

121. THE JOINT COMMON ENTERPRISE

- 121.1. Leaders, political and otherwise, are always on the lookout for “*the issue*” which can be used in order to arouse the passions of the people and which can catapult them into the limelight. It is well known, that once any dispute, disagreement or disenchantment, whether genuine or man-made, comes or is mischievously brought to the surface with a hidden or wrapped motive, leadership and organizations develop around it.
- 121.2. In a multipolar and diverse country, outbursts of anger are not uncommon and pent-up emotions and passions can build up sufficient inertia to sweep across the nation and in the process, lines are crossed and chaos ensues. The leaders’ personal ambitions only serve to magnify and amplify the problem.
- 121.3. The lack of a government elected on the sole plank of Hinduism at the centre ever since independence had caused resentment amongst a small part of the society. This frustration was stoked and carefully nurtured and converted into violent anger which was used for political gains.
- 121.4. The questions which must be answered is, whether there is sufficient evidence to suggest that the events leading up to, and of the 6th of December 1992 were in pursuance to, or the result of a conspiracy premeditated and planned and by whom it was done.
- 121.5. For the reasons enumerated in this chapter and in the other parts of my report, the question must be answered in an emphatic affirmative. The

incidents of December 6th were neither spontaneous, nor unpreventable. They were the zenith of a concerted and well laid-out plan which encompasses an entire pantheon of religious, political and mob leadership. It was a successful and well concealed plan of the authors of the movement who also managed to stay outside the public limelight until the actual events unfolded.

121.6. It is an undisputed fact that many leaders including the so called Sadhus and Sants, politicians and others including LK Advani, MM Joshi, KS Sudarshan, Uma Bharti, HV Sheshadhari, Parmod Mahajan, Ashok Singhal, Paramhans Ramchander Das, Vamdev Maharaj, Acharya Giriraj Kishore, Vishnu Hari Dalmia, Vinay Katiyar, Professor Rajinder Singh, Champat Rai, RS Agnihotri shielded the name of many others whose names could not therefore be ascertained despite a prolonged enquiry. Witnesses repeated well rehearsed stories and evaded cross examination by pleading a sudden loss of memory or lack of knowledge. They denied or failed to admit even those details mentioned in the BJP's own white paper. The witnesses consistently made efforts to protect the principal leaders like LK Advani, MM Joshi and AB Vajpayee who in their assessment were likely to come to power. They were also overprotective of the principal RSS leaders like KS Sudarshan and Vamdev Maharaj for obvious reasons. All these people were uncontroversially present in Ayodhya or even in the Ram Janambhoomi complex on the 6th of December with the exception of AB Vajpayee who was travelling from Lucknow to Delhi.

121.7. In totality, it becomes obvious that some leaders were consciously kept out of the operational area or planning in order to protect them and preserve their secular credentials for later political use.

122. The seeds of the conspiracy

- 122.1. All the leaders of Sangh Parivar and the various persons who joined the movement at any point of time or other, have their character bound by ancient conflicts whose actual purposes were clouded. They shared a common “struggle” mentality with their ideologues and were drawn to any kind of a struggle or philosophy, be it of Pundit Deen Dayal or Veer Savarkar. There is no gainsaying that some people simply have a contrarian and anti-authority mindset.
- 122.2. Ayodhya was an irresistible issue for political parties and leaders to use for their own benefit. After the dubious installation of the idols in the disputed structure decades ago, it had been an opportunity just waiting to be exploited for political gains.
- 122.3. It is well said that conflicts can be contained but can rarely be resolved. There is no gainsaying that political agitators always believe that they have a greater influence over the crowds, than they may have in reality. Rational people are afflicted by the “*Herd behaviour*” syndrome and commit actions in mobs which they would normally abhor and which they regret belatedly upon regaining sanity.
- 122.4. There was a carefully nurtured demand and movement for possession of temple at Kashi and Mathura. The stalwarts like Dau Dayal Khanna, Prof Rajinder Singh of RSS and Gulzari Lal Nanda etc raised the demand for

possession of the disputed structure in 1983. The demand for the disputed structure at Ayodhya started being heard on the public platform since 1983 and became an appendage of the movement for possession of temple at Kashi and Mathura.

- 122.5. The demand had the blessings of Bala Sahib Deoras who supported it and of Raju Bhaiyya as well. Initially RSS supported the demand for possession of the disputed structure covertly and from the background, later it overtly and openly started supporting the demand for its possession by Hindus and construction of the temple at the site of the disputed structure.
- 122.6. The disputed structure was stated to be a stigma on national life which had to be erased. It was described it a sign of wanton aggression. The Muslims were accused of a policy of fundamentalism and communalism and it was asserted that historians were spreading further confusion. VP Singh recalled Advani's statement that "*what harm will come to Muslims if they were to accept Ram and Krishna as their ancestors and Ghazni, Gauri, Babar as foreign invaders*". There is no gainsaying that some of the Muslims also accept their genealogy through Hindu ancestors, be it Ram or other *Surya Vanshi* kings.
- 122.7. Vinay Katiyar⁵²¹ stated in evidence that the disputed structure was an incident affecting the culture and an insult to the Hindu religion, which the Indians are never able to forget. His hatred and feelings towards Muslims emerge from his statement before the Commission, when he described Muslims as scavengers and further sarcastically stating in filthy language that they cannot

⁵²¹ CW 25

see such a long hand of Ram, but can see a small hair of Mohammad Sahib for political reasons.

- 122.8. He posed a question that what is the difference between hairs? Vinay Katiyar warned, "*in case of use of rubber bullet or water cannons, discipline would go out of hand and I myself be liberated from shackles.*" Paramhans Ramchander Dass used to say, "*I am not bound by judgment, though U. P. government may be we will take the land, disputed or not as Babar took it.*"
- 122.9. "*As Muslim King Babar had not given the date to demolish Ram temple and construct in its places mosque, we will also not give the date for demolition.*" He further stated that on sixth of December 1992 they would see something more than singing of Bhajan and Kirtan – *Karseva* cannot be confined only to Kirtan. Above referred statements of Paramhans Ramchander Dass⁵²² were duly published and it was accepted by him. It was noted in the official record that Paramhans Ramchander Dass on the second of November 1992 on the Memorial Day at the platform said and declared that *we take an oath to take revenge of martyrs and asked the people to participate in large numbers.*
- 122.10. AK Saran stated that while reviewing the security, there was palpable resentment among *Sants, Sadhus and the Karsevaks* and they were vocal that they had not come there for Puja Archana but had come for *Karseva*. *Sadhus* and local leaders including Vinay Katiyar, Paramhans Ramchander Dass, Champat Rai, Vamdevji, Acharya Giriraj Kishore and other claiming to be religious leaders or protagonists of the temple construction movement never

⁵²² See DW11/3, DW 11/2 and DW 11/7

declared that their intention was to be restricted to mere symbolic *Karseva*. They were out with the obsession of demolition and the construction of a Ram temple at the site of the disputed structure. They did nothing despite the courts' orders for stopping the construction. There was no change either in the goal or the object or the subject amongst the leaders for sixth of December 1992. SP Gaur confirmed the above said observation as the fact on spot as was visible. LK Advani stated, "*Real Karseva would be carried out - no obstacle would be put in the way of the real Karseva.*" He further stated in an *impromptu* meeting at the Kanpur railway station that "*Karseva does not mean Bhajan and Kirtan; we will perform Karseva with shovels and bricks on 2.77 acres acquired land by UP government*". However this statement attributed to him, was denied by him in the parliament. There is nothing on record with this Commission with respect to the denial of the statement.

122.11. He stated that he was hopeful in November 1992 for actual *Karseva* and not just symbolic *Karseva* for which the mobilization had been done for long. It was admitted by him that people were exhorted to go to Ayodhya though later they were stopped. Champat Rai was admitted to be one of the local in charge of construction at Ayodhya who told Suman Gupta⁵²³ on 24th November 1992 that, "*Guerrilla Shelley Apnayenga Karseva Mien.*"

122.12. The facts are supported by CK Mishra. LK Advani stated "while we will not disregard courts orders, we will not for a moment give up our mandate and if in pursuant of our mandate we have to pay any political cost we will pay it".

⁵²³ CGW5

122.13. It was decided by BJP leaders, "*the government of India cannot stand between the government and its sacred mandate - warned it being playing with the fire - saying and doing anything that will excite passions and disturb peace. Construction at Ayodhya has exhilarated the nation - hailed the decision of VHP and Sant, Sadhus and Sants to start construction - congratulated the BJP government of U. P. for removing of the obstacles in the way*". S.B. Chavan stated that Sikander Bakht remarked that BJP having come into power in U. P. on the mandate of temple construction and would not budge an inch from that demand⁵²⁴.

⁵²⁴ published in CW 4/4.

123. The organizations involved

123.1. The RSS was the author of the movement behind Ayodhya. It had the hidden agenda and the intention of “awakening” Hindus politically and about their religion, igniting a debate on secularism, cultural nationalism, *Hindutva* (or *Hindu Rashtra*) and uniting the Hindus politically. In his statement, LK Advani also referred to these being the underlying objectives of the *Rath Yatras*.

123.2. The political party BJP⁵²⁵ is known to be a part of RSS or at the very least, to be under its direct influence of the RSS and shares its agenda, even though it is formally an independent body. The main actors or people within the BJP, RSS, *Bajrang Dal* or VHP were common and freely interchangeable.

123.3. The RSS deputed Vinay Katiyar who was a *pracharak* to Ayodhya for the *Ram Janambhoomi – Babri Masjid* movement. He was a part of the RSS and later became a president of the *Bajrang Dal*.

123.4. Various demands started at the instance of VHP. In fact demand for possession, as well as various other steps towards that end by Hindu’s at Ayodhya was raised at the instance of RSS through VHP or Paramhans Ramchander Dass. Paramhans Ramchander Dass⁵²⁶ stated that followers of RSS or of its philosophy or persons with similar philosophy and objects in

⁵²⁵ *Bharatiya Janta Party*

⁵²⁶ *DW11*

Congress constituted VHP in 1964. VHP openly started taking interest in the claim to the disputed structure. Paramhans Ramchander Dass clarified that there is no institution by the name of *Dharam Sansad*. It is *Marg Darshak Mandal* which was founded by VHP as a part and parcel of it. It was constituted in view of the necessity during the movement for temple construction. Various other bodies, organizations, legal entities, or groups etc like *Bajrang Dal*, *Dharam Sansad*, *Kendriya Marg Darshak Mandal*, Ram Janambhoomi Nayas, Ram Janambhoomi renovation committee etc. were constituted from time to time with the VHP or the RSS as the frontal organizations for innumerable objects to be achieved, particularly invoking Ayodhya and the issue of construction of the temple.

- 123.5. In the context of the statement of Vinay Katiyar, a careful examination of the evidence on the record establishes not only the participation of the RSS in Ayodhya movement but also shows that the RSS was the major author of the movement and others were working either at its instance or to attain the objectives of the RSS through the media of politics or to get into the seat of power through the BJP at the centre.
- 123.6. The RSS was the main driving force behind the temple construction movement even though the VHP and *Dharam Sansad* etc. were the projected leaders of the movement.
- 123.7. Leaders of VHP like Ashok Singhal and Giriraj Kishore accepted that they were associates of RSS and under its direct influence. Giriraj Kishore not only claimed himself still to be a Swayamsevak of RSS, but also stated that

most of the other protagonists were also so. It would be reasonable to conclude, that in view of the launching of temple construction movement in 1983 by Dau Dayal Khanna, Prof Rajinder Singh of RSS etc., the RSS emerged as the author of the movement acting through frontal organizations including the VHP.

123.8. Acharya Giriraj Kishore admitted that the *Bajrang Dal*, *Dharam Sansad* and *Marg Darshak Mandal* were some of the frontal organizations of VHP. Acharya Dharminder Dev⁵²⁷ stated that the *Kendriya Marg Darshak Mandal* was constituted of the nominees of various Hindu sects in order to make the policy to protect and safeguard the interests of Hindu community and give guidance from time to time and make the policy for Hindus.

123.9. Neither the *Dharam Sansad* nor *Kendriya Marg Darshak Mandal* was a registered body having any legal personality, but were simply associations of individuals.

123.10. The BJP had joined the Ayodhya movement openly, on the express request of Paramhans Ramchander Dass in association with RSS and the *Hindu Mahasabha*, while earlier their support was covert.

123.11. Paramhans Ramchander Dass⁵²⁸ the self-proclaimed epicentre of movement stated that *Sadhus Samaj*, RSS and *Hindu Mahasabha* carried the movement earlier. RN Srivastava⁵²⁹, District Magistrate, admitted that VHP is an allied

⁵²⁷ CW10

⁵²⁸ DW11

⁵²⁹ CW30

organization of BJP. It may be observed here, as referred elsewhere in this report, that almost all the prominent leaders of various organizations, be it VHP or *Bajrang Dal* etc., are either part of RSS or had been so earlier. It is also well known and often stated by the various icons of the BJP including AB Vajpayee, the former Prime Minister, that once a person becomes an RSS Swayamsevak, he continues to be one for the rest of his life, though he may not be an active participant in the day to day activities of the RSS or may have joined another Parivar organization. The RSS had its own definite philosophy of *Hindutva*, Hindu Rashtra and cultural nationalism since its inception in 1925 and preached as such to counter the demands of the Muslims movements before partition or keep alive the premises of cleavage amongst the two communities. RSS in order to secure a political support floated a political party named as *Jan Sangh* which transformed into the BJP.

123.12. The BJP was undoubtedly and demonstrably yet another organizational unit of the RSS. A number of other organizations had been floated either by the RSS itself or by its associates or its leaders for the achievement of various objects. The immediate purpose and stated objective of each of these organizational units was distinct, yet each was part of the larger objective and played its specific role therein. Despite the formally separate legal entity of each of these groupings, they were a part of the functional whole and were controlled and managed exclusively by RSS or ex-RSS leaders⁵³⁰. All these frontal organizations of RSS, including the *Bharatiya Kisan Sangh*, *Akhil Bhartiya Vidyarthi Parishad*, VHP etc. operated within a distinct sphere of

⁵³⁰ See the statement of KS Sudarshan CW18.

politics, religion, social life etc. but consistently towards the goal set for them by the RSS leadership, and thereby achieve the objectives of the RSS.

123.13. It was not disputed that Jan Sangh later became the BJP - the present political party. It was admitted before the Commission that the thought and philosophy of BJP are *para materia* with that of RSS and there had been no deviation in it ever since inception of the RSS⁵³¹. BJP was essentially the political aspect or manifestation of the RSS which itself claimed to be a social organization. Each of the other units, organizations, associations etc. mentioned as a part of the Sangh Parivar or otherwise were manifestations of the RSS in individual niche areas or areas of activity, designed or ordained by it.

123.14. The All India Babri Masjid Action Committee (AIBMAC), without even any member of the Muslim community from Ayodhya, was constituted to oppose the claim of the protagonists of temple movement as a consequence of the order for opening of locks in 1986. Opening of the locks was challenged in public meetings by persons like Syed Shahabuddin as well as through various other means adopted by the AIBMAC. Various other Muslim organizations started coordinating with it. The Muslims developed a vested interest in agitating their minority status while others evolved counter interest in the power game by perpetuating the cleavage. Tension, exacerbated by power, poverty, class and ethnic differences erupted in violence.

⁵³¹ See the statement of KS Sudarshan.

124. The prominent individuals and their link with the RSS

- 124.1. Vinay Katiyar⁵³² admitted to being an RSS *Pracharak* from 1977 to 1982. He maintained his contact with the RSS; Ayodhya became his sphere of activity after 1983. One need not go too far to unveil the nature of his work in Ayodhya. He has clearly expressed his staunch beliefs against the Muslims as a community. He has a dominating, dictatorial and obstinate character which is obvious from his own admission when he proclaimed even before this Commission on oath that the *Bajrang Dal* was his personal fiefdom. He stated that, “as for me, as the *Bajrang Dal* chief, *might is the only law I understand. Where there is might, the law is silent.*”
- 124.2. Vinay Katiyar was not above telling lies even for insignificant facts like the coming of BJP etc. leaders to his house on the morning of the 6th of December 1992 before going to the *Ram Janambhoomi – Babri Masjid* complex – despite the fact that this fact had already been admitted by every one of the leaders of the movement who had assembled there that morning.
- 124.3. He had no compunctions in stating on oath that Paramhans Ramchander Dass or the VHP or even the RSS had nothing to do with *Bajrang Dal*, though later when it suited him he accepted that *Bajrang Dal* was floated with the blessings of Paramhans Ramchander Dass in his *Akhara* and that it was Paramhans Ramchander Dass who used to make the decisions, including

⁵³² CW25

policy decisions, and that they used to work under his direction according to their capacity.

124.4. Prominent leaders like Ashok Singhal, Giriraj Kishore, and Paramhans Ramchander Dass etc. admitted that *Bajrang Dal* was the youth wing of the VHP and a part and parcel of it. People could be shifted between the *Bajrang Dal* and RSS at will.

124.5. Vinay Katiyar was at pains to establish that he is a tough man, unshakeable in his beliefs and methods and well aware of the implications and purpose of his actions. As an educated person from a political background, he was capable of carrying out his intentions, including as a rumour monger, with little regard to the consequences, for the nation or otherwise. He was proved to be a liar for the various reasons spelled out in this report.

124.6. He further stated that *Bajrang Dal* was a disciplined force and acted under his orders. On a suggestion of the commission that, "*will it be right to assume that all office bearers or followers of Bajrang Dal are people of young age and inexperienced*", he answered that in *the younger age they are wise people being the followers of Hanuman*.

124.7. Paramhans Ram Chander Dass stated before this Commission, "*since we were of the opinion that the movement cannot succeed without the participation of a party at the national level, hence RSS, VHP and believers in Hinduism alone were requested to do so*" He stated that the decision to involve and use the BJP was made in and around 85. It is apparent that the movement did not gain any

momentum before the BJP joined the movement and which was done officially through its resolution in 1989.

124.8. Paramhans Ramchander Dass had declared his intention of going on a hunger strike in support of his demand for opening the locks. Shabudin stated that in *Tala Kholo* movement leaders of the VHP and organization affiliated with RSS hailed the opening of locks; the RSS assured support for the movement or any other related programmes. In the process RSS came forward openly to support the demand for construction of temple though earlier it had stayed in the background with its tacit or sometimes open support to its own movement carried out through its frontal organizations, associates or people under its control or influence.

124.9. It was recorded in official record that RSS meeting sometime in July 1989 was addressed by Bala Sahib Devras, Rajinder Singh, Jana Ji Bhagwat, and HV Sheshadri. Ram Janambhoomi where Ayodhya issue was declared to be challenge to RSS. It was said that RSS is the only institution that can organized all of Hindus by organizing them politically. Guru Dakshna was asked to be contributed for construction of temple⁵³³.

124.10. Arvind Goyal attributed to Murli Manohar Joshi the statement that "*central forces are committing antisocial activities – even if the court decision goes against them, Mandir would be constructed*". He further referred to the statement of LK Advani "*courts cannot cross the boundary of people's will and at times law can be broken – Ayodhya matter is not of law but associated with the people's sentiments*

⁵³³ See file no 14.200/36/90

and we respect them more than courts". Almost similar arguments were put forth in the statement of LK Advani before me. To the same effect was the statement of Mahant Avaidyanath, one time leader of the Hindu Mahasabha, though it was more defiant and assertive with respect to the courts' consideration of the matter. I may observe here that he never became a formal party to any litigation nor raised any such question in any other forum. He leaves an impression that his assertions are nothing but the parroted stand passed on by articulating those of the icons and he has only attempted to put the same in his own words.

124.11. Ashok Singhal, Acharya Vamdev, Vinay Katiyar, Chinmayanand, Acharya Giriraj Kishore, Mahant Avaidyanath etc. used to assert that they were not bound by the courts order or of the Supreme Court rather they were bound by the directions of *Sadhus* and *Sants*⁵³⁴. Mahant Avaidya Nath stated that no agitation is successful unless laws are violated and further stated *Karseva* would be carried out as in July. Parmod Mahajan said that whosoever comes before *Ram*, dies *Ravan's* death. Advani attempted to explain that the theory of pitting *Babar* against *Ram* was in the context of Jinnah's saying *Hindu India* and *Muslim India*, which forced partition of the Country in 1947.

124.12. SP Gaur stated that Shiv Sena had declared, "*VHP, RSS, BJP, and Bajrang Dal had come from Congress and want to establish secular state. Shiv Sena will separately perform Karseva.*" Similarly Acharya Dharminder Dev stated that while he was persuading *Karsevaks* not to demolish the disputed structure,

⁵³⁴ *Affirmed by Jha CGW5.*

some *Karsevaks*, *Sadhus* and *Sants* said, "*we have not come here to eat Halwa Puri, we have departed from our homes to face firing.*"

124.13. Prominent leaders of *Karseva* like Ashok Singhal, Vinay Katiyar, Paramhans Ramchander Dass, Acharya Vamdev, Acharya Giriraj Kishore, Acharya Dharminder Dev, and Swami Chinmayanand etc. are on record having made similarly provocative comments.

124.14. KS Sudarshan admitted that the Chabutra was built in July 1992 in violation of the orders of the Supreme Court. He said it was done so that the people should know that the construction work had commenced. It categorically made clear that the State Government was not only supporting the movement but also by participating in it through its financial resources or forces and by turning a blind eye to the administration's complicity in furthering the promises made in the election manifesto. The state would not use force against the *Karsevaks* and would provide all facilities for construction of the temple at the disputed site. The state or the party governing as well as the political executive made all efforts through all the means at their disposal to veil their intentions and actions. Their actions were in stark contrast to their public stance.

124.15. Uma Bharti stated that on the 6th of December, she had tried to persuade the *Karsevaks* to descend from the disputed structure and desist from demolishing it. She said that instead they refused to do so and refused to

recognize her or accept her authority as a leader, taunting her “*Challiya Challiya*”. Parbhat Kumar corroborated these facts⁵³⁵.

124.16. It may be mentioned that LK Advani stated that the work amongst BJP leaders was distributed keeping in view the leaders’ capabilities and to direct and control the actions of the *Karsevaks*. Similar statements were made by Ashok Singhal and Kalraj Mishra.

124.17. Vinay Katiyar stated, “*Karseva would be carried out on 6th December and if the courts orders are violated there is no worry.*” Rakesh Sinha, Arvind Narain Dass⁵³⁶, Abdulah Nasir⁵³⁷, Raman Kirpal⁵³⁸ etc stated that the Shiv Sena had also proclaimed that the Karseva would be carried out. Vishnu Hari Dalmia had proclaimed that, “*Babar demolished temple we will demolish the mosque.*” These assertions of the president of the Vishva Hindu Parishad run contrary to the later articulated assertions, which were not accepted by the nation as such. One may also refer to the statement of Vinay Katiyar who even objected to the reference to the disputed structure as a Mosque.

124.18. SB Chavan⁵³⁹ stated that after the demolition, Kalyan Singh was hailed as the hero responsible for it. He referred to Kalyan Singh’s proclamation that he could commit contempt of the orders of the Supreme Court, but not of lord Ram. He further stated that Kalyan Singh called Ayodhya the symbol of the

⁵³⁵ *vide* CW 16/22

⁵³⁶ CGW52

⁵³⁷ CGW 20

⁵³⁸ CW 24

⁵³⁹ CW4

nation's dignity and emotional integrity⁵⁴⁰. He also stated that merely two days after denying any move to acquire the land, Kalyan Singh ordered the acquisition of the *Nazool* land for the purposes of tourism, which was later leased out for the construction of the temple. This acquisition was later held by the Supreme Court to be malafide and for ulterior purposes.

124.19. Madhav Godbole⁵⁴¹ opined that the demolition was the culmination of the efforts of leaders like Murli Manohar Joshi, LK Advani, Uma Bharti, KS Sudarshan, Vamdev, Acharya Giri Raj Kishore, Ashok Singhal, Vinay Katiyar, Param Hans Ram Chander Das, Acharya Dharminder Dev, Sadhvi Ritambra, Swami Chinmaya Nand, Tagodia, Parmod Mahajan, and HV Sheshadri.

124.20. Acharya Giriraj Kishore stated that trained RSS workers were more trustworthy and they used to persuade and bring the *Karsevaks* to Ayodhya. DB Roy SSP Faizabad accepted being a political person and stated that the object of the *Hindu Mahasabha* was to unite the Hindu world, remove caste, and carry forward *Hindutva*. He further stated that he did not like the partition of the country and warned that Hindus were being reduced to a minority and India would soon be a Muslim dominated country. He also expressed his belief in the theory of *Akhand Bharat*. In a similar strain Avaidyanath citing the census of 1980-1991 which suggests that the increase of population of Hindus was 23% while the Muslim population increased by

⁵⁴⁰ See CW 4/9

⁵⁴¹ CW13

33%, warned that meaningful steps were required to be taken so that the Hindus were not reduced to a minority.

124.21. He stated that the Muslim and Christian religions were foreign to India and that one was to live in this country, one had to be a *Ram Bhagat*. He lamented that where ever Hindus were in minority, they were not allowed to live in peace, or were forced to convert to some other religion. He asserted that the partition of the country which took place to solve the problem of Hindus and Muslims had not resolved it and a complete solution was possible only if all the Muslims were sent to Pakistan. He declared that the Muslims, in order to remain in India had to abandon Islam and live in the country as Hindus. Vinay Katiyar affirmed the political philosophy and the definitions of *Hindu* and *Hindutva* as preached by Savarkar and stated that there was no change in it ever since. He desired that political philosophy to be read as a part of his statement. Murli Manohar Joshi defined *Hindutva* as a way of life and not as a way of worship. He stated that the Ayodhya dispute was perceived to be one between the Hindus and Muslims and that it had a potential for disrupting national unity. He further differed with what he dubbed *pseudo secularism* and empathized with the notion that “*in theocratic countries, state and religion are governed by the same authority and people are expected to follow the religion of state. The minorities are to live with some adjustments with majority religion*”. He stated that nationalism was a western political concept; the Indian way to believe in cultural nationalism and not geographical nationalism.

124.22. DB Roy stated that the lessons learnt from the incidents of 1990 were, that political parties and leaders were aggravating the problem due to the electoral considerations. It obviously supports the thought of using carrot and stick policy for awakening and uniting Hindus' religious force politically. The very thought not only opens the wounds of the partition but also creates an atmosphere of communal cleavage by provoking fear in the minority religions and a sense of insecurity. It is a crude attempt to make a mockery of the constitution which not only provides protection to the minorities but also confers a right on them to participate in governance. The constitutional provisions are not only ridiculed but they also encroach on fundamental rights and secularism – the prerequisites for governance of any society. Roy also stated that the courts were taking too long to decide the matters which had critical national significance. He accepted that the primary decision makers about the Ayodhya were the Principal Secretary Home, the DGP, Additional DGP Intelligence, IG security, IG Lucknow zone, DIG, Commissioner, the Chief Minister, Brahm Dutt Divedi, Lalji Tandon, Jagdambica Paul, Sifti Rizivi, Anand Rizivi, Avaidyanath, Paramhans Ramchander Dass, Ashok Singhal, Giriraj Kishore, Champat Rai, Vinay Katiyar, Onkar Bhava, Uma Bharti, Vijay Raja Scindia, Chinmayanand, Sadhivi Ritambra, HV Sheshadri, KS Sudarshan and some others.

124.23. The prominent leaders or champions of the movement and others present on the spot on the 6th of December 1992 included Acharya Dharmender Dev, Acharya Giriraj Kishore, Ashok Singhal, Badri Nath Toshniwal, Baikunth Lal Sharma, Bala Sahib Thakray, BB Toshniwal, Brahm Dutt Dwiwedi,

Champat Rai, SP Gaur, DP Toshniwal, Day Dayal Khanna, SVM Tripathi, Dharinder Bhramchari, Ram Vilas Vedanti, Govindacharya, HV Sheshadhari, AK Saran (IG Lucknow zone), CK Malik (IG Security), CD Kainth (IG PAC), Jai Bhagwan Pawaria, KS Sudershan, Kalraj Mishra, Kalyan Singh, Khushabhau Thakrey, LK Advani, Lalji Tandon, Lalit Kishore (Minister), Lalu Singh Chauhan, Laloo Singh (MLA), Mahant Avidyanath, Mahant Nritya Gopal Das, Mahant Paramhans Ramchander Das, Mahant Raghubir Das, Makhoo Singh, Moreshwar Save, Morepanth Pingle, Murlu Manohar Joshi, Om Parkash, Onkar Bhawe, Pramod Mahajan, Parveen Togadia, Peeyush Srivastava, Parbhat Kumar (PS Home), Professor Rajinder Singh, Rajinder Gupta, Ram Kawal Das, Ram Kishan Agnihotri, Ram Vilas Das Vedanti, Ramanujam, Rao Priya Darshi (MLA), RN Srivastava, Sadhivi Rithambhra, Sakshiji Maharaj, Sharad Sharma, Sri Chander Dixit, Sikander Bakht, SP Shahi (Minister), DB Roy (SSP), Sunder Singh Bhandari, Surya Pratap Singh, Swami Chinmayanand, Swami Vamdevji, Uma Bharti, Uma Nath Singh (Minister), Vijay Raje Scindia, Vinay Katiyar, Vishnu Hari Dalmia, Sri Ram Dwivedi alongwith other ministers, *Sadhus* and *Sants* etc.

124.24. Vinay Katiyar stated that the *Sangarsh Samiti* constituted of Paramhans Ramchander Dass, Vam Dave Ji, Gorakhnath Peethh, Avidyanath, Jagadguru Sankracharya, Swami Shanta Ji, Nritya Gopal Das, etc. who might have been members of the *Marg Darshak Mandal*. The decision of *Dharam Sansad* used to be taken by Paramhans Ram Chander, Nritya Gopal Dass and Vam Devji etc.

- 124.25. Acharya Giriraj Kishore said " *we want to install government in Delhi that will help liberate shrines*" NC Pandhi⁵⁴² stated that RSS had a long term plan to demolish the structure and that various steps for attaining this objective had been taken which included the opening of the locks, *Shilanyas*, etc.
- 124.26. Meetings used to be addressed regularly by the VHP leaders, *Dharmaaharyas* and the leaders of the RSS. Sanjay Kaw⁵⁴³ stated one Jaggi informed him that this time arrangements have been made by RSS and they have finalized the *ran neeti*, i.e. the planning.
- 124.27. Sakshiji Maharaj⁵⁴⁴ told Kumkum Chadha⁵⁴⁵ that the BJP may say anything for the record but the reality was something else; like in the case of the *Babri Masjid*, when they gave an assurance that they will not touch it, but went ahead and demolished it *as we had no other way out*.
- 124.28. RN Srivastava District Magistrate stated that subject of the situation in Ayodhya was with Brahm Dutt Divedi, Lalji Tandon who were Ministers. Mainly Vinay Katiyar, Laloo Singh, Chauhan, Pawn Pandey, other ministers and chief Minister were involved in *Karseva* in 1992.
- 124.29. RN Srivastava also admitted the meeting on the morning of the 6th of December 1992, of Vinay Katiyar, LK Advani, Murli Manohar Joshi, Giriraj Kishore, Uma Bharti, Sadhivi Ritambra at the house of Vinay Katiyar,

⁵⁴² CGW32

⁵⁴³ CW28

⁵⁴⁴ CW8

⁵⁴⁵ CGW 17

though such a meeting was denied by Vinay Katiyar. He admitted that Champat Rai was the local in charge of administration for day-to-day working of the construction of the temple at the site of the disputed structure. He was permanently based in Ayodhya. He declared adopting of guerrilla strategy on sixth of December 1992. It is he who used to interact whenever we used to call him, which was often. He admitted of having reports about unrestrained and inflammatory speeches *inter alia* by the middle and lower rung of leaders. He stated that Sadhivi Ritambra, Pawan Pandey, Paramhans Ramchander Dass, Nritya Gopal Das, Giriraj Kishore, Mahant Avaidyanath were well known as fiery speakers and for pro-Hindu speeches which could injure others. He admitted playing of provocative tapes of speeches of Uma Bharti and Sadhvi Ritambra. SSP and local intelligence unit had the tapes which were neither produced before this Commission nor could be obtained despite efforts.

125. The methods employed

125.1. DB Roy⁵⁴⁶ admitted that the *Karsevaks* were called for karseva in anticipation of the State Government putting hurdles in the karseva or the programs meant for mobilizing etc. They were accommodated in the Hindu dominated and sympathizing villages around Ayodhya. They were asked to converge to Ayodhya as per expediency and need of the leaders. They were deployed in the Ram Janambhoomi complex, Ayodhya or across the nation by the RSS, BJP, VHP and the Shiv Sena. He stated that the BJP, *Bajrang Dal* and the RSS are the same; the leaders of VHP are from RSS. The Ayodhya issue was used for rallying Hindus and politically awakening them at a time when it was perceived by them that the Congress party was on the wane. He admitted that though communal politics had been around for long, Hindu nationalism had now arrived on the political scene.

125.2. Various *Rath Yatras* and other steps were taken by Mahant Paramhans Ramchander Dass, the VHP and others for the karseva and related programmes. Giriraj Kishore admitted that *Bajrang Dal* had been participating in *Rath Yatras*. These were intended for “awakening” Hindus in the Hindi speaking belt by small time local self-proclaimed religious leaders or pedestrian political leaders. It met with no success. He admitted that the movement acquired momentum only after the BJP joined it. Shabudin corroborated this.

⁵⁴⁶ CW7

- 125.3. Without expressing any opinion on the genuineness or the truthfulness of the claim, this Commission is of the view that the history was and is being used to enhance and perpetuate fissiparous feelings amongst the two major religious communities thereby widening the cleavage.
- 125.4. Finding the issue to be electorally convenient, the BJP came openly supported the demand for construction of the temple. The official resolution to support the movement by BJP was passed at Palampur in June 1989. It was alleged in the resolution, that the Congress party had launched a campaign against BJP and VHP to secure Muslim votes. The BJP perceived that the Congress was taking an anti-Hindu stand under the veneer of secularism; the Congress and other political parties had betrayed the sentiments of the overwhelming majority i.e. Hindus. It was felt and expressed that the Congress had been showing a lax attitude towards the Ayodhya issue and hence the BJP and VHP had to represent the Hindu point of view.
- 125.5. It was also alleged that given the nature of the controversy, it could not be sorted out by a court of law. It was observed that Muslims had not been offering their prayers at the site since 1936, while Hindus have been performing Puja in the disputed structure regularly. It was also stated that secularism had become a euphemism for Hindu baiting and a synonym for minority appeasement. Reference was made to the restoration of Somnath temple. It was asserted that secularism had become allergic to Hinduism.
- 125.6. The Shah Bano case was cited as an example of the new militancy and aggressiveness exhibited by the Muslim lobby. The panic stricken

government had amended the criminal law. Assault was mounted on the decision of opening of locks. Attempts were being made to sweep issues beneath the carpet.

125.7. Other sentiments expressed at Palampur included that India's options for the extant constitutional form of government, against the background of the partition of the country on religious grounds, granted equality to all the citizens irrespective of their religion. Secularism was defined in the resolution as according to the constitution makers meant *Sarva Dharma Sama Bhawe* and did not denote an irreligious state. Asking the government to respect the sentiments of the people, *Ram Janamsthan* was demanded to be handed over to Hindus either through negotiations or by legislation.

125.8. LK Advani admitted that it was thought, that when Congress decided on the vote-bank-policy to support AIBMC then it was acceptable to facilitate the construction of the temple by supporting the RSS openly.

125.9. VP Singh affirmed that the BJP took the position that they could not and would not submit to the court's judgment since it was not a justiciable issue; it would not change the decision of building the temple at the disputed site. He further stated that *Bajrang Dal* distributed *Trishuls* and declared that they would not abide by the courts order. It would be obviously inflammatory and politically inexpedient to attempt to promote one religion over the other or at its expense. It would not even grasp, let alone respond to features of constitutional secularism nurtured by society. By the end of 1989, the party

began its campaign from Ayodhya after working out an agreement with a motley crowd of *Sadhus Sants* and other religious extremists.

125.10. The demand for possession of disputed structure evolved into a demand for the construction of a grand temple. It became a prominent demand in continuation and extension of the already ongoing movement with respect to Mathura and Kashi temples. Sakshiji Maharaj⁵⁴⁷ admitted that it was perceived that construction of temple would start when BJP comes in power at the centre. It was admitted by almost one and all that the issue totally acquired a political nature by December 1992; especially after BJP and other political parties decided to support it. BJP made the demand for construction of the temple as its main election manifesto. They proclaimed their electoral success was due to the issue and their support for it. DB Roy, Giri Raj Kishore etc. admitted that the issue was used for rallying and political awakening of Hindus, which is one of the objectives of RSS.

125.11. LK Advani stated that while deciding how BJP could contribute to this movement, the *Rath Yatra* was conceived. He stated that the Rath Yatra was a conceptual innovation for a short kind of perception of Indian history. It was considered and generally accepted by the Indian masses that it was a religious symbol of the pantheon of Hindu Gods. He said that seeing the response to *Rath Yatra* and reverence bestowed which is normally bestowed on religious leaders, he realized the truth in the saying of Swami Vivekananda “*Religion is the soul of India*” though, he used to say, it is not a religious campaign.

⁵⁴⁷ DW8

125.12. He accepted that RSS communicated the message of nationalism through a religious idiom. It was considered to be an effective device for mass contact, mobilization and education. He further stated that they aimed at strengthening nationalism and commitment to values of public life, social harmony resulting in mobilization of public opinion which would strengthen the cause of nationalism. Para Materia was the concept of the protagonists of the temple construction movement or the members of the Sangh Parivar. The concept was carried out by the members and leaders of the movement in letter and spirit on the ground and in practice.

125.13. The Supreme Court observed that what had happened on the 6th of December 1992 was not ordinary event but was an outcome of a sustained campaign carried out for years throughout country, the result of speeches, acts and deeds of leaders of BJP etc. with serious repercussions all over. Situations of such dimensions including social, religious, and political and of international ramifications and unification arose rarely in the life of a nation. The BJP government could not disassociate itself from the action as the government was controlled by the same party whose leaders were actively campaigning for demolition.

125.14. It was observed by one Histon Kramer, "*the whole movement was firstly to discredit the secularism and then do away with what in our most exalted artistic and humanistic traditions, may be seen offer resistance either directly or by implication to the total politicization of culture and life. The assault is at the bottom political, no matter under what other temporary banners the assault may at*

times be mounted and regardless of what unexceptionable virtues it may at times be mounted in the name of it"

125.15. The possession of the disputed site was made a contentious issue by the vested interests in the Hindu and the Muslim community. In the beginning, it was not even a religious issue but later the politicians, under the guise of social messiahs or the protectors of Hindu religion, jumped in to it with a view to get Hindu votes. From a perusal of the various suits filed in the courts, it emerges that the main relief claimed was the collection of offerings at the Ram Chabutra though the verbiage was couched or wrapped in the prayer for various declarations, injunctions or removal of the receiver or for possession of the site. The civil litigation was kept alive in one form or the other despite the observations of Col. Chalmers made in a suit that changing the status is fraught with dangerous repercussions. He held that the remedy would be more harmful than the wrong originally committed. These observations are specifically relied upon by the protagonists of the movement. They are mentioned even in the BJP's white paper. The assertion of KS Sudarshan with respect to the movement of people or finding it an expression with respect to social conditions cannot be accepted as the issue of the so called religious sentiments for obvious reasons that all the demands etc. remained dormant amongst the most respected leaders and the masses. LK Advani stated that politics was another instrument of strengthening nationalism and commitment to values in public life.

125.16. LK Advani had, as far back as July 1989, stated that controversy was not between a mosque and a temple; had it been so, it would have been

intractable. The people campaigning for *Babri Masjid* do not want the country to choose between Mosque and Mandir; they are pitting *Babar* against *Ram*. KS Sudarshan called it a peoples' movement, a movement wherein the people's sentiments found expression with respect to social culture and religious facets. It was admitted by almost one and all that the issue had been completely politicized by the Sixth of December 1992.

125.17. Despite the various objects/reasons spelled out in the BJP resolution to support the temple construction movement and the object of *Rath Yatra*, yet prominent leaders like Mahant Avaidyanath⁵⁴⁸ and D.B. Roy⁵⁴⁹ not only perceived but also spelled out that the object of *Rath Yatra* from Somnath to Ayodhya was to give a reply to the proposal of VP Singh for reservation for OBC as a vote bank policy. He said it was to assure the Hindu Samaj that everybody is not dependent on VP Singh; BJP is there to lead. Therefore to awaken and unite the Hindus and teach a lesson to VP Singh *Rath Yatra* was organized. Support to VP Singh government was withdrawn which therefore fell. This narration corroborates VP Singh's perception and his statement that he was told that by implementing the reservation he had assured scheduled caste votes, declaring a holiday for Mohamed Sahib he had ensured the sympathy of Muslims and nothing was left for BJP to encash politically.

125.18. LK Advani stated that this issue acquired the nature of political movement and that the objectives of the *Rath Yatra* taken out in 1990 were the awakening the Hindus about the dispute, spreading the view point of BJP,

⁵⁴⁸ CW31

⁵⁴⁹ CW7

awakening the people politically and lastly the initiation of a debate on secularism.

125.19. It emerged from the other evidence led on record including the statements of other leaders that the object of *Rath Yatra* was for mob mobilization. Acharya Giri Raj Kishore⁵⁵⁰ stated that planning was done to reconstruct Ram Janam Bhoomi temple earlier demolished by Baber, by awakening the self-respect of Hindus, the object for which *Rath Yatra* was taken out.

125.20. Political parties, and other self proclaimed social organizations having their roots in RSS or believing in its philosophies were looking for an issue for electoral success to obtain majority in parliament or other legislative institutions of the state or to suit their political agenda. Without bothering about or realizing the consequences of the happenings and the ground realities, mixed religion with politics. To achieve the patent object and the hidden agenda, BJP supported by other protagonists, may it be a social organization or a political party, started mobilization for temple construction movement.

125.21. During the movement for possession of the disputed site and the construction of the temple, the state or other governments did nothing to discourage political mobilization on the basis of religion. The participating states for mobilization were the states where BJP or its allied parties were in power and governing the state and thus the leadership of the movement was

⁵⁵⁰ CW28

fully conscience of what was at stake – the campaign was a joint common enterprise of the state and the organizers of the movement.

125.22. Mobilization for construction of the temple at the site of the disputed structure, while keeping the real object of acquiring political power concealed from the people, was carried out almost till the demolition of the disputed structure. There is no gainsaying that mobilization by the icons and other articulate leaders was mounted by using the right words for using religion for political ends since demonstrably religion is very effective and attractive instrument to wield as its fall back is on others and not on the leaders who usually succeed in building their leadership and empowerment.

125.23. Civil servants, including those from the police and other services used the opportunity as a launching pad for their own political careers or to curry favour for appropriate postings or promotions. As examples, it may be noticed that election were contested by KK Nayyar once a district magistrate of Ayodhya; similarly the person holding the post of SSP Ayodhya on the fateful day had later achieved his political ambition by contesting parliamentary election successfully and succeeded in acquiring political glory.

126. The use of slogans as war cries

126.1. The slogan was one of the chosen means to reach out to the common man and rally him around to the cause of Ayodhya. Using carefully worded chants specifically crafted to arouse particular sentiments in people, the leaders of the movement were able to reach out and convince the common man to become a rabid *Karsevak*. The effectiveness of the shouted word was writ large not only over the situation on the 6th of December, but also in the events spanning several years, leading up to that day.

126.2. From a perusal of the statements of Peeyush Srivastava⁵⁵¹, V.K. Sexena⁵⁵², Surinder Yadav⁵⁵³, Deen Dayal Gupta⁵⁵⁴, Mark Tully⁵⁵⁵, J.D Bisht⁵⁵⁶, Rakesh Sinha⁵⁵⁷, Raman Kirpal⁵⁵⁸, Din Dayal Gupta⁵⁵⁹, Acharya Dharmendra Dev, P Shukla⁵⁶⁰, journalist Jha⁵⁶¹ etc, from the banners displayed at the boat club meeting and at other places, from CDs, or from the photographs, video

⁵⁵¹ CGW10

⁵⁵² CGW19

⁵⁵³ CGW 34

⁵⁵⁴ DW2

⁵⁵⁵ CW1

⁵⁵⁶ CGW6

⁵⁵⁷ CGW 19

⁵⁵⁸ CGW 24

⁵⁵⁹ DW2

⁵⁶⁰ CGW 4

⁵⁶¹ CGW 5

cassettes etc produced before the Commission, and slogans published in the media it is evident that various provocative slogan pregnant with meanings or carrying various messages were raised instilling hatred towards a particular community or their ancestors. They were effectively “uniting” the Hindu religious people against the Muslims.

126.3. Paramhans Ram Chander Dass⁵⁶² admitted in his statement and affirmed that provocative slogans were raised on the 6th of December and earlier, and published in media. Some of these slogans were:

126.3.1. *"Ram Lalla Hum Aye Hain, Mandir Yabhin Banayenga"*

126.3.2. *"Ek Dhaka Aur Do, Masjid Tor do"*

126.3.3. *"Hindi, Hindu Hindustan, rest go to Pakistan",*

126.3.4. *"Bacha Bacha Ram Ka, Janam Bhoomi Ke Kaam Ka"*

126.3.5. *"Jis Hindu Ka Khoon Na Khola, Who Paani Hay Jo Janam Bhoomi Ke Kaam Na Aye Who Bakar Jawani Hay"*

126.3.6. *"Saugandh Ram Ki Khate Hen Mandir Yabhin Banayenga",*

126.3.7. *"Ab To Bhagwan Lebraga Sara Pakistan Per"*

126.3.8. *"Bomb Banao, Bomb girao Pakistan per"*

126.3.9. *"Jab Katwa Kate Jayange, Ram Ram Chillanyengaa"⁵⁶³*

⁵⁶² DW 11

⁵⁶³ Jha CGW5

126.3.10. *“Mitti Nahin Khiskayenge, Dhancha Tod Kar Jayange”*

126.3.11. *“Sarkar Savdhan, Kendar Sarkar”*

126.3.12. *“Jo Hindu Hith Ki Batt Karega, Wohi Desha Par Raj Karega”*

126.4. LK Advani tried to explain the phrases *Ram Bhakti* and *Lok Shakti*; and stated that the slogan oft heard *Jo Hindu Hit Ki Bat Karega Wohi Desh per Raj Karega* was in fact *“Jo Rashtra Hit Ki Bat Karega, Wohi Desh per Raj Karega”*. Thus an attempt was made to explain a communal and provocative slogan as an innocent slogan by substituting one word for another. Still, by this substitution, it does not denude the slogans of their potentially provocative nature as is obvious from the word *Rashtra* which assumes a particular meaning in the context of the RSS’s philosophy consistently preached and propagated. The word *Rashtra* was neither intended, nor understood as its usual dictionary meaning. Other slogans recounted were *“Baber Bolo Jai Sia Ram, Akbar Bolo Jai Sia Ram,”* which was stated to be a parody by Acharya Dharmendra Dev.

126.5. Mukand Padamanabhan and Siraz Sidhva published slogans raised during *Rath Yatra*, which included *“Masjid toro, Mandir banao”*, *Jab jab Hindu jaga, tab tab mullah bhaaga”* *“Jo Roke Mandir nirman, usko Bhejo Pakistan”*⁵⁶⁴. Some of the leaders denied having raised these slogans. The denial does not carry any weight as they have either made a blanket denial or feigned loss of

⁵⁶⁴ Some of the slogans were published in *Nav Prabhat* published on 4th December 1992 CGW34/5 while some others were printed in CG W 34/6.

memory, even whilst at least some of these slogans were admitted by other leaders and the journalists.

126.6. Painted on one side of the Rath was the prayer "*Raghu Pattit Raja ram, Patti Pawan Sita Ram*" and on the other side there was a picture of Ram and the proposed temple at Ayodhya.

126.7. RN Srivastava⁵⁶⁵ admitted that the slogan, "*Badi khushi ke Batt hai, police hamara Sath hai*" was being raised there. Vinay Katiyar accepted that, "*Jai Shri Ram*" was the slogan of the *Bajrang Dal*. Murli Manohar Joshi accepted that Dattopand Thengli of the *Bhartiya Kisan Sangh* a frontal organization or wing of RSS gave the slogan, "*Bharat Mein Yadi Rhena Hoga, to Jai Shriram Khana Hoga*" although he stated that he did not accept the slogan. He accepted that if the Hindu word in the slogan, "*Hindu hit ki bat Karega*" were to be taken in a religious context it gives a different colour. The word Hindu was referred in the context and text of the movement as religion and not the philosophical meaning attributed to it by courts, as the *way of living*⁵⁶⁶.

126.8. Not unsurprisingly, the leaders of stature as well as the members of the administration categorically denied the raising of the slogans on the 6th of December or pleaded amnesia with respect to them.

126.9. It is incomprehensible how the officers at the spot like A.K. Saran IG security, D.B. Roy SSP, RN Srivastava District magistrate etc. refused to

⁵⁶⁵ CW 13

⁵⁶⁶ See the statement of Shukla CGW4, Jha CGW5, Vinay Katiyar, CGW J.D Bisht, district magistrate RN Srivastava and other witnesses.

acknowledge the slogans raised though accepted one or two of them were being raised, particularly when the same can be heard or seen on video cassettes duly produced in evidence before the Commission. Acharya Giriraj admitted slogans were raised by Sadhvi Ritambra. Others including officers present who were from paramilitary forces and journalists who have appeared before me affirmed that slogans were raised when they were cross examined at length. The slogans were published around the time even in the newspapers. Even the District Magistrate RN Srivastava reluctantly admitted that slogans like, "*Har Har Mahadev*" "*Jai Shriram Bhoomi*" "*Badi Khushi Ki Bat hai Police hamara Sath hai*" were raised. Even some of the defence witnesses produced by Kalyan Singh admitted the factum of the slogans being raised.

126.10. One can conclude as an established fact that the slogans were raised as war cries.

126.11. It also emerged that the above referred slogans were raised during the course of movement, during mobilization, and during the course of holding public meetings and in December 1992 at Ayodhya during *Karseva*. Even an innocuous slogan like "Jai Shri Ram" was used as a hostile war cry and in the manner of ancient warriors' usage while going to the battlefield.

126.12. There is sufficient and believable evidence on the record including the statements of Ram Kirpal⁵⁶⁷ and Mark Tully⁵⁶⁸ etc that provocative speeches

⁵⁶⁷ CGW24

⁵⁶⁸ CW 1

were delivered by Uma Bharti, Sadhivi Ritambra, Paramhans Ramchander Dass, Acharya Dharmendra Dev, B. L. Sharma, Ashok Singhal and Vinay Katiyar, Vamdev, Swami Chinmayanand, Mahant Avaidyanath etc.

126.13. Recording of these speeches were freely made available and used to be played in most of the shops⁵⁶⁹. *Karsevaks* were drawing pleasure in making the journalists say, "*Jai Shri Ram*". Militancy was writ large among the *Karsevaks*⁵⁷⁰. Paramhans Ramchander Dass admitted having announced on the public address system, "*demolish the structure you will not get such an opportunity*"

126.14. SPS Sinha affirmed the provocative address by Sadhivi Ritambra. Parkash Singh stated that statements of Ashok Singhal, Vinay Katiyar, Paramhans Ramchander Dass, and Dharminder Dev were rabid and provocative and vitiated the communal atmosphere in the country. Tripathi DGP admitted that speeches made by the middle rung and third rung leaders were contrary to the speeches of some of the pseudo-moderate leaders of the movement. Acharya Giriraj Kishore admitted that everybody gave a speech according to one's own objective. He further stated that *Joshila* speeches were delivered as it was required for controlling the crowd. He admitted the speeches delivered by prominent leaders like Avaidyanath, Acharya Dharminder Devji, Sadhivi Ritambra, Gopal Dass, Vedanti Ji, Vishvesh Tirath Ji, Mahant Chinmayanand Ji, Vasu Deva Nand Ji, Sankracharya Vasudev, Uma Bharti, Paramhans Ramchander Dass, and LK Advani etc.

⁵⁶⁹ Affirmed by Raman Kirpal (CGW24)

⁵⁷⁰ See CGW 24/2

127. The key events

127.1. The events leading up to the 6th of December 1992 have been discussed at length in another part of this report and need not be repeated here.

127.2. However, for the sake of highlighting and pinpointing the threads of the conspiracy or planning, it is worth recounting certain key events.

127.3. The locks of the disputed structure were directed to be opened by the District Judge in 1986 after a demand for it had been raised in 1984. The DM referred to the facts and circumstances leading up to his order in his book which makes interesting reading and reveals the extraneous considerations which influenced the decision. However, this report need not comment on the intentions and motivations of the judge even though they had far reaching consequences.

127.4. After the *Shila Pujan* and *Shilanyas* were declared, the BJP, RSS, VHP, BD and Shiv Sena began to manipulate religion and politics mouthing the right words for subverting religion for political ends. The *Shilanyas* was fixed for 30th of October 1989. Ashok Singhal⁵⁷¹ accepted that the building plan of the proposed temple was drawn up in 1989. Acharya Giriraj Kishore⁵⁷² admitted the object of *Shila Pujan* was awakening of Hindus to seek cooperation for construction of temple. DW11 Ramchander Paramhans Dass

⁵⁷¹ DW9

⁵⁷² CW28

after accepting the plan for construction of the temple stated, “*The construction was to start from Garb Grah in the disputed structure*”.

127.5. The sources of funds for this Ram Janam Bhoomi campaign, as reported in July 1989, included the offerings made to deity during *Rath Yatras*, sale of coupons, subscription vouchers, and financial assistance from RSS funds. The organizers proposed to raise Rs 1.25 from each house throughout the country during Ram *Shila Pujan* programme. Various other leaders like Paramhans Ramchander Dass, Uma Bharati etc. of the VHP organized a *Hindu Samelan* in UK to raise funds. Ashok Singhal pointed out that VHP had funds of eight Crores rupees in its bank account. It used to collect membership fee from its members. VHP used to raise money from sale of VHP literature, or the donation from Hindu sympathizers, businessmen and industrialists as regular donors. The amount was collected first time in 1983-84.

127.6. On prognosis of the evidence on the record, it can be concluded that the gathering of the mob on 6th of December 1992 was the natural consequence of “religious awakening” of Hindus and the communally biased feelings of the hardliner communal Hindus. Another objective was to project the issue as a response to the policy of reservation⁵⁷³ too contributed in collecting of Hindus on the premises of psychology of caste, religion etc. trumped up during this movement. It was perceived that failure of the movement would be result in Hindu organizations losing identity and entity in politics. Even the Home Secretary admitted that call for *Karseva* used to disturb communal harmony. It was officially accepted that communal violence in 1991 at

⁵⁷³ as stated by DB Roy CW7 and Giriraj Kishore CW28

Varanasi was not sudden but had been preplanned by some organization and attempts would be made in future too, though the identity of the blamed organization for reason best-known to the administration were not disclosed.

127.7. The date fixed for Karseva was after Diwali on the 18th of October 1990, the occasion on which people come for various festivals. The RSS sent out the *Karsevaks* to the villages as the state decided not to allow gathering of *Karsevaks* at Ayodhya. It was officially recorded in the notings of various officers. The impact of violence because of Ram Janambhoomi too was officially recorded and felt in Gujarat, Madhya Pradesh, Karnataka, Rajasthan and UK⁵⁷⁴. It was further noticed and recorded that in 1990 security arrangements were deep and wide spread, while in 1992 there were concentrated only around the disputed structure, still it was not possible to control or organize the people present within the security wall. The decision to issue identity badges to local workers was not implemented. It was observed that checking was not possible.

127.8. RN Srivastava, district magistrate on 6th of September 1990 informed the Home Secretary and DGP of the state and others *“it is well known about the Karseva for 30th of October 1990 by VHP, Bajrang Dal, RSS, are main Hindu organizations. BJP, Shiv Sena, Hindu Jagran munch, Hindu Mahasabha etc have decided to completely give the political support to the movement. It has come to our notice that according to the perception of the leaders of VHP and RSS, they have set everything for the success of programme and in case of its failure they believe that Hindu organizations will lose their identity in the politics of the country.*

⁵⁷⁴ See file number 12.200/94/D/91.

Resultantly VHP and RSS have decided to give any type of sacrifice to make the programme success and they are likely to adopt the various tactics⁵⁷⁵."

127.9. It was assessed and perceived that in July 1992 there would be 8000 to 10000 *Sadhus* and *Sants* who would be staying in the disputed complex. There was a possibility of their declaring and commencing the construction of the temple. The apprehension of possible danger to the disputed structure was also felt. It was further noticed and observations were recorded in the official records that the suggestions of Vinay Katiyar for providing walls around the disputed structure were with the dishonest motive to isolate the disputed structure from the sentries for the illegal activity in his mind.

127.10. It was officially recorded that VHP had planned various programmes in 1990 to be undertaken through *Karseva Samities* which were adopted at *Sant Sammellans*. These were 1) Organisation of state, district, block level *Karseva Samities*, 2) celebration of silver Jubilee of VHP and release of magazine, 3) ringing of bells as warning day, 4) lighting of Ram Jyoti at Ayodhya, 5) Sending Ram Jyoti to Varanasi and Mathura, from there to all provinces reaching of it at Vijay Yatra day, 6) organizing a Jan Sankalp Diwas at College gate, 7) starting of Vijay Yatra with Hindu religious leaders in all villages en route lighting the Ram Jyoti in every village, 8) holding of religious ceremonies in villages of starting of Vijay Yatra, covering of all blocks of country, 9) to make contact with the representatives of villages 10) lighting of Jyoti in all houses in villages, 11) Diwali lamps to be lighted from Ram Jyoti, 12) movement of 5000 groups of *Karsevaks* for different places on

⁵⁷⁵ See file number 9 -- 200 (5)D/90.

different dates, 13) programmes of Hindu awakening to be carried out till Vijay Laxmi day, 14) victory procession to be carried out at 250 places, 15) religious fasting at different places to be carried out, 16) RSS workers or *Karsevaks* would try to get oath forms, 17) every group to carry a saffron flag with pictures of lord Ram Chander and of the proposed temple, 18) a group of 2500 *Bajrang Dal* volunteers would be sent to villages on the boundary of Ayodhya six or seven days before, 19) they would go under the veil of *Karsevaks* and stay with *Karsevaks* in temples and would motivate them and prompt their emotions and sentiments.

127.11. It was officially declared in the media that the decision to start the *Karseva* had been taken and there would be no change of it, the court's decision would be irrelevant. RSS leadership felt that there could be prohibition on the movement, and considered how to get the sympathy of Hindus and to carry out their program ahead despite the possible police arrangement.

127.12. It was noted in official record that VHP and *Bajrang Dal* would promote the movement openly and RSS would start working secretly amongst Hindus⁵⁷⁶. The VHP announced the following programme at Allahabad, starting the construction of temple at the disputed site, demolition of a number of temples and the buildings adjoining to the disputed structure, congregation of *Sants* and Mahants, exhorting of *Bajrang Dal* workers addressed from all over the country for converging to Ayodhya, mobilization of *Karsevaks* from every village of India on the pattern of *Shila Pujan*. The posture of the VHP and other members of the Sangh Parivar and *Karsevaks* was militant.

⁵⁷⁶ See file number 9-200(5)D/90

Inflammatory pronouncements were made by leaders and *Sants* resulting in counter hysterical reaction of Muslims. It was officially observed by the government that though in the past the VHP used to declare its programmes in advance, but now the organization and leadership of temple programme having been taken over by the RSS, they have taken a policy decision to start a programme all of a sudden without any prior information or declaration. The officers expressed their doubt that any day at any place in the state they may create confrontation. Construction of temple would commence on 30th October 1990 with the support of Sangh Parivar⁵⁷⁷.

127.13. Home Secretary informed on 18th of October 1991 that Vinay Katiyar, Ashok Singhal, Laloo Singh, Sant Shriram Divedi, continued demolition of the building of Sankat Mochan etc

127.14. KS Sudarshan admitted that people received cooperation from local population in the form of hiding the *Karsevaks* during day time and at night they used to be taken through indirect routes to Ayodhya. The discipline and the strategic methods adopted leads to the inference that they were all RSS *Swayam Sevaks* and were working directly under their control. They used to come to Ayodhya according to the situation created by the state or state administration or the government of the relevant time or the political executive or the movement's expediency, and demand made on them by the organizers of the movement. Giri Raj Kishore admitted that RSS workers / Swayamsevaks were helping the police and these RSS workers were karsevaks too.

⁵⁷⁷ See file number 7/630/GI/90 and 9-200(5) D/90.

127.15. Mahant Paramhans Ramchander Dass, Mahant Avidyanath, Vam Dev Ji, Ashok Singhal, Vinay Katiyar, Mahant Nritya Gopal Das, Jagadguru Ramanujacharyaji Ji, Swami Permanand Ji, Mahant Ram Vilas Vedanti, Prapannacharya, along with *Karsevaks* were present in Ram Janam Bhoomi complex. They told the district magistrate that they were not willing to stop construction at any cost despite orders of courts. The declared objective was the construction of Chabutra for the *Sadhus* for doing Puja; though it was admitted later that the object in fact was the laying foundations for the Singh Dwar.

128. The patent objectives of the movement and the crowds gathered at Ayodhya on the 6th of December 1992

128.1. The object of the government in 1992 in Uttar Pradesh appeared to be of redemption of electoral promise of construction of temple and the mandate given by the people for the same. It could be inferred from the conduct and statements of the leaders that disputed structure would be demolished and temple would be constructed as part of the movement for construction of temple. Thus demolition was inherent in the movement⁵⁷⁸. The observation and perception of the organizers was, *"more restrictions and their implementation, with the same proportion Hindu organization will politically gain and there would be political gain for Hindu organization."* The object and intention of the organizers was apparently to gain politically. It is further corroborated from the admission of KS Sudarshan. It was reported in top level meeting of VHP, RSS, BJP, it was decided that time has come to reset the political agenda of the nation. The movement for the construction of the temple could not be denied to be a step towards resetting the political agenda of the nation in terms of the decision of the VHP, RSS and the BJP.

128.2. It was officially observed in the noting on the record of the State Government that since the incidents of communal violence had increased since 1989, there was fragile communal situation. Elections were said to be contributory factors for it. Police effectiveness was found to be proving

⁵⁷⁸ See the statements of Vinay Katiyar, Vishnu Hari Dalmia, Ashok Singhal, Vam Dave, Chinmayanand etc.

inadequate for activities of Hindu and Muslim communal bodies. Hindu revivalist tendencies and its resurgence were noticed. There was a blatant communal propaganda by BJP and Hindu fundamentalist organizations including the RSS and the Shiv Sena and other Sangh fronts at the grass-root levels, which was within the knowledge of the state government.

- 128.3. Even on *Bajrang Dal Shakti Diksha Samaroh* intemperate speeches with the pledge administered for any sacrifice for construction of the temple at the disputed site were made. Sloganeering created an atmosphere of confrontation. Ashok Singhal used to say “*we have to take Bajrang Dal movement to every Street, village and involve the students to create an environment or ambience for the movement as was at the time of the independence. Opposition would be met by reply of brick for Stone.*”⁵⁷⁹ One Harish Bhai said that if someone laid his hand, it would be cut. Dharminder declared that if any obstruction is raised for bringing Shilas for construction of temple, we will fill the foundations with *mundis* (human heads). Similarly one Parkash Sharma from Delhi exhorted the workers of *Bajrang Dal* that counting the beads of a rosary would not do, some force had to be used for the construction of the temple. Indira Ji from Delhi stated that force of *Hindutva* would attack. In a similar tone Uma Bharati claimed that a woman would come with swords and if somebody created the hindrance his head would be chopped off. Paramhans Ramchander Dass declared that one going against lord Ram is a traitor. He exhorted people for destroying the people against

⁵⁷⁹ See file no 4.200.30/D/89.

Ram and also incited the army to revolt. He further said that anyone not persuaded to join the movement ought to be finished.

128.4. It was held out "*BJP firmly believes that construction of Ram temple at Janam Sthan is a symbol of vindication of our cultural heritage and national respect. It is purely a national issue and it will not allow any vested interest to give it a sectarian and communal colour. Hence the party is committed to build Shri Ram temple at Ram Janam Sthan by relocating the superimposed Babri structure with due respect.*" It is an articulated commitment to appease both the religious communities, Hindus and the Muslims. A theory of involving and evoking the sentiments of religious Hindus was spread in the form of a rumour or calumny to rewrite history which may in future acquire legitimacy and authenticity by eliminating the physical signs of the real facts from history. There cannot be two opinions that history cannot be swept under the carpet though it may be suppressed or twisted or kept hidden for some time. It is one thing to learn from the past and another to attempt to rewrite it. There is a famous saying that if one does not learn from history, one is condemned to repeat it. The attempts to draw a parallel between the move for reconstruction of the temple at the disputed site in Ayodhya and the reconstruction of the Somnath Temple are not valid and do not arise except to create a cloud or blanket over one's acts to justify them by loud repeating by a large crowd.

129. The acquisition of the land

129.1. The declared object of the acquisition⁵⁸⁰ was, "*for development of tourism, providing amenities to pilgrims at Ayodhya.*" The Hon'ble Supreme Court held that the object of acquisition was veiled. The courts quashed the acquisition finding it to be malafide and being for extraneous purposes or considerations viz. construction of temple. The acquisition was found to be deceptive.

129.2. The administrative machinery and the bureaucracy collaborated with the political executive or the political party in power for achieving their deceptive agenda for construction of the temple. Apparently acquisition was shown to be distinctly a different public purpose. The bureaucracy articulated the language of the notification for acquisition to serve the hidden agenda of the government in power. During the pendency of the judicial challenge to the acquisition notification, parties were restrained from undertaking or continuing with any construction activity, still construction of the Chabutra and the demolitions of the adjoining temples and shops was carried out by the organizers of the movement with known active connivance and participation of the government and the administration, local and otherwise. The police, political executive, ministers and the Chief Minister Kalyan Singh himself were complicit. The situation at the spot was described and presented with articulation with an intent to ensure a particular result – of fulfilling the promises made in the election manifesto and for personal gains.

⁵⁸⁰ *vide notification dated 7th October 1991*

A threat was held out to the state about precipitating damage to the disputed structure and of worsening of the situation in other towns. Even when the numbers of the Karsevaks in July 1992 was not more than a few thousand, in a conscious and deliberate attempt to lay the foundation for the later date, orders prohibiting the use of force were passed, even though no such situation had arisen.

129.3. The District Magistrate and SSP D.B. Roy informed the Chief Secretary, principal Home Secretary and the tourism secretary that force may precipitate damage to the disputed structure and the situation in other towns may become tense. The government and administration took the conscious decision not to use force against *Karsevaks* or *Sadhus* and *Sants* or the leaders etc of the movement⁵⁸¹.

⁵⁸¹ See file number 13.200/39/D/92.

130. The subversion of the UP government

130.1. District magistrate RN Srivastava admitted the participation of government in the movement. From the totality of evidence it is established that Paramhans Ramchander Dass, Ashok Singhal, Acharya Giriraj Kishore, Brahm Dutt Divedi, Vam Devji, Mahant Avidyanath, Vinay Katiyar and Champat Rai were looking after the local affairs of the temple construction movement as well as the construction at the disputed site in Ayodhya. Parkash Singh stated that idols were placed in mosque with the intention and motive to injure the religious feelings and spread communal disharmony. It was officially known, understood, recognized and recorded in 1992 that any mischief or provocation would surcharge the atmosphere. The crowd that converged to Ayodhya used to be, under the spell of religion, trapped along with their leaders in their own hatred towards the disputed structure and obsessed with the election mandate and yearning for coming to power at the centre.

130.2. Succinctly it emerged from the evidence that the PAC was exposed to the religious and provocative speeches. It is apparent from their conduct that they were affected by the religious speeches of the religious leaders and the political speeches of the ideologues or the organizers and did not act at all, either before the assault or thereafter or during it.

130.3. The police, administration and the legislative executive were working in Unison. They were supporting each other under the garb of religious

movement claimed to be under religious leaders most of whom, were from political background. They were representing organizations associated with political parties. The perpetrators of unlawful activity were assured about the police inactivity and their own anonymity at a given point of time.

130.4. The Home Secretary admitted that call for *Karseva* used to create friction between the Hindus and Muslims. He admitted the organizers had planned that the participants in *Karseva* would be registered and given identity cards⁵⁸². The organisers had decided to organize meetings at district level, sub divisional level, block level, and big village's level for eliminating the previous confusion during *Lalkar Divas* week. Undisputedly and even admitted by KS Sudarshan, the logistics of *Karseva* were worked out at RSS headquarters in Delhi.

130.5. No documentary or direct evidence is possible in a conspiracy of this manner, nor unimpeachable and firm evidence of some action of planning of demolition obtainable. Yet it cannot be denied that there are enough circumstances pointing out the kind of planning having been undertaken, by the parties associated with the movement, or the leadership at any level, or by the fanatics supported by the government in power.

130.6. The leadership admitted being mindful of consequences of the damage or demolition of the structure resulting in ethnic violence and religious meddling. There is nothing on the record that the leadership made any efforts to devise means to prevent it and ensure the security of the disputed

⁵⁸² This is corroborated by the statement of Sanjay Kaw.

structure. There is no gainsaying that the Muslims were fragmented and were a minority faced with much larger majority which was being helped by the BJP government of the state.

130.7. The minority was wary of the call of BJP in support of the construction of the temple. There existed a joint common enterprise between Sangh Parivar, organizers of the *Karseva* and the government. The government had systematically divested the police and the administration of its power to use force, despite foreseeable consequences. In the totality of circumstances it is apparent that the policy of the government was neither for maintaining law and order nor for protecting minority rights nor for enforcing court's order's. Governance was being carried out in terms of election manifesto rather than the constitutional obligations.

130.8. The government by its drifting policy, negligence, lack of perception, lack of farsightedness or because of lack of learning from the past experience permitted draconian rule to prevail. The leaders of the movement used the harsh and colourful words with the potential of provoking the *Karsevaks*. The decisions of the police were outrageous and illogical, leading to the inference of preplanning for demolition in view of the temper and menacing proportions of number of *Karsevaks*. The dissemination of information by the police was with the predominant purpose of pleasing the political executive or the bosses who were interested in executing the political manifesto for construction of temple which could not be achieved except after the demolition. Politicians claiming themselves to be the elected representatives were going around and dictating orders to the police and local administration.

- 130.9. V.K. Sexena⁵⁸³ chief secretary stated that party agenda reflects the policy. All the decision in government used to be taken by the Chief Minister and the power to take decision with respect to Ayodhya was never delegated to any other person.
- 130.10. The general impression perceived was that the chief Minister would not hesitate to sacrifice the government for the construction of temple, which he asserted in his declarations and speeches etc. had been decided that no force would be used against *Karsevaks*. Parkash Singh stated that the Chief Minister, in meeting dated 17th of July 1992, ordered against the use of force against *Karsevaks*. Parkash Singh stated the Chief Minister, in meeting dated 17th of July 1992 ordered not to use force against *karsevaks* or their leaders and the protagonists of the temple construction movement.
- 130.11. Belligerent, defiant, militant *Karsevaks* in massive numbers were present in the Ram Janambhoomi complex as well as in Ayodhya and Faizabad and the surrounding villages. Leaders with similar nature or leaders opposed to symbolic *Karseva* were present in the Ram Janambhoomi complex as well as in and around Ayodhya since November 1992. They were exhorted by frenzied leaders present on Ram Katha Kunj and in the *Ram Janambhoomi Babri Masjid* complex which resulted in demolition. Acharya Giriraj Kishore admitted that *Karsevaks* with mob mentality were there. RN Srivastava accepted that attitude of *Karsevaks* was aggressive towards central paramilitary forces. Police, executive, administration, and political executive knowingly, consciously and intentionally ignored the nature of *Karsevaks*.

⁵⁸³ CW13

Political executive had the expectations from the persons dealing with the Ayodhya issue that the policy spelled out in the election manifesto of the government governing the state is achieved on sixth of December 1992.

130.12. It was obvious that the aggressive karsevaks and their leaders were busy in attaining the objective irrespective of means, manner, mode, provocation etc while others kept up the face of carrying out the talks with the Central Government or others concerned with it. It provided an opportunity within the system to suffer from the inadequacy of human resources for providing security for disputed structure or its preservation by positioning with functioning of the numerical force available at the spot so as to make it physically impossible to control the crowd in the surcharged atmosphere. It was recorded in the minutes that SSP apprehended that *Karsevaks* from Delhi, Punjab, Andhra Pradesh, Haryana and Jammu and Kashmir would be emotional. SPS Sinha⁵⁸⁴ stated that aggressive mood of *Karsevaks* was within the knowledge of the government⁵⁸⁵. Parkash Singh CW14 stated that *Karsevaks* were ecstatic for what they were doing. They were imbued with the spirit and the feeling that their acts were heroic. He affirmed that the crowd was found to be rebellious.

130.13. LK Advani admitted the ecstatic mood of *Karsevaks* and the leaders present on the sixth of December in the Ram Janambhoomi - *Babri Masjid* Complex at Ayodhya and at the Ram Katha Kunj and the surrounding villages. He further accepted his (and others') declaration about the site to be symbol of

⁵⁸⁴ CW12

⁵⁸⁵ See CW 12/20, CW 12/21.

subjugation, and demolition as a symbol of vindication, cultural heritage and national respect. He added that Muslim leaders were misguiding the community by advising them to venerate or respect foreign invaders like Baber, only because he was a Muslim - they should get free from the mentality of the partition.

130.14. Kalyan Singh and other protagonists of temple claimed that the election manifesto of 1991 and 1992 of the BJP was a referendum for construction of temple. The elections of 1991 in U. P. centred on the Ayodhya dispute. It was held out by the leaders as also their workers that their promise to facilitate the construction of temple had won them the election. If this theory or belief of popular mandate was to be accepted, then on the same analogy, the majority of the voters at the national level had not voted for BJP or the political parties supporting the proposed temple construction.

130.15. In other words, others had voted against the construction of the temple. In such a situation returning of the party in majority at state-level cannot be considered as the mandate of the nation for the construction of the temple.

130.16. The police had remained silent and mute spectators. Their role also appears to be of supporting the *Karsevaks*. The fact is corroborated when S.C. Dixit testified that "*PAC and administration proved their blood to be of Hindu and helped us by cooperation*".

130.17. Vinay Katiyar used to state and declare, "*disputed structure would be demolished by sacrificial squads*" It was admitted by Seema Chisti that there was no change in temperament of leaders from as it was seen in July 1992. She

further stated that the demolishers and assaulters were from the Hindi-speaking belt which is contrary to the stand of leadership or of organizers who asserted that they were from south. The video recordings strongly support this conclusion as well.

130.18. Raman Kirpal⁵⁸⁶ stated that major role in blocking the approach Roads to paramilitary forces was of local people of Ayodhya and Faizabad. Similarly, defiant and militant *Karsevaks* were stationed in the villages surrounding Ayodhya. R N Katheriya⁵⁸⁷ admitted that *Karsevaks*, excited and irked to the extent of madness and incited through emotional slogans and speeches, especially by self proclaimed religious leaders who were present at the disputed structure or in the *Ram Janambhoomi - Babri Masjid* complex and the Ram Katha Manch.

130.19. KS Sudarshan admitted the RSS worked for “awakening” Hindu conscience in the entire country . He urged all the patriotic citizens to remove the disputed structure from Ayodhya and to construct the temple. He further asked *Sangh* volunteers to be ready for every type of sacrifice and to participate in erecting an imposing shrine⁵⁸⁸.

130.20. The organizers took no decision to restrict themselves to a symbolic *Karseva* even till the 5th December 1992 though an order of the Supreme Court was there to the same effect. Prabhat Kumar confirmed the resentment amongst *Sadhus, Sants* and *Karsevaks* for a symbolic *Karseva*. This being in the

⁵⁸⁶ CGW24

⁵⁸⁷ DW2

⁵⁸⁸ CW18/16

knowledge of the state, it still provided transport, food etc. for those converging on Ayodhya. The Station Superintendent of UP Road Transport Corporation, Civil Lines Allahabad deployed a fleet of 11 buses especially to take *Karsevaks* to Ayodhya.

130.21. Shekhar Aggarwal⁵⁸⁹ stated about the activity of Tourism Department including the levelling of land, construction of Ram Dewar under the garb of security wall, which undisputedly was the boundary wall of the proposed temple etc.

130.22. Sakshiji Maharaj⁵⁹⁰ stated that a meeting called for 5th of December 1992 was widely attended. It was decided that since BJP was in power in UP therefore symbolic *Karseva* would be carried out. V.K. Sexena stated the state took a policy decision to manage the inflow of *Karsevaks* and provide assistance to various organizations that were organizing them. They did not take the management or the arrangements for management or monitoring the management. Sakshiji Maharaj stated that VHP, Sant Samaj, RSS made security arrangements. The other witnesses from Sangh Parivar evaded commenting on the authorities making any security arrangements, pleading ignorance for the same⁵⁹¹.

130.23. It can be concluded from the statements of Tej Shanker⁵⁹², P. Shukla⁵⁹³ and Rajinder Kumar Swami⁵⁹⁴ that a communally frenzied, emotionally provoked

⁵⁸⁹ DW7

⁵⁹⁰ DW8

⁵⁹¹ See also, statement of Uma Bharti.

⁵⁹² CGW2

and militant crowd of *Karsevaks* demolished the structure and built a makeshift temple. On the eventful day they came from neighbourhoods of disputed structure and surrounding villages where they were staying in pandals pitched on the south eastern corner of the disputed structure. It cannot be believed that the leadership present in Ayodhya prior to sixth of December 1992 or the administration did not know that the *Karsevaks* will strike. At the cost of repetition, it may be observed that given the state of security measures, anybody could do anything to the structure that day. I can observe that even the observer appointed contributed to keep the courts in oblivion inasmuch as he was specifically required to not only report only the developments or the construction in the face of the stay ordered by the courts, but also required to report any developments likely to put the disputed structure in jeopardy. The observer did not even bother to reach the disputed structure during the forenoon of the fateful day, much less obey the mandate of the Supreme Court to keep it honestly informed about the ground realities.

130.24. Mulayam Singh stated that Kalyan Singh knew about the situation being volatile and tense and still no action was taken, despite Advani's statement in November 1992 that *Karseva* would be done with the shovels and bricks and not by holding bhajans. It was stated in the parliament by him that *Shilanyas* at the site had been permitted. Home Secretary Godbole stated that there was no information of planning and as such it could not be inferred that there was a conspiracy of the Congress and BJP for demolition; this could not be

⁵⁹³ CGW4

⁵⁹⁴ CGW3

accepted on the face of it, particularly in the absence of any specific circumstances leading to such an inference. The mere failure to impose President's Rule or taking of preventive steps by itself could not be taken as sufficient proof for inference of conspiracy.

130.25. Dysfunctional and misleading information was being floated. False stories were planted by the rumour mills which were in full swing. All sorts of assertions were published in the local and vernacular media. The administration did not take any preventive action. It allowed the rumours which resulted in the situation becoming uncontrollable. The statements attributed to LK Advani and Kalyan Singh were denied by them as well as some other prominent witnesses.

130.26. Significantly, the *Sangh Parivar* also does not attribute any contribution of the Congress towards the demolition of the disputed structure; though after the demolition they used to state that if the Congress wanted to save the structure they would have imposed president rule. This is clearly an act of doublespeak inasmuch as even the warning of it was opposed by them, much less imposition of President's rule. They changed their planning of calling 25,000 karsevaks at a time by instead calling them all together in order to show their numerical strength opposing the rumours they had themselves spread, of the imposition of President's Rule.

130.27. Shahabuddin⁵⁹⁵ stated that there was collusion between the Central Government, State Government and district administration for demolition,

⁵⁹⁵ DW14

corroborated by subsequent act of government. It was averred that the central figure of conspiracy was Paramhans Ramchander Dass who had met Indira Gandhi and asked her to hand over the structure to him. She allegedly refused to do so and said that things could be taken care of and looked into as and when the situation arose.

130.28. It is a farfetched theory and an attempted rumour to hit at a political adversary, particularly when the leader to whom it was attributed is no more in this world. In the absence of any corroboration it is merely a fantastic figment of imagination which was floated only after he had left that particular political party lead by Indira Gandhi. This statement is an obvious afterthought and biased, deserving no further consideration.

130.29. Complaints were made by the Muslim community that the security forces were biased in favour of the Hindus⁵⁹⁶. SVM Tripathi⁵⁹⁷ accepted that there were occasions when the role of PAC had been suspect. RN Srivastava District Magistrate accepted having been made aware about these apprehensions about the PAC. Vinay Katiyar stated that the people did not trust the PAC. The official record with respect to this developing of links of PAC with local BJP leaders and its communalization is with the Internal Security Cell of the Home Ministry. There was distrust between the Central

⁵⁹⁶ supported by Mulayam Singh, Prabhat Kumar, SB Chavan (Home Minister of India), Godbole (Home Secretary of India), VP Singh (one time Chief Minister of UP), Parkash Singh (DGP of UP) during the movement resulting in demolition.

⁵⁹⁷ CW15

and State Governments. No steps were taken to obviate the fears of the people or those adversely affected by the movement.

130.30. SP Gaur stated that there was a clear distinction between the situation of 1990 and that in 1992, inasmuch as in 1990 the Government had taken the decision not to permit *Karsevaks* to allow them to reach the disputed structure and therefore, elaborate arrangements had been made. In 1992 the decision was taken for permitting the *Karseva*, therefore the arrangement had been made only for regulating the *Karsevaks*. Organisers of *Karseva* were in regular contact with BJP. The *Karsevaks* were considered to be friendly crowds as the organizers were allies of the political party in power in the state.

130.31. Leaders of RSS, VHP, and BJP met on the 2nd of November 1992 and worked out the logistics of *Karseva*. It was published in the Telegraph newspaper on 3rd of November 1992 that, “[the] top level meeting of VHP, RSS, BJP has decided that time has come to reset the political agenda of the nation. Various options on issue were discussed. The Government should discharge constitutional responsibility or lose its job. Ashok Singhal briefed about Dharam Sansad, ratified decision and decided to start construction. It was admitted that Ayodhya strategy was finalised by leaders of VHP, BJP in presence of RSS leadership.” This was also admitted by KS Sudershan. He stated that the records of proceedings were regularly maintained in RSS headquarters which would be produced before the Commission, which was never done. Participants in this meeting were LK Advani, MM Joshi, Kalyan Singh Chief Minister, UP Vishnu Hari Dalmia, Ashok Singhal, K.S. Sudershan, Badri

Pershad Toshniwal, Sunder Singh Bhandari, Lalji Tandon, Rajinder Gupta, and Kushabhau Thakre.

130.32. Mixing of the local administration with the organizers of the *Karseva* and the local leadership of BJP, RSS etc can be concluded from the evidence on record. It may be concluded from the analysis of the statements of witnesses, totality of circumstances, their conduct and other evidence on record that AK Saran and BK Roy had loyalties outside their department. DB Roy was posted at Ayodhya at the instance and insistence of the political executive with the simultaneous posting of the District Magistrate. Posting of AK Saran is also not free from suspicion in view of the transfer of Mehta. The latter transfer was attributed to his conduct of not yielding to the demands of the local leaders as well as of his having taken strong stance during the *Karseva* in 1990⁵⁹⁸.

130.33. Vinay Katiyar and Ashok Singhal and others used to hold closed-door meetings and were operating behind the scene as well. It was well known that they were pushing and directing the Chief Minister⁵⁹⁹. Officers were posted at the instance of government as was the case of DB Roy and AK Saran etc. though the then DGP was opposed to their posting at Ayodhya. SSP and the District Magistrate used to hobnob with the local politicians like Vinay Katiyar, Ashok Singhal, BP Singhal, Acharya Giriraj Kishore, Mahant Avaidyanath, Champat Rai, Dwivedi, Kalraj Mishra, Lalji Tandon,

⁵⁹⁸ Corroborated from the statement of Parkash Singh (CW14)

⁵⁹⁹ See the statement of the Parkash Singh DGP (CW14) and Madhav Godbole (the then Home Secretary).

Paramhans Ramchanderdas etc. They would be closeted with VHP leaders, discuss with them and give and receive signals at their instance.

130.34. Security was diluted at the instance of Ashok Singhal, Brahm Dutt Dwivedi, Kalraj Misra, Paramhans Ram Chander Das, SC Dixit and Vinay Katiyar as already referred in this report. Parkash Singh stated that Brahm Dutt Divedi⁶⁰⁰, SC Dixit and Vinay Katiyar had instructed that the barriers should be removed and frisking should be stopped. There was great pressure for accelerating the dismantling of the security infrastructure which could, in due course facilitate the construction of the temple. Even the state police was under tremendous pressure to lower its guard at Ayodhya. The main participants in a meeting held for the purpose were Rajinder Kumar Gupta⁶⁰¹, Lalji Tandon, Brahm Dutt Divedi and Surya Pertap Sahi. The officers who attended the meeting were the Chief Secretary, DGP, IG Lucknow zone and the IG security. It was alleged that because the paramilitary forces had been stationed without the prior permission of the state, their deployment was likely to create problems of dual control in Faizabad. The stated reasons run contrary to the facts on the spot where the paramilitary forces were being deployed in the isolation cordon for a long time, without there being any such problem.

130.35. SP Gaur stated that he had no knowledge of apprehension of damage to Muslim structures, and they were more concerned about the security of the public attending the area.

⁶⁰⁰ Revenue Minister

⁶⁰¹ Finance Minister

130.36. AK Saran admitted that security arrangements were made with the sole object of traffic control and not with a thrust to stop the construction. He admitted that no steps for security in case *Karsevaks* went berserk were taken or even considered. Force was even required to provide security to *Karsevaks* where they were staying.

130.37. It emerged from the statements of Tej Shanker⁶⁰² District Judge, Rajinder, Swami⁶⁰³, P. Shukla⁶⁰⁴, Seema Chisti⁶⁰⁵ etc. that the Closed Circuit TV (CCTV) was not working, the hot line had been cut off and the only communication equipment was with the state police. The fencing needed at Kaushalya Rasoi and at the inner wall of *Garb Grab* was lacking, the ground was levelled in front of the disputed structure to accommodate more *Karsevaks* and the management of the crowd was with the organizers.

130.38. A solitary, insignificant and ineffective force of eight constables was available at the Police Chowki for an area of 4 kilometres jurisdiction. RN Srivastava testified about the levelling carried out by the organizers in presence of officers of tourism and which was later taken over by them. He admitted that police help was also sought for levelling by the District Magistrates at the instance of Vinay Katiyar, Paramhans Ramchanderdas and Ashok Singhal. PN Shukla⁶⁰⁶ stated that a force of 200 persons at *Sita Rasoi* and another 100

⁶⁰² CGW2

⁶⁰³ CGW3

⁶⁰⁴ CGW4

⁶⁰⁵ CGW6

⁶⁰⁶ CGW4

was deployed in the complex. He further stated that all the persons posted around the disputed structure were new⁶⁰⁷. Aklesh Mehrotra⁶⁰⁸ admitted that only gazetted officer had walkie-talkies and in the complex there was only one; there were no means to contact the control room or constables on duty or the organizers or the *Karsevaks* assembled.

130.39. N.C. Pandhi⁶⁰⁹ stated that 10,000 *Karsevaks* positioned themselves in and around Ayodhya in a clandestine manner. RN Srivastava⁶¹⁰ district magistrate admitted that main road from Faizabad to Ayodhya was inhabited by the Hindu community on both sides. The *Karsevaks* camps were at a distance of a hundred meters from the complex. He further admitted that 200 to 300 RSS workers were helping the administration. Persons were deployed without any means of communication.

130.40. The facts that emerged on analysis of the testimony of Rajinder Kumar Swami, Jha, Mark Tully, Praveen Jain, KS Sudarshan, SPS Sinha, Acharya Giriraj Kishore and the other documentary evidence, is that the security was not foolproof and was in fact only symbolic. There were flimsy and notional barricades. Only a badly damaged boundary capable of offering hardly any resistance to motivated men was there. It was apparent that in the event of a stampede, security persons were likely to be boxed in and rendered

⁶⁰⁷ Corroborated by DB Roy (CW7), who stated that the force provided to him consisted of either trainees or untrained constables and others.

⁶⁰⁸ CW11

⁶⁰⁹ CGW32

⁶¹⁰ CW 30

ineffective. The PAC and some of the other security staff were themselves believers and followers of the movement. They used to visit the disputed structure and perform Puja there, even while wearing their uniforms. They carried their bias regarding the disputed structure as well as about Muslims. They were thus devoid of the very spirit required for impartial protection of the structure or performing their duties in an honest manner. This was well within the knowledge of the organizers and the state administration. Still, no corrective, curative or preventive steps were taken by the persons responsible for it. Rather, the leadership exhorted the Police to support the Karsevaks in achieving their objectives. This becomes even more apparent from the slogans like “*Badi Khushi Ki Baat Hai. Police Hamaray Saath Hai*”. SC Dixit went to the extent of thanking the police for refraining from using force against the Karsevaks. He further showered praise on them by declaring that the force deployed at Ayodhya for the security of the Karsevaks had amply demonstrated that Hindu blood flowed in their veins. The security staff deployed had extremely low morale and was disinterested in providing any meaningful security. This state of affairs was no secret and was even apparent from the media reports of the time.

130.41. During her testimony, Uma Bharati said that she came to know of beating up of press people on the 7th of December, while earlier she had said that people whom she could not identify attacked the press at the disputed structure. It is difficult to believe that the media people were being beaten in large numbers particularly in the Ram Janambhoomi – Babri Masjid complex in full public view and some of them, i.e. the press people even managed to flee to the Ram

Katha Manch and some of whom were saved by LK Advani's security officer, Anju Gupta and by others. It cannot be believed either that the leaders like Uma Bharti etc. did not come to know of these assaults. There seems to be a crude attempt to protect the leaders and to deny or justify these attacks one way or another. There was no spirit or enthusiasm for providing the security to the structure. The sentinels were merely going through the motions since they had been assigned that duty. This was an open secret, known to the organizers, administrators and the *Karsevaks*. The leadership exhorted the armed forces i.e. the police to support the *Karsevaks* in achieving their objectives and not to use force against them. Reference can be made to the statement of KS Sudarshan, Mark Tully etc. No attempt was made to protect the journalists or photographers from the *Karsevaks* either by the organizers or the administration despite the fact that the organizers had themselves issued press passes.

130.42. DB Roy accepted that the plan of VHP of coming of 25000 *Karsevaks* and their stay in bordering villages was changed, apprehending imposition of President's Rule. All the *Karsevaks* were therefore called into Ayodhya simultaneously, possibly to oppose the imposition of President's Rule. A vaidyanath⁶¹¹ stated that some of the leadership was provoking the *Karsevaks* and trying to get them to demolish the structure. They projected the demolition of the structure a heroic act. He said there were no means to discipline them; they climbed over the trees and jumped into the isolation cordon and outnumbered the paramilitary forces, which could not effectively

⁶¹¹ CW31

carry out a *lathi* charge or use tear gas because of intermingling of police and the crowd apart from the difficulties posed by the closed space. P. Shukla⁶¹² stated that the tear gas could not have been effective because the *Karsevaks* had painted themselves with an unknown substance to render tear gas useless. JS Bisht⁶¹³ confirmed that tear gas could not be used for tactical reasons as there were no escape routes for police or the crowd within the isolation cordon apart from the lack of space between *Karsevaks* and the police. Similar was the situation on the ground with respect to lathi charges.

130.43. *Sadhus* and firebrand leaders like Sadhvi Ritambhara were sarcastically saying “honour the Supreme Court order” and they were ridiculing the same. Ashok Singhal, Vinay Katiyar, Uma Bharti and other leaders were urging the journalists “*Dekh Kar Jaiya*”. This was being said before, during and after the demolition.

130.44. SB Chavan⁶¹⁴ stated that 150 persons broke the cordon and started stoning the police while 1000 broke into the cordons around the disputed structure and about 80 of them climbed the domes. Seventy five thousand *Karsevaks* were at the Ram Katha Kunj, which was outside the Ram Dewar i.e. the boundary wall though quite near to the disputed structure. The fact is corroborated by Sharat Chandra⁶¹⁵. Acharya Dharminder Dev stated that 10,000 to 20,000 *Karsevaks* demolished the disputed structure while KS

⁶¹² CGW6

⁶¹³ CGW7

⁶¹⁴ CW4

⁶¹⁵ CGW 40

Sudarshan suggested that the number was 5,000 only. He further stated that the pattern of destruction suggested it was preplanned and even the architects opined that the destruction was not possible without expertise and systematic techniques. Avaidyanath⁶¹⁶ admitted that the disputed structure was demolished actually by 1000 to 2000 *Karsevaks* because of limited space at disputed site, while there was a crowd outside.

130.45. From an examination of the evidence, video cassettes produced and the spot inspection carried out by this Commission, it is proved that isolation cordon could not accommodate more than hundred to two hundred persons while 5000 persons could have been accommodated in other cordons. This view gets corroboration from the statement of Tej Shanker⁶¹⁷, PN Shukla⁶¹⁸ station officer in charge of Ram Janam Bhoomi police station, JS Bisht, Ram Kirpal⁶¹⁹ and a fax message sent by Tej Shanker⁶²⁰.

130.46. SPS Sinha stated that about 50 *Karsevaks* of Shiv Sena entered the disputed structure from South corner behind the disputed structure with the implements for demolition and saffron flags. They entered the isolation cordon by jumping over the security wall and initially one young boy climbed on top of the domes like an acrobat and unfurled a saffron flag. Thereafter about 50 to 100 persons followed suit. They climbed the domes with *Trishuls*, *lathis*, pickaxes, iron rods, shovels, sables and hammers etc. Neither the police

⁶¹⁶ CW31

⁶¹⁷ CGW2

⁶¹⁸ CGW4

⁶¹⁹ CGW24

⁶²⁰ CGW 2/4

force nor the Karsevaks at the spot or in the Ram Janambhoomi complex nor any of the leaders or anyone else intervened or attempted to stop them. Some unreliable statements of interested persons like the SSP etc. have come on the record that they requested the perpetrators not to do so or to create chaos. These statements cannot be trusted. No steps were taken by the police to stop the persons from climbing the domes or entering the structures despite the fact that after the initial entry, some of the Karsevaks pelted stones at the police personnel, especially those deployed inside the isolation cordon as it was the CRPF. It still becomes more plain from the conduct of the state police, the PAC deployed in the complex, the disputed structure and at the security wall, Ram Katha Kunj and in Ayodhya town that they were merely mute spectators. The Karsevaks were even seen in the video footage and photographs wearing the police shields used by them for their protection from stones or other projectiles or sticks etc. It lends credence to the fact that the police, karsevaks and the administration were supporting each other. They did not stir even when the journalists were being beaten up in their presence and were crying for help. It cannot be a coincidence that the stone throwing was only directed towards the paramilitary forces and not the state forces. Another act that emerges is that the suggestion that the stones were being pelted by 70,000 Karsevaks is physically impossible. The area available could not accommodate more than 10,000 Karsevaks. Added to this, one cannot imagine how either the Karsevaks or their leaders could ask them to stone other Karsevaks who had jumped the boundaries and filled the inner cordon and the surrounding spaces. It was specifically stated by Rajinder

Swami⁶²¹ that the rods with the *Karsevaks* were not similar to the one used in the barricades.

130.47. Later the Karsevaks started entering the disputed structure and the security cordons. They were seen with the police equipment like shields etc.

130.48. As a prelude to their entry in the cordons or the isolation cordon or the disputed structure, they cut off the hotline and took away the riot control equipment. Before entering the disputed structure under the domes, the idols and the cash box were removed to a secured place within public view with due reverence. The security forces, organizers, leaders and the other protagonists including the religious leaders did not make any attempt to prevent this shifting of the idols and the cash box. Seema Chisti stated on oath that these were removed by the Pujaris and Karsevaks. They were reinstalled again ritualistically in the make shift temple.

130.49. The Karsevaks numbering under a hundred entered the disputed structures underneath the domes after the removal of the idols. Simultaneously the assault on the journalists commenced, particularly on the photo-journalists to prevent them from making a permanent record of the happenings. Admittedly, less than a hundred people could gather under the domes at a given time and this leads to the valid conclusion that the Karsevaks who did enter the structures were specially assigned to this role and were in furtherance of a well conceived plan to demolish the structures. All fingers point at the RSS who are known to be the most disciplined cadres and who

⁶²¹ CGW3

conduct themselves in an orderly and highly planned manner. These cadres are known for their devotion to their philosophy and their ability to act in a precise and planned manner with military precision. They were quite capable of secretly planning and of keeping their intentions and plans hidden from all others. It has come on the record and was even officially recorded that the RSS was holding secret meetings and was working for the movement for the construction of the temple at the disputed site. They were secretly mobilizing the Karsevaks and persuading pilgrims for the same. Their capacity, capability, potentiality to organize the hard core Hindus for religious congregations or for any other purpose related to the Hindu religion is well known and admitted.

130.50. SPS Sinha stated that that the idols of Ram, Puja material, donation box etc. were removed from *Garb Grah* before demolition started or commenced from inside. An epigraph of Mir Baqi was taken away by an associate of Moreashawar Save. Sharat Chandra⁶²² stated that Laloo Singh MLA was seen running with the box.

130.51. Admittedly, the methodology adopted by *Karsevaks* was they went inside the domes, made holes in the walls, put ropes in them and pulled down the walls of the disputed structure bringing down the domes. On analysis of the documentary evidence, video recordings and the statement of Nirjala Deshpande, it emerged that the demolition was not effected or carried out by the *Karsevaks* who had climbed the domes. It was effectively carried out by

⁶²² CGW40

the *Karsevaks* numbering less than a hundred who entered under the three domes and pulled down the walls in a preplanned and organized manner.

130.52. SPS Sinha affirmed that Dr. Vilas Vedanti was making efforts for the obstruction and blocking of the roads coming towards the disputed structure so that the vehicles of paramilitary forces or the paramilitary forces could not reach the *Ram Janambhoomi Babri Masjid* complex or the disputed structure⁶²³. RN Srivastava admitted that no attempt was made to control, regulate or restrict the *Karsevaks* coming to Ayodhya or Ram Janam Bhoomi Complex. He stated that officers in the control room made no contact with leaders present at Ram Katha Kunj or anywhere else.

130.53. The apathy of administration was writ large and even the in charge of the police station *Ram Janam Bhoomi* P. Shukla stated that it was not known to him what the people present on platform intended to do. No attempts to stop the *Karsevaks* were made by the administration from the only public address system available. So was the case of *Sadhus* and *Sants* or some of the fanatic leaders.

130.54. Uma Bharati stated that she did not remember any political or religious leader or any one from administration, even making an attempt to defuse the situation or moving towards the crowd to prevent their entry into the disputed structure or climbing the domes for carrying out the demolition. The District Magistrate, for reason best known to him denied identification of *Karsevaks* from headbands or otherwise. It has been observed that

⁶²³ See CW 12/13.

conclusive evidence is on record about the identification of the Karsevaks from their symbols or insignia like headband of a particular colour representing a particular organization. Similarly the Karsevaks could be identified by their particular slogan or war cry which had been assigned to their specific group; this fact has also been admitted by a majority of the leaders of organizers and even by Vinay Katiyar himself. The District magistrate also admitted that *Karsevaks* came with different head bands⁶²⁴.

130.55. The District Magistrate stated that there were reports and rumours floating about the imposition of President Rule in the state. He stated that the Chabutra was built in July 1992 by hired masons. Vinay Katiyar accepted that there was no PAC or state police or CRPF on the highway to control or regulate Karsevaks. There were no arrangements of mobile or mounted police in the town. He accepted that decisions taken by the BJP were exactly what the government later ordered. Even the defence witness RN Katherya⁶²⁵ stated that there was an unprecedented gathering. It was not possible to control the crowd. He further stated that there was no shelter for police from crowd brick batting. From the videos produced and the spot inspection etc., the brick batting could not be called massive and was only notional.

⁶²⁴ See CW 30/1

⁶²⁵ DW1

131. The RSS's *saffron bands*

131.1. Acharya Giriraj Kishore admitted that members of the *Bajrang Dal* wore saffron bands. Shakshi Ji Maharaj⁶²⁶ admitted that 1000 RSS *Swayam Sewaks* from Delhi with yellow bands were deployed in the *Ram Janambhoomi - Babri Masjid* complex to control the mob and carry out the administration. Avidyanath⁶²⁷ admitted that *Karsevaks* with *Grewan Patti* climbed the domes and Champat Rai was the local leader supervising the construction. Vinay Katiyar also accepted that *Bajrang Dal* cadres had a saffron colour band and *Jai Shri Ram* was their slogan. Jha⁶²⁸ a journalist stated that people wearing yellow band were initially controlling the crowd, and later they climbed the domes, entered into them, or threw brick bats. Suman Gupta⁶²⁹ categorically stated that media persons were assaulted simultaneously at different places by the *Karsevaks* with yellow bands.

131.2. Mulayam Singh⁶³⁰ admitted that BJP members were with yellow band. BP Singhal Vice president of VHP stated that identification of the *Karsevaks* was Yellow or saffron Patti. Mark Tully stated *Karsevaks* were wearing saffron bands or yellow bands. The arrangements, discipline and situation were looked after by Swayam Sewak's of RSS. AK Saran categorically admitted

⁶²⁶ DW8

⁶²⁷ CW31

⁶²⁸ CGW5

⁶²⁹ CGW5

⁶³⁰ DW12

that *Karsevaks* were wearing yellow bands. Paramhans Ramchander Dass stated that *Bajrang Dal* was with yellow headband. Shukla admitted that *Karsevaks* with yellow bands were initially controlling the crowd and later broken the barriers and went inside the domes of the disputed structure. It is concluded from reading of oral statements and viewing the CDs and videocassettes produced before the Commission that *Karsevaks* wearing yellow or saffron bands entered the disputed structure and climbed over the domes with implements.

131.3. Yellow or saffron coloured bands were worn exclusively by *Karsevaks* of *Bajrang Dal* or *Swayam Sewaks* of RSS. Looking at the video cassettes produced in evidence and the analysis of the other evidence, it can be seen the people present at the site in Ayodhya were not even properly clothed for the cold December weather. This gives the distinct impression, that most of the crowd or the mob consisted of ignorant and gullible or illiterate people and was there, having been persuaded or forced by their local leaders. There is nothing to suggest that they were pilgrims to Ayodhya and thus in the Ram Janambhoomi complex or at the disputed structure by coincidence. All the persons present there were termed as *Karsevaks* irrespective of the political party or any other social party their local leaders might be representing.

131.4. From a careful sifting of the evidence it is established that the entire demolition was worked out by four distinct divisions of *Karsevaks*. The first were those who had apparently been given the task of attracting attention to themselves. These people had no effective demolition expertise or implements. They were TV conscious and vied for public attention by

hammering on the domes from on top, hoisting flags and knocking off plaster from above the domes.

131.5. The second were the actual skilled workers who knew their job, were efficient and had clarity in carrying out and achieving their object by pulling down the walls under the dome. They were careful to maintain their anonymity and were visibly disciplined as evidenced from the systematic execution of the demolition.

131.6. A third group of *Karsevaks* kept the police and administration at bay, by throwing bricks and other missiles for public consumption or providing the defence to be invoked later at the appropriate time. Their desire to maintain anonymity lead to the simultaneous attack on media persons as well as enforcing prohibition on photography.

131.7. The fourth distinct grouping consisted of the leaders, religious preachers, organizers, *Sadhus* and *Sants* who created the emotional tempo by raising various provocative slogans and chanting bhajan or parodies etc, stoking up the already inflamed passions of the *Karsevaks* engaged in the demolition. They openly ridiculed and jeered at the Supreme Court's order⁶³¹ even from the VHP's dais at the Ram Katha Kunj.

⁶³¹ See the statement of *Nirmala Deshpande* and the video cassettes produced in evidence.

132. The attack on the disputed structure

- 132.1. The attacks and assaults were concentrated by motivated and determined young people. It was so admitted by Vinay Katiyar. He exaggerated the number to 20,000 to 30,000 assaulters, when even the space in cordons was not for more than 200 – 500 people.
- 132.2. In fact, demolition was carried out skilfully in a coordinated manner. The act was designed by persons well conversant with the ground realities, the nature of building, topography of the building, topography of the town, nature of the crowd, properties owned and possessed by particular community, well conversant with the mind set of police, the administration as also the political executive controlling the whole affair. The demolition was carried out by physically fit persons without visible supervision and which by itself points out at their having received earlier training.
- 132.3. The original plan, claimed KS Sudarshan, was to carry out the symbolic *Karseva* by unskilled workers. It cannot be accepted on the face of it for a number of reasons. In the ordinary course the plan for the Karseva must have been worked out much earlier to the fateful day. It can be said to have been made when admittedly a meeting of the RSS, BJP, VHP, BD and other activists was held on 2nd of November 1992 at the RSS headquarters and when the logistics of the Karseva and for the construction of the temple were discussed and decided. KS Sudarshan, the *sarsanchalak* of the RSS admitted this in his statement. None asserted or stated that any symbolic Karseva

would be carried out. All the leaders and icons were asserting and mobilizing the people for construction of the temple to be carried out on the 6th of December 1992 at Ayodhya. The concept of the symbolic Karseva actually emerged as a consequence of the order of the Hon'ble Supreme Court dated 28.11.1992. The decision for the symbolic Karseva was thereafter taken by the Dharam Sansad / Kendriya Marg Darshak Mandal only on the 5th of December at Ayodhya. The organizers, the VHP, BJP, BD and the other members of the Sangh Parivar publically postured that they would follow the diktat of the Sadhus and Sants or the Dharam Sansad or the Kendriya Marg Darshak Mandal and not that of the courts. Otherwise also it was admitted that the likes of LK Advani, Murli Manohar Joshi etc. were mobilizing people to reach Ayodhya for the Karseva for construction of the temple even as late as the night of the 5th of December when they reached Ayodhya. The nature of the Karseva was never spelt out despite the Supreme Court's directions to publish the intent to perform only symbolic Karseva in the press etc. There was no overt act by the government or the administration with respect to a symbolic Karseva or to enforce compliance of the courts' orders or to abide by the undertaking given by their own ranking. On the contrary, the assertions were made to the media that the construction would be carried out at the disputed site in accordance with the prior decision for construction of the temple. The organizers declared themselves not bound by court decisions. The conduct and the assertions made were completely at variance with the stance taken by them in July 1992 when the Chabutra was built at the site despite the restraint order and the various undertakings which had been given. All implements were made available at the spot by the state

administration and the Sangh organisations. The Karsevaks were evidently conversant with the topography of the site and the nature of the buildings, the mood of the crowds and the character of the leadership. They were aware of the details of the security forces and the constraints imposed upon them by the state.

132.4. The conclusion is that there was no plan or intention to conduct a symbolic Karseva alone. Symbolic Karseva was in fact contrary to the promises made in the electoral manifesto of the BJP and the Sangh Parivar. It has come on the record that in case they failed to construct the temple as promised, it would remove the Hindus from the political map of India. It was further proclaimed that the Hindus would lose their political entity and identity.

132.5. The plan for demolition of the structure was conceived and executed with at the highest political, party and governmental levels with full knowledge and as a joint common venture in order to achieve the object and goal of the protagonists of the temple movement and the election manifesto of the BJP. Demolition was carried out in full view of leaders and the authors of the movement. The political, RSS and other leaders were visibly delighted at the unfolding events even though LK Advani and AB Vajpayee made contradictory and superficial statements. Uma Bharti, Parmod Mahajan and other political leaders, and especially Sadhvi Ritambhara, Vinay Katiyar, Acharya Giriraj Kishore, Vamdev, Acharya Dharmender Dev were positively ecstatic during the demolition. The other minor leaders were similarly enthralled. None had any remorse over the demolition. Rather, HV Sheshadhari was known to have claimed that the political dividends of the

demolition should be capitalised and the momentum ought not to be allowed to be dissipated.

132.6. The RSS leadership glorified this act of gross vandalism, as history in the making. It was observed by them that "*Today's events prove once again that history cannot be directed - history happens.*"

132.7. Arson started at 3.30 PM from the houses of Hari Mahboob, Yusaf Ara Machine, Sabir Ali Ara machine, Raopali area and many others areas. SVM Tripathi⁶³² admitted that one group of *Karsevak* mobs committed arson in Ayodhya while another mob assaulted the Ram Janambhoomi Complex. Young *Karsevaks* were involved in looting and burning the properties of the Muslim community in a systematic and organized manner, taking care to conceal their identity. The act of arson was sought to be justified even by Aklesh Mehrotra who was the SP Ayodhya, by citing a well rehearsed fabricated story that a *Karsevak* had been murdered at the house of a Muslim by them. He claimed to have recorded an FIR about this. This FIR was neither brought in evidence before this Commission nor pointed out by any of the counsel who appeared before the Commission that there was any such incident or to support the version of the SP.

132.8. The participants in this enterprise of this criminal act and its planning obliterated all direct evidence regarding the exact blueprints for the demolition campaign and consciously withheld it from the commission. The existence of an all-pervasive and well laid out plan is clearly apparent with the

⁶³² CW 15

benefit of hindsight. The joint common enterprise of planning by the political, religious and the operational leadership had the unstinted support of the government in power in the state as well as that of the BJP, RSS, VHP and the other members of the Sangh Parivar. It may not be abject in fact, to hold that the government had been subsumed in the Ayodhya campaign and had become a *de facto* appendage of the *Sangh Parivar*.

132.9. There was a complete failure on the part of the Muslim leadership to understand, appreciate, and to highlight the extent of the Joint Common Enterprise. There was complete failure on its part to highlight the systematic dismantling of the security apparatus and the leaching away of civil servants who could possibly have hindered the plans of the Ayodhya campaigners to assault the disputed structure.

132.10. Madhav Godbole⁶³³ stated that handpicked officers were transferred into strategic posts, which enabled the government to do what it wanted. Similarly, Parkash Singh the then DGP asserted in his statement that bypassing all norms, officers who were pliable and on friendly terms with the political leadership were posted at the spot, for extraneous considerations. It was observed by the Supreme Court⁶³⁴, that "*the government machinery of the state is having sympathy with the aspirations of the religious group*". The officers well conversant with the topography and who had the necessary knowledge were relieved unceremoniously. Thus the weapon of transfers was used

⁶³³ CW13

⁶³⁴ in LA 5/92

without restraint to ensure the presence of an executive that was unstinting in its complicity.

132.11. The purpose and object of *Karseva* on 6th December 1992 was the construction of the temple at the place of the disputed structure. Paramhans Ramchander Dass who was the epicentre of the movement, claimed it was to commence from the *Garb Grab* i.e. the disputed structure.⁶³⁵ An insignificant small number of organizers used to claim that the construction work would commence from the site of *Shilanyas*.

132.12. The main objective of the Joint Common Enterprise on the 6th December 1992 was to construct the temple or any other substantive act to show to the *Karsevaks* that construction of temple was started by the government and that it had taken all steps to achieve their electoral promises in this regard. This was essential for use in elections in the future, as subsequent elections successfully showed. The actions of the leadership even after the demolition was whimsical and in consonance with the fulfilment of the RSS's political, cultural and social goals.

132.13. The UP government, Vijay Raje Scindia and Chinmayanand gave an undertaking for carrying out only a symbolic *Karseva*, believing which, the courts allowed the *Karseva* to proceed. The courts were assured that no implements or material for the construction would be allowed in the Ram Janambhoomi Babri Masjid Complex.

⁶³⁵ See the statement of *Shakshi Ji Maharaj (CW8)* and *Paramhans Ramchander Dass*. .

132.14. The *Sadhus* and *Sants*, members of Sangh Parivar, *Karsevaks* and protagonists of the temple movement did not approve of the undertaking. Paramhans Ramchanderdas, Ashok Singhal, Vinay Katiyar, Vamdev, Mahant Avidyanath, Acharya Dharmender Dev, HV Sheshadhari etc. challenged the authority of the persons who gave the undertaking to the Supreme Court. KS Sudarshan, HV Sheshadhari and the other icons of the RSS said that the acquisition of the land, undertaking to the Supreme Court had retarded the thrust of the movement resulting in a setback to the movement and had delayed the temple construction. They protested against the symbolic *Karseva* and mocked the court's order. Chinmayanand who had himself given an undertaking later used to mock at it and publically stated, as recorded in video CD, that the undertaking was only a meaningless piece of paper to placate the court. *Karseva* for construction of the temple would be carried out in terms of the decision of the *Sadhus* and *Sants* at the disputed site.

132.15. Ramchander Paramhans Das stated before and on sixth of December 1992, "*Maina Karsevako Ko Karseva Ke Liya Bulaya Hai, Naa Ke Yahan Aakar Mala Pherne Mein Lagay Rahein*". Mahant Avidya Nath said, "*Karsevaks Could Not Be Confined To Kirtan*"⁶³⁶. Uma Bharti stated that the *Sants* sitting at the platform (*manch*) made fun of the idea of symbolic *Karseva* and reiterated that "*Aaj To Pratikarmak Karseva Honi Hai*". She named some of the persons present on the *Manch* including Swami Permanand, Baikunth Lal Sharma, LK Advani, Murli Manohar Joshi, Sheshadri, Ashok Singhal, Acharya Dharminder Dev, Sadhivi Ritambra, Vinay Katiyar, Vijay Raje Scindia,

⁶³⁶ See DW11/8.

Swami Vam Dave, Paramhans Ramchander Dass, Vishnu Hari Dalmia and Guru Permandji who made no denial of this sentiment supporting the demolition.

132.16. Despite LK Advani having acquired the stature of an icon of the movement, the *de facto* leadership of the movement at Ayodhya was with Paramhans Ramchander Dass, Ashok Singhal, Vinay Katiyar, Vamdev, Chinmayanand, Giriraj Kishore, KS Sudarshan, HV Sheshadhari, Parmod Mahajan, Sadhvi Ritambhara, Acharya Dharmender dev, Mahant Avidyanath, Uma Bharti, Vije Raje Scindia, Murli Manohar Joshi and Champat Rai. Neither the decision of courts nor that of the *Kendriya Marg Darshak Mandal* of the 5th of December 1992 for symbolic *Karseva* was accepted by the leaders or even the *Karsevaks*.

133. The Joint Common Enterprise

- 133.1. The following findings are categorically discernable from the facts, evidence, statements, circumstances, acts of leaders, accomplished results and from the scheme of things
- 133.2. The process for the object of construction of temple and goal to acquire the political power was carried out step-by-step i.e. opening of locks, followed by mobilization, carrying out the *Shilanyas*, carrying out the further mobilization while continuing the negotiations etc. These acts were veiled and articulated to achieve ostensible conformity with the constitution and the laws of the land until the final chapter and events unveiled.
- 133.3. The State Government with *mala fide* intentions and for extraneous considerations proceeded with the acquisition of the land for construction of temple under the garb of development of tourism. This was not an innocuous or innocent act of the state administration, bureaucrats, political executive and the Chief Minister. The political executive headed by Kalyan Singh had acted intentionally, deceptively with the full knowledge of their act and the hidden intentions. The administration and the political executive had knowledge of the real intentions of the organizers of the movement and of their public statements being a farce. It was openly asserted that the undertakings given to the courts were merely ritualistic and for public consumption. It was a crude attempt to mislead the courts and the populace in order to maintain the façade of secularism. They were not bound by the

court's orders or the affidavits submitted to the court by their own political leadership. They were aware that the *Karsevaks* could not be confined to kirtan alone, and that they were baying to avenge the injustice perpetrated by the emperor Babar.

- 133.4. It was declared that a guerrilla strategy would be adopted for *Karseva* on sixth of December 1992. It was widely admitted that the Kalyan Singh government had succeeded in attaining power in the state because of their election manifesto which promised the temple at Ayodhya. The majority achieved by the party in the elections was considered to be a mandate for construction of the temple.
- 133.5. The construction of the *Ram Dewar* as the boundary wall of the proposed temple by the State Government under the garb of construction of a security wall was the implied and widely accepted first step by the BJP government in redeeming the promises made at the polls. The disputed structure was declared a sign of humiliation, nation's shame and a stigma by the leaders and the organizers of the movement, and by the Chief Minister Kalyan Singh in order to organise, politically awaken and to rally the Hindus for supporting the RSS and BJP, its political front.
- 133.6. The decision to start construction was hailed. The BJP government was congratulated for removing hurdles by diluting the security apparatus and arrangements around the site.

- 133.7. A Policy decision had been taken to implement the election manifesto by the BJP party and the government. It was declared that Mandir would be constructed despite any decision rendered by any court.
- 133.8. The tenor of the speeches made publicly and thereafter made available for public consumption was extremely provocative and directed against the Muslim community. The speeches and the slogans during the course of the mobilisation of the *Karsevaks* was with the object of “awakening” the *Hindus* politically, initiating a debate on secularism and uniting the Hindus. The perception was sought to be reinforced that the *Rath Yatra* was directed against the policy of reservation for minorities and for disapproving the conduct of the government in changing the laws in view of *Shah Bano's* case decided by the Supreme Court.
- 133.9. The temple reconstruction plans were drawn up by the architects. But it was not approved by any competent authority or local body. The BJP State Government ordered and executed the levelling of the land around the disputed structure and the demolition of other temples, structures and buildings around the disputed structure. A Chabutra or a platform and a road for easy accessibility to the disputed structure were constructed at the state’s instance despite there being a restraining order by a court. The state consistently failed; or deliberately chose not to implement the Supreme Court’s orders.
- 133.10. There was a systematic and continuous dilution of the security arrangements around the disputed structure. It was premised on various excuses after the

BJP came to power. The State Government declined to deploy paramilitary forces for no valid grounds despite authentic, unrebutted and categorical news about the demolition of the disputed structures and the threat of communal violence. The State Government even protested even the stationing of the paramilitary forces in and around Ayodhya.

133.11. There was a conscious and well thought out distribution of work amongst the leaders of BJP, keeping in view their capabilities. The actual people who demolished the disputed structures were from the Hindi-speaking belt, however they were sought to be portrayed as *Karsevaks* from southern India, especially from Andhra Pradesh and thus incapable of understanding the Hindi language.

133.12. During and after the demolition of the disputed structure the roads were blocked mostly by local people of Faizabad etc., which prevented the paramilitary forces to proceed to Ayodhya. The nature and language of slogans as well as the banners and the language used on them, conveyed and aroused communal feelings, apart from having been directed against a particular community and religion.

133.13. The use of the symbolism of a *Rath Yatra* which has a special significance in the Hindu religious psyche was a deliberate move to rally the people around a cause that they could not resist, cutting across political affiliations. It irretrievably mixed religion with politics. The state actively assisted and abetted the organizers of the movement by providing transport and other logistical assistance to them for ensuring the smooth ingress of the *Karsevaks*

and their welfare. Those elements of the state administration which might have resisted the *Karsevaks* were emasculated and their powers stripped. Inconvenient officers had been transferred out and replaced by pliant and sympathetic ones. There was a well publicized and rigorously enforced bar on the use of any force or coercive measures against the *Karsevaks* or the leaders of the movement. The state as well as Vijay Raja Scindia and Swami Chinmayanand, representing the VHP, gave deliberately insincere undertakings to the court with no intention to carry out the undertaking. The undertaking to permit and / or conduct only a symbolic *Karseva* was patently fallacious and for misleading the court and the Central Government as well as the general public. It had a hidden motive to lull the Central Government and other authorities into inaction.

133.14. The entire exercise and the campaign for the temple construction was an unabashed campaign for acquisition of political as well as religious power for seizing the reins of the state and the country from any other rival political party. The organisers and the leadership of the movement apprehended that the Supreme Court had been influenced not to give a verdict favourable to the Hindus. The brains behind the entire operation and the campaign came from the RSS which was the architect of the entire programme, starting from floating various specialized frontal organizations to issuing operational orders. It has come on record that all planning for the *Karseva* and every other programme in connection with it used to be decided by the RSS from their headquarters at Delhi and implemented by the leadership at the spot. Religion was being used for politics which was only too well known.

133.15. There was active and willing collusion between the state administration and the political executive. The state administration and the local officials present did not even taken any token steps to stop the demolition of the structures or control the mob consisting of a thousand people only. Even the formal order declaring the assembly to be unlawful, with consequences to follow, was not made.

133.16. The evidence shows the force deployed was swayed by and was sympathetic to the provocative speeches of the organizers, *Sadhus* and *Sants* and other leaders. It consisted of personnel of only one religious community. They were untrained or under-training police personnel and were deployed in insufficient numbers. The mobile or mounted police were not deployed although they were available.

133.17. There was a symbiotic relationship between the organizers of the campaign and the BJP political party which was in power in the state. Current or past RSS membership was the common link which bound together all the political, social and religious leaders and all were under the undeniable influence of the RSS. Some of the supporters and organizers of the movement and their associates later went on to contest elections as BJP candidate. Admittedly, strategic decisions were taken by the VHP and the BJP in the presence, and at the instance of the RSS.

133.18. The civil servants in the state actively curried favour and supported the BJP government in its Ayodhya agenda, without demur or care about the welfare of the people. Camps bristling with *Karsevaks* were allowed to come up

around the disputed structure, to the knowledge of administration. The *Karsevaks* were not only allowed to come to the disputed structure, but their ingress was actively facilitated by the State Government. The State Government allowed the large gathering of the belligerent *Karsevaks* in the vicinity of the object of their hate, with a paltry force not even capable of regulating traffic, being assigned security duties.

133.19. The effective height of the security wall was lowered by dumping excavated earth near it to enable the *Karsevaks* to scale it. The security wall / Ram Dewar was scaled with consummate ease from the back side of the disputed structure, by the *Karsevaks* wearing distinctive head bands and raising their slogan "Jai Shri Ram" as a war cry. The *Karsevaks* were never frisked and allowed to carry the implements of demolition within the disputed site. The available area for police resistance within the cordon was limited so that no effective counter measures could be taken. The State Government, local administration and the police as well as Dwivedi and Lalji Tandon, who were required to take a decision about these measures, intentionally never took the decision obviously, as a mute spectator for the whole process of the temple construction.

133.20. The initial and most effective assault on the disputed structure was by a small of number of *Karsevaks* who were trained for this specific job, as can be seen from the efficiency of the demolition and the obvious attempts at remaining anonymous and not drawing attention. The simultaneous attack on the media in order to provide the cover of anonymity to the demolition experts, and the

lack of intervention on the part of the organizers as well as the administration for their protection.

133.21. Rajinder Gupta, Lalji Tandon, Brahm Dutt Divedi, Surya Pertap, Vinay Katiyar, Ashok Singhal, Paramhans Ramchander Dass, Acharya Giriraj Kishore etc. pressured the government successfully for diluting the security arrangements and reducing the number of security personnel. The statement of Acharya Dharminder Dev is that not even a single person was standing or moving purposelessly outside the Ram Janam Bhoomi complex.

133.22. Advani stated that demolition was not in spite of the court's order but was because of the court's order and despite of the organizer's efforts. The demolition, levelling etc. was carried out under the leadership of Vinay Katiyar, Paramhans Ramchander Dass, Ashok Singhal, Giriraj Kishore, and Champat Rai etc. The middle aged persons were used as a smoke screen for the activities of the youth wing of the movement. The middle aged group including women was positioned at the *Ram Katha Kunj* and engaged in singing parodies which were claimed to be a Kirtan even whilst the *Karsevaks* were busy in demolition.

133.23. A hero's welcome was given to the *Karsevaks* and a reception was given to them on their coming back after accomplishing the demolition. They had earlier been given a suitable send-off from their respective places either by the government of that state or the leadership.

133.24. There is clear evidence of a well thought out and planned conspiracy. It was publicly accepted by Kalyan Singh in media. Later on oath he stated before

the Commission that his statement was an emotional outburst which explanation cannot possibly be accepted from this experienced, intelligent and well read leader who is a disciplined RSS member. The prognosis of evidence affirms the suspicion that demolition was carried out intentionally in a planned manner. Kalyan Singh was to provide protection to the *Karsevaks* and not the undertaking to the Supreme Court and used the issue for personal aggrandisement putting the act as a heroic act. The undertaking to the Supreme Court was a canard.

133.25. He continued to be the Chief Minister by his own account, up till 5pm. By that time, the domes had been demolished and the construction of a makeshift temple had commenced which lasted throughout the night. On the morning of the 7th of December 1992, by the time President's Rule had been imposed and the Governor initiated the process to clear out the karsevaks from Ayodhya, they had already started to leave the town of their accord, having completed their assignment. Morning *Aarti* was carried out in the makeshift temple by the karsevaks and the PAC forces present on night duty.

133.26. It may be observed that the SSP on oath stated that he met the chief Minister only once or twice though the chief Minister categorically admitted that the SSP was in regular contact with him. In the circumstances it is difficult to believe that the chief Minister was not apprised of the situation at the spot, or of the provocative slogans raised, or of the vitriolic speeches given.

133.27. In my view the administration at the highest level, including the political executive, intentionally did not analyse the information with them and

intentionally ignored the conclusions which a reasonable person would have drawn.

133.28. There is no doubt at all, from the evidence and testimony before the Commission that the *Sangh Parivar*, especially the *Bajrang Dal*, RSS, VHP, BJP and Shiv Sena cadres created circumstances consistently over a period of a decade which ultimately resulted in the events of December 6th, 1992.

133.29. It stood established before me beyond reasonable doubt that the Joint Common Enterprise was a preplanned act for demolition under the immediate leadership of Vinay Katiyar, Paramhans Ramchander Dass, Ashok Singhal, Champat Rai, Swami Chinmayanand, S.C. Dixit, BP Singhal and Acharya Giriraj. They were the local leaders on the spot and the executors of the plan conceived by the RSS. The other leaders cannot be absolved of their vicarious liability and were willing collaborators playing the roles assigned to them by the RSS. Their informed support for the Ayodhya campaign, fortified by their physical presence during the *grand finale* of the prolonged campaign is irrefutably established.

133.30. I conclude that the RSS, BJP, VHP, Shiv Sena, and their office bearers as named in this report, in connivance with Kalyan Singh, the then Chief Minister of UP, entered into a Joint Common Enterprise for the purpose of demolition of the disputed structure and the construction of the temple in its place.

133.31. They practiced intermingling of religion with politics as a well thought out act to subvert democracy.