had the

courage to stop the construction or the so called *Karseva*⁴¹⁰.

- 76.4. Kalraj Mishra⁴¹¹ accepted and admitted the presence of an aggressive and hostile crowd while stating that the security arrangements were made for both the situations i.e. peaceful as well as aggressive. This is contrary to the stand of the administration and the police officers who stated that the arrangements were made for a peaceful karseva and with no threat of damage to the disputed structure. It is also contradicted by the provocative speeches delivered by the temple protagonists. The delivering of provocative speeches and raising of slogans was affirmed in the report of the Bahri Commission on which reliance was placed by the counsel Ralla Ram Gupta, the advocate for the Union of India and Vinay Katiyar who emphasized it in his statement.
- 76.5. The provocative nature of the slogans is writ large in the slogans themselves which are referred to in this report at various places. Many of the witnesses, particularly those who were in the forefront of slogan shouting, the leaders or the icons of the movement, including KS Sudarshan, Ashok Singhal, Uma Bharti, Acharya Dharmender Dev, DB Roy, pleaded amnesia or made blatant denials of these slogans having been raised at all.
- 76.6. All surrounding circumstances and the ambience were designed to impress upon the Sadhus and Sants and the *Karsevaks* that their presence was not symbolic. The *Karsevaks* were convinced that the 'big' day had come and this was the 'real' thing. The fact has been stated by none else but the IG, AK Saran, present at the spot.

⁴¹⁰ See statement of CGW 49 CK Mishra before this commission and his report published in CGW 49/D.

⁴¹¹ CGW10

- 76.7. A climate of acrimony that had been assiduously built up. There was also no leader or icon who intended to, or who could prevail over the overenthusiastic or worked up belligerent leaders or karsevaks.
- 76.8. Little men with king sized egos and even bigger ambitions were playing a part with the sole object of acquiring larger than life images, through the temple construction crusade. Champat Rai, who was admittedly in charge of the construction at the spot declared that the *Karseva* would be carried out with guerrilla strategy. The karsevaks were exhorted for demolition of the disputed structure.
- 76.9. Karsevaks or their leaders owed sectional loyalties to their own benefactors. The leaders of the movement, local or otherwise, were undisciplined persons with no individual ideological persuasion, but drafted as foot soldiers through mobilization by RSS, VHP, BJP and others.
- 76.10. Frenzied and hysterical people were allowed to converge on Ayodhya for the event of 6th December 1992. They were a religiously emotive people and were hostile towards the disputed structure. The assertion that the crowd was peaceful is nothing but a facade and a spin given through the media. Vinay Katiyar stated that in case of dissolution of the Uttar Pradesh government, it would be opposed. The crowd became more aggressive because of the rumours of the imposition of President's Rule and of dissolution of the government duly elected by them. The organizers, notably the RSS, changed their plan of action of karseva by calling them in batches, urging them to converge on the same day with an object to oppose the possible imposition of

President's Rule. It appears that even the apprehension of imposition of President's Rule by itself was a coined thought to create an ambience by gathering the crowds.

76.11. The government, both bureaucratic and political executive, had knowledge of the nature of the crowd being frenzied and of militant nature. They clearly apprehended danger to the disputed structure. It was for one and all to see that the situation was tense in Ayodhya and it was accepted to be so by organizations as well. For reasons best known to the Administration, under a self-assumed illusion continued harping that the crowd was peaceful. It appears that the Administration either local or otherwise wanted to pull a veil in order to achieve the object of fulfilling the manifesto promises. There was no political will to keep the crowd under any control. The government of the time was conscious of their coming to power on the emotional manifesto of the construction of the temple and their stability and return to power depended on it.

76.12. The chaos was rooted in the political ambience created by the State Government under Kalyan Singh. The situation on 6th December 1992 was designed for disaster. They succeeded in attaining that objective.

76.13. Succinctly and finally, the position that emerged on the ground on 6th December 1992 was that the pilgrims were required to enter from road through a gate on Durahi Kuan Road. It is here that they were frisked. They passed through a double barricade providing two lines one for men and other for women, parallel to Durahi Kuan road, used to reach an opening in piped

barricade forming an outer cordon, thus entering the outer cordon through the piped barricade, with no restriction shown on the movement of the persons entering it. The pilgrims used to enter Inner Cordon through a door in a wall around the disputed structure thereby reaching the open place where the Ram Chabutra was located. There was another wall encircling the disputed structure, with two gates in it. Darshnarthis used to enter the disputed structure within the walled area known as Isolation Cordon within which the Garb Grah was situated. There is a staircase in the Isolation Cordon for going to the roof of the domes, which was closed by putting concertina wires on it. The gate on Durahi Kuan road was an iron gate. The exit route from the Isolation Cordon was from Singh Dewar to Kaushalya Rasoi in the Outer Cordon from there through the Raghbar Dwar to Durahi Kuan Road. The gate known as Singh Dewar was in this wall near Kaushalya Rasoi; this was the exit gate in the Outer Cordon with an opening in it on the Durahi Kuan. Two other gates opened in the acquired land, where Shila Nyas and other places in the Ram Janambhoomi complex were situated. Two walls were constructed as the boundary wall of the worships site in 1990.

- 76.14. There was no entry route exclusively for the police to the disputed structure on 6th December 1992. There were three exits and entry points in the walled area. JD Puri stated and pointed out that since the work was going on round-the-clock, the entry and exit had been regulated through the Raghu gate which was in fact closed for the 6th of December. The exit and entry was not possible till the metal road from Channel gate to Raghu Gate of 10-feet wide providing three channels/barricades lanes were provided. Deen Dayal

Gupta⁴¹² stated that there was no specific route and there was only one route for calling of the force. Ganga Prasad⁴¹³ stated with respect to there being no passage for the Police force to reach the spot at the time of need. The only entry and exit was from Singh Dewar. No force was deployed on the security wall near the Sheshavtar Mandir⁴¹⁴ or even on the back of the disputed structure.

76.15. Almost all persons present on 6th December 1992 at Ayodhya were *Karsevaks* and not pilgrims. The Administration was totally oblivious to the topography of Ayodhya since it provided a paltry force of only 2300 constables for the whole of Ayodhya to manage a militant and emotionally surcharged estimated crowd of three Lakh *Karsevaks*. The crowd was present there only at the instance of the national and state political parties reputed to be Hindu minded, religious leaders, and self-proclaimed social organizations participating in the movement for construction of the temple. Hardly any force was provided to keep watch on the roads specially between Faizabad and Ayodhya in order to allow for a smooth flow of *Karsevaks* or free flow of forces scattered and kept away or for rounding up the dangerous or rowdy gangs and to disperse the crowd in any eventuality and that too with no equipment not even nominal ones. Added to it, the restraint on use of force emboldened the karsevaks. Even whatever forces Kalyan Singh deployed for the security of the disputed structure were cosmetic. He declined to deploy paramilitary forces despite the offer of the Central Government which he

⁴¹² DW2

⁴¹³ CGW 53

⁴¹⁴ See DW 13/21, CGW 23/2, 22, 45, CW 8/3 and the statement of CGW 47, 53, DW 2, DW 9, DW 11

allowed only when the objective of the manifesto promises had been achieved and virtually nothing was left for the forces to protect.

76.16. A pretentious argument was made that since no party had complained about a frenzied crowd or raising of any provocative slogans, therefore force was not deployed in strength. This is patently unsustainable and also speaks volumes about the nature of governance or about the team of advisors from the administration. Or else, it was an intentional act for the hidden reasons for political objectives.

76.17. DB Roy admitted that the force or PAC sanctioned, comprised mainly of either trainees or untrained recruits. They did not have enough time to acclimatize and acquaint themselves with the local conditions to protect either the karsevaks or to maintain law and order or to keep peace.

76.18. Anju Gupta stated that entry from Police Control Room (Manas Bhawan) was quite open and there was crowd pressure from both sides of the barricading. The crowd present in the pandal at the construction site near Shesh Avatar Mandir needed to be regulated. There was no physical barricading between Ram Dewar and outside of it, which provided easy scaling of the walls *en masse*, and entry to the premises. There was no streamlining of the crowds towards the Chabutra and from there to the exit on the western side Gate, which made the entire ground open and available, for thousands of people to come in suddenly and occupy. There were no security personnel on the roof of the domes of the structure preventing the *Karsevaks* from demolishing it. There was no cross examination challenging

the facts stated by Anju Gupta, the security officer of LK Advani on the fateful day. There is no reason to disbelieve her on these facts since as the security officer attached to LK Advani she had unrestricted access to all the happenings and overall scenario in the *Ram Janambhoomi Babri Masjid* complex. NC Padhi stated that the Police allowed the public meeting in the vicinity of the vulnerable object, with their hands tied and in view of the order not to fire against the *Karsevaks* by order of the Chief Minister, with which I concur.

- 76.19. AK Saran admitted the loopholes in the security and attributed them to lack of correct intelligence reports with respect to which he had neither complained nor asked for any intelligence reports on particular subjects. No plain clothes personnel were operating in the mob⁴¹⁵. Agitators or *Karsevaks*, undesirable elements in the town, or in the mob or amongst the leaders were never kept under surveillance within the bounds of law. OPS Malik⁴¹⁶ said that he had no channel for getting information with respect to the apprehensions about damage to the structure. It was recorded in official record that the RSS and other organizers of the movement were holding secret meetings and consequently officials were finding it difficult to get information. It was stated and admitted that the media and officials of the administration had brought to the notice of the State Government the apprehensions about the commencing of the construction and their apprehension was that the organizers or the *Karsevaks* could commence the

⁴¹⁵ See statement of AK Saran and CW 9/12

⁴¹⁶ CGW16

construction without the announcement for the same at any time or cause damage to the disputed structure.

76.20. The deployment of local intelligence unit constituted of three members with eight hourly duties under a Superintendent of Police responsible for communicating the information and to keep an eye on *Darshnarthis* and that too not on *Karsevaks* to report any thing of significance. This was totally disproportionate to the requirements of the situation. There being a total absence of surveillance, there was a lack of intelligent analysis of visible facts, and the information available with the state. There is no other evidence or document brought to my notice from where one can infer the strength of deployment of intelligence personnel from the Centre or the State. Even the morsels of intelligence received or the knowledge acquired from the press were taken as doubtful or was not taken note of, for getting prepared for such a situation, and it was blithely stated by the local administration that the intelligence never reported about the threat of demolition of the disputed structure.

76.21. Even the small force deployed was never asked for any surveillance on the *Karsevaks* when the distinction between the *Karsevaks* and the pilgrims or the *Darshnarthis* who fall in the latter category was too obvious. As disclosed by OPS Malik⁴¹⁷ they were hardly ever present except on 6th December 1992. The number of persons deployed for such a large gathering of *Karsevaks* spread over the large area of Ayodhya itself speaks volumes about the

⁴¹⁷ See CGW 16/9

seriousness to deal with the security of the disputed structure, by the people in authority or the Administration.

76.22. The evident failures were arising either out of complicity or a collaborative security setup designed to fail, so far as the State Government was concerned. The logistics were worked out in a calculated perverse manner to achieve the first step in the construction of the new temple, i.e. the demolition of the old structures.

76.23. Shamsher Singh⁴¹⁸ stated that nothing was done by the Police to stop the entry of *Karsevaks* in *Ram Janambhoomi* Babri Masjid complex or the disputed structure. The *Karsevaks* attempted forcible entry into the Puja Sthal on the arrival of L.K. Advani. It was only the RSS workers who resisted their entry, but the Police remained silent spectators⁴¹⁹. He further stated that after LK Advani, Murli Manohar Joshi and Ashok Singhal had addressed the gathering. No attempt was made to stop the demolition. To justify the gathering of such a large crowd it was stated, that Chinmayanand and Vijay Raje Scindia gave an undertaking that the *Karsevaks* would not involve in any construction activity and only perform certain rituals. The Supreme Court ordered that no construction activity would be carried out. It was stated that since the Supreme Court had not put any embargo on the number of people to be collected, therefore no restriction could be put on the *Karsevaks* coming to Ayodhya. The said justification was suggested to NC Padhi who denied it. The same explanation was put forward by Kalyan Singh

⁴¹⁸ CGW 30

⁴¹⁹ Refer to CGW 13/19

for gathering of such a large crowd in the *Ram Janambhoomi Babri Masjid* complex on 6th December 1992. This is nothing but a made up defence after the event. The same parroted explanation in regard to the gathering of such a large crowd in the complex at Ayodhya was given by the administration, executive officers, police, and the organizers of the movement. Police allowed the crowd to grow thereby making law and order impossible. It was a deliberate act not to manage or organize the crowd. The Police and District Magistrate said that there was a complete lack of manpower to control the crowd. Peeyush Srivastava⁴²⁰ stated that the security arrangements were made, keeping in view a minor possibility of assault for which the officers were instructed too. He accepted that the intelligence department in the meeting taken by IG on 5th December 1992, in the Control Room expressed the possibility of assault. Hence it is difficult to accept that the state Administration was oblivious to the potency of the situation.

76.24. Deen Dayal Gupta affirmed the presence of belligerent, defiant, militant Karsevaks in massive numbers in the Ram Janambhoomi complex as well as in Ayodhya. Leaders with similar intent and opposed to mere symbolic *Karseva* were present in the Ram Janambhoomi complex as well as in Ayodhya, since November 1992. SP Gaur admitted to the violent and uncontrollable nature of leaders like Uma Bharti, Vinay Katiyar, Paramhans Ramchander Das, Acharya Dharmender Dev, Sadhvi Rithambra etc. They recalled an incident about Uma Bharti slapping a Police constable. On 15th September 1992, SSP, Faizabad reported to DGP about an incident

⁴²⁰ CGW10

regarding Vasudev Nanda Jagadguru's skirmish with Assistant Commandant, J.K.P. Rai. The visit of ministers on the pretext of looking into the security at Ayodhya, but in fact for overseeing arrangements for *Karsevaks* etc., was corroborated. Complaint of misbehaviour of the CRPF personnel with the M.P. Uma Bharti, President of Sant Samaj Vamdev and with one woman traveller from Manipur was lodged to browbeat the security personnel⁴²¹.

76.25. In fact the *Karsevaks* damaged the Mazar on 1st December 1992 and still no planning was done or steps were undertaken to beef up the security. AK Saran admitted that there was no traffic plans received and that they were only talked about and no barricading was put on the way before demolition. He admitted that they did not conceive that the crowd would go out of control. He further stated that the main thrust of the arrangement was to stop the construction and obviously security of the disputed structure was not a consideration of any importance. He stated that in view of the Supreme Court order permitting symbolic *Karseva*, that there was no use not to permit the crowd to go near the structure or provide security for the same.

76.26. It is evident that a concerted effort was made to show that the State was taken by surprise by the events of 6th December 1992 and it had catered for a symbolic *Karseva* allowed in terms of the Supreme Court's orders and hence it took a complacent view of the events unfolding at the *Babri Masjid* site. Nothing can be more childish and more amateurish than this blatant attempt to mask their ineptitude and more than that, their habitual proclivity to shroud their complicit role. All emphasis was for achieving the object of the

⁴²¹ See the statement of CW-9 SP Gaur and C.W. – 9/5.

manifesto of the then political party in power. AK Saran himself admitted that mind was not applied towards the fact of crowd's capability to forestall the movement of the paramilitary forces in case of their being requisitioned; though it again runs contrary to the admitted fact that the political executive with express orders of the Chief Minister had decided not to deploy paramilitary forces for reasons of their own, which one may imagine but on which I would not like to hazard a guess on.

76.27. The police failure to contain rioters was due to political pressure and timidity of the officers or their desire to please their political bosses or a combination of all these. No guidelines and responsible action plans to prevent and control civil disturbances were made out. No public announcement was made to deal with the potential rioters by force etc. There was neither pre-planning nor a thought had crept into the mind of the Administration to deal with threatened or sporadic acts providing stimuli for mass aggression. Preplanning is unthinkable in view of the Commissioner's admission that he did not know the duties of the police. A. K. Saran, IG, admitted that he did not have any knowledge of the security plan of 1990.

76.28. A theory was put forth that the temple could be constructed without destroying the disputed structure. This appears to be an after-thought inasmuch as during the long course of the movement it was never declared so. Rather despite the undertaking given to the Supreme Court as well as to the NIC with respect to symbolic *Karseva*, no decision was taken by any of the participants for symbolic *Karseva* till fifth of December 1992. A therapeutic decision for the symbolic *Karseva* was made at Ayodhya as late as

the 5th of December 1992, that too was not conveyed to anyone outside Ayodhya. Icons of the movement still continued mobilizing karsevaks for construction of the temple at the disputed site. Quite a substantial number of *Karsevaks* and their leaders were opposed to symbolic karseva and had been declaring all along that *Karseva* would be carried out for the construction of the temple. It was being asserted that the construction of temple would be carried out at *Garb Grah*.

76.29. It was reported by the intelligence as well as the Administration as early as 20th of November 1992 that Shiv Sainiks, were proclaiming that the actual *Karseva* for construction would be carried out on sixth of December 1992 and they are opposed to the theory of symbolic *Karseva*. It is unthinkable that the Administration should not have planned anything consciously. There is nothing to assume that the police and Administration was hostile in 1990. It was observed and admitted by the commissioner Faizabad SP Gaur himself that the Administration and police was neutral in 1992. It points out the attitude and prejudice of the Commissioner himself.

76.30. NC Padhi⁴²² stated that *Karsevaks* were allowed to stay in the walled area, and their camps were near the security wall on three sides of the disputed structure. The *Karsevaks* were allowed to hold meeting in the vicinity of the object of their hate.

76.31. Attempt was made to make it appear that the leadership of the movement was a divided house – while one section was for early construction of the

⁴²² CGW 22

temple at the disputed site, others were intending to carry out only symbolic karseva and to follow the courts' orders. Predominantly, the leadership was vociferous for the construction of the temple. Even leaders like Chinmayanand used to denounce their own undertaking given to the Supreme Court as a mere paper statement. They reiterated that the karseva would be carried out for construction of the temple at the site of the disputed structure.

76.32. The leadership with the participation of the State herded the *Karsevaks* to Ayodhya. Manmade circumstances were created so that neither the Administration nor the leadership nor anybody else could do anything to save the structure. In view of the belligerent stance of Karsevaks administrative functioning and numerical force made available at the spot, it was physically impossible to control the frenzied crowd in the surcharged and hostile atmosphere and ambience.

76.33. Basic principles required to manage the crowd by keeping them within manageable limits and preparing a contingency plan were patently not observed, though RC Agarwal⁴²³ asserted that the requirement of force was worked out for preparing the contingency plan with respect to which privilege was claimed. It was stated by him that the Commission would be taken into confidence. No such contingency plan has been shown or produced for July or December 1992 nor any such plan existed. It appears that *ad hoc* arrangements were made now and then giving an impression of a security plan. DB Roy in anticipation of a future defence wrote a note for

⁴²³ CGW31

holding a higher level meeting to decide about security arrangements in order to prevent administrative problems⁴²⁴. No action was taken on this note nor was any corroborative material brought on the record before the Commission.

76.34. A request was made to IGP security that security plan should be made by sending the DIG security to Ayodhya and establishing a contact with the DIG Faizabad though presently the SSP was taking sufficient steps⁴²⁵. A DO letter dated 12th October for preparation of security plan with respect to disputed structure in view of the gathering of public as pilgrims in October and November 1992 was sought for. DIG Faizabad and the DIG security intelligence re-inspected the arrangements. They desired further tightening of the security and the CRPF to work under the control of State Government. Suggestions of DGP CRPF were not considered by observing that there was no possibility of starting construction work⁴²⁶. It was pointed out that mainly the local Administration would be responsible for the security arrangements. Belatedly on 3rd December 1992 AK Saran asked DIG Uma Shankar Vajpayee for the required traffic management and crowd regulation to be foolproof and the formation of team to detect undesirable elements, which were never done.

76.35. SP Gaur stated that the security arrangements were made keeping in view the eventuality of the crowd going berserk, though without having any meeting with the Organizers and knowing the object of the crowd, nature of

⁴²⁴ See CW 8/ 5, 6

⁴²⁵ See CW 8/8.

⁴²⁶ See statement of CW 8 A.K.Saran and CW8/10.

the crowd, persons likely to participate as he himself has stated. It otherwise also runs contrary to what DIG Faizabad and DIG Security observed when they asked for security plans i.e. there was no possibility of starting construction work. It also emerged from evidence as observed earlier that farcical arrangements were made only for traffic regulation or for symbolic karseva. SP Gaur only for the first time before the commission stated that the arrangements were made keeping in view crowd going berserk. He opined so without having participated in any security arrangements. His statement runs contrary to that of other witnesses.

76.36. He admitted that the demolition was by hardly 200 to 500 people; technically it should have been done by a person well acquainted with the demolition of the buildings. Police showed their inability to control the crowd. It is corroborated from the video cassettes produced before me.

76.37. DB Roy admitted that the object of the barricades was to regulate the flow and movement of pilgrims to *Shila Nyas* site or disputed structure in the context of the security of disputed structure and in order to maintain law and order. Param Hans Ram Chander Dass admitted that there was no barricading between the place of meeting i.e. Ram Katha Kunj where people were being addressed by leaders and the *Shilanyas* site. AK Saran admitted that he was not consulted with respect to the barriers.

76.38. There was a clear breakdown of consultation with paramilitary forces since January 1992 as per NC Padhi⁴²⁷.

⁴²⁷ CGW32

- 76.39. It is too obvious and an inference cannot be denied that the police and the administration were acting at the instance of political executive who wanted to achieve the object of their manifesto. Parkash Singh DGP⁴²⁸ stated that the Chief Minister orally ordered not to use force against *Karsevaks* in the meeting held in July 1992 for which the Principal Secretary (Home) must have recorded in the files, which was not done.
- 76.40. The articulation of governance pretending to be in accordance with the constitution was intended to evade the imposition of President's Rule before the disputed structure had been demolished. Narasimha Rao, the then Prime Minister stated in Parliament on 27th July 1992 that Chief Minister of UP had said that he could not shoot the karsevaks. SB Chavan⁴²⁹ stated that the Chief Minister categorically ordered the forces not to use coercive measures.
- 76.41. It is expected that the police force or the force would not be under specific instructions as to limit of force, ways and means of its use and where or when to use. In the present case the police and the administration surrendered its statutory powers to the political executive and the Chief Minister who issued specific direct instructions, refraining from resorting to firing or to use force against *Karsevaks*. There are no statutory powers – discretionary or otherwise - vested in administration or police enabling the surrender of such powers to any other person or power. These powers can only be exercised by the person in whom they are vested. The administration of the police is usually expected to use force when needed or at least show of the force likely to be used. The

⁴²⁸ CW 14

⁴²⁹ CW 4

government in order to clear just expectation of use of force by the state, issued special instructions not to use force⁴³⁰. There was no rationalized publicity or right preparedness for use of force; rather it was the other way round. No public announcement was made to deal with the potential rioters by force etc. Mark Tully⁴³¹ stated that no effort was made by the police to establish its authority and the whole town was in the control of the crowd. I have no reason to disbelieve his analysis.

76.42. Emphasis was laid by the officers who appeared before this commission that the security was planned for 6th of December 1992 and reviewed from time to time. NC Padhi has specifically stated that the State Government vide letter dated 17th November 1992 from its Chief Minister Kalyan Singh specifically informed home Minister SB Chavan that there is no need for security review and maintenance of law and order is the responsibility of State Govt.

76.43. On the 6th December total force deployed was 35 companies of PAC, four companies of CRPF with one female company, 15 inspectors, 38 sub inspectors, 2300 Constables, 15 tear gas squads along with SSP Faizabad, IG Lucknow zone etc were deployed at the disputed structure, the Ram Janambhoomi complex and Ayodhya town⁴³². A.K. Saran, Uma Shanker Vajpayee, D.B. Roy SSP Faizabad, Akhlesh Mehrotra, Ram Lal, Commandant PAC were present at the spot on 6th December 1992. They were responsible for the security. Here another fact may be noted that the

⁴³⁰ See CW8/3.

⁴³¹ CW 1

⁴³² See the statements of CGW 7, 8, 21, 23, I, 32, CW 7, 19, 14, 19, 20, and DW7 and CW 7/22 CGW24/9 CGW 25/A CW9/7 CGW4/4.

Chowki Ram Janambhoomi had a jurisdiction of 4 km. It had a force of eight constables. Choti Chawni, Janaki Mahal trust, control room and disputed structure etc were important places falling within its jurisdiction. It was admitted by Ram Lal⁴³³ that the security wall was scalable and one Constable posted at a distance of 6 feet was incapable of doing anything. There is nothing on record to show whether Rapid Action Force was deployed. No patrol was deployed. Nobody was on duty on the back of the structure as admitted by SP Gaur.

76.44. Hari Das Roy was appointed the *Maha Nirdeshak* (Law and Order) and he ordered deployment of 1400 PAC men and required them to report on fourth of December 1992. DB Roy SSP categorically stated that some of the force allocated for Ayodhya reported after the event that is the 6th of December 1992. It became impossible even to sensitize the force to deal with the situation.

76.45. Only therapeutically decisions for security like raising the height of the security wall with the earlier decision not to check the karsevaks was taken on 4th of December 1992. Controlling the crowd inside *Ram Janambhoomi* Babri Masjid structure was stopped. The finances for the purpose were still not decided. It was falsely recorded that there was constant patrolling by the police on the security wall. In fact, there was no patrolling, much less effective patrolling. Similarly it was pretentiously recorded that the threat perception was different in 1992 as compared to 1990 and that three separate access passages that is one for men, one for women, one for forces, had been

⁴³³ CGW 15

created. Improving of lights though approved, was yet not carried out for want of instructions for implementation.

- 76.46. The control room was shifted to Sita Rasoi in order to widen the access of entry of the worshippers to the shrine, despite having been accepted on record that the Sita Rasoi building was dilapidated, from where it would be difficult for the Control Room officers to rush to the structure at the time of need.
- 76.47. Admittedly the two CCTVs were found insufficient for scanning all the parts of the complex or the structure and though more were approved yet there is nothing on record to show that they were installed.
- 76.48. An official noting falsely reported that there would be PAC jawans with guns on 13 places with three patrolling parties and that a public address system was installed by the Administration, whereas there was none as admitted by DB Roy, SP Gaur and other prominent witnesses.
- 76.49. Information was sought by the Government of India with respect to the number of karsevaks expected to congregate on the 6th of December, their mode of travel, and who was providing it, the prominent leaders expected to come, the effect of various programmes chalked in the meeting of the *Dharam Sansad* at Delhi for *Karseva* on the 6th of December 1992 in view of the security arrangement made on the belief that the karsevaks would themselves look after the security. It further required it to be informed about the communal dimensions of the problem at Ayodhya. The situation was

assessed to be fluid and the need for special police arrangements and protection of 29 mosques in Ayodhya and Faizabad was emphasized.

76.50. Local Administration pointed out the insufficiency of force and asked for more force. The demand was declined because of non-availability of force and secondly it was observed that since the symbolic peaceful *Karseva* has been ensured by the organizers so no force was required for security of disputed structure. The Chief Minister declined deployment of Para Military forces on an excuse that they had been stationed without his consent. The DGP too declined the additional force by observing that the force was sufficient. It had been specifically admitted by the District Magistrate as well as the SSP, that there was a complete lack of manpower to control the crowd, which was ensured by the political executive by expressly denying utilization of the paramilitary forces. It would be reasonable to infer that it was a calculated, intentional act on the part of the government and the political executive supported by the Administration and the bureaucracy or the police, who went along with their political mentors for reasons best known to them.

76.51. The Chief Secretary of the state was informed that the Principal Secretary (Home) had received a message⁴³⁴ on 2nd December, 1992 from the Joint Secretary (Home) about the rise of communal tension in Ayodhya and the likely damage to the mosque, and intimation⁴³⁵ about the Muslims leaving as being terrorized and a member of AIBMC attacked by mob. The Principal

⁴³⁴ CW 13/17

⁴³⁵ CW 13/19

Secretary (Home) sent his report to the Centre⁴³⁶ with regard to the information sought about the construction and their activities⁴³⁷.

76.52. VK Sexena⁴³⁸ admitted the fax dated 4th December 1992 sent by the Central Government which emphasized the need for making adequate arrangements for access control, frisking etc. of those entering the *Ram Janambhoomi-Babri Masjid* structure, need for appropriate backup and strengthening the security of the disputed structure with respect to enumerated shortcomings referred to elsewhere in my report. The deployment of paramilitary forces was declined by the Chief Minister to whom he attributed his reservations about the operational command etc.

⁴³⁶ See CW 13/18 and CW 13/20

⁴³⁷ CW 13/31

⁴³⁸ CW 13

77. Gross mismanagement and dereliction of duty

77.1. The force provided continued arriving even after the 6th December when no time was left for their deployment. Nothing was done to ensure the identification of *Karsevaks* landing at the spot. No steps to isolate local criminals, professionals, fringe operators generally joining riot action for personal gains were taken. The police or the authorities not only utterly failed in predicting that there would be sudden upsurge, which was too obvious *rather* they went to the extent of providing a congenial environment for it. The police force and the Administration failed to dominate the crowd right from the early stages while it was vulnerable, rather if it can be said that, it allowed it to grow to reach a flashpoint of being uncontrollable. To add to the patent hostility of the gathering crowds, fuel was added by provocative slogans like "*Hindu, Hindustani, Hindustan, rest go to Pakistan*" "*Badi khushi ki baat Hai, police hamara saath hai*", There was no check provided for the people roaming around raising undesirable slogans or making overtures around the disputed structure or in the town. Some of the slogans like "*Ek dhaka aur do, Babri Masjid tor do.*" "*Ram Lalla hum aye hain, Mandir yabin banayenga*" were too well known having been raised, and even admitted by OPS Malik⁴³⁹. Still the leadership present at *Ram Katha Kunj* or in Ram Janam Bhoomi complex denied it. Deen Dayal Gupta who further accepted slogans were raised from *Ram Katha Kunj* where there was a public address system corroborated the fact. Mahant Paramhans Ramchander

⁴³⁹ CGW 16

Dass⁴⁴⁰ admitted that people were raising provocative slogans and they were in favour of Ram.

- 77.2. Large number of such slogans were heard and read in the newspapers and heard in the media etc., though persons like Ashok Singhal and Uma Bharti had the audacity to deny the admitted slogan like "*Ek dhaka aur do Babri Masjid tod do*" It was admitted by Param Hans Ram Chander Dass that it was not possible for the police force in any number to stop such a large number of people and protect the structure. He admitted that no constabulary was seen and there were specific instructions from the Chief Minister not to use the force. Mahant Paramhans Ramchander Dass⁴⁴¹ admitted that senior leaders like Mahant Avidyanath, Swami Vam Dev, Swami Ramchander Paramhans and Swami Nritya Gopal Das repeatedly and clearly announced that *Karseva* will start, on 6th December, therefore the question of stopping *Karseva* or changing the venue did not arise⁴⁴². Mahant Paramhans Ramchander Dass admitted having repeatedly announced through the mike to the *Karsevaks* that demolish the structure, you will not get such opportunity again⁴⁴³. One can see the double facets of even the leadership when a leader like Uma Bharti in her attempt to suppress facts said that journalists were her source of information yet she did not get information with respect to the danger to the disputed structure or the slogans or the slogan on walls or distribution of pamphlets or of audio cassettes or her knowledge that in case of no construction of temple agitation

⁴⁴⁰ DW-11

⁴⁴¹ DW-11

⁴⁴² DW-11/9

⁴⁴³ DW-11/10

would start. Denials or non raising of slogans cannot be accepted as apart from the video cassettes/CDs produced before me recording such slogans, the prognosis of the evidence supports the fact that the slogans were raised. Reference may be made to the statement of J. S. Bisht.

77.3. It has come in evidence in the video graph that Param Hans Ramchander Das said "*De denge le lenge, nahi to lad ke lenga*" "*Badi khushi ki bat hai, police hamara sath hai*", etc. Provocative speeches and slogans were affecting forces who subconsciously or consciously carried the prejudice, be it religious or otherwise. Neither actually nor otherwise any steps were taken to contain them nor were any attempt made to do so despite the government being conscious of it which was obvious too as they were demonstrative in 1992 at Ayodhya.

77.4. Not even simple attempts were made by the Administration or the police to disperse the crowd or dissuade the *Karsevaks* from their undesirable, provocative innuendos and instigatory acts. Police did not take any steps to contain the so-called declarations of senior organizing leaders or the Sadhus that they are not affected by the Supreme Court order and they would follow the directions issued by the Sadhus and Sants who were asserting categorically that the construction of the temple would be carried out on 6th of December 1992 irrespective of courts orders. The Police and Administration had not taken any action despite a news item published on 25th November 1992 reporting the claim and declaration of Champat Rai the *Sangethan Mantri* of RSS at *Bhagwada Charya Samark Sadan* that Guerrilla strategy would be adopted on 6th of December 1992. He was

admittedly in charge of construction of the disputed structure at the site. Not even a formal inquiry was made from him much less from others. Open proclamation was made by Ramesh Chander Srivastava, organizer of the BD stating that the workers of BD would work under their own leader and accordingly do the Karseva and that the temple would be constructed at all cost. The police took no action. The political executive run by a political party wanted their agenda for construction of temple to be achieved, in spite of their declaration that a particular structure would be protected, which in fact was never intended. It was reported by Rakesh Sinha⁴⁴⁴ that the police was taunted. This fact has been corroborated by Acharya Dharmendra Dev and other witnesses. There was stoning of CRPF and not the district police or PAC. The PAC or local police was participating in Darshan in uniform during duty hours. Neither Police nor the Administration nor organizers made any efforts for checking, or controlling the crowd or regulating Darshnarthis, *Karsevaks*, either for the entry to the disputed structure, or *Ram Janambhoomi* complex or the town of Ayodhya itself.

- 77.5. The organizers had originally planned for visit of 20,000 people at a time and then decided to call all the *Karsevaks* without even informing the Administration. No supervision or control over people or the *Karsevaks* entering Ayodhya was made by the police. It was asserted by the witnesses from amongst the organizers that all the *Karsevaks* were called under the compulsion of apprehensions of dismissal of the government and in anticipation of likelihood of the President rule being imposed resulting in

⁴⁴⁴ CGW 19, in CGW 19/12

deployment of the central forces. The intelligence reports available with the State and Centre were since 26th of November 1992, indicate that about 10,000 *Karsevaks* had clandestinely been positioned in and around Ayodhya. Still neither the police of the district, nor of Ayodhya, nor the Administration took any steps to contain them or to even find out their intention, which obviously could not be plain and simple symbolic *Karseva*.

- 77.6. The Administration or the police did not take any steps to stop the *Karsevaks* from proceeding to Ayodhya or regulating their entry at any point in the state of UP. One can observe no security arrangements were thought of or provided for such a large unmanageable frenzied crowd by the police or the Administration or the organizers. The Chief Minister was leading the Administration till the final demolition of the domes. Ram Lal⁴⁴⁵ admitted that though the Chief Minister cannot give direct orders, still he used to do so, though later he prevaricated and said in the next breath that no orders were given by him directly.
- 77.7. For the entry of the media, passes were issued by the VHP or the organizers whose In-Charge was one Ram Shankar Agnihotri. It is by itself a clear pointer that it was the organizers who were running the Administration and deciding who should be allowed entry and who should not be, though it is expected to be the job of the Administration.
- 77.8. Police did not take any steps to stop or contain the beating of photographers and journalists representing the media right from fifth of December 1992

⁴⁴⁵ CGW15

onward. The police did not take any action with respect to the other incidents happening prior to sixth of December 1992. Reference can be made to the video cassettes produced before me.

77.9. The Administration and management was allowed to be carried out by the RSS volunteers and not by the police or the Administration themselves. DGP Tripathi admitted that accessibility to the disputed structure was relevant for security. The police or the Administration did not manage, or organize or create adequate barriers to the accessibility to the disputed structure. Demolition did not take place from the roof of the domes. It was carried out systematically and scientifically from under the domes. A suggestion was made that plain clothe policemen were stopping the entry of *Karsevaks*. There were no premises for it. It was nobody's case i.e. police or Administration that any plain clothes policemen were even deployed. Reference can be made to the statement of Suman Gupta⁴⁴⁶ as well as Mishra⁴⁴⁷ and Nirmala Deshpande.

77.10. It would also be reasonable to infer that due to the political climate and timidity of the officers in the Administration or induced by an innate sense of compliance of political master's wishes they took no decision independently. Prabhat Kumar, Home Secretary stated that no officer be he from police or a bureaucrat or executive or political executive took any independent decision with respect to Ayodhya or issue relating to it after taking over the Chief Ministership by Shri Kalyan Singh. He used to take

⁴⁴⁶ CGW9

⁴⁴⁷ CGW 49

decisions on it. No other person or other officer was allowed to take any decision with respect to Ayodhya or issue relating to it despite some statutes ordaining certain officers like district Magistrate to take independent decision and implement same. The police and political executive took no effective steps to dilute the aggression towards the disputed structure. Quite the contrary it was aided and abetted in myriad ways. People were mobilized by the government itself for the same and they continued aggressively. The bigoted feelings of majority as well as minority communities continued. The fiery speeches, hoardings, slogans, all devices were used to sway passions. The congregation of *Karsevaks* was allowed up to the Babri Masjid. The Police or Administration ignored the previous conduct of *Karsevaks*, their fanatical disposition particularly when the same was being projected through words, latent and patent acts on public stage platforms or in private talks and even calling the acts to be heroic acts. No permission for congregation right under the contentious object, or about the spot for congregation was taken by the organizers. Police took no action when Swami Chinmayanand, a politician cum Sadhu who gave an undertaking in Supreme Court for symbolic *Karseva* and when he subsequently declared in December 1992 at Ayodhya that it would be actual *Karseva* and that the statement in the Supreme Court was meant for judicial deference. Reference can be made to the video CD produced before this commission and which is available in the evidence. The Police had not taken into consideration the past acts of damaging the disputed structure which provided a preface to acts or happenings of December 1992.

77.11. It appears that the inadequacy of human resources to protect the structure was intentionally taken advantage of by the system itself, state administration's inertia and proverbial feature of intransigencies of top heavy Administration. Reference may be made to the statement of Suman Gupta. Ashok Singhal and other VHP leaders openly stated that the *Karseva* would not be carried out according to the directions of the Supreme Court but as per the directions of *Kendriya Marg Darshak Mandal*. The crowd too was mobilized and motivated for the carrying out the Karseva in accordance with the directions of Sants and Sadhus and not in accordance with the Courts' directions. A façade of compliance of Courts' order was maintained. Organizers and the political and administrative executive were in fact acting and conducting themselves contrary to what they were spelling out to the media or otherwise holding out to the courts or to the public. It cannot be denied that such a crowd had the potentiality of being unlawful. CD Kainth stated that PAC was standing in groups when the demolition was in full swing.

77.12. There were no specific instructions to the police to clear the obstructions between Ayodhya and Faizabad. The police and the administration made no planning which gets affirmed when OPS Malik admitted that no planning was made ensuring the movement of forces in the eventuality of need of force at the spot. No paramilitary forces were deployed in view of the stand taken by the Chief Minister regarding stationing of forces without his consent. Force was requisitioned after obtaining the orders of the Chief Minister. Forces met resistance on its way to Ayodhya. The Police failed to remove the

hurdles on the way. The Police failed to even disperse the crowd resisting the movement of forces. The Para military forces which were requisitioned were sent back to the barracks under the orders of the District Magistrate.

77.13. A determined group of people broke the security cordon and marched towards the disputed structure from near the *Manas Bhawan Choraha*. It gives an impression that the administration was waiting for the grand finale. It was asserted that an attempt was made to stop the *Karsevaks*, which cannot be believed as there is nothing on record to show how and in what manner it was done, especially when the police was refrained from firing and use of force against the *Karsevaks*. Obviously the police and the administration were under a make-believe fear psychosis of mass reaction. The psyche generated in the absence of effective deterrent action by the Administration emboldened the *Karsevaks* to run the spree of destruction and demolition with impunity and fearlessness.

77.14. No one drew up a fall back plan for what to do if the organizers or *Karsevaks* decided to renege on their words. Instead of using force, the police force withdrew from the scene and vanished till the demolition was complete and the idols were installed in the makeshift temple. It was a planned coup.

77.15. The Chief Secretary, VK Sexena found that there was no problem of cooperation between CRPF and PAC which is contrary to the evidence of other witnesses including the Chief Minister etc. The Chief Secretary stated that there was no need to regulate entry of Darshnarthis on ordinary days except on festivals which was already there. He fully knowing the distinction

in Darshnarthis and *Karsevaks* stated nothing about the need of regulating the crowd of *Karsevaks* despite what happened on the Ram Navami festival in April 1992 as stated by SC Chaubay⁴⁴⁸. Frisking and checking though stated to have been provided on the face of it was a farce. Manual frisking of a large crowd was not possible. Ram Shankar Agnihotri made the arrangements for journalists on Manas Bhawan with the police force deployed and nothing was done when the journalists were being beaten there, and the police was not able to clear the passage for the paramilitary forces between Faizabad and Ayodhya where the number of *Karsevaks* was about 2000, creating the blockade as stated by Peeyush Srivastava⁴⁴⁹.

77.16. Madhav Godbole⁴⁵⁰ stated that powder valued at Rs. 3 Crores was stated to be imported from United Kingdom for crowd control by sprinkling on face. Nothing was heard about the use of the same.

⁴⁴⁸ CGW 23

⁴⁴⁹ See the statement of Chief Secretary and CGW 23/4.

⁴⁵⁰ DW 13

78. The inadequacy of planning and response

- 78.1. No substantial and effective security steps were taken despite of the threat perception because of the large crowd. Prabhat Kumar accepted in July the danger to the disputed structure because of the large crowd though the Chief Minister Kalyan Singh refuted this.
- 78.2. The arrangement for such a frenzied crowd mobilised not only by political leaders but also by Sants, religious leaders, social workers etc. with provoked anger against the disputed structure in terms of patriotism, was a canard or a farce and insignificant. Particularly when the religious faith of one religion was challenged by stating or describing them as invaders or perpetrators of injustice, thereby inciting *Karsevaks* to take *revenge* at all cost, be it life, against the other community, which is admittedly a distinct religious group.
- 78.3. Proposed minor cosmetic security steps were taken but the same were rendered totally ineffective by the one order that the force would not be used and no firing would be resorted to under any circumstances. One is left to imagine that what a force of thousand or so could do to meet the sea of humanity collected in small cramped area in the complex. The impatient crowd was allowed to grow to such an extent, that it became impossible to meet their brute force of sheer numbers.
- 78.4. The Magistrate leading the force, Sudhakeran, on receipt of a message from the District Magistrate from the control room at Sita Rasoi directed the

troops to go back to some safer place and be ready for further orders⁴⁵¹ at 1.45pm. No order came thereafter.

- 78.5. It was attributed to Adeb Magistrate that “*we do not want the massacre of Karsevaks by sending the RAF troops and do not want the RAF jawans to be lynched by the frenzied mob*”. It was so reported in media⁴⁵². It was specifically pointed out by Raman Kirpal⁴⁵³ that the local residents of Faizabad and Ayodhya played a major role in blocking all the approach roads. He stated with respect to post event fact that on 7th December only about 300 *Karsevaks* gave nominal resistance in the movement of paramilitary forces, which was easily overpowered⁴⁵⁴. RK Wadhwa⁴⁵⁵ corroborated the basic facts that the District Magistrate approached him for providing four battalions. Immediately, 24 companies were released by 1.15 p.m. and left the Dogra regiment camp accompanied by a Magistrate. The request for release of total 50 companies was received. District Magistrate was requested to send Magistrates and Circle officers to accompany the forces, who never came. He stated that still the persons like DB Roy whom he called a show boy of the state, and who aided in the disaster of 6th December 1992, had the audacity to state that paramilitary forces were only preparing *Pesh Bandi*. He further stated that DB Roy appeared to be more proficient in preparing a defence for his own inefficiency and grave misconduct in the discharge of his duties. He

⁴⁵¹ *vide order CGW 16/11*

⁴⁵² *CGW 24/2*

⁴⁵³ *CGW 24*

⁴⁵⁴ *See CGW 24/3, 4*

⁴⁵⁵ *CGW 36*

stated that the hot line from Garb Grah ceased to function at 12:30pm. I find truth in the statement of R.K.Wadhera⁴⁵⁶ and believe him as such.

78.6. Deen Dayal Gupta a patent supporter of the protagonists of the movement, admitted in his statement that slogans were being raised from *Ram Katha Kunj* roof. There was a public address system and the icons of the movement, all the leaders, organizers, Sadhus and Sants and the protagonists of the temple construction movement were present at the Kunj, the roof of which was used as a raised platform to address public meetings. The respectable leaders or officers in spite of being present at the *Ram Katha Kunj* either totally denied the raising of slogans or pleaded amnesias in order to avoid embarrassment.

78.7. None from the Administration had the control over the public address system of organizers. It was installed by the organizers of the movement and they were in control of it. It was used by the leaders or organizers of the movement only. Ram Lal⁴⁵⁷ admitted there were no means or instruments or equipment for giving instructions to the force at the spot or in the field or in Ayodhya. It was accepted by him that there was no communication or contact with the officers or force, consequently no action was conveyed during the period the demolition was being carried out. There were no means of communication, or contact between CRPF, police officers, or control room, or district police or PAC or other officers of the Administration. The wireless set available with the CRPF in isolation cordon

⁴⁵⁶ CGW 36.

⁴⁵⁷ CGW 15

could provide communication between the CRPF control room and officers present in the isolation cordon and that too ceased when the *Karsevaks* stormed the isolation cordon⁴⁵⁸. Walkie-talkies were available only with the Sub Inspectors or inspectors alone.

- 78.8. The bureaucrats tended to use the Ayodhya issue as a launching pad for personal advancement. The hidden desire of police officers to encash the dividends in national politics became evident by their post event conduct. The problem was not what was needed to be done but who was going to do it. In totality of the facts and circumstances here in the Administration or the police did not take obvious steps much less as an expert in administration to obliterate the known consequences or one which can be perceived by an ordinary prudent person in a coherent administrative system. The government had been openly objecting to comply with court's orders and protect the structure. The government from the very inception by its conduct, active or passive acts was implementing its political ends rather than discharging its constitutional obligation. All fingers were pointing towards this inevitable conclusion. They maybe through the means of articulation of the speeches, political speeches, conduct in day-to-day life, implementation of policies or courts orders, government declarations, style and pitch of declarations, or sending signals to one's cadre or creating some circumstances in ordinary course to achieve the political manifesto by subverting the constitution politically to achieve its political objective rather than governing in terms of constitution provided by the people to govern themselves.

⁴⁵⁸ See statement of PN Ramakrishna CGW 21

- 78.9. The political executive run by the political party wanted their agenda for construction of temple to be achieved, in spite of their declaration that a particular structure would be protected which in fact was never intended. The construction of the temple was an organised illusion to anesthetize the masses of the country to rediscover their Hindu identity while the leaders and pretentious saviours feathered their political futures no matter if India's existence was jeopardized.
- 78.10. The Administration, executive, bureaucracy, political executive, Sangh Parivar, organizers of movement, protagonists of temple construction movement and police, constituted a cooperative or cartel to deliberately demolish the disputed structure to achieve the objectives given in their election manifesto. Therefore all the acts of the State Government were veiled to put the articulated acts in terms of the constitution. I may hasten to add that the constitution was twisted and its letter and spirit bent for political ends. They supplemented each other in attaining the object of construction of temple. As a necessary corollary, in the process intentionally, virtually no security of the disputed structure or arrangement for crowd management was provided.
- 78.11. The events after the 1991 advent of the BJP government in the state of UP up till the demolition of the disputed structure, were however marked by rank inefficiency and incompetence. During this period the subversion of the constitutional machinery in the state by the political arm of the state was compounded by administrative subterfuge and political doublespeak.

78.12. The State Government, local Administration, Executive, bureaucrats, Political Executive was in the know and conscious of the threat perception and apprehensions of demolition or damage to the disputed structure. They vacillated, procrastinated, but willingly. The stand of the state or of the executive or of the political executive or the statement of the icons or D.B. Roy as well as that of other witness was, that there was no threat to the disputed structure nor was there any apprehension with respect to the demolition or damage to it. This stand and the statements cannot be accepted, and is falsified from the conduct of the propounders. In totality, the evidence on record and the conduct of the officers on the spot at the time of demolition and after demolition leads to the only inference, especially taking into account that it was an intentional and a conscious act, abetted by the local officers, the administration and the executive, D.B. Roy, AK Saran, SP Gaur, Parbhat Kumar, Ashok Sinha (the then Secretary Tourism) etc., to appease the Political Executive and the chief Minister, Kalyan Singh, whose object was ostensible compliance. It was no less intentional and a conscious act of the Administration, to keep its eyes closed to the developing situation and fulfilment of its election manifesto.