

Babri built on mosque ruins: Historian

HT Correspondent
New Delhi, August 29

THE STRUCTURE below the Babri Masjid is a medieval mosque rather than a temple, historian Irfan Habib said on Friday at a news conference organised by the Safdar Hashmi Memorial Trust.

This, Habib said, was proved by the presence of glazed tiles and lime-*surkhi* mortar found by the ASI during its Ayodhya excavations.

The discovery of animal bones "with cut marks" in the remains was further proof that a temple could not have existed at the site on which the mosque was built, Habib said. But he couldn't explain why a mosque would have been razed to build a new one.

Habib said Floor Number 4 was described by the ASI in its report submitted to the Allahabad High Court as a "floor of lime mixed with fine clay and brick crush",

which had to be an Islamic construction. It could have been the floor of an earlier *qanati* or open mosque or an *idgah*. He added that a *mibrab* (a niche in a mosque) was found on a wall but not mentioned in the ASI report.

The massive burnt brick structure mentioned in the report could not be a Hindu temple complex, Habib maintained. Temples did not have large square halls. Neither was any icon, conch shell, etc

found. The ASI report, however, says terracotta lamps were found in several trenches.

"The bias, partisanship and saffronised outlook of the ASI's report takes one's breath away. In almost everything, the lack of elementary archaeological controls is manifest," Habib alleged. He argued that the "Summary of Results" often contradicts the main text.

Also, the one-page carbon dating report has no descrip-

tion of material strata and comments by the laboratory. So it is meaningless, Habib contended.

The head of the ASI team, Hari Manjhi, did not comment. But experts said the use of lime and *surkhi* was known even in the 2nd century BC. Traces of it was found in the ruins of Kaushambi near modern Allahabad and reported in the ASI's journal by renowned archaeologist Govardhan Rai Sharma.

30 AUG 2003

NANAVATI HEARING / VHP MEN RAISE SLOGANS

Police ignored frantic calls for help'

By Our Special Correspondent

9-revised
10-11
22/8

AHMEDABAD, AUG. 29. A group of Vishwa Hindu Parishad and Bajrang Dal activists hooted and shouted slogans outside the circuit house annexe here today as the Nanavati-Shah Judicial Inquiry Commission probing the Godhra train and post-Godhra communal riots was hearing depositions from the Muslim victims inside.

The immediate provocation was the attempt made by some television news channels to take an interview of Zakia Jafri, the widow of the former Congress member of the Lok Sabha from Ahmedabad, Ehsan Jafri, who was among the 39 killed in the Gulberg Society carnage in Chamanpura on February 28, last year.

As Ms. Jafri came out after deposing before the two-judge commission, the television channels sought an interview with her.

This enraged the VHP and Dal activists waiting in the compound in large numbers. Shouting that it was "not a trial by media," the mob objected against "repeated interviews" of the Muslim victims by television channels while "no one bothered to interview the relatives of those killed in Godhra train carnage."

The slogan-shouting mob forced Ms. Jafri to leave the place without talking to the media as a large police posse posted in the compound for security looked on.

Accompanied by her son Tanvir who is working in Surat, Ms. Jafri told the Commission that on the fateful day no police came to the aid of the Muslims the entire day even after the then city Police Commissioner had assured her husband in the morning of sending reinforcement.

When policemen finally arrived around 5.30 p.m. instead of helping the victims, one policeman exclaimed in surprise how "so many Muslims survived" after the day-long carnage.

Her statement was also corroborated by 43-year-old school teacher, Mubina Yusuf Rangwala, also a resident of the Gulberg Society.

Both Ms. Jafri and Ms. Mubina maintained that despite repeated and frantic calls made to the police since the frenzied mob attacked the Society from all sides, not a single uniformed man was seen there though a police chowky was less than a stone's throw distance from the Society.

Both of them denied having heard any gunshot fire by Mr. Jafri as was alleged by the State Government earlier as the reason for "provoking" the mob to attack the former MP.

Ms. Jafri agreed that in the 1985 riots also her Society was under attack from the mob but denied that even at that time her husband had fired at the mob as was claimed by the Government earlier.

The firing then was carried

out by police, she told the Commission.

Ms. Mubina said a couple of young Muslim girls from the Society were also dragged out, stripped naked and raped before they were killed.

Ms. Jafri, however, gave credit to "some young boys" in the mob having rescued her maid servant, who was also trapped with her at the rooftop of her house and sent home.

She said she along with about a dozen others spent the entire day hiding at the rooftop as the frenzied crowd went about rampaging the houses, setting them afire and killing people whosoever were caught.

She said that even when the police and an ambulance van came in the evening, the milling crowd was still indulging in throwing stones at Muslims and on the police van in which they were being taken to Shahibagh police station but police took no action against the hoodligans.

Many people in the crowd armed with swords and other weapons were wearing saffron bands and scarfs and were shouting "VHP Zindabad" and "Jai Shri Ram" slogans, she said.

As all the witnesses who want to depose could not be accommodated in the last three days, further hearing by the Commission on the Naroda-Patiya carnage has been shifted to September 30 and October 1 and the Gulberg Society incident to October 13 and 14.

Naroda riot victim blames BJP leaders

Special News Service

G. Nivvite

G. Nivvite

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28/8

GANDHINAGAR, Aug. 27. — A riot victim from Naroda Gaam today alleged that several BJP leaders, including the local MLA, were present in the mob that went on a rampage in the locality, where eight persons were killed on 28 February, in the aftermath of Godhra train carnage.

"I did see Mayaben (Kodmani) and other BJP leaders amongst the mob that later resorted to large scale rioting," Mr Nanu Malek told a packed conference room, as the recording of depositions of victims/witnesses of Naroda Patia by Mr Justice (retd) GT Nanavati and Mr Justice (retd) KG Shah of the two-man riot inquiry commission began in Ahmedabad today.

He said he went to the police station repeatedly

to seek help at about 8.30 p.m. He described how gas cylinders were used to blow up the mosque and how the minarets were pulled down. He mentioned that the people were killed in front of his eyes and he counted 11 bodies after the mob of some 2000 surrounded the Muslim houses. "We were about 195 people", he said. Finally, a senior police officer escorted them to the Shah Alam refugee camp where he lived for the next ten months.

The majority of witnesses, however, sought to convey that it was the members of the majority community that were attacked and were at the receiving end.

Out of the 51 who were deposed in 12 units, only one witness belonged to the minority community and during the cross-

examination it was brought out that he was an accused in a murder case.

A total number of 190 witnesses are to be deposed in front of the Commission in 57 units. An official stated that the depositions were on "first registered, first called" basis. He said that each community, the majority and the minority had about 50 per cent witnesses each who will be deposed before the Commission.

Four persons from the majority community were killed at Naroda-Patia on the day of the VHP bandh. This, against the slaughter of 86 from the minority community.

Mr Mafatal Chimanlal Patel (60), a transporter, recalled how trouble started in the area after "a Hindu boy" was killed by a sword-wielding crowd. He, however, was not an eyewitness to the killing. His estimate was that the

crowds included some 20,000 people. But, he could not identify anyone. He said that there were no attacks on members of the Muslim community between 10.30 a.m. to 2 p.m. the time he was there. After this time, he said, he did not know what happened. He is a trustee of a temple.

Mr Mafatal also deposed that the police tried to control the crowds by tear-gas shelling and he sought to impress upon the Commission that trouble in the area started after the first attack by the Muslim community.

Mr Mahavir Barot (26), a businessman, told the Commission that a mini-truck came out of the mosque and drove into a crowd, injuring many at about 8.30 a.m. on 28 February.

A number of Hindu women came and deposed. Lal Bai, 50, stated that the

attacks were by Muslims. She said people from her community were being harassed by police - Anju Rathore repeated the "Kafir ko Maaro" which she heard from the mob cry, and said that her husband and her father had falsely implicated. Geeta Rathore claimed that at about 11 a.m. some 200 men, women and children came to seek shelter in her housing society. Later they were sent to the State Reserve Police camp nearby. She told the Commission that she was not aware how many people died later in the Muslim locality, which is about 100 m away from her house.

Outside, in the Circuit House compound, groups of people were ready to pick up fights with journalists. And, as has become the pattern in Gujarat, blamed the journalists and tried to intimidate them.

ASI finds remains of temple



Babari Masjid... 6 December 1992.

Hemendra Narayan
in Lucknow

Aug. 25. — The ASI, which had excavated the disputed site at Ayodhya at the instance of Allahabad High Court, has said that its findings “are indicative of remains which are distinctive features of temples in north India”.

This was mentioned in chapter 10 of the ASI report under the heading *Summary of Results*. The report was unsealed before the Lucknow Bench of Allahabad High Court. The Bench (coram: Khemikaran, SR Alam and Bhanwar Singh, JJ) heard the main property dispute at Ayodhya.

“Taking into the account the archaeological evidence of a massive structure just below the disputed structure and the evidence of continuity in structural phases from the 10th century onwards up to the construction of the disputed structure, along with the yield of stone and decorated bricks as well as mutilated sculpture of the divine couple and carved architectural members, including foliage patterns... with semi-circular plaster, broken octagonal shaft of black schist pillar,

lotus motif, circular shrine having waterchute in north, 50 pillar bases... are indicative of remains which are distinctive features associated with the temples of north India,” the summary says.

The Bench gave six weeks to counsel of various parties to file objections, if any. All contending parties were present when the report was unsealed.

The ASI team leader, Mr Hari Majhi, informed the court that the first part of the report contained the ASI's opinion while the second had maps and drawings.

Mr PL Mishra and Ms Ranjana Agnihotri, representing the Hindu parties, said evidence of a temple of north Indian design had been found at the disputed site.

The Sunni Waqf Board termed the report as “vague and self-contradictory... prepared under political pressure”.

The AIMPLB said the findings were “without any basis” and “concocted” under “pressure” from Mr Jagmohan and Mr Murli Manohar Joshi. **RSS upbeat:** The RSS today said the report would strengthen the Ram temple movement.

'Over 50 pillar bases found'

LUCKNOW, AUG. 25. The Archaeological Survey of India (ASI) in its report to the High Court here said there was sufficient proof of the existence of a massive and monumental structure having a minimum dimension of 50x30 metres in north-south and east-west directions respectively just below the disputed structure in Ayodhya. In the course of the present excavations, nearly 50 pillar bases with brickbat foundation below calcareous blocks topped by sandstone blocks were found.

The report said the pillar bases exposed during the present excavation in the northern and southern areas also gave an idea of the length of the massive wall of the earlier construction with which they were associated and which might have been originally around 60 metres.

The centre of the main chamber of the disputed structure fell just over the central point of the length of the massive wall of the preceding period which could not be excavated due to the presence of Ram Lala at the spot in the makeshift structure.

In a significant observation, the report said that towards the east of this central point, a circular depression with projection on the west cut into the large-sized brick pavement, signifying the place where some important object was placed.

However, the report said various structures exposed right from the Sunga to the Gupta periods did not speak either about their nature or functional utility as no evidence had come to approbate them.

During and after the Gupta period up to the late and post-Mughal period the regular habitational deposits disappeared in the concerned levels and the structural phases were associated with either structural debris or filling material taken out from the adjoining area to level the ground for construction purpose.

As a result of this, much of the earlier material in the form of pottery, terracotta and other objects of preceding periods, particularly of Kushan period, were found in the deposits of later periods mixed along with contemporary material, it said.

The area below the disputed site thus remained a place for public use for a long time till the Mughal period when the disputed structure was built which was confined to a limited area and the population settled around it as evidenced by the increase in contemporary archaeological material, including pottery.

The report said this observation was further attested by the conspicuous absence of habitational structures such as house-complexes, soakage pits, soakage jars, ring wells, drains, wells, hearths, kilns or furnaces, etc. Human activity at the site dated back to 13th Century BC on the basis of the scientific dating method providing the only archaeological evidence of such an early date of the occupation of the site. The report said that during the early medieval period (11-12th Century AD) a huge structure of nearly 50 metres north-south orientation was constructed which seemed to have been short-lived as only four of the 50 pillar bases exposed during the excavation belonged to this level with a brick crush floor.

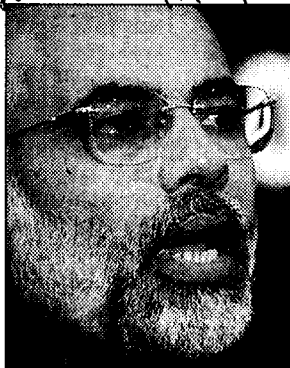
Why should riots matter, asks Modi

Vijay Dutt
London, August 19

NARENDRA MODI showed his combativeness at his first news conference in London as he deftly deflected the question relating to the rather scathing attacks on him by the British media.

The Fourth Estate even questioned why he was here despite the charge that 2000 Muslims were killed in the riots in his state. He dismissed the question with a one-liner: "I did not read the report." And then added that he thanked all those who "gave attention" to him.

Asked how he expected to woo investors when many still questioned the riots in the state, Modi counter-questioned: "Does anybody question America for 9/11? Delhi has developed so much, does anybody question the riots that followed the assassination of Indira Gandhi?"



Narendra Modi
Unfazed

Why should the riots that are over matter?"

He elaborated that he has got several investment commitments specially in the infrastructure sector. "Gujarat has the best R&D. Investors will realise that today instead of red-tape there is a red carpet laid out for them.

"I do not use the phrase single-window clearance, but

the success stories have created an environment that would attract investors to the state," he added. In response to a question, he indicated that a direct Air-India flight from London to Ahmedabad was likely to start soon.

Modi was emphatic in denying that donations sent from the UK were misused and instead of being spent on rehabilitation of earthquake victims they were diverted to groups with different agendas. "I will instead compliment the Ficci and other NGOs who have instituted active programmes for welfare. There is no complaint that the government misused the donations."

The question was asked in the background of some reports a few months ago in the media here that some donations sent from the UK were channelled to people or groups who were linked with the BJP.

Communal card

Q. review
S. 18/8
Shahabuddin brazens it out 18/8

Some are no less adept at playing the minority card as the BJP is with the Hindu card. Take Mohammad Shahabuddin, notorious history-sheeter who rules Siwan like a personal fiefdom and has 36 criminal charges pending against him. He now claims he is victimised because of his religion, as Mumbai mafia don Abu Salem did before him. It even looks like the idea of the “foreign hand”, once a staple of Indian politics, has a long afterlife — Shahabuddin claims that Bihar DGP DP Ojha, who has finally succeeded in getting Shahabuddin to surrender, is acting at the behest of American and Israeli intelligence agencies! It is allegedly part of a larger plan to set upon minorities in Bihar. Whatever one thinks of Laloo Prasad Yadav’s RJD administration it has nurtured its Muslim constituency and cannot be accused of being on the same wavelength as Narendra Modi.

If there is lawlessness in Bihar it is general and not community-specific, and Shahabuddin himself is one person we have to thank for it. Take the manner of his surrender itself, which comes more than two years after the arrest warrant was issued — it now transpires that Shahabuddin had gone underground at his Pratapur home itself, where police “failed” to find him. Neither could they come in his way as he led a procession of thousands of slogan-shouting supporters to give himself up to the courts. That, though is a page he took out of Laloo’s book. If the latter did not protect him for so long, the story may well have been different.

THE STATESMAN

18 AUG 2003

Minority institutions have more rights, rules Supreme Court

52-10 OUR LEGAL CORRESPONDENT *S. M. M. 17/8*

NEW DELHI, Aug. 16. — The Supreme Court (coram, Khare, CJ, Variava, Balakrishnan, Pasayat, JJ) has clarified in a majority judgement that minority educational institutions enjoy more privileges than non-minority institutions under the existing constitutional scheme of things.

In a judgement delivered on Thursday, the court said minority and non-minority institutions cannot be placed on a similar footing. "Non-minority educational institutions do not have the protection of Article 30. Thus in certain matters they cannot and do not stand on similar footing as minority educational institutions," the court said. Article 30 of the Constitution does give them certain advantages vis-a-vis non-minority institutions, the Bench said.

The court cited several such instances. Even in a scenario in which the government decides to nationalise education and private educational institutions are banned, minority groups will still have a Fundamental Right under Article 30 to establish and administer educational institutions of their choice. Governments also have the right to take over managements of non-minority educational institutions but not so in case on their minority counterparts because of the protection they enjoy under Article 30, the court said. "Of course, we must not be understood to mean that even in national interest a minority institute cannot be closed down," it said.

Further, minority educational institutions have a preferential right to admit students of their own community and language. No such rights exist for non-minority institutions. The court was clarifying its earlier judgement delivered in the T M A Pai case on the rights of minority institutions.

Ansari in Kolkata for a fresh start

SABYASACHI BANDOPADHYAY
KOLKATA, AUGUST 10

LEAVING memories of the Godhra riots far behind, Qutubuddin Ansari, the face of the Gujarat riots, arrived in Kolkata yesterday to start afresh a new life. "I am happy with the kind of reception I have got here," Ansari, a tailor by profession, told reporters, sitting at his new home at Tiljala in East Kolkata.

"I had never been to this city before and I must say it's wonderful. I want to forget the past, whatever happened in Gujarat, and I want to start life afresh here," Ansari, who was provided all help by the state government from a new home to sewing machines to eke out a living, said.

CPI(M)'s youth wing DYFI and women's wing Ganatantrik Mahila Samiti, whose members were there at the Howrah station to receive Ansari, are offering all help to Ansari. "We will buy the family all utensils and other things required to run a household," Mahila Samiti leader Shyamali Gupta said. "They will receive all help from us," added Aftab Alam, a DYFI leader.

A posse of policemen was deployed at the railway station but all hell broke loose as mediapersons jostled with the



Ansari arrives in Kolkata with his family on Saturday. Dillip Dutta

policemen and DYFI members to get nearer to the man whose photograph, where he was seen crying and begging for his life with folded hands, hit worldwide fame. A visibly frightened Ansari, with his daughter in his lap, was later escorted out of the station by the police.

— Ansari, a father of two, had to run away from Ahmedabad soon after the

Godhra riots after he became the butt of jokes. He went to Mumbai to eke out a living, but fear and insecurity stalked him there too and he lost his job. West Bengal Minister for Minorities' Development Mohammad Salim got to know of his plight and offered him government help for his rehabilitation in Kolkata which Ansari accepted.

Advani puts govt before temple law

OUR BUREAU

New Delhi, Aug. 9: Two statements L.K. Advani made today indicate a new "moderate" deputy Prime Minister could be emerging from the ongoing churning to "de-ideologise governance".

Advani told reporters accompanying him to Hyderabad that the government was in no mood to indulge the Vishwa Hindu Parishad and give in to its demand for a law on the Ram temple at the cost of sacrificing its coalition at the Centre.

Addressing the BJP's defence cell at the party headquarters later, he did not harp on his pet themes of "hot pursuit" and cross-border terror. Instead, he focused on good governance and converting "swarajya" (independence) to "surajya" (good governance).

Declaring that the Lok Sabha elections would be contested under Atal Bihari Vajpayee's leadership, he said: "People will give their mandate to Vajpayee and he will lead the country for

years to come. I am happy that Vajpayee has not only given political stability to the country but used the opportunity to honour the mandate for a good government."

His remarks in Hyderabad surprised the BJP, which is at a loss why the VHP announced its next phase of agitation for a law on Ayodhya would exclude the states going to polls in November. Sources wondered whether it was a warning to the BJP not to expect the VHP and the Bahujan Dal to campaign for the party or a "gesture of consideration" for not creating law and order problems in the run-up to the polls.

Sources saw VHP vice-president Acharya Giriraj Kishore's response as "confirmation" of the first theory.

"We knew from the beginning that the BJP will not like to leave the government. That is why we have decided that we will start an agita-

tion," Kishore said. The contours of the agitation will be finalised at a meeting of the *marg darshak mandal* on September 13.

The RSS reaction was more moderate. Spokesperson Ram Madhav said: "When to sacrifice the government should be left to the party. We want the *mandir* to be built, we also want the government to continue."

Although BJP leaders are as keen as the VHP to build a temple, they know the National Democratic Alliance will splinter if the Centre tries to push through a law in Parliament. "The VHP wants us to bring such a legislation which will definitely not get passed in Parliament. It wants us to contest elections on this plank. We are not ready to sacrifice the government," Advani said.

With his words, the deputy Prime Minister has sent a clear signal to the BJP's allies that the government will stick to the NDA agenda.

This has not amused the VHP, which has been critical of both Vajpayee and Advani in recent months.

A BJP source said Advani's words could not be taken to mean that the party would not push for a temple during electioneering. "This does not mean the BJP has dropped the Ram temple from its agenda, but this will be the party's individual agenda and not the NDA's," the source said.

Both Vajpayee and Advani have always maintained that the BJP's agenda is not the same as the NDA's. "We are not ready to bring a legislation to create a division.... But a real solution lies in an agreement between the two communities and I am optimistic it is going to come," Advani said.

"We don't need the sacrifice of any government to construct the temple. Let him continue to govern, we will work for the construction of the temple," Kishore shot back angrily, adds PTI. "The temple is not at his (Advani's) mercy."

QUOTE

The temple is not at his (Advani's) mercy

GIRIRAJ KISHORE

TEMPLE NOT AT HIS MERCY: VHP

Law on Ayodhya has to wait for consensus: Advani

ON BOARD SPECIAL AIRCRAFT, AUG. 9. Expressing the Government's inability to get legislation on Ram temple construction passed in Parliament, the Deputy Prime Minister, L.K. Advani, today said such a measure had to wait for a political consensus.

"We are not ready to bring in legislation to create a division... But a real solution lies in an agreement between the two communities and I am optimistic that it is going to come," he told reporters accompanying him to Hyderabad.

He said the Government could bring in legislation "only in case of consensus not only within the NDA but also the Opposition".

"The Vishwa Hindu Parishad wants us to bring in legislation which will definitely not get passed. The Government will fall. They want us to use this as an election plank. We are not prepared for this," he said. (Here, the original PTI report quoted the Deputy Prime Minister as saying: "We are not ready to sacrifice the Government." Subsequently, PTI superseded the original news report with the one published above.)

Later in the day, Mr. Advani flagged off the Multi Modal Transport System train at a colourful function at the Secunderabad railway station.

Mr. Advani's remarks come significantly ahead of a meeting of the VHP's margdarshak mandal next month on the Ram temple issue.

Mr. Advani said that as far as the BJP was concerned, it had already passed a resolution calling for a solution to the Ayodhya issue either through a court order or an agreement between the two communities.

Open voting in RS polls

The Deputy Prime Minister said that consultations were on in the Government regarding the modalities of "open" voting in the Rajya Sabha elections.

"The modalities have not yet been cleared. I have held discussions with (Law Minister) Arun Jaitley and some others."

Among the suggestions made in this regard was that "every member of a State Assembly or Parliament will by law have a right to get certified copies of the vote cast by other members," he said adding that such a move would make it open vote instead of the present secret ballot.

On his suggestions regarding the synchronisation of Assembly and Parliamentary elections, which had received Opposition flak, Mr. Advani said delinking of these elections had "harmed the political system as well as the Central Government".

Stir will intensify: VHP

Reacting to Mr. Advani's statement, the VHP today said in New Delhi that the construction of the Ram temple was not at "his mercy" and that its agitation on the issue would intensify in the coming days.

The VHP leader, Acharya Giriraj Kishore, said: "We knew from the beginning that these people (BJP) will not like to leave the Government. That is why we have decided that we will start an agitation. We will decide on September 13 what kind of agitation we will launch."

"We don't need the sacrifice of any Government to construct the temple. Let him continue to govern, we will work for the construction of the temple," Mr. Kishore said.

"The temple is not at his (Mr. Advani's) mercy. It would be built through the devotion and strength of the Hindu society," Mr. Kishore said on the sidelines of a condolence meeting for the late chief of the Ram Janmabhoomi Nyas, Mahant Parbhansa Ramchandra Das.

Mr. Advani's statement, Mr. Kishore said, was on "expected lines but people will make him do the needful". — PTI

10 AUG 2003

ONE HINDU

GOVT. TOLD TO PROTECT WITNESSES, FAMILIES

SC notice to Centre, Gujarat on NHRC plea

By J. Venkatesan

NEW DELHI, AUG. 8. The Supreme Court today intervened in the 'Best Bakery case' by issuing notice to the Centre and the Gujarat Government on a petition from the National Human Rights Commission seeking retrial of the case outside Gujarat.

A three-Judge Bench, comprising the Chief Justice V.N. Khare, Justice S.B. Sinha and Justice Arun Kumar, issued notice by treating the Commission's special leave petition against the Vadodara trial court's order as a public interest litigation petition as the Gujarat Government has also filed an appeal in the High Court.

On June 27, the fast track court of H.U. Mahida acquitted all the 21 accused in the case on the ground that there was no evidence to prove their guilt. The court pulled up the prosecution for "shoddy investigation". Subsequently, the key witness, Zaheera Sheikh, approached the Commission seeking its intervention for reopening of the case.

The Bench directed the Gujarat Government to furnish

within two weeks the statement of the witnesses given to police before the trial court, the memo of the grounds of appeal filed by the State in the High Court and the names of the lawyers appearing for the State Government in the appeal. It directed the Government to provide protection to the witnesses and their families.

Further, the Gujarat Government was asked to inform the court of the steps it had taken to protect the victims and their family members and the action taken against those who had allegedly threatened the witnesses.

When it was submitted by counsel for Gujarat that the State had filed the appeal, the Bench said: "Though we cannot undermine our courts and the High Court in Gujarat, we would not allow the appeal to be 'mere eyewash', and added that it would monitor the trial.

Senior counsel for the Commission, P.P. Rao, drew the court's attention to the trial court's order, which had indicted the prosecution that people had been falsely accused and totally false evidence had been

created against the accused.

He said in this case, in which 14 persons were killed, 37 witnesses had turned hostile resulting in the acquittal of the 21 accused. He said the trial had sent a wrong message to the nation and people abroad were aghast at the criminal justice system in the country. He said only the apex court could remove this blot on the system by ordering a fresh investigation and retrial of the case outside Gujarat.

Mr. Rao recalled the Commission's report last year in which the State was urged to transfer the critical cases to the Central Bureau of Investigation. But the State Government said the authority of the State police could not be undermined and refused to transfer the cases. He said: "what we had apprehended had come true. If the other cases are also allowed to be held in Gujarat they will see the same fate."

Another senior counsel, T.R. Andhyarujina, assisted by S. Muralidhar, explained the circumstances in which Ms. Zahira turned hostile as her life and the lives of her other family members were threatened.

He said the witnesses who had turned hostile should be allowed to narrate the bloodbath they saw during the riots and this could be done only if they were given protection as was done in other countries.

The Judges said: "It is alleged that (the) conviction rate in criminal cases in the country has gone down. Most of the sessions trial in sensitive cases do not start until all the witnesses are won over." It, therefore, directed the Centre and the State to submit within two weeks whether any scheme had been formulated by it pursuant to the recommendations of the Justice Malimath Committee on revamping criminal justice system.

The Bench, however, did not pass any order on the Commission's another petition seeking transfer of four other serious cases relating to the Godhra, Chamanpura and Naroda Patiya incidents and the Sadarpura case in Mehsana district for their trial outside Gujarat. It said this transfer petition would be tagged on with the main petition.

Zahira moves SC

By Our Legal Correspondent

NEW DELHI, AUG. 8. The key witness in the 'Best bakery case', Zahira Sheikh, today moved the Supreme Court seeking retrial of the case at any place outside Gujarat alleging that "crucial evidence was shut out through threats and intimidation" given on behalf of accused.



The petition filed by the Citizens for Justice and Peace and others, including Zahira, was today mentioned before a three-Judge Bench, headed by the Chief Justice, V.N. Khare, but the Bench said it would deal with it later. It sought to set aside the trial court verdict of June 27, as there had been "a serious miscarriage of justice".

Giving reasons for 37 witnesses turning hostile in this case, Ms. Zahira alleged that "the eye-witnesses had not identified the perpetrators of the ghastly crime only because of threats, intimidation and hostile environment within the court as well as in Gujarat generally".

The petition blamed the Public Prosecutor as well as the trial court for "failing to carry out their duties to ensure congenial atmosphere in the trial". A retrial was absolutely essential since fresh evidence likely to throw new light on the case is sought to be brought on record.

Gujarat Govt. moves HC in bakery case

By Manas Dasgupta

GANDHINAGAR, AUG. 7. The Gujarat Government has filed an appeal in the High Court against the controversial Vadodara fast track court judgment in the Best Bakery communal riot case in which all the 21 accused were acquitted for "want of evidence".

The Government has also filed an appeal against a similar judgment in Lunawada case in which a Muslim was acquitted reportedly for lack of evidence.

Both the appeals filed by the Government pleader, Arun Oza, late this evening will now go to

the High Court Registrar for registration and then to the Chief Justice, before a date for hearing for their admissions and subsequent trials are fixed.

In its appeal in the Best Bakery case, the Government said that the fast track court judge, H. U. Mahida, in acquitting all the 21 accused had not taken into account "certain law points" as well as the statements of some of the witnesses. It urged the High Court to try the case afresh.

According to the 20-page "appeal memo" filed by Mr. Oza, the fast track court judge erred in not taking into account

10-1 9/20/2003

"in proper perspective" the depositions made by the police officers who had recorded the statements of the accused and the witnesses or the signatories to the "panchanamas" recording evidences recovered from the scene of crime. The fast track court judge had mainly relied on some seven or eight witnesses in acquitting the accused.

As per the law, the entire depositions of even hostile witnesses could not be disposed of as was done by Mr. Mahida. The court had also erroneously regarded Rashid Khan's initial statement as the FIR though he

did not appear before it and submitted his deposition.

The court should have taken Zahira Sheikh's statement as the FIR, because she had filed her complaint before Rashid Khan and had also appeared in the court, it pointed out.

In keeping with the rule to file an appeal within 60 days, the Government filed the appeal on the 43rd day today since the fast track court's judgment on June 27, to justify its criticism of the National Human Rights Commission that it should have waited for the Government's next move till the stipulated period was over.

Ayodhya digging over; Liberhan calls Kalyan

NEWS & AGENCIES
LUCKNOW, AUGUST 7

AS THE clock struck six this evening, excavation work at the disputed site in Ayodhya came to a halt.

For the next 15 days, the Archaeological Survey of India (ASI) which is carrying out the excavation will be busy completing its final report that is to be submitted to the Lucknow Bench of the Allahabad High Court on August 22.

No artefact was recovered from any trench today, the

last day of digging on since March 12 as per the high court order. Sources said as many as 1,350 artefacts, including several pillars and idols of Hindu gods, were recovered from the 95 trenches during the 147 days of digging and were sealed. ASI researchers and analysts will now prepare their report on the findings so far.

The ASI today also moved the Allahabad High Court seeking permission to visit the site till August 22 after conclusion of digging work.

In its application before

the special bench, the ASI said it should be allowed to enter the site between August 7 and 22 for finalising drawings and also checking drawings and measurements already submitted.

The bench would pass its order on the ASI's application tomorrow.

Meanwhile, state BJP chief Vinay Katiyar, who is also one of the accused in Babri Masjid demolition case, expressed confidence that the artefacts recovered are suggestive of existence of a temple at the site.

"The pillars, vermillion, bangles and statues of our Gods are pointers that there was a temple. It is high time Muslims come forward and help their Hindu brothers build the temple at the disputed site," Katiyar said.

Elsewhere, former Uttar Pradesh chief minister and Rashtriya Kranti Party chief Kalyan Singh summoned as witness by the Liberhan Commission, probing the demolition in 1992, was today granted three weeks' time to inspect the record of the Commission and was asked to

appear before it on September 2. The Commission, while accepting the plea for more time, directed Singh to give an undertaking that he would appear on the date fixed by it and no adjournment would be sought.

The Commission said it was granting time to the former chief minister as there was no objection from the counsel of other parties but it was unfair to grant long time, especially when from the day one till today, the Commission has been requesting Singh to depose before it.

Vajpayee Says Statement Reflected His Respect For Departed Mahant

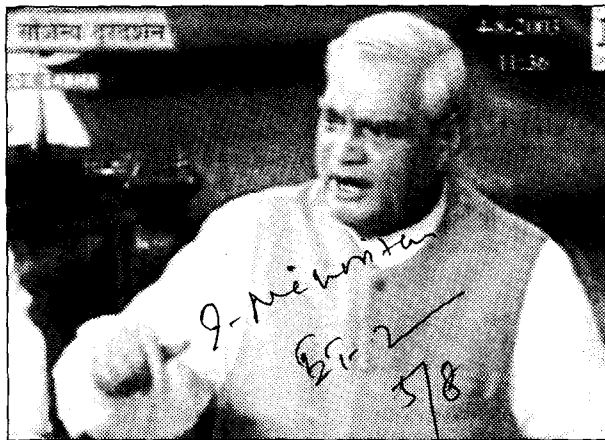
PM launches counter-attack, blasts Oppn for temple politics

Our Political Bureau
NEW DELHI 4 AUGUST

PRIME Minister Atal Behari Vajpayee on Monday took the wind out of the Opposition's attack on him for his remarks on Ayodhya by putting up a stout defence of his remark favouring the construction of the Ram temple at Ayodhya. Though the Prime Minister said his remark expressing the hope that wish of Mahant Ramchandra Paramhans for the construction of the Ram temple was not an endorsement of the demand for the construction of the temple at the disputed site only, he said the statement was reflective of his personal wish, borne out of respect for the departed soul.

In what represents the strongest-ever endorsement of the demand for the construction of the Ram temple at Ayodhya, the Prime Minister also asserted his right to express his preferences in his capacity as the citizen of the country. "If people want to express their feelings on such solemn occasions, others should respect it. The Prime Minister is a citizen. He also has feelings. He also knows how to keep his feelings in control," he said.

He rubbed in the point by saying the demand for the temple had the support of a majority of the people, emphasising that he restrained himself from saying things that he had wished to say on the occasion of the funeral of Ramchandra Paramhans, a stalwart of the Ram Janmabhoo-



MINDSPEAK: Prime Minister Atal Behari Vajpayee addressing the Lok Sabha on Monday. — PTI

mi campaign.

The Prime Minister's strong defence of his Ayodhya statement invited loud cheers from BJP and Shiv Sena members, but the Opposition was clearly not satisfied with his reply to the impromptu discussion that was allowed by Speaker Manohar Joshi by suspending Question Hour for about 40 minutes. At the end of Mr Vajpayee's reply, the Opposition parties staged a walkout, accusing him of bringing disrespect to the office of the Prime Minister through his frequent flip-flops.

If the Prime Minister, by not flinching from his position, hoped to mollify those elements of the Sangh Parivar, which had been baying for his blood for not doing anything to pave the way for the construction of the Ram temple, he seems to have suc-

ceeded. The RSS gave him its full backing, and even the VHP, which had never concealed its unhappiness with him, came out in his defence later on Monday.

The Prime Minister, in his short, but crisp, reply, was unusually combative. He interspersed his speech with some poetic description of the scene prevailing in Ayodhya during the Mahant's cremation. "Just visualise the scene there. The town of Ayodhya. The banks of river Saryu. The crowd of people. People were sad. You should respect the things that I said there," he told the House amidst interruptions from the Opposition benches. At the same time, he sought to allay the apprehensions of the Opposition members by reminding them of the stand he had always taken on Ayodhya.

VHP meet in capital on Sept 13

New Delhi
4 AUGUST

WITH a view to building pressure on the government ahead of the coming Assembly elections, VHP has convened a meeting of its apex decision making body here on September 13 to decide its future strategy if the Centre fails to bring in a legislation to facilitate construction of the Ram temple at the disputed site in Ayodhya.

The crucial two-day meeting of the Margdarshak Mandal would be the first conclave of the VHP top brass after the July 10 meet of the high-power panel of the Ram Temple Agitation Committee, which demanded a legislation to facilitate temple construction and handing over of the disputed shrines at Kashi and Mathura to Hindus. It would also be the first meeting after the demise of the mercurial chief of the Ram Janmabhoomi Nyas Mahant Paramhans Ramchandra Das. Sangh Parivar and BJP top brass leaders including Prime Minister Vajpayee and deputy prime minister L.K. Advani had resolved to fulfil his last wish of seeing a Ram temple constructed at Ayodhya.

"The meeting has been called to chalk out our future course of action," VHP vice president Acharya Giriraj Kishore said. — PTI

5 AUG 2003

VHP leader asks Vajpayee to move Bill for Ram temple 418

By Our Special Correspondent

AHMEDABAD, AUG. 3. The Vishwa Hindu Parishad leader and its Kendriya Margadarshak Mandal member, Acharya Dharmendra Maharaj, has asked the Prime Minister, Atal Behari Vajpayee, to move a bill in Parliament for the construction of the Ram Janmabhoomi temple or to quit office.

Talking to mediapersons here today, the Acharya, who earlier addressed a "sant sammelan" in Nadiad, 60 km from here in central Gujarat, appreciated Mr. Vajpayee and his deputy, L.K. Advani's presence at the funeral of the Ram Janmabhoomi Nyas president, Ramchandradas Paramhans, but said the Prime Minister's promise of a Ram temple in Ayodhya did not mean anything to the people of the country. He said what Mr. Vajpayee said at the condolence meeting, though was apt for the situation, did not indicate the Centre's way of thinking for its implementation.

"The time is up for all these theories, what Hindus in the

country want now is a practical solution to the imbroglio." He said Mr. Vajpayee's rhetoric had failed to satisfy the people's aspirations.

Without naming the All India Muslim Personal Law Board, the Acharya said those who had been talking in terms of court verdict for solving the Ayodhya temple impasse had themselves by criticising the Supreme Court's verdict on the common civil code had made it amply clear that they had no respect for the judiciary.

While the court chapter on the issue was "closed", the question of solving the issue through talks was impractical because all along India and the Hindus had always ended up on the losing side in negotiations with Pakistan and Muslims.

The only course left now was to implement the Ram temple construction through legislation.

The VHP, he said, had demanded Mr. Vajpayee and the NDA Government to bring about a bill to this effect immediately. If the bill failed in Par-

liament, as was the apprehension expressed by some ruling party leaders, Mr. Vajpayee could ask the President to dissolve the House and seek a fresh mandate from the people. Claiming that even digging of the land in Ayodhya would not benefit the Muslims as "clear hints of existence of a temple" was being unearthed, the Acharya said the only course left to Muslims in the country was now to "accept themselves as trespassers" in Ayodhya, Kashi and Mathura and give up their claims on the three major Hindu shrines.

He said even the British Government by naming the Ayodhya police station as the "Janmabhoomi" police station had admitted the fact that it was the birthplace of Lord Rama.

With the Supreme Court having made it clear that deciding the birthplace of Lord Rama was not its job, nothing more could be expected from the judiciary and it was only the "obstinacy" of a few Muslim leaders that the issue had been kept hanging in the fire.

Strongly criticising the "so-called secularists" like the Congress and the leftist parties, he said unfortunately even these parties could not openly support the apex court's verdict on the common civil code and by supporting the National Human Rights Commission's move to approach the Supreme Court on the Best Bakery case had demonstrated scant respect for the judiciary. The "sant sammelan", attended by sadhus and saints from various parts of central and north Gujarat, adopted various resolutions including one to demand the Central Government to move a Ram temple bill and another to hand over Kashmir entirely to the Army to stop terrorism.

The sammelan also adopted condolence resolutions to mourn the deaths of Paramhans and the former Rashtriya Swayamsevak Sangh chief, Rajendra Singh alias Rajju Bhaiya, and decided to target at least two crore Hindu families in the country to distribute "Sankalpa Sutra", the oath to support construction of the Ram temple.

4 AUG 2003

THE HINDU

Trial outside Gujarat: Victims sceptical

Rathin Das
Ahmedabad, August 2

ZAKIA JAFFERY will travel to any part of the country to seek punishment for those who killed her husband. But she has a question: Where are the real culprits?

Saeedbhai, has another question: Who will protect him and his children from reprisals if he deposed against the accused, in Gujarat or outside?

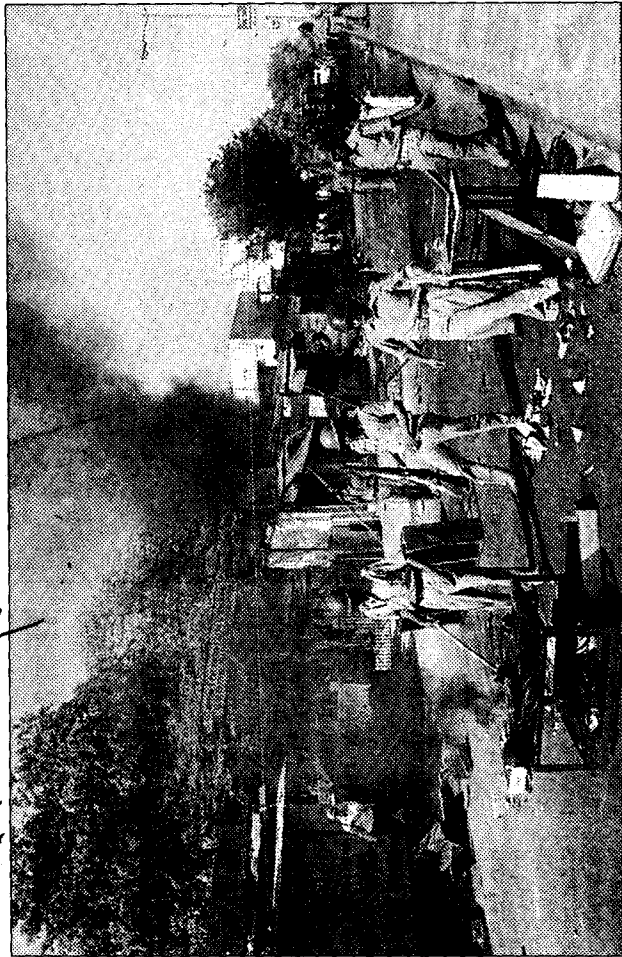
Jaffery and Saeedbhai are neighbours in the Gulbarga housing complex, where 39 people were killed during rioting on February 28 last year in the post-Godhra riots. Gulbarga is one of the cases that the NHRC wants tried outside Gujarat saying it may end up as Vadodara's Best Bakery case, which it wants retried.

Taking the trials outside Gujarat, it has been argued, will ensure witnesses depose without fear of reprisals.

But witnesses are not sure if they can deliver.

Zakia, of course, thinks the wrong people are on trial for the death of her husband. Others cite, what they call, practical problems: fear of reprisals.

Saeedbhai says: "I have to live here." Farida Bano of Naroda Patiya, where 83



The riot-struck Shahalam locality in Ahmedabad in May 2002.

persons were burnt to death on February 28, is haunted by similar fears. "What will we do if our children are threatened," she asks.

She had seen a man, who appeared drunk, kill children with a sword. He was arrested, but he is out on bail now. Besides, his wife, says Bano, has already depose and die.

Most of these people have

no plans of leaving Gujarat. This is where they lived, and this is where they will continue to live.

Safdarbhai Ankleshwaria, a tax-consultant, is planning to reconstruct his house in Gulbarga. Will he depose outside Gujarat?

"If time permits," he says. But the real reason comes out in the following comment: "Even the meetings for the reconstruction of

our houses are held away from the Gulbarga Society." Just in case the murderous rioters came back.

Meanwhile, the depositions before the Nanavati Shah Commission have been low-key affairs with rival communities making allegations against one another about instigating communal tension in the Khadia and Shaher Kotda areas of Ahmedabad.

Such cases shake faith in national institutions: Sen

HT Correspondent
New Delhi, August 2

AMARTYA SEN has described the Best Bakery imbroglio as one of the episodes that shake people's faith in the nation's institutions. Speaking at a seminar on "Right to Development," organised by the Centre for Human Rights and Development (CHRD) on Saturday, Sen said, "it wasn't just the freedom of Zabeera (that was violated) but all of us were affected".

Sen touched on the Best Bakery case while discussing the broader relationship between development and economic growth. He said citizens' freedom shouldn't be ignored. A sense of human rights is important everywhere and "it would be a pity to lose one of the radical platforms available to the people."

On the core issue before the seminar, whether eco-

nomie growth is integral to the right to development, Sen said economic growth is always an ostensible objective for any government. But it doesn't necessarily mean the well-being of the citizens. It in fact gives an excuse to governments in countries with low growth not to fulfil human rights.

Arjun Sengupta, the UN's independent expert on the Right to Development and Chairman of CHRD, however, disagreed with Sen. He said every government needs resources without which the rights covering education, health and food cannot be met. So, economic growth creates the conditions for achieving all human rights and for which accountability of public policy is important. But, he pointed out that growth has got to be equitable. A growth that increases inequality cannot lead to the fulfilment of the right to food, health and education.

'A FITTING TRIBUTE TO THE PARAMHANS'

Temple will come up at Ayodhya: PM

*Advani
& Ministers*

AYODHYA, AUG. 1. The Prime Minister, Atal Behari Vajpayee, and the Deputy Prime Minister, L.K. Advani, today pledged that a Ram temple would be built at "Ram Janamsthan" (birthplace) here as a fitting tribute to the late Ramchandradas Paramhans.

Addressing the public at Gau Ghat here, where the late Sri Ramjanmabhoomi Nyas chairman was cremated, Mr. Vajpayee said there was no hurdle in the way of construction of the Ram temple and the long-cherished dream of the Paramhans could not be ignored for long.

He, however, hoped that bet-

ter sense would prevail over the opponents of the temple, who would "rise above petty politics to pave the way for construction of a grand Ram temple at Ayodhya." Referring to the stance of the Paramhans of building a consensus over the temple issue and his striving for an amicable solution, the Prime Minister said he had sought the seer's blessings before embarking on his recent foreign visit.

Mr. Vajpayee said the 'mahant' always wanted him to visit the temple town, but unfortunately he could come only after the seer left for his heavenly abode. The Prime Minister, who

shared the views of Mr. Advani on the temple issue, said it was not mere rhetoric in front of the funeral pyre, but he would strive towards the cause the 'mahant' lived for.

Mr. Vajpayee, who is visiting the temple town after two decades, was emotional during his speech. "Good sense would prevail upon even those who are opposing it and, together, we will fulfil his dream. We feel confident in front of his funeral pyre," he said. "Everyone will have to make efforts for the Mahant's 'last' wish to come true."

Earlier, in his address, Mr. Advani said: "Nobody would be able to stop fulfilment of the Mahant's dream for the temple. It would be definitely fulfilled."

Disappointing: Cong.

In New Delhi, the Congress today said that Mr. Vajpayee's observations on construction of the Ram temple were "disappointing" and contrary to his earlier statements.

The Prime Minister had always maintained that the Ayodhya tangle could be resolved only through dialogue or through a court verdict, the Congress spokesman, Satyavrat Chaturvedi, said. — UNI, PTI

AIBMAC reaction: Page 13

Talks only solution: Advani

NEW DELHI, AUG. 1. The Deputy Prime Minister, L.K. Advani, today said a dialogue between the Hindu and Muslim communities could be the possible solution to the Ayodhya problem.

In an interview to *Zee News*, the Deputy Prime Minister said the problem would continue even if a court verdict came in favour of a temple. He expressed optimism over the dialogue process that had been initiated during the past eight months, saying the mood in both communities was for settling the issue once and for all.

Coming down heavily on the opposition parties for being "opportunistic" on the Ayodhya issue, Mr. Advani charged them with making "Hindutva" and communalism election issues every time.

Asked whether "Hindutva" would be made an issue in the coming elections, Mr. Advani said, "there have been no elections in which 'Hindutva' has not been made an issue." — UNI

2 AUG 2003

NO LEADER'S SPEECH ON BABARI VIDEO

Words are all CBI has to put BJP brass away

Press Trust of India

DMK threat to BJP

RAE BAREILLY, July 30. — The Central Bureau of Investigation today admitted that the video and audio tapes submitted by it as evidence in the Ayodhya demolition case being tried at a special court here did not contain speeches of Deputy Prime Minister Mr LK Advani, Union minister Mr Murli Manohar Joshi, BJP leader Ms Uma Bharati and some others.

Briefing newsmen outside the court, the CBI counsel Mr SS Gandhi said that of the four video and three audio cassettes played in the chamber of the special judge, Mr VK Singh, one audio cassette contained a speech of fire-brand Hindutva advocate Sadhvi Ritambhara.

Mr Gandhi, however, said that the CBI had, "oral evidence" against all the eight accused — including Mr Advani, Mr Joshi and Ms Bharati. He said the CBI had oral evidence that the accused persons were present at Ayodhya on 6 December, 1992, and incited the crowd resulting in the demolition of Babari Masjid. He claimed that the video and the audio cassettes did establish that they were on a stage delivering speeches aimed at provoking *kar sevaks*.

The hearing of the matter would continue tomorrow when the defence counsel would advance arguments on the charges.

Earlier, four video and three audio cassettes were screened inside the chamber of the special judge in the presence of the counsel of both parties.

Defence counsel Mr Mahipal Ahluwalia claimed that there was nothing in the tape that could implicate his clients. "No case is made out against the defendants by the tapes," he claimed.

Mr Ahluwalia said his client would appear before the court as and when required. "We are not above law." He justified the screening of the tapes inside the special judges' chamber, saying it was a

CHENNAI, July 30. — The DMK today said it would pull out of the NDA if the BJP made any move to build a temple at the disputed site. "We will continue to oppose any move for a temple at the disputed site in Ayodhya. If they (the BJP) resent our opposition and show us the door, then we are ready to quit the NDA," DMK president Mr M Karunanidhi said.

The issue was not building the Ram temple at the disputed site, but the "dangerous consequences" that would follow the move, he said.

Yesterday, chief minister Miss Jayalalitha had declared her support for a Uniform Civil Code and the Ram Temple at Ayodhya. "I don't know in which direction she (Miss Jayalalitha) is going. But the DMK does not agree with that position, be it with regard to the Uniform Civil Code or the temple project," Mr Karunanidhi said. — SNS

usual practice. "It was mere viewing of the tapes and not any proceeding."

The judge too justified the screening of the tapes in his chamber, saying it was done keeping in view the sensitive nature of the case.

But the district Bar condemned the screening of the tapes, alleging that it was being done "under government pressure". The lawyers too objected to what they alleged entry of outsiders in the judge's chamber.

"Several persons, who have nothing to do with the case, gained entry into the judge's chamber," said lawyer Mr Shankar Pandey alleged.

The court has granted exemption to all the accused from personal appearance for today and tomorrow.

Police on SIMI trail, seek three suspects

Pick up ten persons for questioning in connection with Monday's bus blast

By Somit Sen
TIMES NEWS NETWORK

Mumbai: The city police are searching for two Lashkar-e-Toiba (LeT) terrorists and a member of the Ahle-Hadees religious group for their alleged complicity in the BEST bus blast at Ghatkopar on Monday night.

Ahle-Hadees are hardline Islamists owing allegiance to the Saudi-based Wahabi sect.

Monday's blast, which occurred in a bus on route no. 340 near the telephone exchange on L.B.S. Marg at 9.10 p.m., killed two persons and injured 47 others. Four of the injured are in a critical condition. The deceased were identified as Vilas Mainkar (24) and Shivbali Yadav (35).

Police sources said the suspects had been identified as Abdul Rehman and another person known only as Rawal, both alleged LeT terrorists, and Nisar

in different parts of the country.

Said a crime branch officer, "After we neutralised three SIMI modules in the past eight months, the LeT is believed to have formed another module to carry out subversive activities in Mumbai." The city police has despatched teams to various parts of the state to flush out persons affiliated to this fourth SIMI module.

The three modules already "neutralised" by the Mumbai crime branch include the one allegedly led by Saquib Nachen, prime accused in the Mulund (March 13, 2003), Vile Parle (January 27, 2003) and Mumbai Central (December 6, 2002) blasts. Fifteen members of this module were arrested from Padgha and Borivli villages in Thane district and chargesheeted on July 19.

Another module led by Dr Abdul Mateen, prime accused in the Ghatkopar blast (December

2, 2002), was busted in Parbhani and Aurangabad last December and seven persons were arrested. The police are likely to file chargesheets in this case by month end. A third module, led by alleged SIMI activist

Cities	Population* (million)	Police Strength
Mumbai	12.0	40,000
Delhi	10.0	60,000
Kolkata	4.5	26,000
Chennai	4.2	20,000

*2001 Census, approximately

Ahmed alias Janab, the Ahle-Hadees member. Nisar Ahmed is also wanted in the blast in Mulund on March 13, which killed 12 persons and injured 71 others.

Sources said the three are believed to have formed a new module comprising youths from SIMI (Students Islamic Movement of India) and trained them in the use of explosives and firearms in some part of the state. LeT members are divided into modules or small groups which operate independently of each other. Members of the newly-formed module are suspected to have carried out the blast in Ghatkopar on Monday.

Police officials alleged that Rehman and Rawal had provided the funds while Ahmed reportedly trained the youths in the use of explosives and firearms. Ahmed is a former aide of alleged terrorist Dr Jalees Ansari, who is accused of masterminding 60 bomb blasts

Noor Sikander and reportedly planning to attack Mantralaya, was neutralised in Malegaon in May this year.

In Monday's blast, the police have picked up at least ten persons for questioning in Mumbai. They also plan to interrogate Nachen and Dr Mateen, both of whom are in judicial custody.

What makes the police suspect SIMI's involvement in the blast? A senior officer, who requested anonymity, said, "The blast on Monday was similar to the blast which occurred in Ghatkopar on December 2 last year. The explosive used and the modus operandi are also similar."

The police said preliminary investigations showed that the bomb was an improvised explosive device containing ammonium nitrate. The detonation was triggered using a mixture of sulphuric acid, sugar and potassium chlorate. The forensic report is still awaited.



National Security Guard personnel examine the mangled remains of the BEST bus in which a bomb exploded on Monday night, at the Ghatkopar police station compound on Tuesday.

Riots witnesses speak out against police

OUR CORRESPONDENT

9 min
9-51

Ahmedabad, July 28: For a change, some witnesses had unflattering things to say about the police to the Nanavati Commission, which today began its second phase of recording statements of victims and witnesses from the city.

The two-man inquiry commission, comprising Justice (retd) G.T. Nanavati and Justice (retd) K.G. Shah, is probing the post-Godhra riots in Gujarat in 2002.

The majority of witnesses today praised the police for maintaining law and order during last year's riots, but there were some who did not parrot that line.

Instead, Rashida Bano, 30, told the panel her husband Yusuf was killed by the police on March 1, 2002. She said police came to her house to take her husband away to the police station for interrogation.

"As we did not know where the police were taking my husband we followed them. On our way to the police station we were told by some people about a body that 'resembled my husband' lying unattended (on the road). When we reached there, I found it was my husband. The police

murdered him," Rashida said.

She added that police refused to register her FIR that Yusuf had died of police-inflicted severe head injuries.

Bharatbhai Datanya, a home guard, told the panel he was punished because he had tried to bring the riots under control. "The only crime I committed was that I tried to perform my duty. At that point of time my duty was to control the riot. This angered the police and they framed me in a false case," said Bharatbhai, who spent six months in the central jail.

Another witness, Rafi Memon, was willing to talk about police atrocities if the commission ensured he would not suffer for speaking up.

Many witnesses said the police were trying to paint themselves white and undo the damage to their image. This was the reason, they said, that so many witnesses had told the panel that the police did their duty and did it well during the riots.

A number of victims thought the panel was responsible for distributing relief and many of those who turned up today complained about inadequate compensation. The commission in-

formed them that they were not handling such matters.

More than 150 witnesses turned up to depose before the panel today, a marked improvement on earlier days.

During its second phase of hearing, the panel will cover the police station areas of Shahpur, Karanj, Kalupur, Sher Kotda, Khadia and Gaekwad Haveli. No gruesome killings were reported from these communally sensitive areas, but there were incidents of stabbing, arson and rioting. The hearing will last till August 1.

The panel is yet to announce the dates when statements of residents of the worst-affected areas will be recorded. Hearings for residents of Naroda-Patia (where more than 90 people were killed), Naroda Gaam and Gulbarg Society in Meghaningar (where over 39 people were burnt alive) are likely to be held in the third phase.

According to police records, 959 cases were registered during the riots. Of these, 516 are pending trial and 19 are awaiting investigation. The commission has received 4,000 statements in the form of affidavits from all over Gujarat.

THE TELEGRAPH

29 JUL 2003

CONG LEADER VORA OBJECTED TO CBI PROPOSAL IN 1993

Govt takes wind out of Oppn sails on Ayodhya

Our Political Bureau
NEW DELHI 23 JULY

24/7
THE government on Wednesday took the sting out of the Opposition campaign over the Ayodhya chargesheet, saying that it was Congress leader Motilal Vora, who as the then governor of Uttar Pradesh, had objected to the CBI's proposal to "surreptitiously" introduce the conspiracy angle a year after the December 6, 1992 demolition case was filed.

Citing from the order of the governor issued on September 9, 1993, declining consent to the CBI to "subsume the chargesheet against the 48 accused in the demolition case and the one against the deputy prime minister, Mr L.K. Advani," Union law minister Arun Jaitley alleged an "attempt to surreptitiously introduce the conspiracy angle against the latter when it was actually not warranted."

Mr Jaitley, who was replying to a discussion in the Rajya Sabha on the chargesheet, recalled that while Section 120(b) found no mention in the original chargesheet filed against Mr Advani in the aftermath of the demolition, the same was sought to be "surreptitiously" included a year later by clubbing the chargesheet against the 48 others accused in the case, which mentioned the conspiracy angle, with the one against Mr Advani.

This, he said, was despite the refusal by the then UP governor to entertain the CBI request to club the two chargesheets. Mr Vora had declined approval saying that a chargesheet once filed could not be subsumed with another and that the evidence against the two sets of accused was different. In fact, as per the order turning down the CBI's request, nearly 60 persons had said that Mr Advani was not involved in instigating the crowds to bring down the disputed structure. In



69.2
Voice Test: Youth Congress leader Randeep Singh Surajwala (third from left) leads supporters during a demonstration in front of the CBI headquarters in New Delhi on Wednesday. — AFP

contrast, only three persons charged him of instigating the mobs. In fact, even when the CBI approached the subsequent Rajnath Singh and Mayawati governments seeking a notification to try the deputy PM for criminal conspiracy, the latter were said to have drawn upon Mr Vora's position to decline the request.

"The notification was issued at a junior level in 1993 despite a "no" from the governor's office and without permission from the High Court...lack of evidence was cited to justify the subsuming of chargesheets against the two sets of the accused," Mr Jaitley pointed out to label the move as an "afterthought and hence a conspiracy."

Mr Jaitley's charging of the then P.V.Narasimha Rao government of "surreptitiously introducing the conspiracy angle in Mr Advani's case," which angered the entire Opposition into staging a walkout, turns the tables on the Opposition which has been alleging a "collusion" between the government and

the CBI to drop criminal charges against the deputy PM.

During the debate on Wednesday, Congress member Kapil Sibal argued that the Rae Bareilly court had overlooked the CBI's move to drop criminal conspiracy charges against Mr Advani as it had not been sent all the documents related to the case by the Lucknow court. The records pertaining to the statements by the over 700 witnesses to the demolition had been withheld, he charged, as "anything said by the kar sevaks would serve as evidence against the deputy PM."

TDP's C.Ramachandraiah said that Ayodhya was a non-issue for 75% of the population. "To what extent are we justified in spending so much of our energies on non-issues," he asked even as he suggested that the government come clean on the latest controversy.

Earlier, Congress member Hansraj Bharadwaj, who was Union law minister at the time of the demolition, alleged a tradeoff between the BSP government and the BJP.

BJP welcomes court suggestion on common civil code

By Our Special Correspondent

NEW DELHI, JULY 23. The Bharatiya Janata Party today welcomed the suggestion made by the Chief Justice of India, V.N. Khare, that the Government endeavour to enact a common civil code for all citizens irrespective of sex or religion and added it would "explore the possibility".

The party's reaction was in line with that of the Rashtriya Swayamsevak Sangh.

The suggestion was made by the Chief Justice in a judgment delivered today in a case related to succession laws as applicable to Christians.

The party spokesperson, Vijay Kumar Malhotra, said the BJP had always favoured a common civil code.

In every country, there was one civil code for all citizens and even in India there was a common criminal procedure code accepted by all the minorities. "We welcome the sane advice given by the Supreme Court."

However, Mr. Malhotra's enthusiasm did not seem to be shared by the Deputy Prime Minister, L.K. Advani, who refused to comment when reporters referred to the court advice. "If I speak it will be on behalf of the Government. I would not

like to say anything... the party spokesman must have said something," Mr. Advani said.

Mr. Malhotra said the Directive Principles of the Constitution spoke of the desirability of moving towards a common civil code but in 55 years nothing much had been done.

"We will explore the possibility, but we hope all parties, in-

cluding the Opposition, will welcome this," he said.

It seems the party is applying the formula it used in its Ayodhya resolution from Raipur — for as it did on the Ram temple issue, on a common civil code too it virtually threw the ball in the Congress court.

"The Congress has talked about respecting the judicial

verdict on Ayodhya, now it should say whether it was ready to accept the judicial advice on a uniform civil code... the Congress party should first give its view on this," Mr. Malhotra said.

Asked whether the BJP would take it up with its allies — for this is one of the "contentious issues" which was kept out of the National Agenda for Governance adopted by the National Democratic Alliance — Mr. Malhotra said the party would talk to its allies "whenever we meet".

The RSS spokesperson, Ram Madhav, made much the same points as made by Mr. Malhotra.

He said that since Muslims never objected to a common criminal procedure code, there was no reason why they should not accept a common civil code.

He regretted that no sooner had the Supreme Court made its suggestion than some Muslim leaders immediately stated that they would not tolerate interference in their personal laws.

The Telugu Desam Party parliamentary leader, Yerran Naidu, was not ready to comment, saying: "We will give the party view after studying what the Supreme Court said".

Cong. reserves comment

By Our Special Correspondent

NEW DELHI, JULY 23. The Congress today reserved comment on the suggestion of the Supreme Court for a common civil code stating that the party would like to study the context in which it was made.

The Congress spokesman, Satyavrat Chaturvedi, said the formal reaction would be offered only after the apex court's observation was studied. On the party's stand on such issues, he said the Congress was not against any social change but felt it should come from within society and not imposed.

UNI reports:

The All India Muslim Personal Law Board (AIMPLB) has expressed doubts about whether such a law could be imposed in any matter concerning religion. The AIMPLB Chairman, Maulana Rabe Hasan Nadvi said it was only an observation of the court and not a directive. "But we think that nothing should be imposed in any matter concerning religion," he stressed.

However, he maintained that the Board will seek legal suggestions before any official comment was issued. The Delhi Catholic Archdiocese spokesperson, Fr. Dominic Emmanuel said the Government should take everyone into confidence before implementing the Supreme Court direction so that "religious sentiments of any faith are not hurt."

THE HINDU

24 JUL 2003

OPPOSITION CHARGE FORCES LS ADJOURNMENT

CBI has not dropped charges in Ayodhya case: Jaitley

By Our New Delhi Bureau

*9-10-93 am
9 Parliament
9-10-93 am
Constitution*

NEW DELHI, JULY 21. The tabling of an adjournment motion by the Opposition alleging that the Central Bureau of Investigation had "dropped" the charges of conspiracy to demolish the Babri Masjid against the Deputy Prime Minister, L.K. Advani, and some others led to stormy scenes in the Lok Sabha which adjourned without transacting any business on Monday, first day of the monsoon session.

After noisy scenes, shouting of slogans "Prime Minister jawab den" (the Prime Minister should give an answer), demands by the Opposition for the resignations of Mr. Advani and the Human Resource Development Minister, Murli Manohar Joshi, and the moving into the well of the House by the members, the Lok Sabha was adjourned for the day after the Speaker, Manohar Joshi, rejected the demand for suspension of question hour.

Trouble began immediately after Mr. Joshi made some obituary references to former MPs. Priyaranjan Dasmunshi (Congress), Ramjilal Suman (Samajwadi Party), Raghuvansh Prasad Singh (Rashtriya Janata Dal), G.M. Banatwala (IUML) and others charged that the Prime Minister, Atal Behari Vajpayee, had pressured the CBI into dropping the conspiracy charges against Mr. Advani, Dr. Joshi and other Bharatiya Janata Party and Vishwa Hindu Parishad leaders in the case being heard in the Rae Bareilly court.

The Speaker rejected the Opposition demand and quoted from a "letter" from the Law Minister, Arun Jaitley, which stated that the subject matter was sub judice. Besides, "the



The Prime Minister, Atal Behari Vajpayee, Somnath Chatterjee (CPI-M), Priyaranjan Dasmunshi (Cong.), Yerran Naidu (TDP) and the Congress president, Sonia Gandhi, arriving to attend the monsoon session of Parliament on Monday. — Photos: Anu Puskharna

CBI has not diluted any case, dropped any charge against the accused person. Section 120 B (relating to conspiracy) was never a charge in the Rae Bareilly chargesheet, the question of dropping it does not arise". Mr. Joshi added: "Since the matter has not been dropped by the Government, the information with the (Opposition) members is not correct. Therefore, I do not agree to suspend the question hour." He then offered to take up the adjournment motion but to no avail. The turmoil forced the first adjournment, and, even after confabulations in the Speaker's chamber, the Opposition was unrelenting.

The House met again only to adjourn for the day.

Addressing the press later, Mr. Jaitley said "the entire premise that the CBI has diluted or dropped charges against Mr. Advani and others is factually incorrect... there has been no interference by the Centre, no dropping of charges by the CBI". The Congress had "withdrawn a record number of cases against its leaders in 1980", but the Vajpayee Government had not interfered in any way in the Babri demolition case.

In the Rae Bareilly court, "it was for the judge to accept, add to or delete charges made out by the CBI, it was for the court

to decide not Parliament... it would be unprecedented if parallel arguments on what charges should be framed are made in Parliament. That would negate the rule of law," Mr. Jaitley added. And his party colleague, V.K. Malhotra, suggested that an adjournment motion on wrong facts "could become a privilege issue".

The Congress spokesperson, S. Jaipal Reddy, said the CBI filed two chargesheets on October 5, 1993, and January 11, 1996. Both, one including the charge of conspiracy, were considered together by the special court in Lucknow and "neither the High Court of Allahabad nor any oth-

er court had quashed the chargesheets". Those charges were based not just on FIRs, but on "investigations by the CBI and they cannot be wished away". Now, however, the "CBI has chosen to turn a blind eye to its own charges" and had been "reduced to a pliable political tool". Mr. Reddy said: "The Prime Minister was responsible and he must give a credible answer to Parliament and to the nation." Both Mr. Advani and Dr Joshi "must go". He accused Mr. Jaitley of "obfuscating" the issue and wearing several hats, saying, "He is Law Minister, judge, advocate, prosecutor and BJP spokesperson."

Milestones in the Babri Masjid

demolition case 22/7

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10-1

By Our Special Correspondent

NEW DELHI, JULY 21. The following are the milestones in the Babri Masjid demolition case:

December 6, 1992: First Information Report (FIR) 197/92 against unknown persons and 47 other cases registered at Ram Janma Bhoomi police station at Ayodhya. An FIR 198/92 also registered at Ram Janma Bhoomi police station.

December 13, 1992: The FIR 197/92, relating to conspiracy, communal frenzy and rioting, transferred to the Central Bureau of Investigation (CBI).

August 27, 1993: The FIR 198/92, charge of conspiracy, did not figure in this case. It related to offences of inflammatory speeches, rioting, whipping up of communal frenzy, and 47 other cases transferred to the CBI.

October 5, 1993: A composite chargesheet filed by the CBI in both 197/92 and 198/92 cases against 40 accused in the Special Court of the Additional Chief Judicial Magistrate, Lucknow.

January 1, 1996: A supplementary

chargesheet filed by the CBI against nine more persons in Lucknow court.

September 9, 1997: Charges framed against 49 accused by the Special Judge, Ayodhya Case, Lucknow. As many as 33 accused filed revision petition in Allahabad High Court.

February 2, 2001: Allahabad High Court upheld the order of September 9, 1997 of the Special Judge but held the notification of October 8, 1993 issued by the Uttar Pradesh Government in respect of case no. 198/92 setting up a Special Court defective as there was no consultation with the High Court for issuing it. Cognisance, committal and order on framing charges in respect of 198/92 cited as bad in law. The court held that the defect could be rectified by issuing fresh notification by the State Government.

June 16, 2001: The CBI requested the Uttar Pradesh Government to issue a fresh notification, curing the technical defect of having not consulted the High Court. The State Government did not issue a fresh notification to cure the defect neither did it file a Special Leave Petition

(SLP), challenging the High Court order before the Supreme Court.

February to July 2002: Special Leave Petitions (SLP), pleading for issue of notification and revival of trial in the Ayodhya case, filed in the Supreme Court by Mohammad Aslam Bhure, Society for Justice, Kuldip Nayyar and Mohammad Hashim.

September 2002: The Uttar Pradesh Government issued a notification specifying that Rae Bareilly court would be the Special Court to try the case arising out of the FIR 198/92. This case, pending before the Lucknow court, will be transferred to Rae Bareilly court.

November 2002: The Supreme Court upheld the Uttar Pradesh Government's notification on Rae Bareilly Special Court.

May 31, 2003: The CBI filed a supplementary charge-sheet against L.K. Advani and seven others, including Murl Manohar Joshi, Uma Bharti, Vinay Katiyar and Ashok Singhal.

The CBI report contained the statements of 39 witnesses, documents and press reports relating to the investigation of case No. 198/92.

THE HINDU

22 JUL 2003

Opp loads Babri gun for House

HT Correspondent
New Delhi, July 20

HT-1
2/7

A UNITED Opposition has decided to bring an adjournment motion in the Lok Sabha on Monday on the Centre's "misuse" of the CBI in "diluting" the charge-sheet against Union ministers L.K. Advani and M.M. Joshi in the Ayodhya demolition case.

This was decided at a meeting at Sonia Gandhi's home, held on the eve of the monsoon session and attended by Sharad Pawar (NCP), Mulayam Singh Yadav (Samajwadi Party), Somnath Chatterjee (CPI-M) and Laloo Yadav (RJD), among others.

The CBI has dropped the charges of criminal conspiracy and connivance in the demolition case against Advani, Joshi and other Sangh Parivar leaders.

"All the Opposition parties have been arguing for three years that Advani's continuation as home minister would result in a miscarriage of justice in regard to the criminal case," Congress spokesperson Jaipal Reddy said. "Our worst fears have come true."

Somnath Chatterjee has ruled out a no-trust motion, but the Opposition intends to seek an explanation from Prime Minister A.B. Vajpayee, since the CBI reports to him.

The meeting was held against the backdrop of Sonia Gandhi's call to all secular parties to unite and defeat the BJP in the 2004 general election.

Opposition

The Opposition also has other sticks to beat the government with: the Taj heritage corridor issue, the recent spate of railway accidents (as well as Nitish Kumar's resignation drama) and the action-taken reports on the joint parliamentary committee report on the stock market and UTI scams.

Other issues that will be raised include the Best Bakery case, farmers' problems, drought, floods and unemployment. China, Indo-Pakistani ties, Iraq and the conditional access system, too, are expected to be on the agenda, as a meeting of the four Left parties indicated.

By also listing Tehelka for discussion, the Opposition is perhaps sending out two signals. One, the debate on Tehelka can be used to break the boycott of Defence Minister George Fernandes so that the Opposition can seek a discussion on the non-utilisation of defence outlays. And if this fails, they can highlight the fact that a number of NDA ministers have come under a cloud.

H.D. Deve Gowda (JD-S), Ajit Singh (RLD) and Ram Vilas Paswan (Lok Janshakti) could not attend the meeting. Among those who participated were Chandra Shekhar (SJP) and Amar Singh (SP).

The Congress line-up included Manmohan Singh, Pranab Mukherjee, Shivraj Patil, P.R. Das Munshi and Ahmed Patel besides Sonia Gandhi.

Related report on Page 5

CBI DROPS CONSPIRACY CHARGE ✓

Advani, Joshi get breather

STATESMAN NEWS SERVICE

LUCKNOW, July 19. — The CBI has dropped the charge of criminal conspiracy against Mr LK Advani, Mr MM Joshi and other BJP leaders in the Babari Masjid case in a special court at Rae Bareilly.

The agency did not find any evidence against the eight accused under Section 120B of the Indian Penal Code (Criminal conspiracy), and dropped the charges against them, Mr Mridul Rakesh, counsel for one of the eight, said. There is no mention of Sec. 120B in the supplementary chargesheet filed on 31 May.

Initially, Section 120B was not included in the case filed against the eight on the basis of FIRs (Nos 197 & 198/92) registered on 6 December 1992 after the demolition of the Babari Masjid.

The CBI had included the criminal conspiracy charge in the combined chargesheet during the course of its investigations. "With the dropping of the conspiracy charge, the charges that remain are under Sections 153A, 153B (spreading communal frenzy), 147 & 149 (rioting) and 505 (creating ill-will)," Mr Rakesh said.

Questions are being raised over this development that comes just ahead of the case's next hearing on 30 July. At the hearing the CBI is scheduled to produce in court

Vajpayee takes VHP to task

RAIPUR, July 19. — The Prime Minister today virtually took the VHP to task for demanding his resignation over failure to bring legislation over Ayodhya, asserting he would continue to follow the path he thought correct despite discordant notes, reports SNS.

Naidu term extended
Mr Venkaiah Naidu is all set to get a fresh term of three years as BJP president when the organisational elections take place at the end of this year. Mr Pramod Mahajan announced this today setting at rest speculation that Mr LK Advani may return to the organisation as party chief. — SNS

■ Details on page 10

video-clippings that allegedly seek to prove the role of Mr Advani and others in inciting *kar sevaks* to demolish the mosque in 1992.

A lawyer involved in the case hinted at a conspiracy behind the latest development, pointing out that it was the CBI which in the first place had included the conspiracy charge in the combined chargesheet against them.

Look who's paying for communal strife!

SANTOSH SINGH
STATESMAN NEWS SERVICE

BHOPAL, July 19. — After the Rs 25.33 lakh-fine slapped on upper caste residents of five villages in Rajgarh for oppressing those from the SC/ST community, the Digvijay Singh government has now begun the process of imposing a similar fine at other places in the state. Those responsible for fomenting communal tension in Dhar, over the Bhojshala issue, and at Ganj Basoda in Raisen,

where cowhide and carcasses were allegedly found in a Muslim home, could face such a fine.

The chief minister hasn't yet named the organisations or groups of people on whom this "community fine" will be imposed but the district collectors of Dhar and Raisen are expected to issue orders soon. Both places had seen communal strife in January.

While Dhar in west Madhya Pradesh witnessed communal tension over a disputed 11th century-monument, where a mosque and a

temple co-exist since before Independence, Ganj Basoda in Raisen saw the burning of dozens of Muslim shops after certain Hindu groups claimed the discovery of cow skeletons from the house of a butcher.

The Dhar monument, in possession of the ASI, has been a bone of contention between Muslims — who term it as Kamaal Maula Masjid after the Muslim saint Kamaaluddin Chisti whose *dargah* adjoins it — and Hindus, who describe it as a Bhojshala and Saraswati mandir.

Though it is well known that VHP and Hindu Jagaran Manch leaders had rallied around the Bhojshala issue, Mr Digvijay Singh has been playing safe till now.

The Opposition BJP, however, has taken serious exception to the government's "over-zealousness on enforcing medieval and feudal laws" by imposing a community fine for offences committed by a handful of people with vested interests. But senior BJP leaders also say it is too early to comment on the move. Criticising the concept, BJP's

chief ministerial candidate, Miss Uma Bharati said "imposition of community fines only reflects the government's divisive policies. The CM is out to create a Jehanabad-type situation in Madhya Pradesh".

The BJP's fact-finding team which visited five villages in Rajgarh district said villagers preferred "death to paying community fines". Opposition leader Mr Babulal Gaur, said "instead of holding district officials responsible for violence, the government is looking for a scapegoat in innocent people".

9-8-09
D. G. Ravishankar

'SUPPORT OF CONGRESS, NDA ALLIES WILL HELP

Legislative option on Ayodhya should be explored: BJP

By Neena Vyas

RAIPUR, JULY 19. The Bharatiya Janata Party today re-dedicated itself towards handing over Ram Janmabhoomi, the disputed land in Ayodhya, to Hindus for the construction of a Ram temple saying that while a negotiated settlement was the best way to settle the dispute, the other option of adopting legislation in Parliament "should be explored". But, the party also indicated that this would not be possible in the present arithmetic in Parliament.

In fact, releasing to the press later a separate resolution on Ayodhya — adopted unanimously by the national executive committee — the BJP general secretary, Pramod Mahajan, made it clear that "no proposal for taking any initiative to persuade the allies on this issue" was discussed. He was non-committal on the party taking any steps towards building a consensus on this or taking steps to start a dialogue for a negotiated settlement.

The party said there was a broad consensus within the ruling National Democratic Alliance that a solution through a judicial verdict would be an acceptable solution, but it did not clarify its own stand on this. In Palampur in 1989, when the party first adopted the Ram Janmabhoomi cause as its own, it had declared that "the nature of this controversy is such that it

just cannot be sorted out by a court of law". Then, as today, it talked about a solution through a negotiated settlement or legislation.

In the resolution, the BJP cautiously added that "the legislative approach would be fruitful if our allies in the National Democratic Front as well as the parties in the Opposition, especially the Congress, extend their support to it". In short, it has thrown the ball in the court of its allies and the Opposition.

During a recent meeting between the RSS sarsanghchalak, K.S. Sudershan, the Prime Minister, Atal Behari Vajpayee, the Deputy Prime Minister, L.K. Advani, and the RSS office-bearer, Madan Das Devi, at the Prime

Minister's residence, the BJP leaders had promised to consider the legislative option. After that a separate resolution on Ayodhya was entirely expected.

The resolution itself is being seen as a signal to its cadre that it remains committed to the cause of a Ram temple even as it tries to meet the criticism from other Sangh Parivar organisations such as the Vishwa Hindu Parishad that the BJP had abandoned the Ram temple issue after riding to power on its back. Apparently, the draft resolution was badly worded and some members, Murli Manohar Joshi among them, objected to it, after which the resolution was re-drafted and adopted.

The one-page resolution

pointed out that the National Agenda of Governance adopted by the coalition Government in 1998 and the common NDA manifesto of 1999 were silent on Ayodhya. "Nevertheless, there was a broad consensus on resolving this issue either through dialogue or a judicial verdict. On that basis the NDA Government supported sincere efforts by certain individuals to reach a negotiated settlement through dialogue," the resolution stated.

The party stated that it favoured a settlement of the issue through negotiations as the "best option" as it would "promote communal harmony and national integration" but made it plain that negotiations did not mean any give-and-take. Nor had the party discussed the Kashi-Mathura potential mandir-masjid disputes today, he added. "Where is the question of removing the makeshift Ram temple (from the disputed site)? The question does not arise," Mr. Mahajan said adding that "there is no need for give and take", during negotiations.

He also denied that the adoption of an Ayodhya resolution at this juncture was to make it a poll issue or to "test the waters" to see if it would catch the imagination of the people. By and large, party members see the exercise as part of the larger effort to mend relations with the VHP at a time when the VHP cadre can be more than just useful during elections.

PM's olive branch to VHP

By Our Special Correspondent

RAIPUR, JULY 19. The Prime Minister, Atal Behari Vajpayee, today expressed his wish to see a Ram temple come up at 'Ram Janmasthan' (birthplace of Ram). "That would be good," he said, adding that the Ayodhya problem should be resolved amicably.

Speaking towards the end of the second day of the BJP national executive committee meeting, Mr. Vajpayee offered an olive branch to the Vishwa Hindu Parishad, saying that no one wanted the VHP to be kept out of a solution.

In an obvious reference to the criticism by the VHP leaders that the BJP was going back on its own commitment to the temple issue, he said the party today adopted a resolution on this. He asserted that the BJP did what it thought was right, and did not go back on it. He said that while constructive criticism (from the VHP or anyone else) was welcome, there should be no ugly exchanges of allegations and counter-allegations.

THE HINDU

JUL 2003

Pandya was among the rioters, victim tells Godhra panel

Rathin Das
Ahmedabad, July 17

A SURVIVOR of the post-Godhra riots on Thursday named late BJP leader Haren Pandya, who was then revenue minister, as part of a mob that attacked minorities in Paldi, Ahmedabad, on February 28 last year.

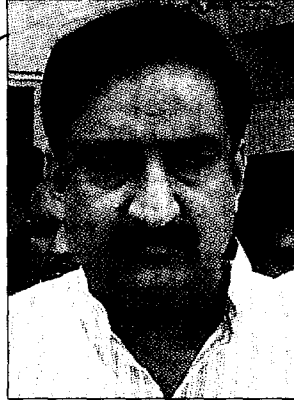
The survivor, eminent dentist Dr Yunus Mohammad Bhavnagari, was deposing before the Nanavati Commission. This is the first time that a member of the Modi ministry has been officially named as a rioter.

Pandya was shot dead in March this year for suspected political motives.

Bhavnagari, then a resident of the minority-occupied Delite flats in Paldi, told the commission, "It was his (Pandya's) presence which instigated the rioters even more." He said that during the attack, there was no help from the police for nearly four hours, though there were some policemen among the crowd.

The mob, the witness said, was firing from outside his home and shot his son Dr Amir Bhavnagari on the chest. That was when he himself fired back a few rounds from his licensed revolver.

The dentist's wife, son and other relatives also deposed



Haren Pandya
Instigator?

before the commission. They said their house in Delite flats was set on fire by the mob, as were some other flats and shops. "Since then, we haven't returned to our old home as we still fear for our lives and have been threatened not to come back," the dentist said.

Bhavnagari later told reporters he had spent three months in prison for firing the shots because the police refused to believe that he had fired in self-defence.

The dentist also said he was scared to testify in the presence of the policemen who were responsible for the carnage. "We can testify fearlessly if the commission hears us in-camera," he said.

18 JUL 2003

The Best Bakery acquittals have further weakened the moral foundations of the Indian State

Bad dough rising

BY PREM SHANKAR JHA

revisiting
17/6/1977

THE ACQUITTAL of the 21 persons accused of hacking to death or burning alive 14 men, women and children in what used to be the Best Bakery in Vadodara is, by any reckoning, a travesty of justice that should make us feel ashamed of what our country has become. This is not because the accused were acquitted, but because of the way in which they obtained their acquittal. Forty-one of the 74 witnesses the police had marshalled turned hostile. The main complainants, who had stood by their accusations for 15 months, the widow and daughter of the slain owner and other family members, did not even come to court on the day when they were to be cross-examined. Without them, there was no case. The judge presiding over the 'fast track' court that had been set up for the trial was, therefore, compelled to throw the case out for want of evidence.

The acquittal puts a huge blot upon the police of the state. There is, admittedly, a great deal that needs explanation. Why did so many witnesses turn hostile? Were they threatened with death, as both the daughter Zahira and the wife of the owner, Sehrunissa, claimed after the trial was over, or were they bribed to remain silent or absent themselves from the court? The first has almost certainly happened. But the second possibility cannot be ruled out, for it is a common practice in this country, as was spectacularly demonstrated by the BMW manslaughter case in Delhi. The probable answer is that both the stick and the carrot were used. This probability is increased by the fact that a BJP MLA, Madhu Srivastava, who was very active in organising the defence of the accused, was seen frequently in the company of the wife or the daughter.

But that only replaces one set of question marks against the behaviour of the Gujarat police with another. Given the importance of the case why did it not protect, or sequester at least, its key witnesses, so that they could not be reached by the defendants and their supporters? The answer may be that there is no witness protection programme in India akin to that of the US. But then why is there no such programme when the successful intimidation of witnesses is a common, almost everyday, occurrence? At the very least, knowing that wit-



SEEING EVIL, HEARING EVIL, SPEAKING ABOUT EVIL: Zahira Sheikh

nesses were likely to turn hostile, why did the Gujarat police not take their depositions before a judicial magistrate? That would have made it far more difficult for them to turn hostile later. It would also have allowed the police to threaten those that did turn hostile with prosecution for perjury.

In fact, the prosecution did not take, or contemplate, even one of these precautions. Instead, the already traumatised survivors of the massacre were forced to live on the raw edges of their nerves for months, prey to every threat and inducement, afraid to go out or pick up a telephone and denied any protection, assistance or even moral support by the police. It is hardly surprising that Justice Mahida's 24-page judgment is loaded with condemnation of the police for its lackadaisical handling of the case.

But why blame the Gujarat police alone? Such complete insouciance is the norm throughout the country. It has made the task of an undermanned, under-equipped, under-financed and overworked police force well nigh impossible. This is reflected in the pathetic rate of convictions — 1.5 per cent — that the police countrywide secures in the cases that come up for trial. This explains the immense popularity and widespread misuse of draconian laws like the Terrorist and Disruptive Activities Act in the past, and of POTA, the increasing resort by the police to arrest before investigation and the stage-by-stage widening of the police's powers of detention to subvert the individual's right to *habeas corpus*. Behind all these gross abuses lies the

police's belief that since they will not be able to secure a conviction from the courts, they might as well inflict the maximum of punishment upon the defendants by other means. It also explains the increasing frequency of custodial killings and fake encounters even in states that have never had to deal with an insurgency.

The Best Bakery case, thus, underlines the fact that the rule of law has virtually withered away in India. It has, therefore, been rightly condemned by all sections of opinion except the deep saffron brigade of the Far Right. But most commentators have concentrated upon its juridical implications and shied away from examining its social and political repercussions. These are, if anything, even more disturbing.

The outcome of the Best Bakery case has made it virtually certain that the four remaining fast track cases will meet the same fate. If these too collapse, the alienation of Indian Muslims from the nation will be incalculable. To young Muslims in particular this will come as further proof, if it were needed, that they cannot expect any protection, or even fair play, from the Indian State. Most of them will probably swallow their anger and hurt and continue with their lives, but some will almost certainly not.

Their anger will be stoked by the sheer insecurity of their economic lives. Today, with employment in the organised sector of the economy shrinking at the rate of 1 per cent per annum, while job seekers increase at the rate of 2.8 per cent, there are very few jobs to be had. A growing proportion of the youth

faces unemployment. Every study shows this is more pronounced among the Muslims than among the Hindus and other minorities. Put poverty and unemployment, together with life in a ghetto, education in a *madrassa*, first-hand experience of the ghoulish face of Hindu communal violence and a sense of having been betrayed and abandoned, and one has a truly incendiary mixture that could explode at any time. Add to this the fact that fundamentalist organisations like the Jaish-e-Mohammad and the Lashkar-e-Tayyeba have been making inroads into the Indian Muslim areas, and the potential for what could amount to a civil war becomes enormous.

India has had experience of this in the past. The caste wars that are ravaging Bihar, for instance, began in the Seventies when the state police ceased to be impartial and began to side with the landed castes. The bomb blasts in Mumbai in March 1993 were planned and executed by middle-class, technically-qualified Muslims who, with the exception of Tiger Memon, had had no previous criminal record. They too were motivated by anger at the way in which the Maharashtra police had displayed a pronounced anti-Muslim bias in the riots that had followed the destruction of the Babri masjid.

In the day of the Kalashnikov and RDX, one does not need to alienate an entire community to create the conditions for a breakdown of law and order. A handful of miscreants who deliberately target policemen, politicians, prominent citizens and buildings that are symbols of the State, can force the government into massive and indiscriminating responses against the entire community that alienates it further and enlarges the havens from which the miscreants operate. This is what the police found out in Punjab and the security forces faced in Kashmir. It is a lesson the Americans are learning painfully in Iraq today.

Messrs Praveen Togadia, Madhu Srivastava and others of their ilk may believe that they have dealt a blow for Hinduism by successfully subverting the legal process in Gujarat. What they have actually done is to weaken the moral foundations of the Indian State (which, incidentally, is the only State we Hindus have). By doing this, they have prised open the gates of Hell just a little wider.

Nitish resumes work

18 JUL 2003 By Our Special Correspondent

Council of Ministers

NEW DELHI, JULY 17. The Samata Party leader, Nitish Kumar, today resumed his work as Railway Minister, signalling the end of an inner-party crisis, which started with his resignation from the Union Cabinet on Monday. Having sorted out the differences last evening with the Parliamentary party members, especially Prabhunath Singh, whose comments sparked the crisis, Mr. Kumar "responded to the appeals" by the party and others not to press his resignation.

"I regret that I could not keep my emotions under control causing inconvenience to all", he correspondents before leaving for work.

He later told *The Hindu*, that he was under pressure from various quarters. He said, for instance, the PMK chief, S. Ramadoss, had called him from France suggesting that his party nominee in the Ministry, A.K. Moorthy, too would follow suit in case Mr. Kumar insisted on resigning.

Mr. Prabhunath Singh, along with party MPs Arun Kumar and Bashisht Narain Singh, had a clearing-up session last evening. Mr. Prabhunath Singh insisted that as far as he was concerned, he was only raising a point of order with regard to the expulsion of two MPs — Raghunath Jha and Bramhanand Mandal — while Mr. Kumar took objection to the manner in which the former walked out after raking it up. Mr. Kumar was also upset that the case of two expelled MPs who had levelled charges of corruption against him was being taken up in an open forum.

THE HINDU

18 JUL 2003

Witnesses recount police inaction in Gujarat riots

TIMES NEWS NETWORK

Ahmedabad: Three of the four persons who deposed before the Nanavati-Shah commission probing last year's communal riots in Gujarat spoke of police inaction as they recounted the days of terror when the state was ripped apart by widespread communal violence.

The commission began hearings on Wednesday at its office in Shahibaug to record evidence in cases other than the Naroda Patia and Gulbarg Society massacres which will be taken up later. The hearings will go on till Tuesday.

The commission, comprising Justice (retd) G.T. Nanavati and Justice (retd) K.G. Shah, had invited people from the Ellis Bridge and Satellite police station areas to depose before it.

Those who deposed before the court on Wednesday included an advocate from Satellite, Triveni Sharma, who was a witness to the mob frenzy near Shivrangani Char-rasta on February 28, 2002.

She said she was disturbed by the sight of an irate mob trying to torch a bus. "I was not carrying my mobile phone but I approached a person with one and asked him to call the police who arrived later," Ms Sharma said.

Advocate Amrish Patel told the commission that the "police had been a mute spectator on February 28, 2002, as mobs of the majority community wearing saffron bandanas went on the rampage."

"Even I was stopped on my way by the mob. The police never came forward to help," Mr Patel said adding that he was also a witness to the burning of a supermarket and a restaurant in the presence of the police.

The third witness to depose before the commission was a hotelier, Mulji Solanki, who lost four of his properties after mobs ransacked and torched them in

Satellite and Ambawadi areas of the city on the first two days of the communal riots.

Mr Solanki told the commission that four of his restaurants—Abhilasha, Topaz, Kabir and Tasty—jointly owned by him and his four Muslim partners were targeted because of their Muslim ownership. He informed the commission that no other restaurant in the area was attacked.

Mr Solanki said police constables were present when mobs torched Tasty restaurant which was located a stone's throw away from the bungalow of the chief justice. He ruled out any business rivalry behind the attack and added that the miscreants had possibly obtained specific information about the Muslim links of the restaurants as there were no means to identify the ownership from appearance alone.

Mr Solanki said about 10 Muslims, trapped inside one of the restaurants, were rescued by him, but he said he was unable to save three others.

When advocate Mukul Sinha, who cross-examined Mr Solanki, asked whether either of the restaurants had appeared to be run by Muslims from outer appearance, he said it was not possible and that "could be known only if such specific information was sought".

The fourth person to testify was Bharat Chandulal Prajapati, deputy sarpanch of the Vastrapur panchayat, who said that there was no law and order problem in the area.

Advocate Arvind Pandya appeared as special counsel for the Gujarat government while advocate Nigam Shukla was the government counsel. On Thursday, the commission will hear depositions in connection with incidents which took place in the Vejalpur area during the riots.

Nitish resigns, but PM makes him stay

9 P.P. Samata

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Statesman News Service

NEW DELHI, July 14. — The Prime Minister today rejected the resignation of railway minister Mr Nitish Kumar from the Union Council saying "emotion" had prompted his offer to quit. Mr Vajpayee reportedly observed that Mr Kumar was an emotional person.

The resignation offer was triggered at the Samata Party's national council meeting here. Mr Kumar's colleagues from Bihar had raked up the issue of the recent spate of railway accidents and accused him of doing little to improve the party's image. Among those who spoke against him was Mr Prabhunath Singh.

Mr Kumar immediately

told his party chief, Mr George Fernandes, that he was ready to resign. Mr Fernandes rejected the suggestion. The attack from the MPs had left him shattered, partymen said.

As soon as the council meeting ended, Mr Kumar sent his resignation letter to the Prime Minister. Mr Vajpayee, after brief consultations with Mr LK Advani and Mr Venkaiah Naidu, decided to reject the offer.

Mr Kumar of late has been at the receiving end of flak because of the rising number of railway accidents. At a recent programme he had admitted that he was facing public criticism but resolved to face up to the challenge rather than take the resignation route.

Sources said Mr Kumar was stunned by today's vicious attack by Samata leaders who far from "defending him in the hour of crisis" were baying for his blood when even the BJP had stood by him. Sources said the BJP had even defended Mr Kumar after the Warrangal accident which killed 22 people.

Mr Kumar said he decided to resign as "the situation was helpless". "I did it to save my image," he told reporters tonight. The manner in which he was being targeted by his partymen was tarnishing the image of the government, he said. "If I go, it might save the government from embarrassment."

Another report on page 4

Allies against Bill on Ayodhya

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Statesman News Service

NEW DELHI, July 13. — Some key constituents and allies of the National Democratic Alliance are against bringing in any legislation to facilitate construction of the Ram Temple in Ayodhya.

The JD-U, DMK, Trinamul Congress, Samata Party and the TDP are opposed to the idea of legislation. All of them are in favour of a negotiated settlement of the dispute, provided the entire Muslim community backs such settlement.

Samata Party president and NDA convener Mr George Fernandes today made it clear that his party would not support any move to bring in the legislation. In fact, a draft resolution being discussed at the party's national council meeting says: "Enacting laws through Parliament will only result in creating further tensions and becoming another watershed, destroying the secular ethos as was done by

the Rajiv Gandhi government in the Shah Bano case."

Mr Fernandes, however, refused to say whether the Samata would vote against such legislation if it was tabled. "It is a hypothetical question," he said.

Officials said the Prime Minister had already expressed his view on the issue to his senior ministerial and party colleagues: that it would not be prudent to yield to the VHP/RSS's demand for legislation.

Cabinet reshuffle put off

There will be no reshuffle of the Union Cabinet before the monsoon session of Parliament, scheduled to begin later this month, government sources said. The Prime Minister had announced after the last reshuffle that it would be followed by another one soon. But the sources said another reshuffle — probably the last before the 2004 general elections — could open a Pandora's Box.

THE STATESMAN

14 JUL 2003

RSS nudges PM over Temple law

PRESS TRUST OF INDIA

NEW DELHI, July 12. — In a major turnaround, the BJP today agreed to consider the VHP's demand for legislation to facilitate the construction of a Ram Temple in Ayodhya, RSS sources said.

Seeking to iron out differences within the Sangh Parivar, the RSS top brass today met Mr Atal Behari Vajpayee and other party leaders, urging them to address sympathetically the VHP's concerns including the demand for a law on Ayodhya. The BJP has reportedly agreed to this, according to RSS joint general secretary Mr Madan Das Devi. "The BJP would consider the proposal (for a legislation to facilitate construction of the temple at the disputed site) sympathetically at its next executive at Raipur," Mr Devi said after the talks. The BJP had till now maintained that a law on the Temple is not "feasible" and was not on NDA's agenda. But the RSS disapproves of the VHP demand that Mr Vajpayee quit over his "failure" over legislation, Mr Devi said. Today's talks, was attended by Mr LK Advani, Mr Venkaiah Naidu and Mr KS Sudarshan.

VHP keeps up the refrain

The VHP has kept up its tempo on the Ayodhya dispute, demanding

that the BJP-led government enact a legislation to facilitate construction of Ram temple or quit and seek a fresh mandate, but backtracked on its demand for the PM's resignation for his "failure" to build the temple, adds SNS from Delhi.

Instead, the VHP turned towards Muslims asking them to give up their mosques in Kashi and Mathura for "better relations" with Hindus, asserting that temples in the three places were "non-negotiable". Giving details of the resolution adopted at yesterday's day-long meeting of the panel of Ram Temple Agitation Committee comprising RSS and VHP top brass, VHP chief Mr Ashok Singhal said the Muslim community must withdraw their claim on these three shrines for better relations with Hindus.

"They should not challenge the self-respect of Hindus. They have to reach an understanding with Hindus and give up their claim on the three temples," he said, asserting that the VHP and RSS were fully united on the issue.

But there had apparently been differences between the two in so far the VHP demand for Prime Minister Atal Behari Vajpayee's resignation was concerned. The RSS leadership, which is reported to have advised the VHP against such statements, clearly had had its way.

Seer's second coming: Sorry, come again...

CHENNAI, July 12. — The Kanchi Shankaracharya regretted that the 'Muslim Law Board had been "pained" over his suggestions on Kashi and Mathura in his clarificatory letter, saying this was not his intent. Moreover, there was no pressure from the RSS or the VHP and they had nothing to do with his clarificatory letter of 1 July, the Seer said today, a week after the Board rejected his proposals for an amicable solution to Ayodhya.

The seer spoke to the media here after inaugurating a Nepal Tourism project. Admitting talks were on again between mediators on both side, the seer clarified that the second letter was drafted on 29 June, before the RSS chief had met him. But since it was sent on 1 July, the Board felt he was influenced by the Sangh.

The seer also admitted that his suggestion that Muslims should give up their claims on Kashi and Mathura may have indeed caused "pain ... doubts and misunderstanding" to the Board. — SNS

BJP agrees to consider law on Ayodhya

HT Correspondent & PTI
New Delhi, July 12

THE BJP has agreed to consider the VHP's demand for legislation to facilitate the construction of a Ram temple in Ayodhya, according to the RSS. The party had so far maintained that such legislation is not "feasible" and is not part of the NDA agenda.

Seeking to iron out differences within the Sangh Parivar, the RSS top brass on Saturday met Atal Bihari Vajpayee and other senior BJP leaders. The RSS delegation urged the leaders to address the VHP's concerns, including legislation on Ayodhya, to which the BJP agreed, RSS joint general secretary Madan Das Devi said. "The BJP will consider the proposal sympathetically at its coming national executive in Raipur."

At the meeting, the RSS conveyed to Vajpayee the VHP's "concerns and expectations" and urged the government leaders to ensure that the outfit is not "neglected" in any initiative to resolve the Ayodhya tangle, Devi said.

However, expressing disapproval of the VHP's demand that the Prime Minister should quit for his "failure" to bring in legislation, Devi said, "Making such demands of a democratically elected government is incorrect."

On cue, the VHP mellowed down its approach towards Vajpayee. VHP working president Ashok Singhal backtracked on his demand for the Prime Minister's resignation, claiming he had never made any such statement. The matter was also not raised at Friday's meeting of the Ram Jan-



'Mediator on the job'

THE KANCHI seer said on Saturday that a mediator was still negotiating on his behalf with the All-India Muslim Personal Law Board. "We may not be communicating directly but there is a mediator doing that job," he said in Chennai on Saturday.

HTC, Chennai

mabhoomi Mandir Nirman Andolan Uchchadhikar Samiti where the government was strongly criticised for attempting to strike a "deal" with the Muslims on Ayodhya and refusing to introduce the legislation.

Apparently, RSS chief K.S. Sudershan, while supporting the VHP's stand on the temple issue, counselled its leaders and *sants* at the meeting to exercise restraint and avoid making any personal attacks on the Prime Minister. Besides Sudershan, other top functionaries of the RSS and the VHP as well as religious heads associated with the temple movement attended the meet.

Best Bakery retrial appeal to Advani

OUR SPECIAL
CORRESPONDENT

New Delhi, July 11: Outraged at the acquittal of the accused in the Best Bakery killings, relatives of victims and NGOs of Gujarat have sought reopening of the case.

They have made an appeal for retrial to President A.P.J. Abdul Kalam, deputy Prime Minister L.K. Advani, Chief Justice V.N. Khare and Gujarat chief minister Narendra Modi.

Ever since Zahira Sheikh, the key witness to the killing of 14 people in Vadodara during last year's Gujarat riots, admitted that she had been afraid to speak in court, there has been a groundswell of demand for reopening the case.

Najid Hussain, son-in-law of Congress leader Ehsan Jafri who was killed by a mob in Ahmedabad during the riots, has written to Advani appealing for justice.

"In the aftermath of the Gujarat carnage, you have often said that Gujarat will remain on the consciousness of the BJP government and that it was outrageous and indefensible. There is nothing to doubt your sincerity

when you say this," Hussain wrote, reminding Advani of his statements in London.

"This is the time to act on those humane feelings."

Advani, a member of Parliament from Gujarat's Gandhinagar, had kept a low profile during the riots saying little publicly on the bloodletting. But on a trip to the UK subsequently, he condemned the riots.

"I appeal to you to ensure that justice is now done in Gujarat. The communal bias shown by the state government has been obvious to all of us, including perhaps you."

"You should direct the Gujarat government to uphold the Constitution that promises equality and human dignity to every citizen of India, regardless of race, religion or colour... Please direct the Modi government to stop subverting the judicial system and misusing the state machinery..."

In normal circumstances, once a verdict is given, only the court can order a retrial. But, a legal expert said, as home minister, Advani can approach the court for retrial on the ground that the Centre believes there has been a miscarriage of justice.

Hussain and a number of citizens of Gujarat have similarly asked both the President and the chief justice to get the Best Bakery case opened for retrial.

"We appeal to you to intervene and direct the delivery of justice as per the provisions of the Indian Constitution in the cases filed against the rioters whose actions brought about deaths of a number of people and damage to their properties during the Godhra and post-Godhra incidents," the citizens wrote in the letter, demanding the Supreme Court's intervention.

The chief justice can treat the appeal as a public interest litigation and have it heard by a bench of the Supreme Court.

A presidential call for retrial can, however, have only moral — as opposed to legal — authority.

In another letter, the same group wrote to Modi, quoting the observations of Justice A.S. Anand, chairperson of the National Human Rights Commission, who had described the acquittal of the 21 accused as a "miscarriage of justice".

Anand had said this was an opportunity for the Modi government to re-establish its credibility.

SC issues notices on petitions over minority schools

Our Legal Correspondent by

NEW DELHI, July 10. — The Supreme Court (coram, Khare, CJ, Sinha, JJ) today referred a clutch of petitions regarding the right of states to regulate admission and capitation fees of unaided minority educational institutions to a Constitution Bench and issued notices to all the states in the matter.

Keeping in view the judgment in the TM Pai case that the state governments are citing to back their claim that they can regulate admission and the extent of

capitation fees of such institutions, the bench will be required to lay down whether states have the power to do so.

The court referred two applications from Karnataka and Kerala in this respect to the bench and sought the assistance of the Attorney-General, Mr Soli Sorabjee, in the matter.

The Apex Court had recently cleared the air on the rights of states vs aided minority institutions but states have been quoting the 11-member bench TM Pai judgment to retain a say in admission and capitation fee matters of unaided institutions.

In another decision, the Apex Court (coram, Lahoti, Bhan, JJ) today said that they would refer an application by the Centre — accusing Maharashtra of not implementing the 15 per cent Central quota in the state's medical colleges — to the Chief Justice for listing and directions.

The state had recently passed a law to do away with the Central quota scheme which was drawn up by the Supreme Court. The court passed this order after the state counsel, Mr Harish Salve, pointed out that similar petitions had been referred to a Constitution bench. Prior to

this Maharashtra gave an undertaking to the bench that it would freeze all admissions in medical colleges till further orders of the court.

Liberhan panel

Opposing applications seeking the appearance of more witnesses, including the PM, before the Liberhan Commission, the Centre today said it was not in favour of recall or examination of any more witnesses to the Babari Masjid demolition.

“Arguments on behalf of the Centre commenced on 12 May and have been concluded.... The

Centre wishes to place on record that it does not wish or require to examine any witness or recall any witness,” the Centre’s counsel, Mr Lala Ram Gupta, said in his written submission.

Mr Kalyan Singh’s counsel Mr Braj Bahadur Saksena also opposed an application seeking his deposition. “The media reports on this matter are all wrong,” he said. If Mr Singh wants to appear, he will move an application and voluntarily depose, but the two parties who have moved applications seeking his appearance, cannot under the rules do so, he argued.

Nation Classified As 'Country Of Particular Concern'

US panel criticises govt for poor communal record

Girish Kuber
MUMBAI 10 JULY

5-17
11-7
A US state department commission has criticised the Indian government for "not doing enough" to maintain communal harmony. The commission has decided to classify India as a "country of particular concern".

Though the Centre has not reacted to the classification, it is considering taking up the issue formally with the US government.

In a report published in June 2003, the US Commission on International Religious Freedom (USCIRF) recommended that India, along with Laos, Pakistan, Saudi Arabia, Turkmenistan and Vietnam, be classified as a "country of particular concern" for severely and systematically violating religious freedom. The USCIRF is a federal government commission created by the International Religious Freedom Act of 1998 to monitor religious freedom in other countries and advise the President, the secretary of state, and Congress on how best to promote it. The commission is responsible for issuing a report on religious freedom or the lack of it in all foreign countries. It is on the basis of this report that the state department designates "coun-



SOME LIKE IT HOT: Anti-terrorist activists burn models of the Delhi-Lahore bus during a protest against resumption of the service, in Amritsar on Thursday. — PTI

tries of particular concern" (CPC).

A CPC, according to the commission, is a country whose government has either engaged in or tolerated severe violations of religious freedom that are "systematic, ongoing, and egregious".

The commission has cited the recent move by some states, particularly Gujarat, to enact anti-conversion laws as an infringement of religious freedom. It said the Bill "inhibits the ability of persons in Gujarat to ex-

ercise their internationally recognised right to adopt a religion free from coercion".

The commission has objected to the timing of the Bill as well. "The Bill was hastily brought to a vote almost immediately after an attack on Hindus by Muslim extremists in the disputed state of Kashmir.

"Despite India's democratic traditions, religious minorities in India have periodically been subject to severe violence, including mass killings," the commission noted.

It links this religious intolerance to the rise of the BJP. "It has become increasingly clear that an increase in such violence has coincided with the rise in political influence of groups associated with the Sangh Parivar, a collection of Hindu extremist nationalist organisations that view non-Hindus as foreign to India and, hence, deserving of attack."

According to the report, with the BJP in power "the climate of immunity for the perpetrators of attacks on minorities appears to have strengthened". The government, it is clear, is not doing all that it can to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility against these minority groups, the report said.

The commission has asked US to take up the issue with the Indian government.

NO PLAN FOR ANY 'FRESH POLITICAL INITIATIVE'

'PM was not involved in Kanchi Acharya's efforts'

By Harish Khare

NEW DELHI, JULY 9. Authoritative sources say that the Prime Minister, Atal Behari Vajpayee, was neither consulted nor involved in the Kanchi Sankaracharya, Sri Jayendra Saraswati's most recent Ayodhya "initiative". These sources argue that Mr. Vajpayee had not even seen the seer's first letter (of June 16) to the All-India Muslim Personal Law Board, let alone the second letter of July 1.

This assertion is contrary to the widespread perception and many reports that the Prime Minister and his aides were quarter-backing the seer's mediatory efforts.

In their perception, the collapse of the Sankaracharya's efforts is seen as a setback to Mr. Vajpayee. However, the sources not only reject this inference, they also indicate that the Prime Minister has no intention

whatsoever of launching any fresh "political initiative".

Responsible sources who should know what is "cooking" debunk all talk of Mr. Vajpayee wanting to

commandeer the services of this or that former Prime Minister for the purpose. The former Prime Minister, Chandra Shekhar, has been identified, according to some reports, as one who would lend a helping hand.

Mr. Vajpayee is not inclined to get himself or his office involved in finding an early "solution", irrespective of the restiveness being exhibited by the Vishwa Hindu Parishad. The VHP leaders have been demanding that Mr. Vajpayee either propose a "pro-mandir" legislation (in the monsoon session of Parliament beginning on July 21) or resign. In other words, a judicial resolution of the Ayodhya/Babri Masjid dispute remains the only viable option

as far as the Vajpayee Government is concerned.

The sources also discount talk of the involvement of any official from the Prime Minister's Office in the Sankaracharya's just-collapsed exercise. Reports had off and on mentioned the name of Sudheendra Kulkarni, an Officer on Special Duty in the PMO, as the official assisting the Acharya.

In fact, sources close to Mr. Vajpayee are as much puzzled as anyone else about the discrepancy between the seer's two communications to the Board. It was the glaring discrepancy between the seer's letter of June 16, 2003, and that of July 1, 2003, that is widely believed to be the reason for the Board saying "no". Efforts are on to figure out why the Acharya's second letter of clarification had to gratuitously bring in Kashi and Mathura. It is being argued that it was incorrect to suggest

that the seer changed his tone (as reflected in his July 1 letter) after a visit from the Rashtriya Swayamsevak Sangh chief, K.S. Sudershan. This assertion is made because apparently the RSS chief had briefed Mr. Vajpayee of his talks with the Acharya. (Though, the RSS did sing a different tune a few days later at its Kanyakumari conclave).

The sources are keen on putting a distance between the Prime Minister and those who want to try to find an "early" (out of court) "political" solution to the Ayodhya dispute. Implicit in this keenness is a conscious decision to let the VHP tire itself out. The Vajpayee Government is not going to let itself be stampeded into proposing a "mandir construction law" as demanded by Acharya Giriraj Kishore, Ashok Singhal and other VHP leaders.

More reports on Page 11

THURSDAY, JULY 10, 2003

*9 Milwinton
HD-10* **REOPEN THE BAKERY CASE** *107*

BY GOING BACK on her court testimony in the Best Bakery fire case, Zahira Sheikh, one of the survivors of the fire during the Gujarat riots, has not only brought the focus back on the grave issue of intimidation of witnesses, but has also highlighted the failure of the State to protect those deposing against members of the ruling establishment. In cases where there is strong suspicion of State complicity, as in those relating to the Gujarat riots, the judicial process has often been unable to insulate the witnesses against the influence of powerful ruling politicians. Both Zahira Sheikh and her mother, Sehrunissa Sheikh, have said they were pressured to withdraw their original charges, necessitating an immediate review of the acquittal of the 21 accused in the case. Evidently, the witnesses, already insecure after being at the receiving end of the Gujarat riots, did not believe that the courtroom was a safe place for them to depose freely against the accused. After all, the witnesses, belonging to the minority community, were the victims of the riots. They had seen their own family members being burnt to death, and they could not afford to take lightly the threats from those known for their ideological affinity to the accused. Moreover, some of the accused had clear links with the ruling establishment, and the witnesses had sufficient cause to believe that any testimony against them could turn out to be dangerous.

The public retraction of the court testimony squares with the earlier accounts of the witnesses before the National Human Rights Commission and the Commission of Inquiry appointed by the Government. Zahira Sheikh had also voluntarily recounted before the Concerned Citizens Tribunal and the national media her ordeal on March 1, 2002, when a mob burnt down her

father's bakery, killing at least 12 persons. As there could have been no coercion involved in recording statements before such varied bodies, and there is circumstantial evidence of the involvement of a ruling party MLA in the trial before the fast track court in Vadodara, the inescapable conclusion is that Zahira Sheikh and her mother gave their testimony in favour of the accused under duress. Now before the media, they have clearly shown the subversion of the trial by the ruling establishment.

Not surprisingly, the Citizens for Justice and Peace, the group that gave Zahira Sheikh the confidence to go back on her court testimony, is talking of seeking a retrial outside Gujarat. After the experience of the twists-and-turns trial in Vadodara, where the witnesses were accompanied by a BJP member of the Legislative Assembly, there are apprehensions about the possibility of a fair trial in the BJP-ruled State. In the event of the retrial taking place in Gujarat, the CJP has decided to ask for a Special Public Prosecutor. Obviously, Zahira Sheikh and her family do not want to return to Vadodara where they will again be vulnerable to intimidation. Indeed, they have said they would not get justice in Gujarat where, they asserted, the public prosecutor, the police and the politicians were protecting the accused. Through all this, the Gujarat Government has maintained a stodgy silence, not giving any indication of an intention to appeal against the court verdict. Evidently, without pressure from civil rights groups, non-governmental organisations and the media, the State Government is unlikely to take the case to its logical conclusion. In the interests of justice, and to prevent other cases relating to the Gujarat riots from fizzling out, the Best Bakery case must be reopened and retried.

My doors are always open, says Kanchi seer

By K. Subramanian

KANCHI, JULY 7. "My efforts at finding a solution to the Ayodhya issue are over. I will not interfere hereafter. However, my doors are always open if somebody comes to me on this issue," the Kanchi Sankaracharya, Sri Jayendra Saraswati, said here this evening.

Reacting to the rejection of his formula on the Ayodhya issue by the All India Muslim Personal Law Board (AIMPLB), the Kanchi Acharya told a press conference at the Sankara Mutt here that he

had no new proposals to offer.

Answering a question, Sri Jayendra Saraswati said: "a solution to the Ayodhya issue will not be possible through court. It is possible only through talks".

'No veiled threats'

When a newsman asked whether the formula had "veiled threats", as claimed by the AIMPLB, the Acharya said "there is no threat or anything in my formula. I have mentioned that if not today, some time or the other places such as Kashi, Mathura and Ayodhya have to be given

to the Hindus. The Muslims have to mentally prepare themselves for this."

"I prepared and submitted the formula in the larger interests of the nation and communal harmony in particular".

The Acharya said he would not come into the picture on Kashi and Mathura.

But some other organisations or associations might rake up the issue.

When a newsman drew his attention to the statement of the AIMPLB that the site of the Babri Masjid was the property of Allah and could not be alienated by sale, gift or otherwise, the Acharya said

the Babri Masjid was only a "memorial" of a Muslim king and not a place of worship.

To another question, the Acharya said the Wakf property could be donated and there was nothing wrong in it.

By doing so, the prestige of the Muslim community would only go up further. "There are several instances where a Wakf property has been donated," he said.

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BJP hopeful: Page 11
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10-1 BEST BAKERY CASE 8/7

What I said in court wasn't true: witness

By Kalpana Sharma

MUMBAI, JULY 7. In a dramatic reversal of her court testimony, Zahira Habibullah Shaikh, the 19-year-old girl who survived the night of March 1, 2003, when a mob attacked and killed 14 persons in Best Bakery, Vadodara in Gujarat, said today: "What I said in court was not true. I said it after pressure was put on me. In fact, I recognise all those who attacked us that night".

Her testimony to the contrary before the fast track court in Vadodara had led to the acquittal of all the 21 accused on June 27.

Ms. Shaikh told a press conference convened by the Citizens for Justice and Peace (CJP) here that she had asked the group to reopen her case and have it retried. Although she had testified to the National Human Rights Commission and many other groups last year about what happened on March 1, 2003, and she and the surviving members of her family had given more than half-a-dozen statements to police, when she appeared in the courtroom of the Sessions Judge H. U. Mahida on May 17 and was asked whether she recognised any of the accused, she said she did not.

'Threatened'

Asked why she had changed her stance now, Ms. Shaikh said, "I was accused of taking money. I could not stand being maligned. I want to reopen the case because we didn't get justice." She narrated how, ever since she received the summons from the Special Court, she had been threatened on her mobile phone and told that if she testified, her family would be killed and she would be killed on her way to court. She said that a BJP MLA was behind her when she entered the courtroom and alleged that he too had threatened her.

Ms. Shaikh said she had asked a number of local lawyers



Zahira Shaikh at a press meet in Mumbai on Monday.

— Photo: Vivek Bendre

to help her but all of them demanded money, some as much as Rs. 4 lakhs. "No one was supporting us. In Gujarat, everyone is theirs, they want to suppress our case, they are all with them," she said, referring to the people she has accused. Advocate Mihir Desai said that the CJP had decided to take up the case and was considering a number of different strategies. "The judiciary is one institution in which there is still some faith. We want to exploit that," he said. The group, which has extended financial support to Ms. Shaikh and her family and ensured that they do not need to return to Vadodara, would not appeal against the Mahida judgment. Instead it would ask for a new trial ideally outside Gujarat. Even if it took place in Gujarat, they would ask for a Special Public Prosecutor.

NHRC's plan: Page 11

LOST GROUND

A peace process is never easy, and hurdles are only to be expected. What cannot be anticipated is a sudden annihilation of the very grounds the process had begun to build on. The letter of the Sankaracharya of Kanchi, written on July 1 in answer to the clarifications requested by the president of the All India Muslim Personal Law Board on the proposal for an Ayodhya settlement that had been made earlier, does precisely that. The damage is immeasurable, because the *sankaracharya's* gentle moves and reasonable approach had encouraged the strengthening of the moderate Muslim voice on the other side. It was possible to see the fragile beginnings of trust. This could have been an auspicious opening of doors, even if the goal remained elusive for some more time. But the terms of the *sankaracharya's* latest letter are, it would seem, made deliberately unacceptable for the AIMPLB, which in any case was coming to the negotiating table against considerable opposition from the extreme factions in its own community. Not only does the letter say that the disputed area would be included in the scope of the discussion, it does so in direct contradiction of earlier assurances that the disputed area will be subject to the court verdict. It is not the substance alone, but the spirit of the statement too, that seems intended to hurt the dignity of the other negotiating party and render the terms unacceptable.

And this is not all. That which began, at least to all appearances, as a well-meaning attempt to make a non-political, out-of-court settlement, has now been distorted to ignore the law altogether, and to wield religious majoritarianism as political advantage. The disputed land should be given away to the Hindus, suggests the letter, and Muslims should mentally prepare themselves to give up Kashi and Mathura at some future time, never mind that law forbids any change of status there. In essence, this message is similar to the exulting remarks of the Vishwa Hindu Parishad general secretary, Mr Praveen Togadia, who has told the world that the majority community is 85 per cent, it can change polity, it can change law.

Suddenly the new story has turned old, with the *Hindutva* campaigners already projecting the minority community as intransigent. It is a day for the hawks on both sides. Clearly, the conversations the VHP and the Rashtriya Swayamsevak Sangh leaders had with the holy man of Kanchi were crucial. It can be imagined that the Bharatiya Janata Party, the real mover behind the scenes, could not risk alienating the RSS before the elections. But that was not an unknown risk. The priorities must have been decided upon before this elaborate exercise began. Presumably, peace and understanding between the communities was considered the more important. Inevitably, the question here would be whether the attempt was a fake one from the beginning. The BJP has not only to rebuild the minority community's trust, but also to make sure that such unhealthy imaginings of bad faith are banished from the minds of the majority community.

Witness fears for family's life

TIMES NEWS NETWORK

Vadodara: The main complainant in the Best Bakery carnage case complained of restlessness and reportedly developed high blood pressure shortly after addressing a press conference here on Sunday.

Barely two days before the National Human Rights Commission's visit to the city, Sehrunissa Sheikh told mediapersons that she and her daughter Zahira—

key witnesses in the March 1, 2002 incident in which a mob attacked the bakery and killed 14 people, including Zahira's father Habibullah Shaikh, the owner of the bakery—had said that they had been forced to retract their testimony in court after being threatened by another witness, Lal Mohammed. The retraction led to the collapse of the case when a local court discharged all 21 accused on June 27.

Ms Sheikh, who was rushed to a doctor, has been undergoing treatment for high blood pressure for quite some time now. "The Best Bakery incident and the legal case

have led to this," her son said.

Attempts by several social workers, leaders and journalists to talk to her did not bear fruit. "She is not well. Please leave her alone," was the response to all queries.

Lal Mohammed is the man who told the court that the 21 accused had in fact saved lives on that fateful day by sheltering some of the survivors in their homes when the mob attacked. His was the second

most important deposition, after Zahira's, that led to most other witnesses turning hostile.

Ms Shaikh said that she did not receive any support from persons close to her when she needed them the most. "What do you expect a lonely lady to do in such a situation? Lal Mohammed had told us that we should not speak the truth before the court," she said. However, she refused to elaborate saying it would put her family in danger.

Her daughter Sayra said that many persons had turned away once the frenzy over the riots and its aftermath had blown over.

"Then they started shooing us off and when the case came up for hearing, we had no one who could support us. There was a lot of pressure on the family to strike a compromise in connection with the case," she pointed out.

Sources allege that Lal Mohammed at one time used to sell tickets in the black market at Alpana Cinema in the city. He is allegedly close to the municipal councillor from the Congress, C. Shrivastav 'Bhatthu'. The councillor is also the cousin of BJP MLA Madhu Shrivastav, who was seen escorting Zahira from the court the day she turned hostile.

Zahira's brother Nasibullah Sheikh said that he was in Mumbai at the time of the incident, but knew about the pressures on the family to backtrack on whatever they had said earlier. "We were in a situation where it was difficult to rely on anyone."

He added that there was no point in approaching the police regarding the threats being issued to the family. "Even a child knows that they would not have done anything," he said.

BEST BAKERY CASE

Muslim board rejects seer formula

Statesman News Service

LUCKNOW, July 6. — The All-India Muslim Personal Law Board today rejected the Kanchi Shankaracharya's proposals to resolve the Ayodhya dispute. "We had no option but to reject them (the proposals)," a board official said, for the Muslims were asked to "submit and surrender unconditionally to all unreasonable demands made by the Sangh Parivar".

The board's executive committee, which met here today to deliberate on Swami Jayendra Saraswati's proposals, adopted a resolution which described the suggestions as "unjust and unreasonable and totally inconsistent with the honour of Indian Muslims". A

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copy of the resolution has been sent to the seer. On the Shankaracharya's proposal to donate the area under "dispute" in Ayodhya for the construction of the Ram Temple, the resolution said: "The site of Babari Masjid is the property of Allah and cannot be alienated by sale, gift or otherwise."

The two-and-half page resolution was released at a press conference attended by, among others, the board president, Maulana Rabey Nadwi. But the maulana did not take questions from the media; the job was left to Mr YH Muchhala and Mr Abdul Qureshi.

The board said the Shankaracharya's letter on 1 July, apart from appealing to the Muslims to donate the Babari Masjid site, "also con-

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tains veiled threats to the Muslims to prepare themselves for giving up the mosques at Kashi and Mathura". Even if the site were gifted, the Board said, it would not promote "communal harmony or national integration because the gift would be under duress and not based on principles of fairplay and justice". Any settlement must be within constitutional parameters — rule of law, secularism and equality. "Consistent with these values, the board has always kept and still keeps its doors open for negotiation."

The board said the seer in his 1 July letter had "resiled from the proposals/formula" presented in the letter of 16 June. The board concluded that the stand taken by the Shankaracharya in the 1 July

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letter "has left no scope for any further discussion".

At the meeting, Maulana Nadwi, after tabling the seer's proposals, sought clarification on whether Hindus and Muslims would abide by the court verdict. The seer's letter, he said, was "lacking in material" and is silent on the issue. He wanted to know if the seer's earlier assurance (given in March 2002) on this was valid and binding and, if so, "what practical/legal measures are being conceived to implement the assurance".

On the seer's second letter, the board said it was "distressed that the convoluted vision of history is used for the divisive purpose..."

More reports on page 4

Shankaracharya still hopeful

CHENNAI, July 6. — The Kanchi Shankaracharya hasn't lost all hopes on a negotiated settlement of the Ayodhya dispute despite the rejection of his proposals by the Muslim Board. The board, Swami Sri Jayendra Saraswati claimed, had not "totally rejected" his proposals. "Talks are on. I've received a communication that they'll be consulting me," he told journalists here.

He attributed the rejection to a "conflict of egos and prestige". Is he saddened by the development? "No, there's always hope." But why did he send his proposals to the board instead of the Babari Masjid Action Committee? The seer said it was the board that had come forward to consult him. He denied the Prime Minister had spoken to him on the issue. —SNS



The Kanchi seer

THE STATESMAN

7 JUL 2009

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'THINLY-VEILED THREATS TO MUSLIMS' 9. minutes 9/12

Muslim Board rejects seer's proposal to 'gift Babri site'

By J.P. Shukla

LUCKNOW, JULY 6. The All-India Muslim Personal Law Board today rejected the most recent proposals of the Kanchi Sankaracharya, Sri Jayendra Saraswati, to resolve the Ayodhya dispute and reiterated its stand that the site of the Babri Masjid was the property of Allah and could not be alienated by sale, gift or otherwise.

According to the Board, the core of the proposals was an appeal to Indian Muslims to "donate the Babri Masjid site in Ayodhya," combined with "veiled threats" to "prepare themselves for giving up the mosques at Kashi and Mathura."

The Board's executive committee, which discussed the Acharya's original proposals sent on June 16 as well as his clarifications of July 1, felt that the latest proposals had left no scope for further discussions.

The gift of the Babri site as proposed by the Acharya would not promote communal harmony or national integration because such a gift "would be under duress" and not based on the principles of fair play, justice and constitutionalism, a

formal resolution adopted by the Board's executive committee said.

A fact sheet distributed to presspersons after the meeting gave details of the first meeting of the Sankaracharya with the Board president on June 7 and the June 16 letter, which had revealed the Kanchi Acharya's proposals.

The seer's formula had five points, including the AIMPLB giving a no-objection statement regarding the construction of a temple on the undisputed and acquired land; a discussion on an amicable settlement over the disputed area after some time which could be given to the court for a final verdict; and the construction of a wall separating the disputed area from the undisputed area.

If a final settlement was reached on the undisputed area, the Sankaracharya and the Muslim Law Board president would ensure support for the same from other religious groups; and once there was a cordial understanding the Centre could be approached for its effective and time-bound implementation.

The Board found the Kanchi Acharya's formula lacking in material particulars and silent

on some major issues, especially in respect of an assurance by Hindus to abide by the court verdict in the Ayodhya title suit. The Board therefore sought clarifications and received another letter dated July 1 from the Sankaracharya in which he had totally "resiled" from his earlier proposal which had left no scope for further discussions. The resolution read out by counsel for the Board, Y.H. Muchala, said that the proposals for the settlement of the dispute must be within the parameters of the basic values of the Constitution, namely, the rule of law, secularism, equality of treatment to all without discrimination on the ground of race or religion and respect for the religious sentiments of the Muslims.

The Board went on record to say that it looked upon the Acharya's proposals of July 1 as thinly-veiled threats to Muslims to submit and surrender themselves unconditionally to all the unreasonable demands made by the Sangh Parivar.

Such proposals were unjust, unreasonable and totally inconsistent with the dignity, honour and self-respect of Muslims, it said.

The Board president, Rabey Hasni Nadvi, the general secretary, Maulana Nizamuddin, Abdul Rahim Qureshi, Syed Shahabuddin and Jafaryab Jilani, were among those present at the press conference.

The Board decision has rung the curtain down on any efforts for an out-of-court settlement of the dispute.

Let them give reasons, says Kanchi Acharya

By K. Subramanian

KANCHEEPURAM, JULY 6. "Let them (All-India Muslim Personal Law Board) give the reasons for rejecting my proposals on the Ayodhya issue. I shall then respond on the matter," the Kanchi Sankaracharya, Sri Jayendra Saraswati, said here today.

Talking to presspersons, the Acharya said: "Last time, they rejected my proposals and then came back to me. I still hope that the issue will be solved through talks. I received information that the talks will continue on the issue with me after the 'chaturmasya' period of two months from July 13'.

He said, "there should not be any ego problem on this issue. It has amounted to a conflict between prestige and faith. The issue must be solved through love and mutual understanding. The unity among Hindus and Muslims is most important."

The Acharya blamed a section of the media for causing a setback by giving an "undue twist" to a statement of his on the eve of the Muslim Board meeting.

"The mosque should be built where it is required. There are already 18 to 20 mosques in Ayodhya, of which prayers are offered in only eight and there is no need for more".

Asked whether the Prime Minister, Atal Behari Vajpayee, had contacted him, he said: "What has he to do with this?" He refused to give details of his proposals.

THE HINDU

7 JUL 2003

HARDLINERS AGAINST COMPROMISE ON MASJID SITE

Muslim Law Board in a tight spot

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By J.P. Shukla

LUCKNOW, JULY 5. The All-India Muslim Personal Law Board, which is scheduled to discuss here tomorrow the proposals of the Sankaracharya of the Kanchi Kamakoti Peetham, Sri Jayendra Saraswati, to resolve the Ramjanmabhoomi-Babri Masjid dispute in Ayodhya, is in a tight spot with the hardliners in the Babri Masjid Action Committee having warned the Board not to bargain over the original site of the Masjid.

An informal meeting of the Board today decided to take the safest route and examine every element of the Acharya's proposals strictly, according to the rulings of the Shariat before giving its reactions.

Today's informal meeting of the Board, which was attended by about 15 members, including the Chairman, Rabe Hasni Nadvi, the Vice-Chairman, Kalbe Sadiq, Syed Nizamuddin, Maulana Sajjad Nomani and Maulana Qasim Rasool Iliyas discussed how it should go ahead. The first

reaction of the Board is that the Acharya has sent his proposals with positive intentions and that the Board would have an "open mind" while giving its reactions. The hardliners in the community have opposed the basic process of negotiations between the Acharya and the Board.

The Babri Masjid Action Committee convener, Jafaryab Jilani, said the community could not allow any bargaining over the original site of the mosque.

He reminded the Board of its own stand which was conveyed to the Muslim community on December 3, 1990, that a mosque was the House of God and thus the site could not be shifted nor could it be subject to any sale or purchase.

No one had the authority to bargain over the House of God, Mr. Jilani said.

When the point was raised before the Board spokesman, Maulana Sajjad Nomani, he referred to other Shariat rulings, according to which no

mosque could be constructed on a piece of land which is forcibly acquired, giving the impression that the point could be discussed by the Board while considering the Acharya's proposals.

Several Muslim organisations have since challenged the Board's right to enter into negotiations on behalf of the entire community. One group has even threatened to constitute a parallel Board to oversee matters relating to Muslim personal law.

All this has naturally come as a hurdle in the efforts of the Board.

Syed Shahabuddin, an important leader of the community, meanwhile went to Faizabad today to study for himself the situation there.

That the negotiations have been opposed by Hindu hardliners to the same extent has created further doubts about the outcome of the negotiations.

The Hindu "sants" of Ayodhya, mainly those associated with the Vishwa

Hindu Parishad, have threatened that they would never allow reconstruction of the mosque within the limits of Ayodhya.

PTI reports from Lucknow:

A senior member of the board and president of the All India Union Muslim League, G.M. Banatwala, today rejected the formula and favoured waiting for a court ruling.

"As is well known, Muslims cannot give up their claim over the land belonging to a mosque or the WAQF Board and negotiations for this matter would not yield any result. The formula presented by the seer for resolving the dispute would only expose him," Mr. Banatwala told reporters here.

Terming the formula of the seer to resolve the issue as "merely an election stunt", he said it was aimed at consolidating Hindu votes with an eye on next year's general elections.

"A Court verdict is the only option to resolve the dispute and like a civilised country, we should wait for it".

No need to build mosque in Ayodhya: Kanchi Acharya

NEW DELHI, JULY 5. Ahead of the All India Muslim Personal Law Board meeting tomorrow to consider his proposals on the temple-mosque issue, the Kanchi Sankaracharya, Sri Jayendra Saraswati, has said the people of Ayodhya do not need another mosque.

"It (mosque) should be built where it is required.... It is not required in Ayodhya where people are already worshipping..," the seer told NDTV 24X7.

Muslims already have eight places of worship in the area and there was no need for more, he said adding "they can't leave the ones they are using and go to another place of worship".

Asked whether Muslims would agree to build a mosque outside the 'panchkosi parikrama', he said "panchkosi is not the issue. Mosque should be built where it is required, where there is a

sizeable Muslim population".

He said, in reply to a question, that if the Muslims agreed and the Ayodhya issue is settled, Hindus will not demolish any mosque "koi nahin girayega (nobody will demolish)".

When it was pointed out that the VHP was adamant on not giving up claims on Kashi and Mathura, he expressed confidence that it would be resolved with the passage of time.

The All India Muslim Personal Law Board which is meeting tomorrow to discuss the seer's fresh proposal on Ayodhya issue said the Sankaracharya's comment would also come up for discussion.

The board will discuss "how much importance it can give to the commitment of the Kanchi seer to ensure compliance from all the parties involved in the dispute". — PTI

RSS firm on three temples

By J.V. Siva Prasanna Kumar

KANYAKUMARI, JULY 5. The national executive of the Rashtriya Swayamsevak Sangh wants temples established at Ayodhya, Mathura and Kashi at the earliest, its spokesman, Ram Madhav, said today.

Briefing mediapersons on the proceedings of the first day of the national executive which was inaugurated by the RSS sarsanghchalak, K. S. Sudarshan, at the Vivekananda Kendra here, Mr. Madhav said an early solution did not mean a hasty solution. It was unanimously decided to try to build a consensus on the issue for the sake of national self-interest and honour, he said.

Asked whether the Vishwa Hindu Parishad leader, Ashok Singhal, had reiterated his demand that the Prime Minister, Atal Behari Vajpayee, resign over the issue, Mr. Madhav replied: "No he did not repeat this view during the meeting but he made significant contributions during the deliberations". If Mr. Singhal had sought the resignation of the Prime Minister and the Deputy Prime Minister over the issue it reflected his personal views, he added.

On whether the Centre was cooperating with the Sangh Parishad in its endeavour, he said a Government could only act as a facilitator as the P.V. Narasimha Rao Government "had facilitated the demolition of the Babri Masjid" in 1992.

Since the Vajpayee-led Government did not have the majority, it was bound by the constraints of a coalition Government. "We have made our stand clear. We want the Government to explore the possibilities of a legislative option towards paving the way for the construction if the negotiations fail," he said.

'DEPLOYMENT OF PARAMILITARY FORCES WAS OPPOSED'

26/7/03

Kalyan Singh Govt. ^{Wg-} 'altered' security plan ^{Sgt Comd}

By J. Venkatesan ^{HO-1 SJZ}

NEW DELHI, JULY 4. The Central Government has accused the erstwhile Kalyan Singh Government in Uttar Pradesh of altering the security plan intended to protect the Ramjanmabhoomi-Babri Masjid structure in Ayodhya.

Although there was no concrete or reliable information on the threat to the "disputed structure", there was the fear that some groups might be in the process of planning the demolition, the Centre said in an affidavit filed before the Liberhan Commission on the security aspects. Even the Intelligence Bureau did not have any reliable information that the structure would be demolished or substantially damaged.

Explaining the steps taken before and on the eve of the kar seva, the Centre said it had kept a "minute watch" on the security-related aspects of the disputed structure.

Through a series of letters, it gave suggestions on strengthening the security system in and around the disputed structure and, at times, also expressed concern over some of the changes made in the security arrangements.

The Centre had prepared a security scheme for the Babri complex which said that some of the barriers around it be removed and that the control room be shifted from its location.

Elaborating on how the State Government altered the plan, it said that first, when the Centre suggested to the State in a letter to draw up a new security plan for the disputed structure, the latter replied that maintenance of law and order was a

State subject and that the existing security arrangements were adequate. The State Government was also reluctant to raise the height of the security wall. Secondly, when the Centre decided to deploy paramilitary forces without seeking the State Government's opinion, the latter protested saying that the unilateral action (of deploying paramilitary forces) was unconstitutional.

The affidavit also said that from the deposition of witnesses it had become clear that although the State took the issue of crowd control seriously, there were a few lapses in estimating the number of people comprising the crowd and in devising an appropriate crowd control system.

It said the demolition and related developments happened within a span of five to ten minutes and the attack was, by and large, by young people. The sudden commotion and chaos of lakhs and lakhs of kar sevaks milling around both within and outside the Babri Masjid complex and their onrush towards the structure were responsible for the demolition, the affidavit said.

Court directive to ASI

PTI reports from Lucknow:

The Lucknow Bench of the Allahabad High Court today allowed the shifting of articles found during excavation by the Archaeological Survey of India at Ayodhya to a bigger room where they could be studied and photographed.

On a plea by the ASI, the Bench comprising Justice Sudhir Narain and Justice S.R. Alam, Justice Bhanwar Singh passed the order and fixed July 15 for the next hearing.

THE HINDU

5 JUL 2003

Advani justifies survey on mosques, churches in Kerala

By Our Special Correspondent

NEW DELHI, JULY 3. The Deputy Prime Minister, L. K. Advani, today sought to allay fears in Kerala about the ongoing survey of mosques and churches in the State by stating that the exercise was in keeping with a long-pending suggestion of the Census Commissioner.

This was communicated by Mr. Advani to the State's Tourism and Fisheries Minister, K.V. Thomas, here when the latter met him to invite him to inaugurate the Rs. 250 crore Kaladi-Malayatoor Pilgrim Tourism Project.

Briefing mediapersons about his meeting with Mr. Advani, the Tourism Minister said he had been told that the survey

was part of the Social Study Project — mooted in 1991 for the entire country — and that it was up to the States to take it up.

In the case of Kerala, a survey of temples had been conducted in three districts in the mid-1990s as part of the project. Recently, the project was resurrected when Sheila Thomas took over as Census Director of Kerala. She apparently made a project proposal and the work began with the approval of the Centre.

Though the survey has Central approval, Mr. Advani is said to have told Prof. Thomas that there was no "hidden agenda" as is being made out in Kerala; particularly in the light of a similar survey in Gujarat.

This apart, the communal

clash in Marad in May also came up for discussion.

Though Prof. Thomas was reluctant to elaborate on what transpired, particularly with regard to the rehabilitation measures, he said Mr. Advani was satisfied with the State Government's immediate response to the violence.

About the Fisheries Department's request for permission to import kerosene directly for mechanised boats for deep-sea fishing, Prof. Thomas said the Agriculture Ministry had accepted the State's position. But since this clearance did not amount to much given the import duty on kerosene, the Agriculture Ministry had agreed to request the Finance Ministry for a waiver.

THE HINDU

4 JUL 2003

SINGHAL DEMANDS PM'S RESIGNATION

VHP-BJP row intensifies

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9 - Fulbright

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SNS & Agencies

NEW DELHI/THIRUVANANTHAPURAM, July 3.

— Launching a fresh attack on the Prime Minister on the Ayodhya issue, VHP working president Mr Ashok Singhal today asked him to quit for his government's "failure" to bring in a legislation to pave the way for construction of the Ram temple at Ayodhya. The BJP rejected the demand.

Mr Singhal said in Thiruvananthapuram that the BJP should quit since it could not fulfil its promise of building the temple through legislation.

Mr Singhal also questioned the Kanchi Shankaracharya's initiative for a negotiated settlement.

Mr Singhal said the Prime Minister had never been "in favour of the temple movement and had often suggested construction of the temple next to the mosque".

The Kanchi seer, he said, has no formula to secure the Janambhoomi site for the Hindus. He also criticised the seer for talking to the Muslim Personal Law Board, which "doesn't believe in the Constitution."

BJP general secretary Mr Pramod Mahajan dismissed the demand for Mr Vajpayee's resignation as "unacceptable". He said: "If you are asking the resignation for the Prime Minister who believes in Ram, I want to know if the VHP wants a Prime Minister who believes in Rome?"

Mr Mahajan made it clear that the BJP was committed to the "coalition *dharma*" and, hence, could not bring in the legislation. The legislation route should be ruled out because it will be shot down in the NDA itself, he said. As an NDA partner, the party could strive for a solution through talks or court verdict.

No extension for digging:

The Lucknow Bench of Allahabad High Court today rejected ASI's plea to grant a three-month "monsoon holiday" in the latter's excavation around the makeshift temple. Instead, ASI has been given five weeks' extension to complete the excavation and two more weeks to compile the final report, to be submitted by 22 August.

Singhal demands Vajpayee's resignation

By Our Special Correspondent

THIRUVANANTHAPURAM, JULY 3. The international president of the Vishwa Hindu Parishad (VHP), Ashok Singhal, said on Thursday that the Prime Minister, Atal Behari Vajpayee, should resign if the Government could not bring in legislation to enable the construction of a Ram temple in Ayodhya.

Addressing a 'meet the press' here, Mr. Singhal said Mr. Vajpayee was the only person in the Sangh Parivar opposed to the building of the temple.

"If he was one of us, he would have built the temple," he claimed. Mr. Singhal said the National Democratic Alliance, a secular conglomerate, had "finished off" the BJP and its agenda. "The BJP had promised to build the temple and bring in legislation for the same. It was not a simple issue. If they do not have a majority, let them go to the masses again," Mr. Singhal said.

The Kanchi Sankaracharya should refrain from talking to the All-India Muslim Personal Law Board for a settlement of the Ayodhya issue. His initiative was an "injustice" to the Hindu community. The Board did not believe in the Constitution, he alleged.

Mr. Singhal said the Acharya had "no formula" for the Ram lala or the spot identified as the Ramjanmabhoomi. Besides, his initiative did not have the "backing of the sadhus and acharyas". The Acharya should not have gone to the Board with folded hands for getting their "no-objection" for construction of the temple. Muslims should give up their claim to the Ayodhya, Mathura and Kashi temples. "We are only asking for three, not the 30,000 temples that were destroyed."

On the Marad carnage issue, Mr. Singhal demanded the resignation of the Kerala Industries Minister, P. K. Kunhalikutty, as his partymen were among the accused atrocities.

THE HINDU

4 JUL 2003

Centre defends Rao in Babri case

PTI and HTC
New Delhi, July 1

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IN AN about-turn, the Centre's counsel told the Liberhan Commission on Tuesday that neither Narasimha Rao's government nor Kalyan Singh's state administration could have foreseen the demolition of the Babri Masjid on December 6, 1992.

On June 19, the Centre had told the commission that the Rao and Kalyan governments were to be faulted for their failure to prevent the demolition.

The Centre's counsel, Lala Ram Gupta, told the commission that Rao's decision not to impose President's rule in Uttar Pradesh as a pre-emptive measure to save the masjid was justified. He added that it was his personal opinion. Asked why he was presenting his own views, Gup-

Shifting stands

On June 19, Centre tells Liberhan panel that both the Rao and Kalyan govts were at fault

On July 1, Centre's counsel tells the commission that Rao was justified in not imposing President's rule in Uttar Pradesh

ta said, "I have not consulted the government on the issue."

The defence of Rao — and Kalyan Singh — came on a day the All India Muslim Personal Law Board asked the commission to summon Singh, who recently alleged that Prime Minister A.B. Vajpayee and Deputy Prime Minister L.K. Advani were in-

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volved in the conspiracy to demolish the masjid.

But Gupta's submission was also a defence of Vajpayee and Advani against Singh's charges. The counsel said that till noon on December 6, 1992 everything was normal and there was nothing to suggest a failure of the constitutional machinery in the state. It was only in the afternoon that frenzied *kar sevaks* "suddenly and surprisingly" rushed towards the disputed structure, breaking the security cordon.

They were followed by 1,000 other *kar sevaks* and 150-200 of them climbed the masjid's domes and started demolishing it without heeding the frantic appeals of Advani, M.M. Joshi, Pramod Mahajan and Uma Bharti, Gupta said. He added that Rao and his home minister were kept posted about the situation.

Rath Yatra peaceful, Muslims stay indoors

HT Correspondents
Ahmedabad, July 1

THE MINORITY community chose to stay indoors in Ahmedabad as the Rath Yatra passed through the old city on Tuesday. No untoward incidents were reported along the procession route.

At the minority-dominated Dariyapur area of the walled city, men and women were seen hanging around till noon.

But, community leaders assured a senior police officer that all of them would be asked to disperse at least half-an-hour before the yatra arrives in the locality.

"The area is peaceful now, but some anti-socials

might want to bring disrepute to the entire community," Dariyapur peace committee convener Rafique Haji Saheb explained as the reason for the 'junta curfew'.

Rafiquebhai said the 'junta curfew' was justified as even a minor slogan might spark off an explosive situation.

Almost all roads in the area were thoroughly barricaded with police vehicles blocking lanes. Fire tenders took up positions and riot-control vehicles stood in wait.

Early on Thursday morning, Gujarat Chief Minister Narendra Modi performed the traditional *pahind* ritual by sweeping the yatra path with a gold-

en broom. Modi, along with Union Minister Harin Pathak and Gujarat ministers Ashok Bhatt and Amit Shah, pulled the chariot up to the doors of the temple.

Though the yatra is organised by the Jagannath Temple Trust, local units of the Viswa Hindu Parishad and Bajrang Dal put up welcome banners all along the route.

As an additional precaution, the state home department instructed all cell phone companies to suspend their SMS services for five hours in the evening when the yatra passes through volatile areas such as Shahpur, Dariyapur, Khanpur and Prem Darwaza.

'No case existed for pre-emptive Central rule in Ayodhya'

Our Legal Correspondent

NEW DELHI, July 1. — The Centre's counsel, Mr Lala Ram Gupta, today told the Liberhan Commission that the circumstances in Ayodhya on 6 December, prior to the demolition of the first dome of the Babari Masjid at 12 p. m., did not warrant imposition of President's Rule in Uttar Pradesh under Article 356.

He, however, admitted, though in his personal capacity, that a situation did arise at 12 p. m. that could have warranted imposition of President's Rule. Till that point of time the situation was normal and there was no breakdown in the constitutional machinery of the state, he said.

At 12 p.m. when the kar sevaks suddenly and surprisingly broke down the first dome and it was clear that the forces deployed there were not enough to control the situation... All appeals by top BJP leaders not to damage the structure failed... that a situation arose in which the constitutional machinery of the state could be said to have broken down," he said.

President's Rule, he stated, was imposed in the state at 9 p.m. Asked whether this amounted to a delay of

ASI seeks extension

LUCKNOW, July 1. — The ASI team conducting excavation at the disputed site in Ayodhya today effectively sought time till December to complete the work and submit its final report, contending before the Lucknow Bench of the Allahabad High Court that digging could not be carried out for three months from now due to monsoon. The court directed that ASI application seeking time extension be put up tomorrow for further hearing. — PTI

nine hours in imposing President's Rule in the state and whether he was blaming the then Central government headed by Mr PV Narasimha Rao for this, Mr Gupta retorted: "I have just stated a fact. The inferences, if any, would have to be drawn by the commission." He, however, stated that the Supreme Court judgment in the SR Bommai case — which lays down that imposition of President's Rule is open to judicial review — has no relevance in the context of the panel's inquiry into the events leading to the Babari Masjid demolition.

He was responding to the commission's inquiry on whether the Centre had imposed President's Rule in Himachal, MP and Rajasthan along with UP because of the involvement of top BJP leaders in the demolition.

"The Bommai judgment has no relevance to this case and is not applicable," he said. The earlier 1977 judgment in the case of Rajasthan vs Union of India too was irrelevant in the context of the events of 6 December, 1992, he said.

The All India Muslim Personal Law Board also filed an application today praying that former UP chief minister, Mr Kalyan Singh, be summoned to depose in view of his recent statement that the top BJP leadership, including the Prime Minister and the Deputy Prime Minister, knew of the conspiracy to demolish the Babari Masjid and had kept him in the dark.

"The applicant submits that Mr Kalyan Singh's deposition is crucial in deciding several issues that arise out of the terms of reference," the AIM-PLB application said. The application will be considered by the panel on 10 July along with a similar application moved by the counsel for Mohammad Aslam alias Bhure, Mr OP Sharma.

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2 JUL 2003

THE STATESMAN

Babri Masjid case: Kalyan wants to depose before CBI special court

TIMES NEWS NETWORK

Lucknow: Infuriated over the Centre's rebuttal before the Liberhan Commission, former UP chief minister Kalyan Singh said that he was left with no choice but to depose before the CBI special court, Rae Bareilly.



Kalyan Singh

Talking to TNN, Mr Kalyan Singh charged that the "clean chit" given by the Centre to the Liberhan Commission was a bundle of lies and an attempt to prove the innocence of top BJP, VHP and RSS leaders, including Prime Minister Atal Bihari Vajpayee, deputy Prime Minister L.K. Advani and HRD minister Murli Manohar Joshi. "It is now imperative for me to appear before the special CBI court, Rae Bareilly, to bring out the truth before the nation about the Babri demolition on December 6, 1992," said Mr Kalyan Singh. He urged the special court to take suo motu notice of the Centre's lies and summon him and others for cross-examination.

Mr Kalyan Singh pointed that if they succeeded in proving their innocence before the Liberhan Commission, the same report could be used as evidence in the Rae Bareilly court to save Mr Advani, Mr Joshi, Uma Bharti and five others who are facing conspiracy charges there.

"If it was not true then why did

- Former UP chief minister urges CBI special court in Rae Bareilly to summon him for cross-examination
- Quotes statement of journalist saying Advani did not try to stop Babri demolition
- Kalyan Singh adds there is documentary evidence to prove his charges

the CBI file a supplementary chargesheet against only eight accused?" he questioned, claiming that proceedings against 13 other accused in the same case, including him, were not being initiated so that they could be tried later after the chief accused were exonerated.

Quoting the deposition of a witness (a woman journalist) on May 16, 2001 before the commission, Mr Kalyan Singh said that the journalist had stated: "When the mosque was being demolished on December 6, 1992 and journalists were attacked, neither Mr Advani nor others tried to stop." Instead, Mr Advani had offered her sugar, saying she should eat it as it was an historic day.

Accusing Mr Advani and RSS chief K.C. Sudarshan of changing their statements in order to save themselves, the former UP chief minister said that there was plenty of documentary as well other evidence, including newspaper reports, witnesses, video recordings, photographs and so on to prove charges against them.

Taking a dig at the Union minister of state for home, Swami Chin-

mayanand, Mr Kalyan Singh said that he not only lied to the people but misled the supreme court, too. Mr Kalyan Singh maintained that the minister and the late Rajmata Vijayaraje Scindia had not filed any affidavits in the apex court but had given letters to him. "Both the letters were attached with my affidavit. The commission can summon the file from the supreme court to know the truth," he added.

Meanwhile the All India Muslim Personal Law Board on Tuesday moved the Liberhan Commission seeking the summoning of Mr Kalyan Singh. In its application the board said that as Mr Singh was the main witness and the chief minister at the time of demolition he had special knowledge of the facts relevant to the commission's inquiry and therefore must be examined. The plea is likely to be taken up for hearing on July 10.

The board also pointed to the Centre's reported stand holding the former chief minister guilty of failing in his duty to protect the disputed structure.

Mr Kalyan Singh has been resisting his summons by the commission on the ground that his submissions before it might be used against him in the CBI probe into the demolition.

On Monday Mohammed Aslam alias Bhure, on whose petition the supreme court had banned all religious activity on the 67 acres of acquired land adjacent to the disputed site, sought summoning of Mr Vajpayee, Mr Advani and Mr Kalyan Singh, following the former chief minister's recent "revelation".

LIBERHAN COMMISSION HEARING ON AYODHYA

Centre justifies Rao Govt.'s decision on Art. 356

NEW DELHI, JULY 1. The Centre's counsel in the Liberhan Commission, Lala Ram Gupta, today justified the Narasimha Rao Government's decision not to impose President's rule in Uttar Pradesh as a pre-emptive measure to save the disputed structure in Ayodhya but qualified his submission by saying it was his personal opinion.

Giving his view on the events preceding the demolition, Mr. Gupta said that till 12 noon on December 6, 1992 everything was normal and there was nothing to suggest that the constitutional machinery had failed in the State. It was only after noon that frenzied kar sevaks "suddenly and surprisingly" rushed towards the disputed structure breaking the security cordon, he said. They were followed by 1,000 other kar sevaks and about 150-200 of them climbed the domes of the structure and started demolishing it without paying any heed to frantic appeals by senior BJP leaders, L.K. Advani, Murli Manohar Joshi, Pramod Mahajan and Uma Bharti, Mr. Gupta told the one-man panel probing the sequence of events leading to the demolition of the disputed structure.

He said the Prime Minister and the

Home Minister were constantly being informed about the unfolding situation and obliquely suggested that the imposition of President's rule was delayed as the Kalyan Singh Government was dismissed only at 9 p.m. on that day.

'Not relevant'

When the Commission Chairman, Justice M.S. Liberhan, sought to know if the BJP Governments were dismissed for their leaders' involvement in the temple movement, Mr. Gupta said: "Proclamation of President's rule in Madhya Pradesh, Rajasthan and Madhya Pradesh is not relevant to the terms of reference of the Commission."

The Commission wanted to know the Centre's stand on the imposition of President's rule in the four BJP-ruled States. But Mr. Gupta concluded his submissions saying "it is my own assessment and I am not making the statement on behalf of the Government as such."

Regarding his reported meeting with the Deputy Prime Minister, L.K. Advani, and the Law Minister, Arun Jaitley, counsel said "it was a personal meeting which had nothing to do with the Commission's proceed-

ings". He also refused to comment on the Supreme Court judgment in the S.R. Bommai case. "The judgment is not open to comment by me. It is not for any party to seek review of the judgment in any proceedings", Mr. Gupta submitted and asked the Commission to form its own opinion on the issue. The Uttar Pradesh Advocate-General, S.C. Mishra, would start his arguments on July 10.

Muslim board plea

Meanwhile, the All-India Muslim Personal Law Board today moved the Liberhan Commission seeking summoning of the former Uttar Pradesh Chief Minister, Kalyan Singh, in view of his recent allegation that Mr. Vajpayee and Mr. Advani were involved in the conspiracy to demolish the disputed structure at Ayodhya.

In an application filed through counsel Bahar U. Bharqi, the Board said that being the main witness and the Chief Minister at the time of demolition, Mr. Singh had special knowledge of the facts relevant to the Commission's inquiry and must be examined. The plea is likely to be taken up for hearing on July 10. — PTI

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2 JUL 2003

VHP sets distance between shrines

Statesman News Service

NEW DELHI, June 30. — The VHP today toned down its rhetoric on Ayodhya, but made it clear that it will oppose construction of any mosque within 14 *kosi parikrama* (about 44 km) of its proposed Ram temple in Ayodhya. The BJP, however, appeared to avoid a direct confrontation, choosing not to respond to even attacks on the Prime Minister and his deputy, who have become the target of the RSS-VHP's trenchant attacks in recent days.

The RSS *sarsanghchalak*, Mr KS Sudarshan, on Saturday had slammed the Vajpayee government's peace overtures to Pakistan, calling them "futile". He also reportedly criticised Mr Vajpayee and Mr Advani for proposing "some give and take policy with Pakistan to resolve the Kashmir issue".

VHP leaders, including Mr Ashok Singhal, Acharya Giriraj Kishore and Mr Praveen Togadia, have recently spewed venom against Mr Vajpayee and Mr Advani, accusing them of betraying the Hindu community and pushing a "secret deal" through Kanchi Shankaracharya to solve the Ayodhya tangle. The VHP-affiliated Ramjanmabhoomi Nyas chief, Paramhans Ramchandra Das, today also dismissed as "unacceptable" the Kanchi seer's Ayodhya proposals. He even questioned the Shankaracharya's "authority" in dealing with the Ayodhya issue.

The BJP, however, has stuck to its stand of not taking on the RSS and the VHP. The party spokesman, Mr Mukhtar Abbas Naqvi, today simply said the party welcomes the Centre-backed "positive move" the Kanchi seer had launched to break the Ayodhya deadlock. But then, in a bid to placate the VHP, he said the "nationalist" BJP wants the construction of the Ram temple at Ayodhya soon.

THE STATESMAN

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'No gifting of disputed site'

By Our Special Correspondent

NEW DELHI, JUNE 30. The Babri Masjid Movement Coordination Committee has demanded that the All-India Muslim Personal Law Board reject any formula to resolve the Ayodhya imbroglio that is based on "gifting" the disputed land for construction of a Ram temple. If any negotiation was to be held at all for an out-of-court settlement, it should be with the Government, it said.

The committee members met on June 28 but expressed their views in a public statement today, a week ahead of the July 6 working committee meeting of the AIMPLB in Lucknow to consider the proposal of the Kanchi Sankaracharya, Sri Jayendra Saraswati.

What is significant is that some members of the BMMCC, including the convener, Syed Shahbuddin, are also on the AIMPLB working committee. During the earlier attempt made by the Kanchi seer to resolve the Ayodhya dispute, the Board had adopted resolutions to the effect that it would abide by a judicial verdict and negotiations, if any, would be held only with the Government if it were to present a concrete proposal. At that time, its stance was that it

would not talk to or negotiate with forces responsible for the demolition of the Babri structure.

The BMMCC has categorically said that the "masjid site is not negotiable, it is not on auction". It was a response to reports that something else would be offered to Muslims — putting a lid on potential 'mandir-masjid' disputes in Kashi and Mathura and opening up of mosques within protected monuments for offering of prayers ('namaaz') — if they were to agree to give up their claim on the disputed Ayodhya site.

According to the statement, if any compromise was to be reached even for construction of a temple on the Central Government-acquired land outside the disputed site, this could be considered "provided the site plan (of the proposed Ram temple) is revised to exclude the Babri Masjid site" and that the "other side agrees to withdraw its claim to the Babri site and to remove the idols and to demolish the makeshift temple".

Mr. Shahbuddin told *The Hindu* that the Muslim community could have no objection to a Ram temple coming up on the undisputed land, "but the temple architectural plan would have to be altered to en-

sure that no part of the temple would come up on disputed land".

In a separate statement, the Inter-Community Peace Initiative convener, Iqbal Ansari, welcomed the Kanchi seer's efforts and in a letter addressed to the Sankaracharya said that any solution must keep in mind the much larger issue of the rule of law and the "sanctity of human life". His charge was that "the larger agenda of the VHP for Hindu Talibanisation" had prevented an amicable Ayodhya settlement. It was the RSS-VHP's "determined agenda of Hindu Rashtra" that would not allow communal peace and harmony "even if the location of a mandir and masjid was amicably resolved".

Dr. Ansari suggested that at the July 6 meeting the AIMPLB should not only consider a formula for resolving the Ayodhya dispute but also pay attention to an institutional mechanism to establish the rule of law for implementation of constitutional guarantees of protection of life, dignity and the maintenance of the status quo of places of worship. He also said that non-Hindus should voluntarily offer not to slaughter cows and evolve a consensus on issues such as a uniform civil code.

THE HINDU

1 JUL 2003

CENTRE'S DEPOSITION BEFORE LIBERHAN COMMISSION

'Vajpayee, Advani, Joshi had no role in mosque demolition'

NEW DELHI, JUNE 30. In an apparent rebuttal of the former Uttar Pradesh Chief Minister, Kalyan Singh's charges, the Centre today asserted before the Liberhan Commission that the Prime Minister, Atal Behari Vajpayee, the Deputy Prime Minister, L.K. Advani, and the Human Resource Development Minister, Murli Manohar Joshi, did not have any role in the demolition of the disputed structure at Ayodhya on December 6, 1992.

"The sadhus and sants were the leaders of the Ayodhya movement. Dr. Joshi, Mr. Advani, Mr. Vajpayee and other leaders of BJP were supporting the movement and their approach had always been finding out a meeting ground to create a consensus for the construction of Ram temple," the Centre's counsel, Lal Ram Gupta, said in his written submission before

the Commission. The affidavit comes 10 days after Mr. Kalyan Singh alleged that the demolition was done under the directions of Mr. Vajpayee, Mr. Advani, Dr. Joshi and senior Sangh Parivar leaders.

Counsel was elaborating on the role of Mr. Advani, who was then the Leader of the Opposition in Parliament and Dr. Joshi the BJP president.

Quoting from the statements of witnesses, including Mark Tully of the BBC, the VHP leader, Ashok Singhal, Mahant Ramachandra Paramhans Dass, the RSS Sarsangchalak, K.S. Sudarshan, and the BJP leader, Uma Bharti, counsel said Mr. Advani's remarks during the campaign were never anti-Muslim or provocative.

Taking an excerpt from the book "The Saffron Swastika" by Polish author Koenraad Elst, he

said that "during the Ayodhya campaign, its leader L.K. Advani was never caught in the act of making a single anti-Muslim remark".

About Dr. Joshi, counsel said, "Joshi at all times, expressed his strong view that the Ayodhya issue should be resolved either through negotiated settlement or by legislation and not by force so that there may be a grand reconciliation between Hindu and Muslim communities.

In fact, Mr. Advani and Dr. Joshi had, during their Rath Yatra, even advised karsevaks not to proceed to Ayodhya realising that the crowd there might become unmanageable.

The only statement against Mr. Advani was that of a woman police officer, Anju Gupta Rizvi, who said he was seen taking sweets after the second dome of

the disputed structure fell on the fateful day, Mr. Gupta said. However, Ms. Rizvi had also said that Mr. Advani had requested her to accompany Ms. Bharti to the structure and ask the karsevaks to come down, he said.

Meanwhile, an application was filed today before the Liberhan Commission to summon Mr. Vajpayee in the light of the allegations made by Mr. Kalyan Singh that he knew about the alleged conspiracy to demolish the structure in December 1992.

The application was filed by Mohd Aslam alias Bhure, on whose petition the Supreme Court had last year banned all kinds of religious activity on the 67 acres of acquired land adjacent to the disputed site. Mr. Bhure also filed two other applications through counsel, O.P. Sharma, for summoning Mr. Advani and Mr. Kalyan Singh whose recent remarks about the alleged conspiracy had created a flutter in political circles.

All the three applications were posted for hearing on July 10.— PTI

BJP cannot be marginalised: VHP

NAGPUR, JUNE 30. The Vishwa Hindu Parishad general secretary, Pravin Togadia, said here today that the organisation's criticism of the Deputy Prime Minister, L.K. Advani, on the Ayodhya issue was in a "particular" context. The criticism was not against the BJP as such, but against the NDA, which had no Hindutva agenda. Hence there was no question of marginalising the BJP on the Ayodhya issue, Mr. Togadia told presspersons. "The VHP would stick to three points — temple in Ayodhya at any cost, welcome to any unconditional discussion or negotiations and no mosque within 14 kose (approximately 44 km) of the temple," he said.

Asserting that there was nothing new in the VHP's demand for a Central legislation for constructing a temple in Ayodhya, he said it had

asked for it in July 2002, as it was a "legal" and "civilised" solution to the vexed issue. "We equally believe in legislature and judiciary and are open to approach Parliament on the issue."

The VHP leaders would meet in New Delhi on July 11 to chalk out a programme to intensify the movement and agitation for temple construction. The meeting would be a decisive one for finalising the temple issue and would polarise the supporters and opponents of the temple movement.

The VHP was against negotiations with Muslims, individuals or organisations. "There is a scope for negotiation in a civilised society," he said to a question on the proposed meeting of Muslim leaders with the Kanchi Sankaracharya next month. Mr. Togadia said the Parishad had succeeded in preventing conversions. — PTI

Term extended

Our New Delhi Special Correspondent reports:

The Ministry of Home Affairs has extended the term of the Liberhan Commission for a further six months, up to December 31, 2003. Set up on December 16, 1992, to investigate the demolition of the Babri Masjid, the Commission was given three months to submit its report. However, the Commission began proper hearings only in March 1993.

Gujarat riot case charred

OUR CORRESPONDENT

June 27: Twenty-one people accused of burning Muslims alive in a bakery during the Godhra backlash today walked away free after hostile witnesses forced a trial court to acquit them "for lack of evidence".

Nearly 70 witnesses in the Best Bakery case — 12 persons were burnt to death in the Vadodara bakery two days after the Godhra carnage — backtracked, forcing the court to rule "there was no legally accepted evidence to prove... the accused... had committed the crime".

This is the first verdict in a case relating to the riots that flared after the February 27 carnage in which 59 *kar sevaks* were burnt on the Sabarmati Express.

The backbone of the case, hearings for which began before additional district and sessions judge H.U. Mahida on May 9, broke only eight days later when Zahira Sheikh, the main complainant, turned hostile. She is the daughter of Best Bakery owner Habibullah and the only surviving member of the family.

After Zahira's turnaround, most of the other witnesses retracted their statements one by one. Some even took a total U-

turn, claiming that the accused, far from committing any crime, had saved several Muslims.

One of the main witnesses, Lal Mohammad, went to the extent of saying police were "framing" the accused and "many accused have been seen helping stranded Muslims". He claimed the police had randomly picked up witnesses and forced them to "toe a certain line by signing on a pre-prepared *panchnama*".

Other witnesses, including Imtiaz Pathan, Liyaqat Sheikh and Abdul Sheikh, backed up Mohammad, saying the accused had saved "close to 65 Muslims".

The police came in for a severe rap, with the judge saying they had again demonstrated their "weakness" in probing a riots case. "Police always try to arrest those found from the site of communally affected places, while those responsible for it manage to escape because of delay on the part of police in reaching such places.

"Police have implicated wrong persons as witnesses in the case (and) obtained the signature of eyewitnesses on *panchnama* which, they say, they had neither read nor knew its contents."

The judge also observed the

verdict could rattle people's faith in the judiciary. "It is understandable that some doubts or suspicion will be raised on the judicial system... it is the duty of the court to see that wrong persons are not convicted...."

The acquittals brought gloom among the minorities, with Muslim organisations and rights groups saying witnesses had changed their versions under duress from the VHP, the Bajrang Dal and the BJP.

"No one can deny that these witnesses were threatened and coerced by the VHP and the BJP. While some may have been bribed, others were definitely threatened. How else do you explain the presence of a BJP MLA during most part of the court proceedings?" a Muslim intellectual in Vadodara asked.

Asked what the reaction in the community was, he replied: "There is a loss of hope and faith. We were hoping that the culprits would be punished. Now, we can only pray that other cases don't go the same way."

But some Hindu organisations burst into celebration. "There was no crime in the first place, how could there be punishment?" asked Manishbhai, a relative of accused Ravi Chauhan.

VHP will be included in talks on Ayodhya: BJP

Q. Prakash
26/6
Gwalior, June 25. The BJP today said the Vishwa Hindu Parishad would be included in talks to resolve the Ayodhya dispute after the Centre received a proposal from the Kanchi Sankaracharya, Sri Jayendra Saraswati, in this regard.

Denying any knowledge about the formula proposed by the Acharya, the BJP General Secretary, Pramod Mahajan, told reporters here that the seer was engaged in talks with the Muslim Personal Law Board.

Mr. Mahajan, who is here in connection with a meeting of the party's national office-bearers to assess the preparedness for the Assembly elections in four States later this year, said the Acharya's formula presented to Muslim leaders still had to be taken up for discussion.

If the formula was agreed upon by the parties involved, it would be forwarded to the Centre. If it was acceptable to the Government, the VHP would definitely be invited for talks as it had long been agitating for construction of the temple.

'Kashi, Mathura never on agenda'

Denying any "deal" with the Muslims for solving the Ayodhya dispute, Mr. Mahajan reiterated that Kashi and Mathura were never on the BJP's agenda. The party stood by the resolution passed at its 1989 Palampur conclave on the construction of the Ram temple. Asked whether the BJP would give up its demand for the temple if the court verdict was in favour of the Babri Masjid, Mr. Mahajan said "no Government can violate the Constitution and remain in power".

Cong. should apologise: Advani

The Deputy Prime Minister, L.K. Advani, while addressing the meeting, demanded that the Congress should publicly apologise for enforcing Emergency in the country during the tenure of the late Prime Minister Indira Gandhi.

"August 9, 1942 and June 25, 1975 are two important dates in the history of India as on August 9 the Quit India Movement was launched, while on June 25, the Congress enforced Emergency in the country thereby arresting senior Opposition leaders, including the Prime Minister, Atal Behari Vajpayee". "After 28 years of Emergency it is time for the Congress to apologise for this." — PTI, UNI

26 JUN 2003

Togadia seeks debate on Kanchi plan

OUR SPECIAL
CORRESPONDENT

Hyderabad, June 23: Vishwa Hindu Parishad general secretary Praveen Togadia today demanded that the proposal made by Kanchi Sankaracharya Swami Jayendra Saraswati should be made public and debated before it was approved by both sides.

Togadia warned of a "big agitation that will change the course of the country's politics" if the disputed land in Ayodhya was not handed over to Hindus "unconditionally" for the construction of a Ram temple.

"We are not sabotaging anybody's efforts and are not against negotiated settlement. But it should involve handing over of the Ran Janmasthan to Hindus unconditionally. We want the Ram temple at any cost and by any method," he said.

Togadia said any proposal that compromises the self-respect of Hindus would not be acceptable "even over our dead bodies", and made it clear that the claim to the shrines at Mathura and Kashi would continue to be on the VHP's agenda.

The VHP leader said the proposal that Hindus give up the claim to the shrines in favour of a solution at Ayodhya was not acceptable even to the Rashtriya Swayamsevak Sangh.

"All the leaders of the RSS I spoke to have vociferously opposed such a compromise formula," he said.

The VHP did not favour the construction of a mosque at Ayodhya, Togadia said. "If the Muslims agree to construct a temple at Mecca, then we will consider (allowing the construction of) a

mosque at Ayodhya."

Asked about the Kanchi seer being hopeful that something can come about by July 7 towards resolving the Ayodhya dispute, Togadia said: "Any Hindu Sankaracharya should be confident." However, he added that the seer "may not be knowing what the Prime Minister's Office is doing".

Togadia was bitter with the BJP for its failure to fulfil electoral assurances after coming to power. "They did not have any inhibitions about using Hindutva for the sake of getting votes and coming to power. But now they claim that they (the BJP) cannot impose its agenda on the NDA," he said. "Ideological conviction has nothing to do with political and legislative majority," Togadia said, adding that the NDA has betrayed the aspirations of Hindus.

Asked whether he had any discussion with Prime Minister Atal Bihari Vajpayee on the Kanchi Sankaracharya's proposals, Togadia said he had not met Vajpayee after February 2002.

The VHP leader said the two-day meeting of the national executive of the outfit at Raipur on June 27 and 28 will decide the course of action of the organisation on the Ayodhya issue. "The 40,000 units of the VHP, which have nearly 3.5 million cadre, will decide on the future course of action, which can include mass agitations till the Ram mandir is built on the same site," he said.

Togadia said if Muslims behave like their forefathers, who he described as invaders, "they will end up as foreigners" in the country.

NOT A MISSION ON AYODHYA: JASWANT, FERNANDES

Wait until July 6, says Kanchi Acharya

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By R.K. Radhakrishnan

KANCHEEPURAM, JUNE 22. The Kanchi Sankaracharya, Sri Jayendra Saraswati, has expressed hope and optimism of a "positive outcome" from the July 6 meeting of the All-India Muslim Personal Law Board.

Talking to presspersons after an hour-long meeting with Jaswant Singh, Union Finance Minister, and George Fernandes, Defence Minister, who air-dashed here this afternoon for a closed-door meeting with him, the Acharya would only say that everyone should wait; all explanations would be available the next day.

"I am not prepared to speak now. The Ministers had a darshan. This meeting was not significant."

He said there was no question of his sending any message to the Prime Minister, Atal Behari Vajpayee, as he was out of the country. On the Vishwa Hindu Parishad questioning his mediation efforts, the Acharya said that in a democratic country anyone could speak as they pleased.

"We want to have a peaceful solution. That is why we are doing this in this manner," he said but refused to go into the details of the proposals.

Emerging from the meeting, Mr. Singh and Mr. Fernandes, however, said that they had not discussed the Ayodhya issue or the formula proposed by the Kanchi Acharya.

At least one partner in the



The Union Finance Minister, Jaswant Singh and the Defence Minister, George Fernandes, coming out after meeting the Kanchi Acharya, Sri Jayendra Saraswati, in Kancheepuram on Sunday. — Photo: A. Muralidharan.

National Democratic Alliance confirmed that the mission was centered on Ayodhya. But Mr. Singh said that he sought to "set the curiosity" of the media at rest: "All the speculation that George Fernandes and I came in on any particular mission is completely unfounded and misinformed."

"I am too small a man on such a big issue and therefore this is not the subject for which I have come here," he said add-

ing that he was not carrying any message from Delhi.

Explaining his presence at Kancheepuram soon after the VHP and the Pejawar Mutt's criticism of Sri Jayendra Saraswati's proposals, Mr. Singh said that he was here "to inaugurate a technical part of the deemed university (run by the Mutt)". Though he had accepted the invitation earlier, because of various circumstances, he could not come. He was invited again,

about a month ago.

"I requested my friend George Fernandes that if he was going in this direction my wife and I would be honoured if we could go with him. And he was coming in this direction and I have taken this opportunity to come here and have the Swamiji's darshan and to do what the Swamiji asked us to do, which is to inaugurate the faculty," he said.

On Ayodhya, all Mr. Singh would say was: "Considering what is happening, it is my prayer that if an answer could be found, which is peaceful, meets everybody's expectations, which settles strife, which does not create difficulties in society, what can be better than that, both for society and for the country. This is the most constructive thing that can happen."

Mr. Fernandes claimed that "he always came here (to the Mutt)" and added that he left happy each time. This time was no different.

"I am carrying a message of happiness." On Ayodhya, "any initiative was most welcome and one by the Sankaracharya was more welcome than most welcome". There was no controversy in the NDA over the formula. Asked if he carried a message from New Delhi or was taking a message from here, he said: "Naturally he (the Sankaracharya) should give the message."

Legislation the only way out, says RSS: Page 11

Board smiles, keeps seer letter in wraps

YOGESH VAJPEYI AND
RADHIKA RAMASESHAN

June 21: Hope of an end to the Ayodhya dispute brightened today with the All India Muslim Personal Law Board reacting positively to the Kanchi Sankaracharya's formula for a negotiated settlement.

Board chairman Maulana Rabey Hasan Nadvi, who opened the envelope containing the proposals on his return to Lucknow, refused to reveal details but said the seer appeared to have made a "sincere effort".

"I have read the two-page formula written in English but will not disclose its contents. I have kept it in my cupboard but will not speak on the issue because my views could affect the thinking of other members of the board," Nadvi said.

The proposals will now be put before the 51-member working committee of the board, scheduled to meet in Lucknow on July 6.

The envelope finally arrived last evening after Sankaracharya Jayendra Saraswati's Kanchi office called to find out if it had reached. The board was told it had been sent four days ago and was given the courier details. "We found that it had been kept undelivered since the complete address was not written," board spokesperson Maulana Sajjad Nomani said.

Sources said the formula includes allowing Muslims to worship in mosques now under the Archaeological Survey of India, settling Kashi and Mathura and promising land for a mosque in Ayodhya within 8 km of the disputed site in exchange for a temple at the site.

"The Sankaracharya had told me the Ayodhya issue could be sorted out if religious leaders took an initiative," Nadvi said.

In a snub to ha-

rdliners Syed Shahabuddin and Zafaryab Jeelani, who are opposed to talks, he said: "We must not forget that if reasonable men sit together, everything under the sun can be solved." Nomani echoed him: "Let's hope and pray that this is the beginning of the end of a dispute that has created tension and distrust between the two communities."

Asked why the proposals were not sent to the board's Babri committee, which met in New Delhi today, Nomani said the panel had a different agenda.

"The working committee of the board is the only forum authorised to take a stand on the seer's proposal."

The Babri committee today assessed how the war of words between the VHP and the Centre would impact a final solution. Officially, the meeting was called to discuss the Liber-

han Commission's proceedings and the results of the Ayodhya excavations.

Members felt it was time the Centre placed its Ayodhya cards on the table instead of just leaving it to the Sankaracharya to carry forward the process of settlement. "So far, there is no evidence of any government role. Why is the government keeping silent?" asked a source.

"The VHP has the RSS' backing. Though it may appear that the BJP is with the government, we wonder if it will antagonise the VHP and the RSS before elections. If the BJP backs out, will the government have the moral courage to go ahead and support the Sankaracharya?" the source asked.

A prominent cleric of the Ramjanmabhoomi Nyas and a member of the VHP's *marg darshak mandal*, Swami Vishvesa Tirtha, today appealed to the Centre to adopt a "policy of consensus" and involve the VHP and leaders of other prominent mutts apart from Kanchi.

QUOTE

We must not forget that if reasonable men sit together, everything under the sun can be solved

MAULANA RABEY
HASAN NADVI

We are open to consensus, say Muslim leaders

By Smita Gupta
TIMES NEWS NETWORK

New Delhi: The All-India Muslim Personal Law Board is open to evolving a consensus on the Ayodhya issue through a dialogue, provided a concrete proposal comes from the central government and the latter works to create a "suitable atmosphere" for its implementation. AIMPLB member Qasim Rasool Ilyas told TNN, "It is only the government which would be in a position to honour and implement any agreement."

This offer comes on the eve of the proposed visit of finance minister Jaswant Singh and defence minister as well as NDA convenor George Fernandes—the PM's emissaries—to Chennai on Sunday to meet the Shankaracharya of Kanchhipuram, Jayendra Saraswati. The Shankaracharya, who has been playing an active role in trying to find a solution to the Ayodhya issue, has been in touch with Muslim leaders and has now even sent the AIMPLB a written proposal.

Meanwhile, the AIMPLB's Babri Action Committee, which met here on Saturday, discussed the ongoing excavations in Ayodhya to work out its claim in the title suit that is being heard in the Lucknow court as well as to prepare its deposition before the Liberhan Commission, which is investigating the circumstances leading to the destruction of the Babri masjid.

Dr Ilyas said that the fact that the excavations—on the basis of the interim report—had so far not revealed the existence of a Hindu temple at the disputed site but established that there was a Muslim habitation there prior to the construction of the mosque had strengthened

Feb 22/6 J. Minant
Ratnagur
The All-India Muslim Personal Law Board's offer on the temple issue comes on the eve of the proposed visit of the Prime Minister's emissaries to Chennai on Sunday to meet the Kanchi seer

their case. Additionally, an expert team of historians, including Suraj Bhan and Shireen Ratnagur, had prepared a report which they would use, he said.

Sources said that though these two issues were on the agenda, additionally, the AIMPLB also discussed the reports on the proposals so far made by the Shankaracharya. A formal meeting to discuss the Kanchi seer's two-page written proposal to AIMPLB chairman Maulana Rabe Hasan Nadwi will be held in Lucknow, most likely on July 6.

The letter reportedly contains suggestions discussed during a meeting the Shankaracharya had with Maulana Nadwi in Lucknow recently. The maulana had asked for the proposal in writing so that he could discuss it with other AIMLB members.

So far, the suggestions mooted had been that the Muslims give up their claim to the disputed site in Ayodhya in exchange for a freeze on Mathura and Kashi and the promise that several mosques currently under the ASI will be opened for worship. All these proposals have been summarily rejected by the VHP, which is miffed at being left out of the current efforts. However, the VHP's objections—if not its belligerent tone—has been supported by the RSS.

22 JUN 2003

Kanchi seer's letter positive, says Muslim Board chief

By J.P. Shukla

LUCKNOW, JUNE 21. The All India Muslim Personal Law Board (AIMPLB) chairman, Maulana Rabey Hasni Nadwi, said today the contents of the letter sent to him by the Sankaracharya of the Kanchi Kamakoti Peetam, Sri Jayendra Saraswati to resolve the Ayodhya issue were positive in nature to an extent.

He, however, refused to divulge the contents as "this might create hurdles for other members of the Board to form an independent opinion on the issue".

The letter was received by the AIMPLB chairman's office here yesterday. Mr. Nadwi who was away then, gave his opinion on the contents after his return.

He said he had read the two-page formula as communicated by the Kanchi seer in English.

"I have read the letter and kept it in my cupboard", he said, adding that he would not say anything about it because his views could prejudice the opinion of other members.

The formula would be placed before the 51-member working committee of the board at its meeting likely to take place on July 6.

Whether the proposal suggested by the Sankaracharya was acceptable he could not say, but praised the seer for his "sincere attempts".

The Sankaracharya had preferred a solution to the issue by the religious leaders of the two communities.

The board was always open

to dialogue in the interest of peace and amity and to avoid bitterness between the two communities, he said.

The Maulana, however, did not find scope for a dialogue with the Vishwa Hindu Parishad which was "responsible for the demolition of the Babri Masjid."

'Structural anomalies in 46 trenches'

By Our Special Correspondent

LUCKNOW, JUNE 21. The Archaeological Survey of India in its fresh progress report submitted to the Special Bench of the Allahabad High Court today said that it had found 'structural anomalies' in 46 trenches dug near the disputed site at Ayodhya.

The six-page report which gave details of the ASI findings, said these anomalies were found in 46 of the 84 trenches at a considerable depth.

Structural evidence was found at the upper strata in 26 trenches. The report said pillar bases and drains were also found in some of the trenches.

The ASI had been directed by the High Court to undertake excavations near the disputed site at Ayodhya to find out if there was evidence of the presence of any structures predating the Babri mosque. The report was in response to the Court directive.

THE HINDU

22 JUN 2003

Advani part of Babri razing plot: Kalyan

TIMES NEWS NETWORK

Lucknow: Kalyan Singh, chief minister of Uttar Pradesh when the Babri Masjid was demolished on December 6, 1992, says the BJP-VHP leadership is lying when they say they had no idea of what was going to happen on that day. They had already, he alleged on Friday, made a "deep-rooted conspiracy" in this regard.

Singh said he's going to testify in this regard to all the courts and commissions of inquiry probing the affair. He said he will nail the leadership - Vajpayee, L K Advani, M M Joshi, Rajendra Singh, K S Sudershan, Ashok Singhal, among others. Vajpayee, Rajendra Singh and Sudershan weren't present when it happened; the others were and have said they tried to stop the demolition.

The Central Bureau of Investigation has recently given the special courts on the demolition a supplementary chargesheet against Advani, Joshi, Uma Bharti and five others. The next hearing on the arguments is on June 24.

"The conspiracy was so secretive, I wasn't aware. I was betrayed," he told journalists here.

His latest bout of ire is in

response to the statement of Union government counsel Lala Ram Gupta to the Liberhan commission of inquiry into the affair, that the two governments in power at the time - Narasimha Rao's in Delhi and Kalyan Singh's in Lucknow - are to be blamed for not being able to prevent or stop the demolition by frenzied mobs of 'kar sevaks.'

This deposition is, he said, a "blatant lie." His (BJP) government had made, Singh said, an elaborate three-tier security structure plan around the structure on that day. That had been preceded by an affidavit to the Supreme Court from his government, based on a written assurance drafted on behalf of the VHP from RSS headquarters in Delhi, that the proposed kar seva would be peaceful.

"That assurance was given by Swami Chinmayanand and the late Rajmata Scindia...it was drafted by the same Lala Ram Gupta," Singh told journalists. "Chinmayanand has now been made Union minister of state for home to get these things hushed up."

Singh also gave the (Congress) Rao government a clean chit in the affair.

21 JUN 2003

Kanchi Acharya's efforts run into problems

By Neena Vyas

9-11-11

NEW DELHI, JUNE 19. The Kanchi Sankaracharya, Sri Jayendra Saraswati's efforts at resolving the Ayodhya issue seems to have reached a dead-end.

The Vishwa Hindu Parishad, at least, has given up on the Acharya's efforts and Sri Jayendra Saraswati himself has been quoted as saying that "there is no formula."

The VHP leaders today virtually served notice on the Bharatiya Janata Party — actively support construction of a Ram temple at the disputed Ayodhya site or face defeat in the coming elections.

Reports from Lucknow said that the VHP leader, Ashok Singhal, virtually threw a challenge at the BJP leaders to come out of Vajpayee's National Democratic Front Government if they supported the construction of a Ram temple in Ayodhya.

He was also quoted as having said that the VHP has "no working relationship with the BJP". As for the so-called Kanchi Acharya's proposal for a settlement of the Ayodhya dispute, the VHP had rejected it several days ago.

While the AIMPLB had stated it was willing to meet and consider any Ayodhya 'formula' of the Kanchi Acharya — a meeting of the sub-committee on Babri is scheduled to take place here on June 21 and 22 to discuss this — to this date no proposal has been received.

The AIMPLB sub-committee meeting, however, will take place. It will discuss the reports on the Ayodhya excavations ordered by the Lucknow High Court and the progress in the Liberhans Commission on the 1992 Babri Masjid demolition. "If the Kanchi seer's Ayodhya proposals had come, we would have discussed those also," the sub-committee convener, Q.S.R. Ilyas, said today.

It was on June 7, when the Kanchi Acharya had called on the chairman of the AIMPLB, Rabe Hasan Nadvi, that the subject of Ayodhya was broached. Apparently, the Acharya had indicated that he would send his proposals in writing within five days. Twelve days later, Maulana Nadvi and Mr. Ilyas are still waiting for the papers.

"I do not think there is any proposal; nothing will come," Mr. Ilyas said today.

Left parties criticise BJP, Acharya

By Our Special Correspondent

NEW DELHI, JUNE 19. Two Left parties reacted strongly to the latest moves on Ayodhya temple issue, with the CPI (M) stating that the dispute cannot be resolved by an "ambitious and scheming" Sankaracharya, while the CPI (ML) demanding restoration of the mosque at the site.

Referring to the "renewed efforts" by the Kanchi Sankaracharya, Sri Jayendra Saraswati, the CPI (M) said this had the full support of the Prime Minister and that the Acharya was working to get a Ram temple built at "the site where the Babri masjid stood is not a secret".

"The Sankaracharya's efforts had been directed at persuading certain individuals belonging to the All-India Muslim Personal Law Board. In doing so, the Sankaracharya is acting as the chosen agent of the BJP-RSS combine," the editorial in the latest issue of CPI (M) organ *People's Democracy* said.

Commenting on the Prime Minister, Atal Behari Vajpayee's statement that Ayodhya issue could be resolved if it was freed from politics, the editorial said that after the BJP "had joined the Vishwa Hindu Parishad bandwagon in 1989 to build a Ram temple where the Babri masjid stood, one can only

wonder at the sheer effrontery of the Prime Minister asking that politics be kept away from the issue".

It said that the BJP recently assured the RSS that it would help the VHP in its aim to build temple movement." After the excavation episode failed to produce even an iota of evidence that a temple structure existed before the masjid were built, the BJP is now banking upon the Sankaracharya's negotiating skill".

The effort, like the previous one last year by the Sankaracharya was meant to "bypass the judicial process" which was going on.

Turning to demand by the RSS and the VHP that the disputed site be handed over through a legislation, the CPI (M) noted that the BJP was supporting the move without discarding the stand taken by the Vajpayee Government.

It said that the VHP was increasingly getting "frustrated with the failure" of the Vajpayee Government to make progress in the temple issue and that explained its latest outburst against the Government and the hardline stance that it was not prepared to give up its claim on Kashi and Mathura.

In a separate statement, the CPI (ML) expressed serious concern over the attempts in the "highest echelons" of power to strike a "secret deal". The party general secretary charged that the Sangh Parivar outfits were engaged in "weaving a web of confusion" over the issue, including the demand for legislation.

Stating that the ASI team had yet to produce anything that could even remotely be described as a proof of a temple predating the mosque, the CPI (ML) suggested that natural justice therefore demanded restoration of the mosque at the site of the demolished Babri masjid.

20 JUN 2003

7 copy
NO BARGAINING OVER 'HINDU INTERESTS: SINGHAL

Muslim Law Board has an 'open mind'

HO-1246
By J.P. Shukla 9. June 2003

LUCKNOW, JUNE 19. While the All-India Muslim Personal Law Board (AIMPLB) indicated today that it had an "open mind" on the negotiations with the Kanchi Sankaracharya, Sri Jayendra Saraswati, to resolve the Ayodhya dispute, the Vishwa Hindu Parishad seems all set to scuttle the negotiations. After meeting the Muslim religious leaders here earlier this month, the Sankaracharya is said to have assured them that he would come up with concrete proposals. The Muslim leaders had urged the Acharya to give his proposals in writing and they are still awaiting them.

Maulana Sajjad Nomani, AIMPLB member, told the media here today that while the Board had full faith in the judicial process and would accept the court verdict in the Ayodhya case, it also respected the sincere attempts by a person of the stature of the Sankaracharya. If a solution to the dispute could be found through dialogue, it would be welcomed by the Board, he said.

Describing Ayodhya as a very complicated issue, he said the Board favoured a continuation of the dialogue between the two communities in the interest of peace and amity. It had welcomed the Sankaracharya's efforts only to give dialogue a chance.

Asked if the Board was prepared to compromise the status of the mosque which, according to Islam, was a place of God and

could not be abandoned, the Maulana said Islam also disapproved of offering 'namaz' (prayers) at a disputed place. Islam was a religion of peace and did not support bloodshed. There were several different aspects of the issue and the Board was ready to consider everything in perspective.

The Vishwa Hindu Parishad International general secretary, Ashok Singhal, however, found no merit in the negotiations initiated by the Sankaracharya. He was uncharitable to the Kanchi Acharya as well as to the Prime Minister, Atal Behari Vajpayee, who is reported to have played his own role in the dialogue initiated by the Acharya.

Mr. Singhal today described the negotiations as "bargaining" over Hindu interests and indicated that he would oppose even the slightest concession that the Acharya might be prepared to concede to Muslims. He aggressively raised the issues of the Kashi Vishwanath temple at Varanasi and the Krishna Janmabhoomi at Mathura, reiterating that there could be no compromise on these two shrines. Hindu sants had reiterated this point so many times.

While rejecting the Acharya's efforts, Mr. Singhal pointed out that the Sunni Central Waqf Board, which alone was the party to the Ayodhya case, was observing "complete silence", adding that any effort to arrive at a compromise with the Muslim Personal Law Board was thus meaningless.

Mr. Singhal said the Acharya was well

aware of Hindu sentiments and would never make any commitment harming their interests.

Mr. Singhal warned the BJP that its "doublespeak" on Hindu interests would cost it heavily. To enjoy power in the company of the NDA, it had placed on the backburner its own agenda, including the Ram temple issue and a common civil code for all the citizens of the country. "The BJP would have to revert to its old agenda; otherwise it would invite its doom in elections."

Mr. Singhal said that some "secular newspapers" had claimed that the ASI excavations had revealed no trace of any ancient construction at the site where the Babri masjid came to be built later. This was "misleading and contrary to the facts". He charged that these newspapers were "on the payroll of Pakistan." Mr. Singhal said that out of the 72 trenches dug by the ASI, 10 were situated in a location which earlier formed the bed of the Ghaghra river. In these trenches nothing substantial had come out of the digging. But in the other trenches the bases of as many as 38 ancient pillars had been revealed.

Maulana Nomani, however, refused to react to Mr. Singhal's aggressive stand, saying that the VHP did not represent the entire Hindu community. "It is for Hindus at large to decide who really represents their interests," he added.

Seer's efforts run into problems: Page 11

THE HINDU

20 JUN 2003

3 copies
 J.P.P. - BJP
 RSS fully backs VHP
 on Ayodhya issue
 (2) J. P. Mishra
 @ Feb 17/03

By Neena Vyas HD-1

NEW DELHI, JUNE 17. The Rashtriya Swayamsewak Sangh (RSS) today made its position clear — no compromise on Ayodhya and no giving up the claims on the Kashi and Mathura mosques. It totally supported the view of the Vishwa Hindu Parishad (VHP), one of its many offsprings.

Ashok Singhal and Praveen Togadia, VHP leaders, met the RSS chief, K.S. Sudershan, today to explain their stand and complain that the BJP leaders in the Government were trying to sideline the VHP on the Ayodhya issue and work out a compromise formula behind its back.

After this meeting, the RSS spokesperson, Ram Madhav, confirmed that the mother organisation was supportive of the VHP point of view. There was no question of giving up the demand on Kashi and Mathura and it was not in favour of any Ayodhya arrangement without taking the VHP into confidence. The RSS also opposed opening up for regular 'namaaz' mosques protected by the Archaeological Survey of India.

At a press conference, the VHP leaders had openly expressed their disapproval of recent Government attempts to work out a solution to Ayodhya. They said the Government was "using the Kanchi Sankaracharya as a tool" and working out a bargain with select Muslim leaders.

The meeting between the

VHP leaders and Mr. Sudershan took place even as the BJP leadership, including the Prime Minister, Atal Behari Vajpayee, are closeted in a 'chintan baithak' near Mumbai. The Ayodhya issue is expected to figure there and various options looked at from the point of view of the 2004 Lok Sabha election.

Since the 'shila puja' and 'shila daan' fiasco in Ayodhya when the courts did not allow the VHP programme and the Government took firm action, the relations between the VHP leaders and the top brass of the BJP is less than cordial. The VHP leaders have several times publicly attacked the Prime Minister and the Deputy Prime

Minister, L.K. Advani.

If the BJP wants the VHP and some other RSS organisations to play a supportive role during the Assembly elections later this year and the Parliamentary elections next year, it will have to do something. "Coordination" with other RSS organisations is a major subject that is expected to be discussed in detail at the BJP's Mumbai conclave. The recent charges levelled by the VHP against the Government are sure to figure, for this kind of public exchange of words bordering on the abusive between "sister organisations" of the RSS can hardly help the BJP in the electoral battles that lie ahead.

Kanchi Acharya's new proposals

LUCKNOW, JUNE 17. In a fresh bid to resolve the Ayodhya tangle, the Kanchi Sankaracharya, Sri Jayendra Saraswati, has sent new proposals to the All-India Muslim Personal Law Board (AIMPLB).

"Though the Kanchi Acharya's formula has not yet reached us, we have been told by sources close to him that the formula is on its way," the AIMPLB vice-president and Shia cleric, Maulana Kalbe Sadiqu, told PTI here today.

He said the proposals had been sent by courier and were likely to reach them within a day or two.

The Shia leader said he had sought postponement of the meeting of the Babri panel scheduled to be held in New Delhi on June 21 to enable the Board members to go through the proposals.

Maulana Sadiqu claimed that the AIMPLB chairman and Islamic scholar, Maulana Rabe Hasan Nadvi, had agreed to postpone the meeting of the Babri panel.

Once received, the proposals would be referred to the Board's working committee for consideration and taking a suitable decision.

Mr. Nadvi had said recently that the board was open to any worthwhile proposal to resolve the dispute. — PTI

18 JUN 2003

No evidence of temple beneath the masjid site, say historians

10-11-13
6/6/13

By Our Special Correspondent

NEW DELHI, JUNE 17. Historians and archaeologists are of the view that the top leadership of the BJP is talking of a negotiated settlement and the VHP reiterating its demand for Central legislation to solve the Ayodhya dispute because the ongoing excavations at the site have not brought out evidence of a temple having existed under the Babri Masjid.

Briefing mediapersons under the banner of SAHMAT here today, they said that with the excavation bringing out evidence suggesting the existence of either a Muslim habitation or an ordinary medieval occupation prior to the construction of the Babri Masjid, the VHP and its supporters were "falling back on faith" and the BJP was speaking of a "compromise".

According to Prabhat Patnaik, a negotiated settlement would "allow room for arm-twisting" in a way that the weaker

party lost out in the end. Also, there was the question of who would enforce a negotiated settlement. While reiterating their faith in a court verdict being the only solution, the academics argued that a compromise had no meaning when the perpetrators of the demolition walk "not only free, but are in control of the state".

About the excavation, the eminent historian, Irfan Habib, said the "ASI had dug up and destroyed what the kar sevaks had not demolished, namely the floors and foundation walls of the masjid". Such treatment of monumental remains would be deemed totally unprofessional and impermissible in any archaeological operation elsewhere.

As for ASI seeking the High Court's permission to continue the excavation till this month end, the archaeologists said that it was done to dig two or three trenches in the so-called "sanctuary" where the idol of Ram Lalla is placed. Barring a small area

around the makeshift temple, the entire area of the masjid complex, including Ram Chabutra has been dug up to depths of several metres.

Of the view that the excavation should not have taken such a long time — given that a few trenches would have provided enough indication as to what lay beneath — Suraj Bhan, archaeologist, said the ASI was carrying on as if it was determined to find some clinching evidence to testify the presence of a temple under the masjid.

Citing the ASI's latest status report, the archaeologists said the presence of animal bones with cut marks and Muslim glazed ware negated the possibility of a temple having existed before the Babri Masjid was constructed. Add to this the absence of even a trace of anything that could indicate the structural remains of a temple. "The structural remains found in some trenches are all of construction associated with the mosque," they claimed.

Gujarat Christians resent minorities panel stand

Statesman News Service

GANDHINAGAR, June 16. — Christians in Gujarat are irked by the fact that the National Commission for Minorities chairman, Mr Tarlochan Singh, has accepted Mr Narendra Modi's categorical denial that no census is being carried out against Christians in the state. Mr Singh, who is touring Ahmedabad, has asked Christians to go by what the chief minister has told them. Christian leaders feel they

are now being targeted in a different way. Seemingly innocuous questions are asked by people who have no relevant authority to do so. Policemen, sometimes in plainclothes, enter institutions at midnight by jumping over the gates and ask questions about the institution's source of funds: "From which country are you getting the foreign contribution; what do you do with this foreign contribution; If you are not getting any foreign funds and getting money only from Gujarat, which part of the state is helping you?"

Christian leaders at an institution in Patan had to face such questions. So did Sister Vimala of Mount Carmel in Ahmedabad last week. The people who were asking the questions claimed to be from the Charity Commissioner's office.

Relevant authorities, Father Cedric Prakash of the Gujarat United Forum for Human Rights said, to make such queries would be I-T officials, the charity commissioner or the Registrar of Societies. The Union home ministry can question individuals and organisations on foreign funding. "Submitting ac-

counts to relevant authorities by Trusts and registered Societies is mandatory, and in case of dereliction, inquiries can be made by these authorities," Father Prakash said. But in Gujarat, inquiries were being made by local policemen and the government was trying to pass it as a "routine exercise". Father Prakash said: "The state government has a systematic way of intimidating and harassing minority institutions, which the NCM is not taking cognizance of, and this must stop forthwith."

In a letter to the NCM, the Forum has detailed the "const-

ant and consistent attacks on Christians and other minorities in the state since 1998". Details have furnished about the midnight visit by plainclothes policemen to a Christian ashram on 24 May. The letter also mentions minister of state for home Mr Amit Shah's statement made in February-March that a census/survey on the Christian community carried out to provide information to Mr Ram Vilas Paswan. Mr Paswan had later denied in Parliament that he had ever raised the issue.

The Forum has demanded that the state immediately im-

plement the recommendations made by the NCM on its visits to the state since 1998. It has asked for action to be taken against the policemen who went for questioning to ashram in Patan.

The Forum has asked for a written undertaking from the government that it will not undertake any survey/census on Christians or any other minority community. It has also protested against the "indiscriminate use of Pota" and against organisations which indulge in hate campaign against minorities.

Godhra hearing

VADODARA, June 16. — Taking exception to Justice Mr Nanavati's recent remarks that evidence so far did not show any lapse on the part of the Gujarat administration, three organisations have withdrawn from the hearing of the commission headed by him to probe the post-Godhra riots.

Activists of People's Union for Civil Liberty (PUCL), Vadodara, Shanti Abhiyan (VSA) and Medico Friends Circle (MFC) showed 'Go back Nanavati' placards to the commission members today, on the first day of the three-day hearing. — PTI

17 JUN 2003

THE STATESMAN

Ayodhya issue can be settled in two months: Kanchi Acharya

By Our Staff Reporter

KANCHEEPURAM, JUNE 13. The Ayodhya issue can be settled amicably in one or two months if the talks are held only among three parties — the Kanchi Sankaracharya, the Centre and the Muslim religious leaders — the Sankaracharya of Kanchi Mutt, Sri Jayendra Saraswati, said here today.

Talking to presspersons, the Kanchi Acharya reiterated that there should be no political interference on the sensitive issue and that confusion would prevail if anybody other than the three parties interfered. The Prime Minister, Atal Behari Vajpayee, speaks

on the Ayodhya issue on behalf of the Centre and not as a BJP leader, he said.

Asked about the statement by Swami Madhavanand Saraswati, founder of the Vishwa Kalyan Parishad, Allahabad, and Sayyed Mohammed Jilani Qattal, president of the World Sufi Council, at a joint press conference in New Delhi on Thursday, questioning his recent statement that a majority of Muslims were ready to give up the claim on the disputed site in Ayodhya, the Kanchi Acharya said that while Swami Saraswati was not an authentic person to speak on the issue, the Sufis did not have a major presence

in India.

He said the three Sankaracharyas of Puri, Sringeri and Dwaraka Mutts were silent on the Ayodhya issue and favoured an amicable settlement.

"My main ambition is that the nation should get all prosperity and communal harmony should be maintained. People are being confused on the Ayodhya issue.

"When the issue was about to be settled recently it was held up due to a minor 'hurdle' at the last minute. However, I am moving in the right direction and hope to solve the Ayodhya issue as early as possible."

Kanchi Acharya's claim questioned

By Our Special Correspondent

NEW DELHI, JUNE 12. The Vishwa Kalyan Parishad and the World Sufi Council today joined issue with the Sankaracharya of Kanchi Math, Sri Jayendra Saraswati, over his recent statement indicating that a majority of Muslims were ready to give up the claim on the disputed site in Ayodhya even as the Vishwa Hindu Parishad is now openly stating that "legislation" by Parliament was the only way to resolve the problem.

For the VHP, the issue has become all the more urgent with Ramchandra Paramhans, the over 90-year-old 'sant' who is a VHP camp follower and has been at the forefront of the demand for a Ram temple at the disputed site, suffering a major heart attack in Ayodhya early this morning. The VHP leader, Giriraj Kishore, said here that the Paramhans' only ambition in life was seeing a Ram temple constructed in Ayodhya during his lifetime.

Acharya Kishore also confirmed that the Paramhans' had, on June 3, met the Deputy Prime Minister, L.K. Advani, and had come back "dejected". "But that was 10 days ago," he said.

It is learnt from other sources that at the meeting the VHP leaders emphasised the need for early legislation to resolve the tangle, but that the BJP, which is leading the NDA Government, was unable to move any legislation as Ayodhya was not part of the NDA agenda. In fact, one plan, it seems, is to get a private member resolution moved in the monsoon session of Parliament indicating that the disputed site in Ayodhya should be given for the construction of the Ram temple and then see how the NDA partners and the Opposition react.

A section of the BJP feels that the Congress would then be forced to take a position on the

resolution and either way it could help the BJP electorally.

A positive response from the Congress would mean resolution of the issue which would help the BJP and a negative attitude would help the party to again portray the Congress as "anti-Hindu".

The other piece in the continuing story is that Swami Madhavanand Saraswati, founder of the Vishwa Kalyan Parishad, Allahabad, said here that for the first time a statement of a religious leader of the stature of the Kanchi Acharya had been contested by Muslim leaders who disputed his claim that many Muslims or a majority of them were willing to settle the Ayodhya dispute in favour of the VHP point of view.

"Either the Kanchi seer should prove that he has the word of Muslims over the Ayodhya dispute either on document or tape, otherwise he should step down," Swami Saraswati said here at a joint conference with Sufi Sayyed Mohammed Jilani Qattal, president of the World Sufi Council.

Swami Saraswati said that he was not against the Kanchi Acharya, but when the latter's statement itself had been disputed, the "high seat", which is held in esteem, had been tarnished.

He said the dispute could be resolved "within 90 minutes" provided the two parties who moved the court come together and agree to resolve the issue based on facts. "It is not the site that is disputed but the issue. If both parties sit together then there could be progress on how to go about the task," he said.

On the other hand, Mr. Qattal said Muslims were not against the construction of the temple. The community would abide by the court verdict. He said the Ayodhya issue gained momentum only when elections were round the corner and blamed the politicians for complicating the issue.

THE HINDU

12 JUN 2003

ASI fabricating evidence in Ayodhya, says Waqf Board

LUCKNOW, JUNE 10. The Sunni Central Waqf Board, a plaintiff in the Ramjanmabhoomi-Babri Masjid title suit, and some Muslim parties have accused the Archaeological Survey of India team carrying out excavation work at the acquired land in Ayodhya of "fabricating" archaeological evidence there.

In an application submitted to H.S. Dubey and M.A. Siddique, the two observers monitoring the excavation work, the SCWB and the Muslim parties disputed the ASI's progress report submitted to the special bench of the Allahabad High Court hearing the matter, counsel for the SCWB, Zafaryab Jilani, told PTI here today.

While the ASI report mentioned the existence of structural bases, which it said were very old, the Muslim parties claimed that these belonged to a much later period, Mr. Jilani said. The Muslim parties moved the application after their own team of archaeologists carefully went

through the excavation work being carried out by the ASI, he said.

The SCWB also objected to what it alleged was the selective collection of artefacts being found at the site, Mr. Jilani said. Artefacts such as moulded bricks, sculpted stone fragments and terracotta figurines were being collected while Islamic glazed pottery, glazed

tiles and animal bones were being thrown away, he alleged.

Mr. Jilani said the SCWB's team of archaeologists comprising Sheerin Ratnagar, Suraj Bhan, D. Mondal and Sita Ram Rai were in Ayodhya to examine archaeological evidence. The SCWB and the parties would approach the court if their application was not considered by the two observers.

Kanchi Acharya smiles away questions

JAIPUR, JUNE 10. A day after Muslim leaders denied they were talking to him on the Ayodhya issue, the Kanchi Sankaracharya, Jayendra Saraswati, today smiled away questions on his role in resolving the vexed Ayodhya dispute.

"Please say at least two words as a blessing," one reporter insisted. "Blessings, blessings and blessings," replied the seer. "Now I have said it thrice." Persistent questions by mediapersons merely drew a smile. Earlier, on Monday the Sankaracharya had counselled the media to work for a positive change in society. Stress was needed on moral and spiritual education to arrest the fall in standards of society, he said.— UNI

THE HINDU

11 JUN 2003

LEGISLATION ALONE CAN SOLVE DISPUTE: VHP

Muslim Law Board rejects Kanchi Acharya's claim

By Neena Vyas

NEW DELHI, JUNE 9. The Muslim Personal Law Board and other Muslim organisations today said that the statements of the Prime Minister, Atal Behari Vajpayee, and the Sankaracharya of Kanchi, Jayendra Saraswati, on the Ayodhya issue were an attempt to "run away from a judicial verdict" on the dispute and even Vishwa Hindu Parishad leaders speaking from Ayodhya rejected the possibility of a negotiated settlement saying that only a law enacted by Parliament (in favour of handing over the disputed land to Hindus for building a Ram temple) could solve the problem.

As for the Bharatiya Janata Party, which welcomed Mr. Vaj-

payee's statement that no one should try to politicise the matter, it claimed that it had "never" made political capital of the issue.

S.Q.R. Ilyas, chairman of the Muslim Personal Law Board, said from Hyderabad over telephone that the Kanchi seer should spell out who he was talking to. "His reported claim that 90 per cent of Muslims were in favour of a temple of the disputed site on which the Babri Masjid stood was completely baseless. I can say that no talks are being held between him and the Law Board, the Milli Council, the Jamait-e-Islami or the Jamaat Ulema or any other known and accepted Muslim organisation." The secretary-general of the Board, Maulana Nizamud-

din, said from Patna that no proposal was before the Board and therefore there was no question of accepting it or rejecting it. Both felt that the attempt was to run away from the judicial verdict which could come soon.

Dr. Ilyas also said that even at this stage if Mr. Vajpayee was interested in a negotiated settlement then the Government should spell out its proposal and involve itself directly in talks. As for court proceedings, he asserted that if it was conclusively proved that the Babri Masjid was built in the 16th century immediately after destroying a temple which stood there at the time, Muslims would not push their claim.

Several other Muslim leaders, including Syed Shahabuddin,

joined issue and virtually took the Prime Minister and the Kanchi seer to task — "negotiations conducted in dark rooms with unknown faces signed by unknown men cannot be a solution", Syed Shahabuddin said. "The court was hearing the matter, the court was also monitoring archaeological evidence and the court alone was competent to decide".

The BJP tied itself in knots when agreeing with the Prime Minister that the issue should not be politicised.

The party spokesperson Mukhtar Abbas Naqvi, claimed that even in 1989 when the Ram temple issue became part of the BJP's political resolution in Palampur, "we had not politicised it". Nor had this been done when L.K. Advani's 'rath yatra' took up the Ayodhya issue and the BJP's lotus symbol decorated his chariot. "We took it up as an issue of cultural nationalism," Mr. Naqvi said.

Not even the VHP leaders were impressed by the Prime Minister or the Kanchi seer's latest efforts at negotiating a deal on Ayodhya.

They had earlier directly charged that but for the politicisation of the issue by the BJP, the Ayodhya problem could have been and would have been resolved.

Today, the VHP leader, Ashok Singhal, said in Ayodhya that the time for a "negotiated settlement" of the dispute was over. It can only be settled by legislating in Parliament, that is, Parliament should hand over the disputed site to the VHP for building a Ram temple.

Let the courts decide, says
Congress: Page 11

SC rejects plea against excavation

By J. Venkatesan

NEW DELHI, JUNE 9. The Supreme Court today rejected a petition challenging the March 5 order of the Lucknow Bench of the Allahabad High Court directing the Archaeological Survey of India (ASI) to excavate the area of the "disputed site" in Ayodhya without affecting worship to determine whether a temple existed before mosque was built.

A vacation Bench, comprising Justice R.C. Lahoti and Justice Brijesh Kumar, dismissed the plea of Naved Yar Khan seeking permission to file the special leave petition. The Bench, however, said the petitioner could approach the High Court.

The petitioner submitted that the order for excavation would prove to be a bad precedent as now anybody could demand the excavation of any religious site on the pretext that another religious structure existed before the present one.

He said the excavation order violated the 1994 order of the apex court directing the maintenance of the status quo at the disputed site till the High Court decided the issues in the title suits.

On March 31, the Supreme Court dismissed a writ petition filed by Mr. Khan as he failed to cure the defect pointed out by the Registry, viz., only a special leave petition could be filed against a High Court order and not a writ petition. On March 25, he was granted a week's time to cure the defect and file a fresh petition but he did not do so.

Mr. Khan contended that the High Court order had resulted in a situation wherein one community was allowed to continue its worship and the other was made to suffer the damage caused by the Babri Masjid demolition of December 6, 1992, which affected the community's 400 years of religious faith.

MUSLIM RELIGIOUS LEADERS READY FOR DEAL: KANCHI ACHARYA

Keep off Ayodhya issue, PM tells political parties

By J. Venkatesan

NEW DELHI, JUNE 8. The Prime Minister, Atal Behari Vajpayee, today maintained that the contentious Ayodhya issue could be resolved only when "it is freed from politics and when political parties stop looking at it from the point of view of who gains and who loses".

Speaking at the 50th 'peetharohanam' (golden jubilee of the ascension of the Acharya) function of the Sankaracharya of Kanchi, Jayendra Saraswati, the Prime Minister stressed the need for an amicable and mutually accepted settlement between Hindus and Muslims on the Ayodhya issue.

But "it seems difficult that such fruitful talks can take place between political parties and their leaders", he said adding that the issue could be resolved only if it was freed from politics.

"We have been saying right from the beginning that the solution to this problem lies either in dialogue to a mutually acceptable agreement or in a verdict of the judiciary. However, these two options are not mutually exclusive. They can be made complementary."

Mr. Vajpayee said the matter was now before the judiciary and "all of us expect that the judiciary gives its verdict soon."

At the same time, it is necessary that representatives of Hindus and Muslims begin to talk to each other to find an amicable and mutually acceptable solution.

"These talks should be focused both on Ayodhya as well as on such other matters that will promote goodwill and harmony between the two communities. The more we create goodwill and mutual trust the easier it becomes to solve this contentious issue."

He said India's prestige was growing around the world and "we have taken India into what can be called a problem-solving phase". "We have been trying to improve our relationship with our neighbours. We have taken



The Prime Minister, Atal Behari Vajpayee, with the Kanchi Sankaracharya, Jayendra Saraswati, during the golden jubilee celebrations of the latter's 'peetharohana' in New Delhi on Sunday. — Photo: V.Sudershan

steps to establish peace and normality in Jammu and Kashmir and to promote all-round development in the State. We are already seeing some positive outcome of these efforts".

The efforts to resolve the Ayodhya issue were a link in the same chain and "we wish to see an early resolution of this vexed problem. For how many more years can we afford to see it lingering?" he asked.

In this context, Mr. Vajpayee lauded the efforts of the Acharya in not only trying to resolve the issue but also in promoting developmental activities in Ayodhya.

He said the Acharya made a sincere effort in solving the Ayodhya problem last year.

"It is true that he faced some difficulties and roadblocks. But he did not lose faith in his effort. He has been meeting Muslim leaders wherever he goes. He

has earned the respect and trust of people belonging to other religions."

Pointing out that there was a masjid beside the Kanchi Math, Mr. Vajpayee said both puja and namaz take place at the same time and this had been going on several centuries. "The Kanchi Math practices secularism in its true sense of the term."

In his address, the Acharya reiterated that the Ayodhya issue could be amicably resolved through peaceful negotiations between Hindus and Muslims.

Sri Sankara Vijayendra Saraswati, the 70th Acharya, offered his obeisance to his guru.

The former President, R. Venkataraman, said Sri Jayendra Saraswati was the 69th Acharya and ever since he ascended the 'peeta' in 1953, he had been championing the cause of the poor and was doing yeoman service in educational and reli-

gious activities besides running several hospitals in various parts of the country.

Those who attended the function included the Congress president, Sonia Gandhi, the Union Ministers, Jaswant Singh and Murlidhar Manohar Joshi, the former Prime Minister, P.V. Narasimha Rao, the Chief Minister of Delhi, Sheila Dixit, the former Governor of Maharashtra and MP, P.C. Alexander, Sri Dayananda Saraswati and the former Chief Justice of India and MP, Ranganath Mishra.

PTI, UNI report:

Speaking to presspersons, the Kanchi Acharya said religious leaders and the Government alone should be involved in the resolution of the issue.

"There could be a honourable agreement between the leaders of the two faiths and a Ram temple could come up."

The Acharya, now holding informal discussions with Muslim religious leaders, said the latter were prepared to hand over the land required for the construction of the temple if the deal was restricted between religious leaders.

"Hindus want the land based on faith but the Muslim Waqf Boards hold part-title of the land and, in return, the Islamic religious leaders want a commitment from Hindus that the issues of Kashi and Mathura should not be raked up and rendering of namaz be permitted in over 100 mosques that have been brought under the control of the Archaeological Survey of India."

As the Centre had permitted the conduct of pujas in temples controlled by the ASI, there should be no problem in extending the same facility to mosques.

He said religious leaders from both sides would issue a joint appeal shortly urging politicians to keep off the Ayodhya tangle to facilitate an early resolution to the dispute.

The Acharya said he had issued an appeal "but the Muslim religious leaders are yet to make up their mind on the issue".

THE HINDU

- 9 JUN

'VIPs pulled strings & got away in Babari case'

Karsevaks blame it on Advani

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PTI AND SNS

LUCKNOW/DELHI, June 7. — In a new twist to the Babari Masjid demolition case that had the Congress and BJP at each other's throats today, five accused karsevaks alleged they had pulled down the disputed structure at Ayodhya at the instigation of Mr LK Advani and other senior BJP leaders, a charge denied by the lawyer of the Deputy Prime Minister. The accused — Vinod Vatsa, Santosh, RC Khatri, Amar Nath Goyal and RN Das — made the allegation while speaking to reporters outside the special CBI court hearing the case in Lucknow.

The accused alleged that the VIP accused had got their case separated by "exerting influence" and demanded that all accused be treated at par as far as the trial was concerned. One of the accused, RN Das, was the priest of the sanctum-sanctorum of the temple inside the Babari Masjid where offerings and prayers continued for years following opening of the locks on court order. All five expressed resentment at being "discriminated against".

Denying the charge, the Deputy Prime Minister's lawyer, Mr Satyapal Jain, said in Chandigarh: "There is no evidence against Mr Advani and the allegation seems to be tutored... there seems to be some mischief... there is no evidence and the credentials of these people are yet to be established."

Mr Jain, who represents Mr Advani at the Liberhan Commission, asked why it took the accused 12 years to come out with what they had said today. "It is on record that both Mr Advani

and Mr Joshi had appealed to the karsevaks to come down from the structure and not vandalise it," he said.

The Congress, however, was having none of it. Party spokesman, Mr Anand Sharma said: "What the karsevaks have said has confirmed what we have been saying about the role of Mr Advani, Dr Murli Manohar Joshi and Miss Uma Bharati and others in the demolition of the masjid. Mr Advani and Dr Joshi

must leave the Union Cabinet... their continuation is nothing but a mockery of law."

Demanding a clarification from the Prime Minister on the issue, Mr Sharma said it would be a mockery of democracy if the Union home minister, prosecuted for an alleged criminal act, should continue in government.

"It would be better if they resign on their own subscribing to moral standards in public life, or the Prime

Minister should call for their resignation to uphold the prestige of the government," he said, adding they demonstrated "hypocrisy and dishonesty" by denying their involvement in the demolition.

The BJP rubbished Congress suggestions that Mr Advani should resign because of the karsevaks' statement. But it refused to react to the statement itself. The BJP spokesperson, Mr Mukhtar Abbas Naqvi, said that "such irresponsible statements" should not be given much credence.

The court was seized of the issue and there was no need for comment on something said outside it, he added.

■ Other reports on page 10



Mr LK Advani

Advani, others instigated mosque demolition, say accused

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LUCKNOW, JUNE 7. In a new twist, five accused in the Babri Masjid demolition case today alleged that they had pulled down the disputed structure at Ayodhya at the instigation of L.K. Advani and other senior BJP leaders, a charge denied by Mr. Advani's lawyer.

The five — Vinod Vatsa, Santosh, R.C. Khatri, Amar Nath Goyal and R.N. Das — made the

allegation while speaking to reporters outside the special CBI court hearing the case here. They alleged that the VIP accused had got their case separated by "exerting influence" and demanded that all accused be treated on a par as far as the trial was concerned.

In Chandigarh, Mr. Advani's lawyer, Satyapal Jain, denied the charge saying "there is no

evidence against Mr. Advani and the allegation seems to be tutored against him". "I think there seems to be some mischief somewhere. Otherwise there is no evidence and the credentials of these people who are now saying this are yet to be established," he said.

One of the accused, R.N. Das, was the priest of the sanctum sanctorum of the temple inside

the then Babri Masjid where offerings and prayers continued for years after the locks were opened on a court order.

The five accused expressed resentment at "being discriminated against those enjoying power" and on "whose instigation" they demolished the disputed structure on December 6, 1992.

Charges baseless: BJP

Meanwhile, the BJP has dismissed as "baseless" the allegation levelled by the five accused that the structure had been pulled down at the instigation of Mr. Advani and other senior BJP leaders, and warned the Congress against making an issue of it. "The allegation is baseless. (The) Congress should not have lost its marbles by asking for Mr. Advani's resignation. We too can file a sample level baseless charge against the Congress and then demand his resignation," the BJP general secretary, Mukhtar Abbas Naqvi, said from Rampur. — PTI

Cong., CPI want Ministers to quit

By Our Special Correspondent

NEW DELHI, JUNE 7. The Congress and the CPI today demanded the resignation of the Deputy Prime Minister, L.K. Advani, and the Union Minister for Human Resource Development, Murlidhar Manohar Joshi, following reports of five kar sevaks stating that the duo along with the former Union Minister, Uma Bharti, had "instigated them to demolish the Babri Masjid".

In separate statements, these parties said the Prime Minister, Atal Behari Vajpayee, ought to call for the resignation of his two Cabinet colleagues to uphold the principles of parliamentary

democracy and the rule of law.

Given that the Central Bureau of Investigation had just last week filed supplementary chargesheets against the two Ministers along with six others, the Congress spokesman, Anand Sharma, and D. Raja of the Communist Party of India asserted that both could not remain as Ministers anymore.

Of the view that the statement of the kar sevaks confirmed what had been known all along, Mr. Sharma said their inclusion in the Union Cabinet in the first place was a "mockery of the rule of law" and also amounted to an "insult to India's constitutional democracy".

NAIDU ORDERS JUDICIAL PROBE

Arson, violence continue in Hyderabad

By Our Staff Reporter

HYDERABAD, JUNE 6. The Andhra Pradesh Chief Minister, N. Chandrababu Naidu, today announced a judicial inquiry into Thursday's communal violence here even as some localities in the old city area witnessed a few incidents of arson and stone-pelting.

At several places in the Goshamahal and Habeebnagar areas mobs resorted to heavy stone-pelting and set ablaze at least 20 vehicles as the funeral procession of the person killed in Thursday's clashes in Mallepally took a violent turn. Trouble also broke out at Charminar as irate crowds rushed out of the Mecca Masjid immediately after the noon prayers, injured three policemen by hurling stones, set afire a wine shop and a couple of vehicles.

(Early on Thursday a trivial incident in a hotel led to the violence and arson. Trouble began after the owner of a hotel at the Noble theatre cross-roads in the Mallepally locality refused to accept a soiled currency note from a youth. As the argument intensified, the hotel staff intervened and one of them allegedly stabbed the youth, said to be from the Afzalsagar locality, in his wrist. He was immediately shifted to hospital. The youth's relatives later lodged a complaint with the police.)

Following a visit by the Chief Minister on Friday, top police officials patrolled the strife-torn areas, rushed in additional forces and brought the situation quickly under control.

Mr. Naidu condemned the attacks on people and their properties engineered by "anti-social elements to terrorise people by meaningless violence". Significantly, he admitted that police could not assess the situation although adequate security arrangements were made.

After visiting the victim's house at the Noble theatre junction, Mr. Naidu said the judicial inquiry would help identify the culprits. He said Section 144 had been clamped in the Goshama-

phal and Asifnagar divisions. The residents of Mallepally held a particular community responsible for the victim's death and urged Mr. Naidu to shift members of that community to a separate place. They also demanded that the Habeebnagar Inspector be suspended alleging that his "indifferent" attitude had resulted in the spread of violence. Mr. Naidu later went around the SBI branch of Agapura at Charkandil where 12 two-wheelers were torched and a couple of vehicles totally damaged.

Despite heavy police deployment in Habeebnagar and Asifnagar, the funeral procession of the victim was marked by heavy stone-pelting at several places. Houses of opponents were targeted all along the route from the Noble theatre junction to the Hazratshah Dargah. Mobs went on the rampage at Afzalsagar, Habeebnagar nala, Komatikunta compound, Agapura and Shantinagar.

Residents of Shantinagar alleged that while 12 vehicles were set ablaze around 1.30 p.m., the fire-tender came to the spot much later. They charged that police were found nowhere near the SBI branch when the mobs went berserk.

The situation worsened after the victim's body was buried at a dargah near Bhoiguda Kaman. A group of youth suddenly came out hurling stones at policemen around 3 p.m. For the next one hour, a see-saw battle ensued between the stone-pelting agitators and the lathi-wielding policemen along the Bhoiguda-Agapura-Mallepally Bade Masjid route.

At the Mallepally Bade Masjid, the Majlis-e-Ittehadul Muslimeen MLAs, Asaduddin Owaisi and Mumtaj Khan, picked up an argument with the Central Zone DCP, C.V. Anand, who refused to set free three youngsters allegedly caught while hurling stones at police. While Mr. Anand stuck to his stand and left the place, the two MLAs managed to convince other police officials and secured the release of the youth.

Thirty persons were taken into custody.

Minority courses

Dissenting note on madrasa meet misplaced

West Bengal minority affairs minister, Mohammad Selim's outburst against the National Commission for Minorities which convened a meeting of heads of madrasa boards in Delhi must be seen in the context of the Left Front's effort to keep this section of minorities on their side. The meeting is scheduled to discuss the syllabi followed in madrasas and, hopefully, come up with suggestions on upgrading these courses. On the face of it, there seems to be no reason to impute motives or to believe the commission is acting on behalf of anyone.

Yet West Bengal has been the first to record a dissenting note. This section of minorities constitutes over 20 per cent of the electorate and the last thing the Marxists want at this stage — when they have to cope with other serious problems within the party — is to disturb a reliable vote-bank. The minister's reaction is a natural follow-up of the CPI-M's assurance to madrasa heads that they need not take the chief minister's remark in Siliguri that these institutions are hotbeds of extremist activity very seriously. Even before Buddhadeb Bhattacharjee could return to Kolkata, the party had swung into action to kill any kind of resentment that might have arisen.

The basic truth remains unaltered: that madrasas do not produce students who are qualified to join the social mainstream. This is mainly because the courses are limited to knowledge imparted by religious leaders quite against the prescribed norm that the syllabus should be broad-based. If the National Commission for Minorities makes an effort to work in a positive direction, there is no reason for the likes of Mohammad Selim to rise in revolt against the move, leading possibly to a boycott by the president of the West Bengal Board of Madrasa Education. The minister is naive in suggesting that the meeting should include the syllabi of all minority institutions.

He is more naive in suggesting that the commission seize upon a remark by the President to mean that it must concentrate on the educational status of women. Selim, like his fellow Marxists, has mastered the art of diverting attention when he finds himself in an embarrassing situation. He justifies his position as leader of the minority group to which he belongs but does a disservice to the future of thousands of children who deserve a better deal. Naturally the chief minister will not venture into sensitive territory again. But the party can take a lead in convincing madrasa leaders that discussing the syllabi at the national level could throw up ideas worth considering in their own interest.

Bhojshala issue should be settled through talks: Bharti

Dhar (Madhya Pradesh): The Bhojshala issue should be settled on the lines of Somnath temple through talks and chief minister Divijay Singh should take the initiative to find a solution, BJP leader Uma Bharti said on Tuesday.

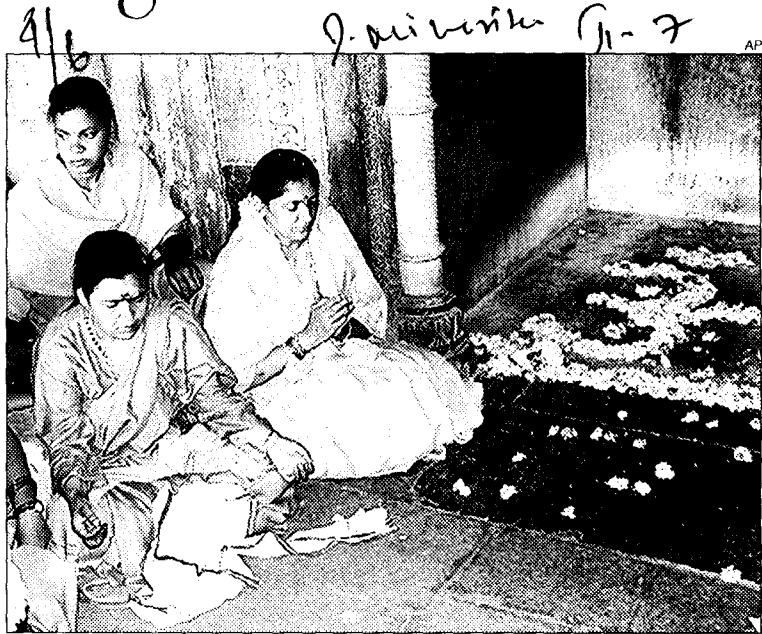
Accusing the Congress Party, particularly Mr Singh, of making Bhojshala a dispute, Ms Bharti told journalists here after visiting the temple that there was proof that no mosque existed in Bhojshala.

Ms Bharti and Union minister of state for parliamentary affairs Bhavnaben Chikhalia on Tuesday offered prayers at the Bhojshala in the presence of a large number of people. They spent nearly an hour in the premises, which has been thrown open for Hindu devotees on Tuesdays by a recent order of the Archaeological Survey of India. Muslims are allowed 'namaz' on Fridays.

She also alleged that the Congress had hatched a conspiracy to turn all the monuments of national importance into disputed issues, saying, "Bhojshala is also a victim of that conspiracy."

To a question whether Bhojshala would be a poll issue, she replied in the negative and said the BJP's poll plank would be the development of MP. "All sides should settle the matter through talks and Mr Singh as the CM should take the initiative," she said.

Asserting that there should be no politicking on the Bhojshala issue, she blamed the Congress for trying to reap political benefits out of it.



Union minister of state for culture and tourism Bhavnaben Chikhalia (right) and Bharatiya Janata Party leader Uma Bharti offer prayers at Bhojshala in Dhar, Madhya Pradesh, on Tuesday.

"The matter should not be allowed to blow into a major problem like Ayodhya. The Congress should desist from such a game plan. A very good solution is possible as there has never been a dispute on the issue," the BJP leader said, adding that her party would not use the issue as its poll plank as "it is a matter concerning Hindu sentiments".

Asked whether the Centre would take any initiative in resolving the issue, Ms Bharti said the NDA government had already taken steps towards that end.

Earlier, Ms Chikhalia, while claiming that the Digvijay government was trying to reap political capital on the issue, said 'some lacunae' existed in the system that was now in operation at the Bhojshala complex which had to be corrected.

She also claimed that no mosque existed at the site and said the Mughal rulers had destroyed several temples in different parts of the country and "this is one of them".

"Our duty is to open it for prayers in keeping with the sentiments of the people," she added. PTI

Another survey?

Gujarat government denies survey of Christians.

The Gujarat government is in the news for the same old thing — harassment of minorities. Narendra Modi seems to have a single point program — minority-bashing, and all government policies are geared to that end. Christians in Patan district have again started receiving midnight knocks on the door. Police officers come calling to ask Christian missionaries about their religion, background, funding etc. When asked to produce a written order, they can't because they are 'verbal'. Even nuns are harassed by policemen, a policewoman is nowhere in sight. This is not the first time that these tactics have been tried. In March a similar survey was conducted in Ahmedabad and surrounding districts. The police were instructed by government to carry out a 'discreet' survey of Christians, their family size; when they converted; if any conversions had taken place since 1998; reports of intercaste marriages; where the NGOs get their funding from and how they spent it, were some of the questions asked. First the Director General of Police denied that the survey was being done. After being caught out by the press, the state home minister accepted that it was an open exercise to provide information to answer a question raised in Parliament. When in fact the Gujarat government was preparing the ground to bring in an Anti-Conversion Bill.

In 1998 after the attacks on Christians in the Dangs, state intelligence ordered a similar survey for both Muslim and Christian communities. But it was abandoned after a petition in the Gujarat High Court. During the anti-Muslim state sponsored pogrom in Feb-March last year, Muslims homes and business were targeted thanks to a survey carried out by city corporations earlier under the guise of census collection. BJP/VHP leaders were seen carrying around corporation records as they incited mobs to burn Muslims shops and businesses. Hence it is only natural that the Christian community is frightened when the same government carries out a survey on them. The situation is worse now as government are now armed with the Anti-Conversion law. The current survey is in the expectation that they can rope in some missionaries in the 'crime' of carrying out 'forced conversions'. Modi has always been adept at using the law against minorities. For the Muslims there is Pota, and for the Christians there is the Anti-Conversion law. Government has invoked Pota against those accused of masterminding the Godhra train massacre — all Muslims. But it has not done the same thing to any of the VHP, Bajrang.Dal workers named for perpetrating the subsequent rapes and killings. In fact most of these alleged criminals are roaming free. The law is mandated to be the same for all and applied equally. Or has the law become another tool for holding on to political power?

CBI chargesheet against Advani

By Our Special Correspondent

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NEW DELHI, MAY 31. The decade-old Ayodhya case appears set to gather some momentum with the Central Bureau of Investigation filing a supplementary chargesheet in a Special Court in Uttar Pradesh today against the Deputy Prime Minister, L.K. Advani, and seven others.

Along with Mr. Advani, the Human Resource Development Minister, Murli Manohar Joshi, the Vishwa Hindu Parishad leader, Ashok Singhal, and five others have also been named as accused in the chargesheet filed in a Rae Bareilly court.

The former Union Minister and BJP leader, Uma Bharti, and the firebrand VHP activist, Sadhvi Rithambhara, also figure in the chargesheet, filed about six months after the Supreme Court had upheld the U.P. Government's notification of setting up the Special Court at Rae Bareilly for conducting trial of the "Ayodhya Babri Masjid Demolition" case.

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The court has exempted the accused persons from personal appearance today and posted the matter for hearing to June 13. The CBI has been asked to

produce the report of the Crime Branch CID, which had initially probed the demolition case as also its news clippings, videography and photographs.

If matters proceed smoothly, the Special Court will take cognisance of the chargesheet and signal the beginning of the long-pending trial.

Legal experts feel that impediments and challenges could lie in store for the much-publicised case on some ground or the other as its past record since 1993 has shown.

Mr. Advani, Dr. Joshi and the five other accused face charges of inciting communal feelings resulting in the demolition of a religious place.

The Special Court had framed charges against 47 persons in the first case and Mr. Advani and seven others in the second case.

But on revision, the High Court had in February 2001 quashed the charges against Mr. Advani and others on the technical ground.

Not afraid: Uma Bharti

BHOPAL, MAY 31. The Madhya Pradesh BJP chief, Uma Bharti, said today that she would not try to escape conviction if she was found guilty.

"I would accept whatever punishment the court awards me," she said here. "I've been involved in the Ram temple movement from the very beginning," Ms. Bharti said adding that though she did not bring down the structure herself, she was present in Ayodhya on December 6, 1992. — PTI

VHP rejects BJP chief's suggestion on mosque

By Our Special Correspondent

NEW DELHI, MAY 29. The Vishwa Hindu Parishad is not at all pleased with the assertion of the Bharatiya Janata Party president, Venkaiah Naidu, in Rampur on Wednesday that his party would be prepared to allow a mosque to come up next to a Ram temple at the disputed site in Ayodhya for a peaceful resolution of the issue.

And it is even less happy with what it described as the effort towards achieving peace with Pakistan "at any cost" even when insurgency continued and innocent people lost their lives daily.

The VHP has long held the view that no mosque can be allowed within a circumference of "panch kos" around the temple complex.

Reacting angrily to Mr. Naidu's statement, the VHP senior leader, Giriraj Kishore, said today that all the "sants" associated with the Ayodhya movement had made it clear that they were not in favour of any mosque coming up within the "panch kosi parikrama" of the temple.

"We do not want any mosque up to 7 or 8 km from the temple," Acharya Kishore said.

This was also necessary to prevent frequent and repeated clashes between those coming to offer prayers at the temple and those offering 'namaz' at

the mosque, he added. "A temple and mosque side-by-side would be an invitation to trouble and repeated 'jhagra' (dispute) between the two communities."

The VHP leader hinted that the BJP had made the statement out of the compulsion of electoral politics "to appease" the Muslims of Rampur and that Mr. Naidu was carried away by the presence of Muslims at the Rampur rally although the BJP knew that it would not get their votes.

Anyhow, the VHP and the 'sants' involved in the Ayodhya issue would never agree to such a proposal.

Acharya Kishore was equally contemptuous of the peace moves of the Vajpayee Government.

"Yeh desh ka apmaan hai (this is an insult to the country)" that militants continued to kill innocent Indians and the leaders talk of peace.

This kind of peace will not be tolerated by anyone here, he added.

'I was misunderstood'

By Our Staff Reporter

HYDERABAD, MAY 29. The BJP president, M. Venkaiah Naidu, today denied that he had suggested that a mosque be constructed beside the Ram temple at the disputed site in Ayodhya.

Speaking to *The Hindu* on the sidelines of the meeting of the BJP State presidents and secretaries held here today, Mr. Naidu said he had only suggested that one probable solution was for a mosque to be built in some nearby area which had a Muslim population.

Only the Ram temple, which he termed as "historically important", should be constructed at the disputed site and "not any mosque".

Building a mosque near the proposed temple was "no solution," Mr. Naidu said and added that in any case "there were no Muslims in Ayodhya who would pray in such a mosque".

On being asked about his widely reported comments in the media about building a mosque next to the proposed temple, Mr. Naidu replied "I spoke in Hindi and perhaps, the reporters misunderstood what I was implying".

THE HINDU

30 MAY 2003

After the minority rights verdict

W 10-10-2005 By Amrik Singh

IT IS somewhat odd that the Supreme Court decision on the minority education rights, given on October 31, 2002, has been discussed mainly in relation to issues which interest only a few. No one has stopped to do an overview of what this judgment has accomplished and what the shape of things is going to be.

Since the issues raised were of fundamental and statutory importance, an unprecedented 11-judge Bench was constituted to discuss the validity or otherwise of Article 29 (protection of interests of minorities) and Article 30 (right of minorities to establish and administer educational institutions) of the Constitution. Owing to the changing temper of politics in the country, these two Articles have come under persistent attack. A committee to Review the Working of the Indian Constitution had been set up under the Chairmanship of a former Chief Justice of India, among other things to re-examine the two particular Articles, which had become a subject of controversy, and their relevance in the current situation.

In the course of arguments in the court, the Solicitor-General adopted an approach with which the Attorney-General apparently did not identify himself. At its request, the latter was asked to assist the Court and he put forward a different point of view. In the ultimate outcome, it was his point of view which was accepted by the Court. The judgment too is interesting insofar as there are three sets of judgments. The first one is by a majority of six, which was led by Chief Justice B. N. Kirpal along with a separate, concurring judgment by Justice V. N. Khare who is currently the Chief Justice. There are two other minority judgments however. One of them takes a line of approach which is even ahead of the majority in its emphasis on the rights of the minorities and the other takes a somewhat different line of approach.

For all practical purposes, the Supreme Court has upheld the validity of these two Articles of the Constitution though there are some who argue that the majority judgment could

have been more specific with regard to some of the minority rights. This implies that in the years to come, some of these issues might be agitated again before the Supreme Court.

It would not be misleading to say that this part of the judgment has been accepted by most people as consistent with what has been happening so far. Even though a Bench of 11 judges — the largest in the history of the Supreme Court so far —

was not possible to do without them because the Government is in no position to meet the demand. Therefore, it concluded by saying, "private educational institutions — including minority educational institutions — too have a role to play".

Before coming to this somewhat radical conclusion, the Court accepted the contention of the private institutions that "it has been submitted

Court which went on modifying its decisions as the situation demanded.

Two things emerge clearly from the details of the argument as given in the course of the judgment. The first one is that had the Ministry of HRD and/or any one of the professional councils such as the UGC, the AICTE or the Medical Council presented their point of view in detail to the Supreme Court when the Unnikrishnan judgment was yet to be given, some of the mistakes could have been avoided. It was their failure to present the professional point of view which led to a situation where the judges were left with no choice but to act upon whatever arguments were presented to them from time to time. The Court had no choice in the matter. It was the failure of the Ministry concerned and the professional councils to present their point of view which created a situation from which the Court wriggled out bit by bit, till in the 2002 judgment, it virtually abandoned its earlier decision of 1991.

There are problems of adjustment between the private institutions and the State Governments today. In Karnataka, the controversy continues unabated. Maharashtra has, however, done something which deserves to be noticed and treated as a precedent. On the lines of the Telecom Regulatory Authority of India, it has set up a body which will go into the issues which are under dispute between the private institutions and the State Government. This particular development shows the way things should be taken care of in the interests of fairness as well as high academic standards.

Secondly, in the last few weeks, I had occasion to ask people connected with education if they had read the text of the judgment. More than half of them were serving Vice Chancellors. At least two out of them hold office in a teachers' organisation. Not even one of them had read it. In this situation, it would be unfair to blame only the Ministry of HRD or the professional councils for having defaulted on an important dimension of their responsibility. The rot is much deeper, if one may venture to say.

There are problems of adjustment between the private educational institutions and the State Governments concerned.

applied their minds to the issues involved, the outcome was to virtually reiterate what had been the majority view of the Court all along.

It was something else, however, which captured the attention of the public and the educationists much more than this part of the decision. After having given the background of the case and its history, the majority judgment posed one question sharply: Does the Unnikrishnan case require reconsideration? The answer, as given, needs to be reproduced here:

"In view of the discussion hereinabove, we hold that the decision in Unnikrishnan's case, insofar as it framed the scheme relating to the grant of admission and the fixing of the fee, was not correct, and to that extent, the said decision and the consequent directions given to UGC, AICTE, Medical Council of India, Central and State Governments, etc., are overruled."

Before arriving at this conclusion, the Court went into considerable depth in regard to the various issues connected with the establishment and variety of professional colleges, their fees and the system in terms of which they admit students etc. That part of the discussion is enlightening as well as instructive. Quoting from the judgment given in 1991, the Court conceded that private educational institutions had become a ne-

cessity in the present day context. It was not possible to do without them because the Government is in no position to meet the demand. Therefore, it concluded by saying, "private educational institutions — including minority educational institutions — too have a role to play".

Before coming to this somewhat radical conclusion, the Court accepted the contention of the private institutions that "it has been submitted by the learned counsel for the parties that the implementation of the scheme by the States, which have amended their rules and regulations, has shown a number of anomalies. As already noticed, 50 per cent of the seats are to be given on the basis of merit determined after the conduct of a common entrance test, the rate of fee being minimal. The 'payment seats', which represent the balance number, therefore, cross-subsidise the "free seats". The experience of the educational institutions has been that students who come from private schools, and who belong to more affluent families, are able to secure higher positions in the merit list of the common entrance test, and are thus able to seek admission to the "free seats". Paradoxically, it is the students who come from less affluent families, who are normally able to secure, on the basis of the merit list prepared after the common entrance test, only "payment seats".

This is strongly put, even more strongly than what several people had said in criticism of the 1991 judgment. It is refreshing to find therefore that the Court did not find it difficult to reverse its earlier stand. For a whole decade, the decision given by the Supreme Court in the Unnikrishnan case had created all kinds of problems. In order to seek relief from some of them, many persons and groups had represented to the

BJP CHIEF PLAYS TO THE GALLERY: VHP

Naidu retracts

statement

on mosque

Statesman News Service

HYDERABAD/NEW DELHI, May 29. — Mr M Venkaiah Naidu today retracted his statement that a mosque could be built next to the proposed Ram Temple at the disputed site in Ayodhya, hours after the VHP criticised him for “playing to the gallery” on the matter.

The BJP chief said: “I never meant that. Ayodhya is the birthplace of Lord Ram. There can be no change in that. A grand temple should be constructed there... The mosque can be constructed in a Muslim-dominated area.” He was addressing a two-day meeting of the party’s state presidents.

The VHP ruled out the construction of the “Babari Masjid within 5 km of the ‘garbh griha’ of the proposed Ram Temple”. VHP vice-president Mr Giriraj Kishore, said: “*Sant samaj aur hamare jivit hote hue is prakar ka masjid Ram Janambhoomi ke bagal mein nahin ban sakta* (the mosque cannot be built as long as we are alive).” Politicians, he said, play to the gallery and lose control after seeing huge crowds.

Mr Mukhtar Abbas Naqvi, BJP spokesman, said the party chief had not spoken about building the mosque adjacent to the proposed temple, but at a place nearby with mutual consent. “*Bagal mein ka matlab aas paas* (Bagal mein means near and not adjacent),” he said.

The VHP vice-president was not satisfied

with the clarification. “First, statements are made for applause and then contradictions are issued.” A mosque built next to the temple would mean permanent unrest “as timings of *namaz* and *aarti* will clash”. He said: “We want permanent peace and not a patchwork solution.” How will the VHP react if the court too issues an order on similar lines? Mr Kishore said: “We will not agree with the court... we may even launch an agitation.” After a moment’s pause, he said: “No court will say so.”

If the BJP meant that the mosque should be built in a Muslim-dominated area, the place is Sahjenwa and not Ayodhya, Mr Kishore said. Even before the demolition of Babari Masjid, the VHP had proposed that a mosque be built at an alternative site in Sahjenwa and had offered *kar seva*, he said.

Ramjanambhoomi Nirman Samiti president Paramhans Ramchander Das said in Ayodhya that devotees of Lord Ram would

never accept a mosque near the proposed temple. The BJP is making such statements for “cheap publicity”. It would not gain any Muslim vote by issuing such statements, he said. Instead, the party will lose support among Hindus.

The samiti chief alleged that the BJP was moving away from the issues — such as Ram Temple, protection of cows and Article 370 — that helped it gain power.

All India Muslim Majlis-e-Mushawarat chief Syed Shahabuddin rejected Mr Naidu’s proposal.

Of parties & toilets

NEW DELHI, May 29. — Mr Giriraj Kishore today compared political parties with toilets. “Toilets play a hygienic role in keeping houses clean... political parties are useful in keeping the national life clean.” RSS founder Guru Golwarkar used to say this about political parties, he said. The VHP vice-president was addressing a press conference. — SNS

THE STATESMAN

Gujarat govt denies survey on Christians

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Statesman News Service & PTI

GANDHINAGAR, May 27. — The Gujarat government today denied reports that police had conducted a survey on Christians in Patan district. The state home department refuted media reports that police officers of Patan police station had on Saturday visited some villages and asked Christians questions pertaining to their religion and background.

Senior officers had visited Dungripur village to confirm rumours that 18 persons had recently been converted to Christianity. Reports that photographs had been taken of an institution were not correct, officials said. But missionaries feel the government seems to have resumed surveys of Christians in the state in a "clandestine" manner.

It was a midnight knock on Saturday at a boarding institution run by a Christian group in Dungripur village, two km from Patan. Six policemen in mufti (plainclothes) jumped over the locked gates of the institution, woke up Father Munnu and shot off a volley of questions at him. Twenty-nine school children stay in this institution.

The team, led by Inspector AH Jardosh of Patan police station, asked Father Munnu questions relating to the children, the institution and its source of funds. When the Father asked for a written order, he was told that the policemen had come on "verbal orders from superior officers". He told the police team to come during the day. "I am not a criminal. I am a freedom-fighter," he said.

The police party returned the next morning. "They asked me the name of the boys staying here and their home addresses," Father Munnu said. The team then went to a neighbouring educational and medical centre, Daughter of the Cross, and asked similar questions to the three Sisters there. "There were no policewomen in the team," he said.

The Father said police were probably trying to scare off parents into not sending their children to his boarding house. Father Verghese, who runs an institution in Radhanpur, said a group of photographers came to the village during the day on Saturday and took photographs of his institution. They claimed they were press photographers.

Mr Samson Christian, All India Christian Council joint secretary, said the council may again move the High Court. "The court had ruled that inquiries can be made against a particular person, but not against a community." But the government had "secretly resumed collecting information on Christians", he said.

28 MAY 2003

THE STATESMAN

FOR CONNOISSEURS OF THE HISTORY

Centre Rejects Congress Stand On Dispute, Cites Historical Records To Back Its Claim

Temple stood at Ayodhya site, says govt

Our Political Bureau
NEW DELHI 26 MAY

THE government, on Monday, put a fresh coat of saffron over its stand on the Ayodhya dispute, reiterating that a temple had stood at the site and rejecting the Congress party's version that the dispute dates back to 1949.

The Centre's counsel also told the Liberhan Commission, which is probing the demolition at Ayodhya, that the Hindus were continuing their efforts to liberate the holy place, whether by way of struggle, negotiations or litigation, when the disputed structure stood at the site.

The existence of the Ram Chabutra and Kaushalya Rasoi on the outer court of the disputed structure, where worshiping has been going on since long, indicates conclusively that this place cannot be the birthplace of any person other than that of Lord Rama," the Centre's counsel told the Commission, which is probing the demolition of the disputed structure at Ayodhya on December 6, 1992.

The counsel, who referred to the revenue records and accounts of historians, both Indian and foreign, said earlier records indicate the site where the Babri Masjid stood was a Janmasthan. It was called Masjid Janmasthan much later.

"That is why the whole structure assumed the name Ram-Janmabhoomi-Babri Masjid complex," he claimed.

Continuing its final arguments, the Centre maintained the sequence of events over the dispute dates back to 1528 when Mir Baqi, the commander of Mughal emperor Babar built the Mosque after invading India. Since then there has been relentless struggle by the Hindus to regain possession of the place, the counsel said.

He said Centre's February, 1993, White Paper on Ayodhya establishes that the dispute on the structure had led to communal riots in 1934, between Hindus and Muslims. The damage caused by the riots was repaired by

the British government, while the cost of repair was recovered by imposing a punitive tax on the Hindus.

The Centre's counsel differed with the White Paper on the fact that the placing of idol in the central dome of the disputed structure in December, 1949, was the starting point of the chain of events leading to its demolition on December 6.

He said it could be partly correct and partly incorrect. "The White Paper by the then central government, headed by P.V. Narasimha Rao, is not correctly recorded to the extent that the whole chain of events, that is placing of idol on December 22, 1949, in the central dome led to the chain of events which

ultimately led to the demolition," the counsel said.

He said the starting point of the whole chain of events which ultimately led to the demolition was the erection of mosque and continuous and relentless struggle of Hindus to regain the site. This, he said, finds mention in the White Paper issued by the government and judgment of the Lucknow Bench

of the Allahabad High Court and Supreme Court, on the issue, in 1994. Emphasising this point, the counsel said the power of the Ayodhya movement was evident in the post-1986 phase when the Uttar Pradesh government, led by the Congress, was forced to open the locks of the complex.

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The madrassas in India

By Mushirul Hasan

Though conservative in outlook, the madrassas in India stand opposite to fundamentalist Islam and contribute to a rather pluralist attitude among their students.

ON MAY 6, 2002, the Government of India wrote a secret letter (Memo No F3-5/99-D.III (I)) to all Chief Secretaries and Education Secretaries of the State Governments and Union Territories to verify the antecedents of the madrassas applying for financial assistance from the Government. "While forwarding the application", the letter stated, "the State Government may ensure that the applications of the madrassas it is forwarding are not indulging, abetting or in any other way linked with anti-national activities. The State Governments may categorically certify that the applicant madrassas are free from security angle (sic)." The Chief Minister of Madhya Pradesh, Digvijay Singh, had this to say in his reply on July 22 (No. 2026/CMO/02): "It appears that institutions being run by one community are being singled out and the sense that is sought to be conveyed is that these are potentially anti-national. This in my opinion does grave harm to the secular fabric of our country... By singling out institutions of one community alone, a grave disservice has been done to sow in a suspicion about this community itself as prone to anti-national activities. May I request you to kindly correct this perception and make the application of such institutions general in nature instead of making it discriminatory to institutions of one particular community."

Not long ago, we took pride in our seminaries for their part in the anti-colonial struggle. Today, they are portrayed as nurseries of "sedition". The Dar al-ulum at Deoband and the Nadwat al-ulama in Lucknow were showcased as vibrant symbols of secular India. Come 9/11 and, suddenly, they are mentioned frequently in the media, often in the form of allegations stating that the madrassas form breeding grounds for such terrorist activities carried out in the name of Islam. The New War discourse on the "axis of evil", a heading under which these days the madrassas are also often mentioned, ignores the far complex reality of this traditional system of learning.

The Turks established the earliest known madrassas in north India in

the 13th century. In the 14th century, Delhi alone had a thousand madrassas. A 16th century British traveller visiting Thata, now near Karachi, reported 400 large and small madrassas. In the 18th century, the Dars-i Nizamiya (devised by Mulla Nizamuddin) became the standard syllabus. It was confined to the purely religious sciences. The Holy Koran was at the heart of the curriculum, and its memorisation the highest scholastic attainment. By adhering to the Dars-i Nizamiya, the seminaries at Deoband and Lucknow seek to maintain uniformity in belief and practice and determine what is true or desirable in accordance with the Koran and the traditions of the Prophet.

Such institutions are plagued with two major problems. First, their managers brook no intrusion in their special field of instruction. A majority of them shut themselves off from the contemporary world denouncing each other and dubbing everyone else ignorant, irreligious and atheistic. The other major problem has been the unchanging character of the curriculum. The Mughal emperor, Aurangzeb, reprimanded his former teacher for having taught him Arabic, grammar and philosophy rather than subjects more practical for a future ruler of a vast empire. Syed Ahmad Khan, founder of Aligarh Muslim University, found the madrassa syllabus "unsuited to the present age and to the spirit of the time". He criticised it for encouraging memorising rather than real understanding.

The scholar, Fazlur Rahman, commented: "By organically relating all forms of knowledge and gearing these to dogmatic theology the very sources of intellectual fecundity were blighted and the possibility of original thinking stifled." Today, we notice the narrowing down of the general field of learning, and the consequent decline and stagnation of

Muslim scholarship in South Asia.

In the second half of the 19th century, the traditional system of education was reorganised to prevent the influx of subversive ideas from the religiously alien and "morally inferior" British, and to put a premium on unorthodox thought and learning. Nowadays, the Muslim communities are faced with a different challenge, i.e. to define their agenda in response to the currents of change and progress. A standard curriculum that excludes rational sciences is not good enough; instead, there is a serious need for a constructive and bold humanism that would restate and reinterpret Islamic educational ideas in the contemporary social and cultural environment. India's Muslims must have their share of men with turbans and flowing gowns, but they must also produce, in equal measure, front-rank professionals. For this to happen, the secular and religious leadership has to amend the curriculum in order to make it responsive to the requirements of this millennium. The principles of intellectual integrity, I repeat, necessitate a fundamental reconstruction of Muslim educational thought.

Future trajectories of madrassa graduates need to be crystallised as the main issue for further scrutiny. Islam is "surrender to the Will of the God", i.e. the determination to implement the command of Allah. Given the place assigned, in the Koran, to knowledge one hopes that the madrassa managers will discover a fuller meaning of their role in Muslim society. The degree and effectiveness of their vision may affect not only their own future but also much of the world around them. At the same time, the current mindset towards the madrassas must be changed. Just as all 'Hindu' or Arya Samaj schools do not spew venom against Islam and Christianity, the maktabas and madrassas do not necessarily nurture funda-

mentalist ideas. Part of the reason why they flourish is because the state has not done enough to promote "secular" education in mofussil towns and the rural hinterland. Hence, children of poor Muslim families flock to religious schools. Given the limited access to state-run or state-aided schools, religious schools provide space for education and cultural-religious survival for the deprived, who suffer from poverty, conflict and oppression.

Over the decades, such schools have performed a vital function (as do the gurukuls or the Christian schools) and cannot, for this reason alone, be done away with. They should be treated with sympathy and understanding, rather than with suspicion and disdain. Central and State Governments should intervene creatively in secularising (not crass secularism) their curriculum and methods of instruction. In the past, they produced leading theologians, political activists (thousands went to jail in response to the Gandhian movements) and liberal reformers. They can still be the resource of (for, example, the Deoband school) and the inspiration behind rationalist thought and reformist initiatives. Though conservative in outlook, the madrassas in India stand opposite to fundamentalist Islam and contribute, as is evident from the histories of the Deoband and the Nadwat al-ulama, to a rather pluralist attitude among their students.

Barbara Metcalf, the distinguished historian of Islam in India, points out that the Deoband movement illustrates that there are long and deep traditions of Islamic apoliticism and a *de facto* embrace of democratic and liberal traditions. Second, it demonstrates that the goals and satisfactions that come from participation in Islamic movements may well have little to do with opposition or resistance to non-Muslims or "the West". Last, what they offer their participants may be the fulfilment of desires for individual empowerment, transcendent meaning and moral sociality that do not engage directly with national or global political life at all. One hopes someone in the Ministry Human Resource Development is listening!

21 MAY 2003

THE HINDU

No dispute on birthplace of Lord Rama, says Govt

PRESS TRUST OF INDIA
NEW DELHI, MAY 12

THE Centre claimed before the Liberhan Commission today that the disputed site in Ayodhya was the birth place of Lord Rama and maintained that the only dispute was whether a temple existed there before the construction of a mosque.

"It is admitted by one and all that the site in dispute is the Ram *janmasthan* (birth place of Lord Rama). The only dispute is whether a temple was demolished for the construction of a mosque," Centre's counsel Lala Ram Gupta told

demolition of the disputed structure at Ayodhya on December 6, 1992.

Opening the final arguments, he said it was an undisputed fact that the structure was built by Mir Baqi, an Army commander of Mughal

AYODHYA ROW

Emperor Babar in 1528. However, Gupta said, on the basis of the revenue records and the evidence which has come before the Commission as well as the white paper of the Government on Ayodhya it was clear that the disputed site was the *janmasthan*.

Earlier, the counsel speci-

fied that the Centre's submissions will revolve around two parts — with the first one covering the period from 1528 AD to December 1989 and the second and crucial part covering the period thereafter till the demolition of the structure.

Contending that the idol was being worshipped regularly, he said it was shifted from Ram *chabutra* to the domes in December, 1949. Prior to the shifting of the idol, it was worshipped on the Ram *chabutra*, he said.

The Commission particularly asked the Centre's counsel to first specify the undisputed facts.

'Minor' reshuffle this weekend

Statesman News Service

NEW DELHI, May 20. — The Prime Minister appears to be toying with the idea of a minor reshuffle on Saturday to accommodate Miss Mamata Banerjee as a Union minister and her nominee as a minister of state.

Mr Atal Behari Vajpayee had a first round of consultations today with top BJP leaders, Mr LK Advani, Mr M Venkaiah Naidu and Union finance minister Mr Jaswant Singh. They are slated to meet again after Mr Vajpayee's return from Lucknow to give shape to the likely changes.

The Shiv Sena has reportedly asked that its minister, Mr Balasaheb Vikhe Patil, be replaced with Mr Satish Pradhan.

There is reportedly considerable confusion on whether or not to drop the Union agriculture minister, Mr Ajit Singh, of the and Rashtriya Lok Dal which has 13 MLAs in a

delicately balanced UP Assembly. But Mr Singh denied the "speculations" and said his party did not have any problems with the BJP. "We are part of the NDA."

However, he has told his aides that the situation was "bad". Eight of his 13 MLAs are ministers in the Mayawati government leading to speculation that the RLD may witness a split if Mr Singh tries to withdraw his party's support from the state government.

The BJP leadership would prefer a situation where Mr Singh leaves the NDA rather than gets dropped. But his loyalty to the BJP and NDA is suspect and there is talk in political circles of his returning to the Congress fold. A meeting between him and the BJP is likely before any decision is taken, party sources said. On whether the RLD would fight the 2004 Lok Sabha polls in alliance with the BJP, Mr Singh said Mr Vajpayee had already stated that the constituents of the NDA would contest the polls together.

1 MAY 2003

THE STATESMAN

THURSDAY, MAY 8, 2003

BE FIRM

THROUGH ITS PERSISTENCE with the "trishul diksha" ceremony, the Vishwa Hindu Parishad is not only attempting a nationwide mobilisation of the adherents of Hindutva, but also cultivating religious fanaticism and sowing seeds of communal violence. Apparently unshaken by the experience in Rajasthan, where its international general secretary, Praveen Togadia, was arrested for defying a ban on tridents, the VHP is deliberately raising apprehensions in the minds of the minorities and throwing a challenge to law-enforcing agencies in different parts of the country under the guise of organising a religious ritual. The VHP international president, Ashok Singhal, claims "trishul diksha" is a right under Hindutva, and the VHP vice-president, Giriraj Kishore, says the ceremony is entirely religious in nature. But the tridents, in the hands of workers of the VHP and other Hindutva outfits, have a record of aggressive display and provocative politics. Even senior leaders of the BJP distanced themselves from the "trishul diksha" finding it difficult to defend the sale and distribution of sharp-edged weapons in public places. Indeed, there was no consensus on this issue at the three-day conclave of RSS affiliates in New Delhi where the different members of the Sangh Parivar agreed on coordinating their activities. The Sangh Parivar organisations though united in their goals, are divided on the means, and not all of them found the VHP activities acceptable.

And, just as there is no agreement among RSS affiliates on "trishul diksha", so too there is no concurrence among Congress Chief Ministers on how best to deal with the trident distribution of the VHP. While the Rajasthan Chief Minister, Ashok Gehlot, ordered the arrest of Mr. Togadia, and the Delhi Chief Minister, Sheila Dixit, demanded a ban on the trident programme, the Kerala Chief Minister, A. K. Antony, has given the go-ahead to the VHP in Kochi. On critical

issues such as these, it is important that Chief Ministers do not allow political considerations to play a part in decision-making. Of late, there have been accusations that Mr. Antony favours a soft approach to Hindutva outfits. Evidently, the political compulsions of the Congress in Rajasthan and Delhi, where the BJP is the main rival, are different from the political compulsions in Kerala, where the Left is the chief opponent. But, what makes any decision on ceremonies such as "trishul diksha" difficult for the Government is the invocation of religious symbols. In the same way it exploits for political purposes the "trishul diksha" ceremony, the VHP would seek to capitalise on a ban on trident distribution by whipping up religious sentiments. In either case, the very nature of the activities of the VHP ensures trouble for the law-enforcing agencies. The greater the resistance from the state, the more determined the VHP becomes in carrying through its brand of provocative politics. There are now plans for "trishul diksha" in two lakh villages across the country, according to a VHP office-bearer, Surendra Jain.

While VHP leaders have assured the National Commission for Minorities that they would not undertake activities that hurt the feelings of minorities, the experience of the past, particularly with respect to rabble-rousers like Mr. Togadia, has been very different. Indeed, the practice of Hindutva organisations such as the VHP is to take advantage of the democratic space available to push their majoritarian agenda. For the VHP, any public programme is a means to create a communal divide. And the result of the hate campaigns of the VHP was very much in evidence in Gujarat. As the VHP invokes Hinduism in the cause of Hindutva, the Government would have to be cautious and firm at the same time. There is a need to rein in the Hindutva outfits firmly, underlining the supremacy of the rule of law.

49-11
675

Minorities panel holds talks with VHP

By Our Special Correspondent

NEW DELHI, MAY 5. The National Commission for the Minorities today held a dialogue with the brass of the Vishwa Hindu Parishad (VHP) as part of an exercise to "restore communal amity and mutual understanding between the majority and minority communities."

The two-hour long session attended among others by the VHP vice-president, Acharya Giriraj Kishore, and the International Secretary, Praveen Togadia, focussed on several issues such as the nationwide "trishul diksha" (trident distribution) programme that recently been recently launched by the VHP, on the one hand, and the type of education provided by "madrassas" (Muslim seminaries), on the other.

Briefing reporters at the end of the meeting, Tarlochan Singh, chairman of the Commission, said the meeting was very fruitful as it helped both sides understand each other's views better. It resulted in agreement on several points.

While the VHP leaders assured the NCM that they would not make any remark or undertake any activity that hurt the feelings of minorities or create a fear psychosis among them, the commission agreed to review the syllabus of 'madrassas' schools and ensure that if there was any references that were anti-national they would be removed.

The commission also agreed to take up with leaders of the Muslim community the VHP's demand that they should avoid using words such as 'jihad', 'kafir', and 'darul Islam'. The VHP

also urged that minority communities should condemn in strong words whenever there was a terrorist attack, particularly in Jammu and Kashmir.

Acharya Kishore, who was also present at the press conference, emphasised that the 'trishul diksha' programme was only religious in nature and no other motive should be attached to it. The 'trishuls' that were being distributed were harmless. They were less than six inches in length, much smaller than what was permitted by law.

The VHP, he added, was for communal harmony and would respond positively whenever the commission wanted to have discussions aimed at promoting communal amity. Surinder Jain, former Bajrang Dal chief and presently a senior office-bearer of the VHP, also participated in the meeting.

The commission chairman parried a question whether the VHP leaders were asked to give up their 'trishul diksha' programme. In its invitation to the VHP for the talk sent 10 days ago, the commission had stated that, "the communal fabric (in the country) stands shattered and the prevalent situation through the country is rather volatile."

Stressing that the need of the hour was to make all possible efforts to create an atmosphere for peaceful co-existence of all communities, it said, "it is imperative to evolve ways and methods for removing all the irritants causing disharmony in the society."

ASSURANCE TO MINORITIES/ 'I PERSONALLY LOOK INTO COMPLAINTS'

No discrimination, says PM

10-8

4/5

By Our Staff Correspondent

NEW DELHI, MAY 3. Calling upon the people to resolve issues through mutual negotiations, the Prime Minister, Atal Behari Vajpayee, today assured minorities that his Government was opposed to any discrimination on the basis of religion. He said he personally looked into complaints based on religious discrimination.

Inaugurating a national convention on "Educational and economic development of minorities" organised by the Central Wakf Council, the Maulana Azad Education Foundation and the Ministry of Social Development and Empowerment, here today, Mr. Vajpayee said that all issues could be resolved amicably through consultations. "If the solution does not come immediately, we should wait for the right time instead of rushing to look for a solution. But it is necessary to observe restraint, both by the majority and minority community," he said.

The Constitution gave equal rights to people of all communities and there was no harm in the will of the majority prevailing but it was important that the voice of the minority be heard particularly, though both the communities had equal rights under the Constitution.

"We have special provisions for the minority, which do not come as a favour but it can be described as the Indian way of living together in a family," he said.

Criticising those who propagated that the NDA Government was "anti-minority", Mr. Vajpayee said it was a huge country with a large number of people who had complaints and grouses. "There is nothing that cannot



The Prime Minister, Atal Behari Vajpayee, releasing a souvenir at the national convention on "Educational and economic development of minorities" in New Delhi on Saturday. He is flanked by the Minister for Social Justice and Empowerment, Satyanarayan Jatia (left), and the Civil Aviation Minister, Shahnawaz Hussain. — Photo: V.V. Krishnan

be resolved through talks. People are running a campaign to malign the Government," he said adding that not everyone believed in these allegations.

"There are times when people feel dejected and frustrated in their country but India belongs to everyone and each one of us has a role to play in its development," he said.

Stressing the need for education for the economic development of the minorities, Mr. Vajpayee said that any other kind of backwardness could be compensated later but educational backwardness could never be overcome.

It was not necessary that

minorities always remained a minority in politics. His party was a minority in Parliament for several decades but came into a majority eventually.

"I don't know how long I will stay in majority because one never knows when the allies decide to snap ties," he said adding that nothing can be certain in politics but hoped that his flock would stay together.

The Civil Aviation Minister, Syed Shahnawaz Hussain, called upon the minorities to be wary of the attempts being made to use them to malign the NDA Government.

"Whenever the issue of minorities comes into focus, it revolves round a few issues

such as riots and the Government spends its resources on denying allegations invariably heaped on it while the real problems remain unaddressed," he said.

Referring to a negative campaign being launched against the Centre's policy on madrassas (Muslim seminaries), Mr. Hussain said the Government had done exemplary work in giving grants to such educational institutes as well as increasing subsidy to the Haj pilgrims.

The only major communal riots during the Vajpayee tenure was Gujarat where the Government had gone "out of its way" to "heal the wounds" of the victims.

ASI gets 35 more days at Ayodhya

HTC & PTI
Lucknow, May 2

THE LUCKNOW Bench of Allahabad High Court hearing the Ram Janambhoomi-Babri Masjid title suit on Friday granted the Archaeological Survey of India an extension of 35 days to complete the excavation work at the acquired land in Ayodhya.

The ASI was earlier given a May 10 deadline to complete the excavation work. The special Bench, comprising Justice Sudhir Narain, Justice SR Alam and Justice Bhanwar Singh, directed the ASI to complete the excavation work by June 15 and submit the final report by June 30.

The court observed that one of the plaintiffs had

stated that the excavation did not appear to have been completed even in one third of the trenches.

There was also an allegation that the ASI team was either negligent or not doing the work expeditiously, the court further observed. The time was being extended only to ensure that the excavation work might be completed, it said in its order.

On the application moved by the Nirmohi Akhara urging the Bench to visit the excavation site, the court said it might consider such a prayer at a later stage, but not at this time.

Meanwhile, the VHP plans to launch a rural mass contact programme and distribute *trishuls* in nearly 200,000 villages across the

country shortly before the Assembly elections in four states towards year-end.

Under the *gram sampark* programme scheduled in August-September, Bajrang Dal cadres will fan out to contact about two crore people in villages with their Hindutva agenda, VHP central secretary Surendra Jain stated on Friday.

Besides organising *trishul deeksha* campaigns, they will enlist support for the Ram Mandir movement by administering a pledge to help build the Ayodhya shrine and vote against those politicians who oppose the temple. "This campaign will definitely lead to a polarisation in the elections so that all those who oppose the Ram Mandir will be totally isolated and its supporters will be swept to power," Jain told newsmen.

The VHP announcement comes at a time when top BJP and Sangh Parivar leaders are closeted in a crucial three-day meeting in Delhi where Ayodhya and the coming elections are on the agenda. He also said that the Ram Mandir apex body meeting at Ayodhya had decided that a programme to contact MPs from all political parties to enlist support for the temple would be carried out in Delhi from May 5 to 8.

DIGGING FURTHER

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● Meanwhile, the VHP plans to distribute *trishuls* in 200,000 villages across the country, shortly before the Assembly polls in the latter part of the year



3 MAY 2003

THE HINDUSTAN TIMES

Stabbing at communal harmony

IS RAJASTHAN the next communal flashpoint after Gujarat? In the recent past, several places in Rajasthan have witnessed ugly scenes which stopped short of riots mainly due to a watchful administration. By putting a ban on carrying or distributing *trishuls*, Chief Minister Ashok Gehlot has shown his commitment to those who seem equally determined to inflame communal passions before the next elections due in November.

In the past four years, over 10,000 *trishuls* have been ceremonially distributed and fiery speeches made in carefully selected minority or tribal areas. Bhilwara was an obvious choice in 2001 after a Hindu mob demolished remains of a disused mosque that stood for centuries, curiously, in the middle of a large temple complex. Phagi near Jaipur was chosen right after local Dalits were prevented by upper-caste Hindus from bathing in the village pond. Gangapur in Sawai Madhopur witnessed *trishul* rallies after three people were killed in police firing when a mob tried to block the

Moharram procession in Godhara aftermath. Instead of denying charges, the VHP claims that the actual number of *trishuls* doled out in Rajasthan since 1998 is 70,000. Notwithstanding its larger-than-life postures, it was difficult to ignore the VHP's claim that it was determined to 'arm' over one lakh people in Alwar district which has not seen a major riot in decades despite a large population of Meo Muslims.

The method is to take *trishuls* to areas of potential or spontaneous conflict and wait for a conflagration. What began as a dull campaign is now becoming a frenzy as polls approach. RSS chief Mohan Bhagwat, the VHP's Giriraj Kishore and Ashok Singhal are among the rabble-rousers who have descended over Rajasthan after Praveen Togadia's arrest. The entire Sangh parivar, including the BJP, has vowed to intensify the illegal campaign. Poll gimmick or otherwise, it's time the *trishul* controversy — and the way it's being bandied about — pricks the conscience of the BJP leadership.

19 APR 2003

Cong. will retain power in M.P., Delhi, says Govindacharya

JABALPUR, APRIL 18. A day after virtually calling it quits from the BJP, the party ideologue K. N. Govindacharya today praised the Madhya Pradesh Chief Minister, Digvijay Singh's leadership and said the Congress would be voted back to power in the State as well as in Delhi in this year's Assembly elections. Lauding Mr. Singh's administrative abilities in Madhya Pradesh, Mr. Govindacharya said that "if everything goes well, he will again be saddled to power, may be by a slender majority." In Delhi, the Congress Chief Minister, Sheila Dixit, had a definite edge over her rival BJP and there would be not much difficulty for her to retain power. In Rajasthan, he said, the Chief Minister, Ashok Gehlot, must try to organise the Congress in a better manner. In Chhattisgarh, the Chief Minister Ajit Joga, had "unnecessarily created a host of enemies" whereas the BJP leader, Dilip Singh Judeo, has a "clean and honest" slate. Mr. Govindacharya said the former Union Minister, V. C. Shukla, quitting the Congress would have little adverse effect on the ruling in Chhattisgarh. About the replacement of Jana

'Babri masjid demolition made Asghar Ali a fundamentalist'

By S. Ramu *g. m. write*

NALGONDA, APRIL 18. Md. Asghar Ali alias Junaid (29), prime accused in the killing of the former Gujarat Home Minister, Haren Pandya, was a petty criminal before he became an ISI agent, police claim. After the demolition of the Babri masjid, he became a hardcore fundamentalist. Four days before the arrest of Ali, his mother and sister, who were residing in the Darushafa colony here, were found to be missing. Police records say he was involved in more than 10 criminal cases in Nalgonda and Hyderabad. Police records show that Ali, a school dropout, trespassed into a nursing school and assaulted the watchman, when he was 17. After he was held in a stabbing case, Ali launched an organisation — the Tahrik-e-Muslimin Shabban — and stepped up activities based on religious fundamentalism. He wrote slogans on temple walls and rallies in protest against the Babri masjid demolition. Police said he had visited Delhi, the Hazratbal in Kashmir and Agra in 1994, perhaps to meet some of the ISI cadre. He opened fired at G. Mai-

satab, a prominent BJP leader, on December 17, 1995. He escaped from police custody on July 21, 1996 during interrogation in the Two Town police station. "He drew oil from 'puris' supplied for breakfast and applied on his hands to ease out of handcuffs. He is a Houdini," commented an officer, who was involved in the nabbing of Ali. He was arrested in January 16, 1997 at Chandur and was convicted in a case of attack in November 13, 2001. He was reportedly in touch with ISI activists in the jail and

visited Kashmir on his release. His hideout in Nalgonda was raided after the encounter death of Azam Ghorri, the most important leader of the ISI, and police reportedly found conclusive evidence of his activities. He had links with Rafiuddin, M.A. Mujib and other ISI agents. The accomplice of Ali, Abdul Bari, who was also arrested by the CBI, is the son of a retired constable. Police records say he played hockey for the country in 1989. He was allegedly involved in the attack on the RSS office in 1998.

Two more arrested in A.P.

By Our Special Correspondent

HYDERABAD, APRIL 18. In the continuing crackdown on Pakistan's Inter-Services Intelligence-backed fundamentalists, the Andhra Pradesh police and the Central Bureau of Investigation (CBI) sleuths today arrested two associates of Asghar Ali, who is suspected to have been involved in Haren Pandya's killing. The two arrested are Shafi and Noor Mohammed, both belonging to Nalgonda district. Police sources said Shafi, an alleged history-sheeter, may have been involved in the attempt on the life of the Gujarat VHP vice-president, Jagdish Tiwari, in March. Noor Mohammed is believed to have undergone training in sabotage activities in Pakistan. They are both being shifted to Delhi for questioning by the CBI. The arrest took place on the outskirts of...

19 APR 2003

THE HINDU

Arresting hat-trick

9-min
5/8 Praveen Togadia too goes to jail 18/4

Another Congress chief minister has followed the example set by his Madhya Pradesh counterpart — enforcing the law irrespective of the nuisance value of the law breaker. Rajasthan Chief Minister Ashok Gehlot had announced prohibitory orders a while back on the distribution of trishuls in the state. The VHP has been arming their cadres with tridents in the run up to the elections, on the pretext of symbolic initiation into the ranks of the VHP and Bajrang Dal. Within the maximum size of six inches, these small trishuls are far from symbolic. Their three-pronged blades are deadly. They were deployed to devastating effect in Gujarat last year by the same people during the anti-Muslim pogrom. The VHP's international secretary Praveen Togadia decided to ignore the law and participate in a 'trishul diksha' ceremony on Sunday. He was arrested and taken to jail. The next day he was sent to judicial custody like any common accused. The VHP retaliated with a statewide bandh, but it evoked a poor response. In Ajmer, where there is a large Muslim population the VHP thought they could create trouble by intimidating shop owners to down their shutters. But again the administration stepped in by arresting more than 100 activists including senior BJP leaders involved in the intimidation. The bandh passed off peacefully and Togadia continued to languish in jail. This is the right way to deal with law-breakers. The law is no respecter of persons and the sooner the likes of Togadia understand this, the sooner there will be peace.

A few days in custody out of the glare of the media does wonders for bullies. Digvijay Singh proved this when he had VHP leader Acharya Dharmendra arrested for making communally inflammatory speeches and lodged him in Ujjain jail. Initially he denied the charges and refused to take bail, insisting on an honourable and unconditional acquittal. He had hoped that the VHP and the Sangh Parivar would be able to garner sufficient public support to force Digvijay Singh's hand. But he was mistaken. The VHP again launched a statewide agitation, but it too did not get much support and the media ignored him leaving him to languish in jail. 12 days in custody were enough for Dharmendra to get off his high horse and opt for bail.

Dharmendra was the second VHP leader that Digvijay Singh has tamed. A few months earlier Sadhvi Rithambara received the same treatment. The hat-trick shows what the VHP can expect when it does not have a friendly administration to back it. Is the Prime Minister listening?

19 APR 2003

THE STATESMAN

Togadia faces new charge of 'conspiracy to wage war'

By Our Staff Correspondent

JAIPUR, APRIL 16. The Congress (I)-led Government in Rajasthan today slapped the charge of "conspiracy for sedition" on the Vishwa Hindu Parishad general secretary, Praveen Togadia, after which a city court in Ajmer rejected his bail application and extended his judicial custody till April 30. The accusation was not made in the FIR registered against the firebrand VHP leader.

Mr. Togadia — who was arrested on April 13 near Ajmer on charges of violating prohibitory orders and the ban on distribution of 'trishuls' — now faces the new charge under Section 121-A of Indian Penal Code for "conspiracy to wage war" against the State and overawe it by criminal force. He has been lodged in the Central Jail in Ajmer since Monday.

The offence is punishable by life imprisonment and its trial can be held only in the sessions court. The Additional Chief Judicial Magistrate (ACJM), Indu Pareek — before whom Mr. Togadia was produced amid tight security this morning — rejected his bail application observing that it was not in her jurisdiction to deal with the case and only the Sessions Judge could hear it.

Mr. Togadia was given time till April 30 to move the bail application in the sessions court and his judicial remand was extended till that date. The ACJM pronounced her two-page verdict a few hours after reserving the order following the completion of arguments by the prosecution and the defence counsel.

Earlier, the VHP leader was remanded to judicial custody till today by the Judicial Magistrate, Lata Gaur, on Monday and was ordered to be produced before the ACJM.

The prosecution submitted the copies of Mr. Togadia's speeches in a "Dharma Sabha" at Subhash Udyan in Ajmer and elsewhere to the court to prove that he had challenged the authority of the Government and conspired to subvert the state.

He also faces the charges of distributing modified 'trishuls' and "inciting communal passions."

In addition to Section 121-A of I.P.C., the Government has framed charges under Sections 117 (abetting offence by public), 295-A (insulting religious beliefs of any class), and 505 (making



The Vishwa Hindu Parishad international secretary, Praveen Togadia, being taken to court for hearing on his bail application in Ajmer on Wednesday. — PTI

State Government's move and said the sedition charge was levelled as an afterthought. "The Government's intention in applying the new sections is to ensure that Mr. Togadia is not released on bail," he told reporters. Mr. Togadia's counsel, Onkar Singh Lakhawat, told *The Hindu* over telephone that bail was denied to his client on "technical grounds and not on merit". He said the addition of Section 121-A, which was neither mentioned in the FIR nor communicated to the court during the remand proceedings on April 14, was an "illegal act" aimed at keeping Mr. Togadia behind bars.

Mr. Lakhawat, who is also the

vice-president of the BJP State unit, said he would not move the sessions court against the ACJM's order "as of now" and the next course of action would be decided by the VHP leaders. The VHP president, Ashok Singhal, is expected to reach Ajmer on April 18 to discuss the future strategy.

Meanwhile, the three office bearers of VHP's Ajmer unit — Sarveshwar Agrawal, Gop Krishna Shriya and J.L. Chaudhary — who were arrested on the same charges as those framed against Mr. Togadia were today granted bail but were rearrested under Section 121-A of IPC as soon as they were released.

Law will take its course: CM

By Our Special Correspondent

JAIPUR, APRIL 16. The Rajasthan Chief Minister, Ashok Gehlot, today termed the arrest and confinement of Vishwa Hindu Parishad leader, Pravin Togadia, as an instance of the law taking its course. "If anyone violates the law of the land, he will have to face the consequences. The state will not interfere in the process," he said.

As the Additional Chief Judicial Magistrate of Ajmer today sent Mr. Togadia to judicial custody till April 30, Mr. Gehlot said the Government was committed to maintaining peace and harmony. "I am confident that ultimately truth and justice will prevail. If people also will side with those who uphold justice," he said while talking to a group of newsmen here.

"It is not a Hindu-Muslim issue. It is an issue of law and order," Mr. Gehlot said referring to the order regulating 'double or multi-bladed' weapons issued by the Rajasthan Government on April 14. "Knives in the shape of trishuls are being distributed and they may be used within the community as well. No Government can allow such a thing," he said.

"If anyone wanted to keep sharp-edged weapons in self-defence, that was possible but after taking a proper licence",

17 APR 2003

THE HINDU

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"If anyone wanted to..."

17 APR 2003

THE HINDU

Controversial Sikh calendar released

APR-12
15/4
By Sarabjit Pandher

TALWANDI SABO (BATHINDA), APRIL 14. The Shiromani Akali Dal controlled Shiromani Gurdwara Parbandhak Committee (SGPC) today utilised the historic Baisakhi festival to launch the controversial "Nanakshahi" Calendar which is based on solar movements to fix the dates of important events for the Sikh community.

The calendar, which had raised many eyebrows as it was suspected to further the cause for a "separate identity" of the Sikh community in the past, was released by the SGPC chief, Kirpal Singh Badungar, at an Akali Dal congregation in the Diwan hall of the historic Gurdwara of Takhat Damdama Sahib here. He presented the copy of the calendar to the Akali chief, Parkash Singh Badal, amid intense shouting of slogans by workers.

Speaking on the occasion, Prof. Badungar said it was heartening that like Christians, Jews, Muslims and Hindus, the Sikhs too had a calendar of their own. The effort initiated by a Canada-based Sikh scholar, Pal Singh Purewal, had finally borne fruit after thorough deliberations among the scholars and religious dignitaries of the community.

The SGPC also released a booklet to explain the various aspects of the new calendar.

15 APR 2003

THE HINDU

Togadia in custody, warning war

AGENCIES
AJMER/BHILWADA,
CHANDIGARH, APRIL 14

VHP leader Pravin Togadia was sent to judicial custody today for two days in connection with "violation" of prohibitory orders and a ban on distribution of tridents in Rajasthan after a local court rejected his bail application.

Magistrate Lata Gaur remanded Togadia to judicial custody after declining police request for custody of the VHP leader for two days. He will be produced before the court again on April 16, District Collector Niranjan Arya said.

Speaking to reporters, Togadia threatened to wage a relentless struggle against the

political dividends for the BJP. "At no cost will the Parivar be allowed to disturb the peaceful atmosphere of this state like they did in Gujarat. No one will be allowed to cause bloodshed," the CM said.

Togadia was arrested last night in Ajmer district. A case was registered against him under Section 4/25 of the Arms Act for possessing and distributing a banned weapon, under Section 188 of the IPC for violating prohibitory orders, and Section 153(A) of the IPC for inciting communal passion.

Three VHP leaders and a former Bajrang Dal president were rounded up apprehending a possible breach of peace in view of tomorrow's VHP-organised Rajasthan bandh to



"anti-religious" Ashok Gehlot government of the state. "I shall now rest only after he is out of power," he said.

Meanwhile, Gehlot asserted that the government would foil the Sangh Parivar's "conspiracy" to disturb peace in Rajasthan. He alleged that the Sangh was trying to cause disturbances in order to create

protest against Togadia's arrest, police said.

DSP B.L. Jain said VHP leaders Amritlal Khemka, Chhetarmal Agrawal and Suresh Goyal were taken into custody, but later released in view of their old age. Ex-Bajrang Dal chief Subhash Baheti was arrested under Section 151 of the CrPC.

Meanwhile, condemning the arrest of their leader, the VHP's Punjab unit today said its activists would march towards Rajasthan. "If Togadia is not released immediately, about 5,000 activists of the Punjab unit of VHP carrying tridents will march towards Rajasthan to register their protest," Punjab VHP in-charge Vijay Singh Bhardwaj said.

alendar makes Bhindranwale martyr

By PERS SINGH

Bo (Bathinda), history was made. Shiromani Gurdhak Committee used the Nanak

storic day for the not have a calendar committee. I Singh Badu- s were earlier calendar to tes of festivals. e with the new it was celebrat- ay in this his-

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the Akal Takht was damaged during Operation Blue Star and June 6 as the "martyrdom" day of Jarnail Singh Bhindranwale.

The calendar, however, skips the names of many militants, including the assassins of Indira Gandhi, and the November 1984 riots, both of which were mentioned in the original draft.

Bhagat Singh's martyrdom and the anniversary of the Akali Suba agitation, too, find mention. The dates of some Sikh festivals have been changed.

Presenting the calendar to Shiromani Akali Dal chief Parkash Singh Badal, Badungar said: "I would like to request Badal saheb to present it to the Centre and seek holidays on days

we Sikhs consider as historic for the community. All dates in it have a lot of historical, cultural and political significance for us."

Accepting the calendar, Badal congratulated the committee for introducing it. Akali sources, however, said the former chief minister had tried till the last to drop Bhindranwale's name from the calendar.

"Badal never liked Bhindranwale and had blamed him for the turmoil in Punjab during the 1980s and early '90s,"

a senior Akali leader said.

"But he had to give his assent following pressure from the Sikh community. The calendar, incidentally, had to go through a number of chopping before its acceptance by the SGPC."

On the Akali demand that the Sikhs' historic days be declared holidays, chief minister Amarinder Singh said it was up to the state govern-

ment whether to implement it or not. "I have not seen it (the calendar)," he said.

The Vikrami calendar, like most ancient religious calendars, is lunar-based. It, however, accumulates an error of 20 minutes every year, gradually changing the timing of religious festivals over decades and centuries.

The Nanakshahi calendar, developed by Canada-based Pal Singh Purewal, is solar-based.

The calendar, supposed to have been introduced in 1999, was stalled over differences between the Akal Takht jathedar Puran Singh and committee chief Jagir Kaur.

Puran Singh was sacked for sticking to the arguments of the Rashtriya Swayamsevak Sangh, which said the new calendar would harm Hindu-Sikh rela-

tions as their festivals are common.

Some common Sikh festivals, however, continue to be celebrated in the old calendar. Birth and death anniversaries of the Sikh gurus and festivals would follow the old calendar.

SAD general secretary Aljit Singh took the issue to hit out at the Congress. He had come to Delhi for the Congress, he said, but was hurtling people by raising the issue.

"Even education has been spared. There is a 35 per cent increase in fees. How can a common man get jobs when he won't be able to go to school?" he said.



Bhindranwale: Martyred

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THE TELEGRAPH

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NEED FOR CONSENSUS

g. Srinivas

FAR FROM ENDING the controversy over allowing access to Hindus for worship at the Bhojshala temple complex, the directive of the Archaeological Survey of India to the Madhya Pradesh Government to permit dawn-to-dusk prayers on Tuesdays may well set off another bout of confrontation between Hindus and Muslims. In a State where the stakes are high for the BJP and the ruling Congress in an Assembly election year, the ASI order could mark the boiling over, and not cooling down, of the simmering communal tensions. After all, the ASI directive comes after the Congress Government led by Digvijay Singh communicated the absence of a consensus among the local Hindus and Muslims on this sensitive issue. Not surprisingly, the ASI, which comes under the Union Culture Ministry, went beyond the recommendation of the State Government that Hindus be allowed to offer worship for two hours on Tuesdays. It also relaxed the restriction on making offerings to the presiding deity. Apparently, the BJP-led Government at the Centre thought there was no political mileage to be got from sticking to the State Government's recommendation. After all, Muslims too were allowed to perform 'namaaz' for two hours on Fridays at the Kamaal Moula mosque in the same complex. In this context, the ASI directive appears to be appeasement of organisations such as the Hindu Jagran Manch which have been generating communal heat on this issue.

In the political blame-game, the Madhya Pradesh Government too seems to have considered it unprofitable to facilitate a consensus among Hindus and Muslims. The strategy of the Digvijay Singh Government appeared to be more focussed on exposing the communal politics of the BJP in the actions of the Centre, and not really on reducing tensions on the ground. The BJP, for its part, was ready to play along,

confident that there was more to gain than lose by politicising the issue. The party's face in Madhya Pradesh, Uma Bharti, was constantly in touch with the Union Culture and Tourism Minister, Jagmohan, through the twists and turns of the controversy. On several occasions, Ms. Bharti showed herself to be more in the know of the Centre's thinking on the issue than the Chief Minister, Digvijay Singh. Indeed, Ms. Bharti did nothing to hide the fact that the BJP and the Centre were on the same side. Rather than treat the issue as one involving questions of maintaining communal harmony and law and order, both the Centre and the State Government reduced it to a political fight. At first, the ASI asked the State Government to open the premises for Hindus depending on the law and order situation. However, with Mr. Singh demanding a clear-cut directive from the Centre, the ASI has now ordered the opening of the Bhojshala for Hindus for worship even while insisting that maintaining law and order remains the responsibility of the district administration. Both the Centre and the State gave the impression of not wanting to take responsibility for their actions.

What portends danger for the secular fabric of the country is that the controversy is of a piece with the BJP's earlier attempts to raise disputes over places of religious worship and polarise society on communal lines in furtherance of the majoritarian agenda. Although agitations on this issue have so far been confined to the district level, the BJP and its front organisations have demonstrated their capability of expanding the conflict area whenever convenient as they did in Ayodhya. To prevent another Ayodhya-type situation, the effort must be to find a consensus at the local level involving all the stakeholders, rather than let the conflict take on the proportions of a Centre-State confrontation, or worse, a BJP-Congress political battle.

10 APR 2003

THE HINDU

Bhojshala stalemate ends

10-12-79

By Our Staff Correspondent
BHOJSHALA, APRIL 8. The stalemate over the "unrestricted entry" into Dhar's Bhojshala ended today with thousands of Hindus offering prayers at the monument following the latest orders

from the Centre to lift the restrictions on entry into the Bhojshala.

According to information reaching here, the doors to the Bhojshala were thrown open at 9 a.m. By 4 p.m., about 5000 devotees offered prayers amid heavy police bandobust.

The lifting of restrictions by lighting the traditional lamps. The Manch leaders had given an assurance to the district authorities that they would maintain peace while taking out a "victory" procession through the main streets of Dhar today.

It was following repeated assertions by the Madhya Pradesh Chief Minister, Digvijay Singh, that the State Government was bound to follow the Central Government's orders with regard to the Bhojshala, that the Archaeological Survey of India (ASI) asked the State Government to allow unrestricted entry to Hindus for offering prayers inside the Bhojshala every Tuesday.



The ASI had also directed that those visiting the Bhojshala every Tuesday be allowed to carry flowers and a few grains of rice. The ASI has maintained the status quo with regard to the Friday Namaz.

The Muslim community would be allowed to offer Namaz every Friday between 1 p.m. and 3 p.m.

Similarly, Hindus would be allowed to perform the religious ceremonies at this site on Baisant Panchami.

On other week days, the Bhojshala would remain open for tourists on payment of Re. 1

Devotees offering prayers at the Bhojshala on Tuesday after restrictions on entry into the

9 APR 2003

SEE HINDU

Muslim forum assails ASI decision

By Our Special Correspondent

NEW DELHI, APRIL 8. The All-India Muslim Majlis-e-Mushawarat (AIMMM) today described the Archaeological Survey of India's (ASI) order to open the Kamal Maula Masjid premises in Dhar district of Madhya Pradesh to Hindus for prayers on Tuesdays from dawn to dusk as an "abject surrender to the Hindu Jagran Manch and its patron, the Sangh Parishad and the Vishwa Hindu Parishad

in particular".

In a statement issued here, the AIMMM president, Syed Shahabuddin, said the ASI directive was "patently unlawful" because it "violated" the Places of Worship (Special Provisions) Act, 1991, as the masjid was not used except for namaaz on August 15, 1947.

Also, according to Mr. Shahabuddin, the order violated the Wakf Act, 1995, as the masjid was described as a Wakf property in pre-1947 revenue records,

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and ignored the fact that the mosque "is not the Bhojshala nor was it built on its site" as according to the 1928 map of Dhar, the remains of the actual Bhojshala was nearly 500 yards away.

The AIMMM has demanded that the Central Government ask those claiming access to the masjid to seek a judicial verdict in their favour and in the meantime direct the ASI to excavate the actual site of Bhojshala.

9 APR 2003

THE HINDU

J&K minorities get new shield

Bharti Jain
NEW DELHI 2 APRIL

QUICK response teams (QRTs) comprising security personnel trained in commando operations may soon be placed in and around minority pockets scattered across Kashmir. Identification and protection of minority-dominated villages forms part of the brief of the special group, constituted on Monday to review the macro strategies for countering terror in Jammu & Kashmir (J&K). Deployment of QRTs is already being targeted as a confidence building measure to prevent migration of non-Muslims from the Valley.

QRTs are currently deployed in and around vital installations in J&K, including airports, railway stations and the secretariat building. In the event of a terrorist attack, the QRTs rush in to contain the damage and neutralise the violence. Given that

the response of neither the police, who in fact colluded with the militants, nor the Army stationed some 10 km away to the Nadimarg attack that killed 24 Kashmiri pandits was adequate, it is now felt that had a QRT been at hand the damage would have been contained to a great extent.

The QRTs will not only cut on the response time to terrorist attacks but also be instrumental in neutralising fidayeen squads, a strategy for which is likely to be discussed by the special group on J&K.

The emphasis on protection of minorities seems to have acquired a new urgency considering that not many of them are left behind in the Valley ever since the terrorists started targeting them. Only around 8,000 Kashmiri pandits, apart from some Sikhs and migrant labourers from Bihar, MP and other states, are residing in Kashmir.

The Centre is of the opinion that the presence of minorities in



Talking Stock: J&K CM Mufti Mohammad Sayeed talks to Prime Minister A.B. Vajpayee at the latter's residence in New Delhi on Wednesday. — AFP

the Valley has had a tempering effect on the international galleries favourably dispensed to the theory of self-determination and azadi, thus preventing them from pushing India to agree to the same. What has been at the back of their minds is the realisation that Kashmiri Muslims alone do not represent J&K and that there are other minority communities like the Kashmiri pandits who must have a say in deciding the future of J&K.

This concern for minorities has acted as a buffer against international pressure on India to give in to the separatist agenda being peddled by Kashmiri Muslim groups like the Hurriyat and JKLF. It is to keep this buffer intact that the government is now going all out to protect and take confidence building measures to prevent the flight of minorities from the Valley.

Among the other steps likely to be discussed by the special group headed by special secretary (J&K) in the ministry of home affairs, Mr A.K. Bhandari, are operationalisation of the Group of Ministers' recommendation of one-border-one-force.

Anti-conversion Bill

Gujarat government pushes it through quietly

The anti-conversion Bill was passed by a voice vote in the Gujarat Assembly without either noise or fanfare. It was tabled on the same day that the BJP leader Haren Pandya was killed by unknown assailants. The Opposition, who would have put up some sort of fight against the Bill, had been suspended for the day for protesting against the removal of security cover for the dead leader. With the entire Opposition out of the House, the government quickly pushed through the Bill without a debate. The Bill would have passed anyway as the BJP have an overwhelming majority; the point is that the Opposition's absence meant that no voices were raised.

Conversion is one stick that the BJP and sister organisations have used to beat India's second largest minority, the Christians. Grahame Staines and his two minor sons were burnt to death because it was said but never proved by Dara Singh and his mob that he was converting tribals. Also in 1998 the missionaries in the tribal areas of Dangs in Gujarat were attacked, their churches vandalised and Bibles burnt again on false charges of forced conversions. And only a month ago the Gujarat government carried out a secret survey on the Christian population. The questions being asked of Christians were their family size; when they were converted; if any conversions had taken place since 1998; if there had been intercaste marriages; where the NGOs got their funding. When caught, the government said they were collecting figures to answer a parliamentary question. Could the real reason have been to have the data ready so that, now armed with a new law, the Christian community can be targeted? That the anti-conversion law is open to misuse is beyond question; indeed the purpose is mischief. It is a very potent tool with which minorities can now be harassed legally. And when placed in the hands of a government like Narendra Modi's, whose track record in minority-bashing has no rival in the country, it is bound to have consequences. The fears of the Christian missionaries are very real. The Opposition and citizens in good conscience must be vigilant otherwise misuse of the law will be indulged in as quietly as the manner in which the Bill was passed.

5 APR 2003

MODI'S UNRELENTING ANTI-MINORITISM

THE SO-CALLED "FREEDOM of Religion" Bill adopted by the Gujarat Legislature last week which, in fact, seeks to clamp a ban on citizens' fundamental right to freedom of religion enshrined in Article 25 of the Constitution is a fresh blot on the democratic and pluralist ethos underpinning our society. The adoption of such a law is yet another evidence of the brazen pursuit of a politics of hate and provocation by the Narendra Modi Government in Gujarat since the revenge massacre of hundreds of innocent Muslims in the State following the torching of 59 kar sevaks in Godhra in February 2002. Ostensibly aimed at putting an end to religious conversions accomplished by force, allurement and fraudulent means, the Gujarat Bill is, both in spirit and content, similar to the infamous law enacted by the AIADMK Government in Tamil Nadu last November. Betraying a total lack of sensitivity to religious doctrines in general, the Gujarat law, like its Tamil Nadu precursor, seeks to construe all references to divine displeasure, basic to almost every world religion, as use of force. Such a provision is absurd insofar as the application of this law would depend entirely upon the audience to which a pronouncement of divine displeasure is addressed.

If stray instances of citizens embracing a new faith were trotted out as justification by Ms. Jayalithaa to clamp down upon the socially and economically marginalised sections of Tamil Nadu and the activities of Christian missionary institutions, the campaign for an anti-conversion law in Gujarat gathered fresh momentum ever since the bloody carnage last February. Far from assuaging the feelings of Muslims — raped and butchered by organised mobs of the Sangh Parivar backed by a complicit State machinery — and restoring a sense of security and normality to the State in the aftermath of Godhra, an emboldened Mr. Modi had gone about his incendiary cam-

campaign of lies, hate and humiliation against the minorities in the run-up to the Assembly elections. It was at one such election rally that Mr. Modi, in utter disregard for norms of basic human decency and civilised behaviour, hurled the abominable epithet "*ham paanch hamaare pach-chees*" with a deliberate intent to reinforce old canards about the Muslim community. Likewise, the promise of a law to ban religious conversions in the BJP's Gujarat election manifesto was, above all, meant to remind the minorities that their security depended on the goodwill of the majority in this country.

Whether it is the BJP's vested interest in keeping alive the vexed issue of the construction of a Ram temple in Ayodhya or the new-found zeal it exhibits to prevent conversions to other religions, or even the connection it seeks to impute to Muslims in this country on the question of cross-border terrorism, the undercurrents of the Sangh Parivar's political agenda are obvious. This is one of continuously seeking legitimacy for its brand of politics in the name of the majority community. It achieves this end by undermining the equal citizenship rights of the minorities in this country and holding them responsible for all the "historical wrongs". Against this background, any effective counter to this agenda from democratic forces must necessarily begin by an unambiguous affirmation of the rights of minorities as integral to a modern constitutional democracy, coupled with a decisive shift away from the politics of communalism. Additionally, it calls for a more emphatic upfront confrontation on the democratic turf rather than engagement at the level of semantics. Expressions such as pseudo-Hindu to describe the BJP, or attempting to delineate genuine Hinduism from Hindutva are unlikely to counter the Sangh Parivar's campaign effectively. On the contrary, the argument needs to be based squarely on democracy and secularism.

THE HINDU

4 APR 2003

Legislate or face agitation: Togadia

By Our Special Correspondent

NEW DELHI, APRIL 2. A resolution of the Ram temple issue will now be possible only through legislation by Parliament or via an agitation, which could lead to a civil war or "anarchy" in the country, according to the Vishwa Hindu Parishad leader, Pravin Togadia.

Addressing a press conference here today, Mr. Togadia said that the Bharatiya Janata Party-led National Democratic Alliance Government could try to get a bill passed on Ayodhya during the monsoon session this year. "Parties will either support it and it will be passed, or the Vajpayee Government could fall," he said, paving the way for a mid-term general election.

Announcing that the second and next phase of its Ayodhya agitation would involve "people from every village in the country", he said that its exact shape would be decided after a meeting of the Ram Mandir Uch Adhikar Samiti in Ayodhya on April 29 and 30. "Every village will become Ayodhya," he said adding that the country was "moving towards a civil war". The first phase of the agitation, a daily "satyagraha", ended today.

Mr. Togadia came down heavily on the recent Supreme Court judgment which refused to vacate the stay imposed last year in March on any kind of activity on the entire 67 acres of Central Government-acquired land in Ayodhya. "When daily 'puja' at the disputed site in

Ayodhya is not causing communal disturbances, how would activity on the undisputed land lead to communal tensions," he asked. It was a reference to the judgment which stressed that the need to maintain communal harmony was one reason not to concede the Centre's plea in the case.

The VHP made it plain that all attempts at a negotiated settlement of the Ayodhya dispute had failed, that for 53 years a resolution through court had not materialised, and that there were only two options now — legislation by Parliament or the building of a temple by force through an agitation. "After all, we had demolished the Babri 'dhancha' (structure), we had also come out on the streets of Gujarat", but "we can also con-

duct our agitation peacefully", he claimed, pointing to the peaceful 'satyagraha' for the last few days when "not a single stone had been thrown".

One part of the VHP action plan would be to contact all MPs, get their views on the Ram temple issue and make these public in every village in their constituencies. The VHP feels that this would lead to "such a churning" that MPs from many parties would approve of the Ayodhya legislation for fear of losing the electoral clout in their constituencies.

Significantly, Mr. Togadia also said that the VHP had the full support of the RSS on this — the joint general secretary of the RSS, Madan Das Devi, had participated in the 'satyagraha' to express solidarity.

THE HINDU

3 APR 2003

SC throws cold water on govt temple 'gameplan'

WHAT THE COURT SAID



Highlights of the Supreme Court judgment directing maintenance of status quo on the undisputed 67 acres at Ayodhya



Police patrol near the Ram temple workshop in Ayodhya. (Reuters)

R. VENKATARAMAN

New Delhi, March 31: The Centre's "Ayodhya gameplan" to hand over the undisputed 67,703 acres to a Hindu organisation suffered a setback today after the Supreme Court dismissed its application and reiterated its March 2002 order banning any religious activity or alteration of the land and imposing maintenance of status quo.

"If the land is transferred to any other body or trust at this stage, further complications may arise," the apex court said. A five-judge Constitution bench, led by Justice S. Rajendra Babu, said the purpose of acquiring the undisputed land — surrounding the disputed 2.77 acres — under the Acquisition of Certain Area at Ayodhya Act in 1993 was to "maintain public order and promote communal harmony and the spirit of common brotherhood amongst the people of India".

The acquisition was meant to help the party that wins the title suit to construct a temple or a mosque. So, till the title suits are decided by the Lucknow bench of Allahabad High Court, the Centre should not alter the status quo of the acquired land, the ap-

ex court ruled. "...status quo will have to be maintained until suits are finally disposed of," it said.

The court pointed out that the disputed 2.77 acres are also acquired and thus subject to the outcome of the title suit. "The acquisition of larger extent of land is incidental to main purpose (to facilitate the winning party in the title suit to construct a temple or mosque)."

"Thus, the two acquired lands (of 67,703 and 2.77 acres respectively) are intrinsically connected with one another and cannot be separated at this stage of the proceedings for different treatment during the interregnum," said the bench of Justices

Babu, Syed Shah Mohammed Quadri, M.B. Shah, N. Santosh Hegde and Doraiswamy Raju.

The acquisition of the undisputed land has two purposes. The first involves handing over this land to the party that wins the title suit so that the party can construct a temple or a mosque, and have some surplus land for entry and exit gates of the temple/mosque and space for other general utilisation.

Second, in the remaining portion of the land, the government itself — according to the objects and reasons of the Act — can construct a mosque, a temple, and provide amenities for pilgrims, a library, a museum and

the bench said.

As for the title suit, all witness depositions would be over by the end of this year and only submissions of arguments would remain. So, a ruling can be expected any time early next year. As a result, the court found no need to alter the status of the land.

"It is well known that preservation of property in its original condition is absolutely necessary to give appropriate reliefs to the parties on the termination of the proceedings before the courts and, therefore, we do not think that this is one of those cases in which it becomes necessary to disturb that state," the bench

said. "When for a long time, a particular state of affairs has prevailed — as in the present case for over a decade — and when the adjudication of the disputes which are pending before the high court are reaching final stages, it will not be appropriate to disturb that state of affairs," said.

Muslim board looks to court

RASHEED KIDWAI

Bhopal, March 31: The chief of the All-India Muslim Personal Law Board believes that in the present circumstances, a court verdict seems the "best option" to settle the temple-mosque dispute in Ayodhya.

Maulana Abdul Rabey Nadwi said he had received many feelers from the Atal Bihari Vajpayee government and the sankarac-harya of Kanchni for an out-of-court settlement. But the talks fell through as "they" — the emissaries from the Prime Minister's Office and Swami Jayendra Saraswati — failed to give any assurance regarding construction of a mosque at the disputed site.

"They were in touch with us, but when we sought clarifications and tried to gauge what they intended to do about the 'whole issue', there was not much progress," Nadwi told **The Telegraph** at the Taj-ul-Masajid mosque here. "Under the present circumstances, a court verdict seems the best option," he added.

The maulana was in Bhopal for a seminar on the role of Islamic literature in character building organised by the Universal League of Islamic Literature, Barkatullah University

ty and the Taj-ul-Masajid mosque. Nadwi said he was still in favour of a negotiated settlement provided it was arrived at in a spirit of "give and take" and held in a harmonious ambience.

The media-shy Arabic scholar, who avoids controversies, gave a clean chit to a group of board members who had entered into negotiations with the Kanchni seer and the PMO. The move, he said, had his blessings. The political component in the board has been in private accusing the pro-negotiation members of "striking a deal" with the government and "mortgaging Muslim interest".

Nadwi, a moderate voice in the board and a protagonist of reforms, favours inter-faith dialogue, but feels that narrow sectarian outlook and the political class' eagerness to derive mileage from the controversy was making the task more daunting. He said the Kanchni seer had good intentions, but the move failed to take off as the "others" were not so accommodating.

The rector of the Lucknow-based Nadwa school of Islamic learning said there was complete unanimity among Muslims on abiding by the court verdict. "... We, in the law board, are now unanimous that the com-

munity should abide by the verdict in letter and spirit," he said, adding that Islamic laws, Shariat and Hadith, do not permit *razmaz* at sites if it is established that they were forcefully occupied.

"Let the court give a verdict. Once it gives a ruling on the title suit, we will accept it whichever way it goes."

The maulana said he was satisfied with the Supreme Court's observations regarding the "undisputed area" and pointed out that the law board's stand had been vindicated. He said the board had also accepted Allahabad High Court's directive on excavating the site.

About the Iraq war, Nadwi, who is respected in the whole of West Asia, said: "In civil societies, people should have a right to make choices about the destiny of their nations. Nothing should be imposed."

Asserting that Islam and terrorism had no link, he said the present-day turmoil in the region had more to do with politics, tyranny and political disputes of historical nature. Terrorism and violence should be condemned in all shapes and forms, but civil societies must examine the "root cause" of such disputes, he said.

TUESDAY, APRIL 1, 2003

MAINTAINING COMMUNAL HARMONY

IN RULING THAT its earlier order (passed last year) prohibiting any "religious activity" on the acquired land in Ayodhya should be "operative" till the disposal of the title suits being heard by the Allahabad High Court, the Supreme Court has, apart from putting the whole issue in the correct legal perspective, in effect cautioned against any attempt to disturb the status quo even on the 67 acres surrounding the disputed site. Significant indeed is its observation that the Centre's plea for the vacation of the ban needs to be rejected "not only to maintain communal harmony but also to fulfil other objectives of the (1993) Act". For one thing, the Court was evidently not impressed by the Government's argument that the circumstances in which the 2002 order was passed (meaning the VHP's 'bhoomi puja' and the looming threat to public peace and order) did not exist now. Its pointed reference to the imperative of maintaining "communal harmony" has to be set in the context of the sustained campaign the VHP and its cohorts in the Ramjanmabhoomi Nyas have been running for the immediate transfer of the so-called 'undisputed' land so that they can go ahead with the temple construction. Given the VHP's well known penchant for whipping up communal passions and brazenly provocative mobilisation methods, it is hardly surprising that the Court found the Centre's 'situation-has-changed' line unconvincing.

For another, the apex court has been categorical that such a restriction is necessary if the objectives of the 1993 enactment are to be achieved and, more importantly, that no distinction can be drawn between the 'disputed' and the 'undisputed' land while applying this injunction. The primary purpose of, and justification for, the takeover of the lands in question was to ensure that the final outcome of the adjudication process (should it go in favour of the Muslims) was not possibly rendered infructu-

ous by the existence of properties belonging to the Hindus in the vicinity. As the authority in whom the land is vested in trust, the Government is duty bound to see that the main objectives of the legislation are not thwarted in any manner by the pro-temple forces. The Supreme Court has of course in its 1994 judgment spoken of the "desirability" of the reversion of the "superfluous excess area" (out of the acquired land) to its earlier owners, but that could come only after the exact area required for achieving the professed purpose of acquisition had been "determined". It is only proper and logical that such determination should await the court verdict in the title suits, a position upheld, in effect, by the Court when it observed that any transfer of land to "any other body or trust as provided under Section 6 of the Act at this stage" would give rise to "further complications". It also saw no reason why the "state of affairs" that had prevailed for over a decade (since 1992) should be "disturbed" now, especially when the adjudication of title suits has reached its "final stage".

On a different plane, the Supreme Court's decision has thwarted whatever designs the Atal Behari Vajpayee Government might have had of using the judicial route to facilitate the handing over of the 'undisputed' land, as demanded by the VHP, for the temple construction to commence, the pending title suits notwithstanding. For its part, the VHP has made its intention loud and clear: that, regardless of what the Judiciary ordains, it wants the "immediate" transfer of the undisputed land, with Parliament passing a legislation for the purpose, so that the way is paved for the construction of a Ram temple. In the face of the Hindutva outfit's declared intention to intensify the agitation — with all the dangerous implications it has for communal harmony and public peace — how exactly the Union Government handles the evolving situation will determine its commitment to the rule of law.

THE HINDOO

1 APR 2003

MAINTAIN STATUS QUO IN AYODHYA, RULE JUDGES

SC rejects Centre's plea to lift ban on religious activities

By J. Venkatesan

NEW DELHI, MARCH 31. The Supreme Court today dealt a severe blow to the Centre's efforts to hand over the 67.703 acres of "undisputed land" to a trust or an organisation for construction of a Ram temple in Ayodhya, by ordering that the "status quo" should be maintained till adjudication of the title suits by the Allahabad High Court.

A five-judge Constitution Bench, headed by Justice S. Rajendra Babu, rejected the Union Government's application to vacate the ban imposed by the Court last year that no religious activity of any kind would be permitted either on the 2.77 acres of "disputed land" or the "undisputed land".

The Bench, comprising Justices S.S.M. Quadri, M.B. Shah, N. Santosh Hegde and Doraiswamy Raju, made it clear "that the order made by this Court on March 13/14, 2002 should be operative until disposal of the suits in the Allahabad High Court not only to maintain communal harmony, but also to fulfil the other objectives of the (1993 Acquisition) Act".

The Bench did not agree with the Centre's contention that the orders passed last year were beyond the scope of the 1994 judgment. It said that the preamble to the 1993 Act itself disclosed that the objective of the enact-

ment was maintenance of harmony between different communities in the country and public order.

"If the acquisition has been effected on that basis not only of the disputed land but also of the adjacent land, this thread will run through the entire proceedings and we must bear in mind that when the dispute is not yet finally resolved, maintenance of communal harmony and peace is absolutely needed."

"It is no doubt true that when passions run high, demands are made for several types of activities being carried on in the adjacent land. If any such activities are carried on in such land, even before the resolution of the dispute pending before the court, it may affect the harmony and tranquillity that has prevailed for so long".

The Bench rejected the Centre's contention that under the 1993 Act it was vested with powers to transfer its rights, title and interest on the acquired land to any trust or body by imposing certain conditions.

Quoting the 1994 judgment in the M. Ismail Faruqui's case, the Bench said "it is clear that the adjacent land, though vest in the Central Government, will have to be utilised in different manners depending upon the outcome of the litigation in respect of the disputed property.

Thus the manner or extent to which the adjacent land could be used would depend upon the final outcome of the pending dispute in the High Court. The acquisition of larger extent of land is incidental to main purpose".

The Bench made it clear that the two acquired lands were intrinsically connected with one another and could not be separated at this stage of the proceedings for different treatment during the interregnum.

If the land was transferred to any other body or trust, as pleaded by the Centre, at this stage further complications might arise.

"Therefore, status quo will have to be maintained until suits are finally disposed of."

The judges drew the Centre's attention to the fact that the status quo had been maintained from 1992 onwards and no activities as were set out in the course of the application had been required to be done so far.

"When for a long time, a particular state of affairs has prevailed — as in the present case for over a decade — and when the adjudication of the disputes which are pending before the High Court are reaching the final stages, it will not be appropriate to disturb that state of affairs", the Bench said.

"It is well known that preservation of property in its original condition is absolutely necessary to give appropriate reliefs to the parties on the termination of the proceedings before the courts and therefore, we do not think that this is one of those cases in which it becomes necessary to disturb that state."

The Bench disposed of the writ petition filed by Mohd. Aslam alias Bhure seeking a direction that the entire property be handed over to the Army.

It was in this petition the court ordered 'status quo' last year.

Petition against excavation dismissed

By Our Legal Correspondent

NEW DELHI, MARCH 31. The Supreme Court today dismissed a writ petition seeking a direction to stop forthwith the excavation work at the "disputed site" in Ayodhya going on from March 12. A Bench, comprising Justice S. Rajendra Babu and Justice G.P. Mathur, dismissed the petition filed by Naved Yar Khan since he failed to cure the defect pointed out by the Registry, viz., only a special leave petition could be filed against an High Court order and not a writ petition. The Bench had on March 25 granted a week's time to cure the defect and file a fresh petition.

THE HINDU

1 APR 2008

VHP launches 'satyagraha'

By Sandeep Joshi

9. 10. 1

NEW DELHI, MARCH 27. The Vishwa Hindu Parishad today launched a week-long "satyagraha" here demanding that the Government immediately hand over the undisputed land in Ayodhya for the construction of a Ram temple.

"The temple movement is a matter of faith and identity of crores of Hindus. Therefore, the Government should immediately pass a law in Parliament to pave the way for the temple construction," senior VHP leaders asserted.

Several VHP activists, led by senior leaders Ashok Singhal, Giriraj Kishore, Praveen Togadia, Acharya Ram Chandra Paramhans, Mahant Avidyanath and Swami Chinmayanand took out a procession and later courted arrest.

Announcing that religious leaders from all over the country would take part in the "satyagraha", they said that if the Government failed to make up

its mind before April 2, the "satyagraha" would be converted into a nation-wide movement to force the Centre to yield to their demands.

Mr. Singhal said Hindus could not wait for the court's verdict, which might take several years.

"Let the court decide on the disputed land, we have no objections to that. But why can't the undisputed land be handed over to us so that we could begin the temple construction. By acquiring the undisputed land, the Government is doing nothing but further complicating the issue."

Mr. Singhal said it did not need any excavation to prove that a Ram temple existed in Ayodhya. And, similarly, the land on which the mosques in Kashi and Mathura stood also belonged to Hindus.

He said that the BJP used the temple issue only as a poll plank to come to power; it had failed to do anything for the temple construction.

THE HINDU

2. 10. 1

HANDING OVER OF ACQUIRED LAND IN AYODHYA

Ready for legislation if Cong. backs us: Advani

By Neena Vyas

9. minutes

NEW DELHI, FEB. 25. The Deputy Prime Minister, L.K. Advani, today signalled that the Vajpayee Government was willing to dump the National Democratic Alliance agenda for governance and was "ready to bring in legislation" to enable handing over of the entire 67 acres of land acquired in Ayodhya, including the disputed plot, to the Vishwa Hindu Parishad-controlled trust.

In fact, he is reported to have said that the Government could also bring in legislation on a uniform civil code and on a ban on religious conversions and it would legislate to ban cow slaughter throughout the country.



Strangely, though, he added the rider that the Government could legislate "provided" the Congress clarified its stand on these issues and supported the Government although everyone knows that the NDA Government has a comfortable major-

ity of its own. On the Prevention Of Terrorism Act, it had shown it could even negate a Rajya Sabha defeat through the joint session of Parliament route.

The stance of Mr. Advani, who addressed the BJP parliamentary party this morning from the chair — in the absence of the Prime Minister — was seen as a response to the stinging criticism of the Prime Minister and himself at the two-day Dharam Sansad this weekend. Several 'sadhus' and 'sants' and VHP leaders had attacked the big two in the BJP for using emotive issues to grab power, living in comfort and forgetting their commitments.

Later, the party spokesperson, Vijay Kumar Malhotra, made it clear that the BJP lead-

ership in the Government would talk to its coalition partners to evolve a consensus on these issues only if and when the Congress signalled its support.

The NDA agenda for governance had given a solemn assurance that "all contentious issues" would be put on the backburner and that the final verdict of the court in the Ayodhya case would be respected. Now, Mr. Advani has talked about legislation (which would bypass the courts) ahead of a Supreme Court decision on the Government's plea on vacation of an earlier stay on any activities on the acquired land even as the main Ayodhya title suit is reported to be progressing fast in the Allahabad High Court.

Some years ago in Chennai, Mr. Advani had declared that the NDA agenda was the BJP's agenda and the BJP had no separate agenda of its own, but now, it seems, under intense pressure from the RSS and the VHP, he wants to assert the BJP's commitment to all the contentious issues.

The fact that the BJP has been stung by the Dharam Sansad criticism of its leaders was evident when several MPs and Mr. Malhotra expressed their disappointment and anger at the harsh words used by the 'sants'.

Mr. Malhotra later briefed reporters quoting Mr. Advani as having said: "For the Congress which opened the locks on Ram Janmabhoomi and got the Shah Bano judgment overturned, it has been a matter of vote bank politics, but for us it is a question of commitment."

BJP wants land gifted: Page 11

26 FEB 2003

THE HINDU

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CYNICAL GAMES

P. N. Mishra ✓

BOTH THE CENTRE and the Madhya Pradesh Government appear determined to avoid the responsibility of a final decision on allowing Hindus to offer prayers at the Bhojshala in Dhar. The developments over the last one month betray the cynical attempts by the Union Culture Ministry, on the one side, and the State Government, on the other, to derive political mileage out of the controversy without, however, seeming partisan in their approaches. Even while reiterating the decision to allow Hindus to offer prayers from dawn to dusk on Tuesdays, the Archaeological Survey of India, under the Culture Ministry, left it to the State Government to implement the same "as and when the law and order condition permits". Thus, the Union Tourism and Culture Minister, Jagmohan, and, by extension, the BJP, was hoping to take the credit for allowing Hindus to offer prayers through the day, leaving the State Government, and, by extension, the Congress, to take the blame if things went wrong on the law and order front.

Not surprisingly, the Madhya Pradesh Chief Minister, Digvijay Singh, is unwilling to bite the bait. He wanted a clear-cut decision from the Centre on the issue, not a suggestion. Obviously, he saw no point in letting the BJP keep the political advantage from such a decision, while he dealt with the consequences on the law and order situation. The Madhya Pradesh Government had recommended that worship in the temple be allowed for only two hours, but in the absence of a consensus passed the onus onto the Centre. As the responsibility for the law and order situation lies with the State, the Madhya Pradesh Government would not want to do anything that could invite trouble. After all, it was the district administration which sought restrictions on access to the Bhojshala following law and order problems in 1997. But, when the Hindu Jagran Manch and the BJP sought to make political capital of the restrictions on entry into the Bhojshala, Mr. Singh changed tack and declared he would not object if the Centre issued a directive allowing unrestricted entry. With the BJP leader

in Madhya Pradesh, Uma Bharti, claiming that the Union Ministry had permitted free entry into the temple, and that only the State Government was standing in the way, the issue grew beyond questions of rights of worship to include a vicious game of political rivalry. And, as is to be expected in an Assembly election year, the Centre and the State Government are trying to shift the responsibility to one another.

However, while the State Government, following an all-party meeting on February 19, recommended that the Bhojshala could be opened for prayers on Tuesdays between 9 a.m. and 11 a.m., the Centre thought it fit to modify the same to suggest prayers from sunrise to sunset. Though touted as a small modification, what is at stake is political mileage to be had from arousing religious sentiments on the issue. A mere endorsement of the State Government recommendation would have meant no political benefit to the BJP. All the credit would have gone to the Digvijay Singh Government. At the same time, the Centre and the BJP did not want to be held responsible for any consequential law and order problems. This explains why the modification of the Madhya Pradesh Government fell short of a directive as demanded by Mr. Singh. As for the State Government, after denying it had any objection to following any Central directive on easing restrictions, the task was to retain some political mileage without getting into a bind on the law and order front.

Importantly, the original restrictions too were the result of an agreement between representatives of Hindus and Muslims. But, in the present case, representatives of the two communities have been unable to arrive at a consensus on the demand for lifting restrictions. Election year or not, Bhojshala has become a sensitive area in the post-Babri Masjid demolition phase. With Hindu extremist organisations linked to the VHP deliberately making the Bhojshala the focus of a new Hindu-Muslim conflict, there are clear dangers in letting electoral politics dictate the course of action of the Centre or the State Government.

THE HINDU

20 MAR 2003

Centre sticks to decision on Bhojshala

By Anita Joshua

NEW DELHI, MARCH 17. The Centre has decided to stick to its decision to allow Hindus to offer prayers at the Bhojshala in Dhar from dawn to dusk on Tuesdays as against the Madhya Pradesh Government's recommendation permitting worship in the temple for only two hours.

Billing the February 26 suggestion of the Culture Ministry that Hindus be allowed to worship with small offerings throughout the day on Tuesday as the "best solution to the problem", the Director-General of the Archaeological Survey of India, Gauri Chatterji, wrote to the Home Secretary of Madhya Pradesh on March 14 reiterating the same.

Pointing out that the Ministry's decision was only a slight modification of the

recommendations made by the State Government, Ms. Chatterji said that even the district administration of Dhar had suggested that the Bhojshala be opened as per the conditions laid down in the Tourism Minister, Jagmohan's letter of February 26 "as a short-term solution for the time-being".

This being the case, the ASI position is that Mr. Jagmohan's suggestion "be accepted and implemented as and when the law and order condition permits". While the responsibility of maintaining law and order lies with the State, the ASI will maintain its usual watch and ward staff at the monument.

Suggesting that Hindus be allowed to worship all day on Tuesdays, Mr. Jagmohan had also recommended keeping the monument open for tourists on other days as per ASI rules. As for Muslims,

they would be allowed to continue offering "namaaz" at the Kamaal Maula Mosque on Fridays.

Given the fact that access to the Bhojshala was restricted from 1998 onwards after the district administration sought such a restriction following a law and order problem around the monument the previous year, the Centre's recommendation is subject to the concurrence of the State. However, with the State expressing inability to comply — citing absence of consensus among the stakeholders — the ball is back in the Centre's court.

Though the Centre has again put the onus on the State, the State Government appears reluctant to give in, if what the Chief Minister, Digvijay Singh, had to say in Delhi is anything to go by. Mr. Singh, who is here to meet the Chief Election

Commissioner, told presspersons that he wanted a clear-cut direction from the Centre on this issue; not a suggestion.

The Centre's intervention in the Bhojshala controversy — raked up recently by the Hindu Jagran Manch — came in the wake of the State Government formally seeking permission in February to open the monument for prayers for two hours on Tuesdays as the Bhojshala was under the ASI's control. After restrictions were imposed in 1998, Hindus were allowed to offer prayers annually on Baisant Panchami and Muslims "namaaz" every Friday. However, with the BJP and the Hindu Jagran Manch insisting that Hindus be allowed to offer prayers on all days, the Culture Ministry decided to give in to this demand partially by expanding the scope of the State Government's suggestion.

FRIDAY, MARCH 14, 2003

A DISCRIMINATORY EXERCISE

9 min

THE 'SURVEY' ORDERED by the Narendra Modi Government in Gujarat to collect information on Christian families and organisations has raised some disturbing questions about the real purpose behind the exercise. To begin with, it has all the trappings of a covert operation. The administration first denied it outright and then, very reluctantly, admitted that such a survey was indeed undertaken, but only at the "local level". And the State Home Minister, Amit Shah, would have one believe that it was initiated by way of response to a parliamentary query related to the anti-conversion law. The suggestion here is that the aim was to elicit from members of the Christian community data required for formulating a response to the question concerned. It is for the Parliament Secretariat to clarify the factual position whether the Gujarat Government had indeed been asked to provide such information. But the question arises, if it is indeed so, why the lack of transparency about the operation and the initial disclaimer by the administration? Going by the media reports, it is clear that the sort of information being sought during the 'survey', which covers districts such as Ahmedabad, Banaskantha, Sabarkantha and Kutch, and the sources tapped are such as to render the entire operation highly suspect and sinister.

But then, BJP Governments in Gujarat have a record of resorting to such clandestine exercises as part of their strategy to realise the Sangh Parivar's majoritarian goals. Just about four years ago, the Keshubhai Patel regime set in motion what was officially described as a "routine" enquiry but really was a census operation of sorts directed against the Christian community, particularly the activities of its missionaries — and that was the time when churches and those engaged in religious propagation came in for attack by fanatical Hindu elements in various parts of the State. It required judicial intervention at the level of the High Court to restrain the Government from accomplishing

that task. The latest survey is in a sense even more disquieting and dangerous in its implications. It has come in the context of the ruling BJP's perceived success with the 'Modi brand' of Hindutva experimented in the recent Gujarat Assembly elections. What distinguished this 'brand' is the vicious strategy of political mobilisation through a high-voltage hate campaign against the minority communities and this was on view in all its most horrendous aspects in the post-Godhra communal pogrom.

While any intensive community specific area-wise census-type survey is inherently discriminatory, it acquires the dimension of a potential tool of persecution when directed against a religious minority and when the one ordering it is a Government headed by someone like Mr. Narendra Modi whose commitment to majoritarian ideology has distinctly fascist strains. How, during the communal mayhem that followed the Godhra carnage, the Sangh Parivar's storm-troopers were fully armed with vital information about their 'targets' as they went on the rampage in predominantly Muslim areas, killing people and looting property, and how the Modi regime in its own way 'contributed' to the lawlessness are public knowledge. Given this context, if the Christian community sees in the latest 'survey' a diabolical attempt by the Modi Government to pave the way for a post-Godhra type pogrom targeting it, it cannot certainly be faulted. After all, the Sangh Parivar is known to shift focus or change its immediate targets, picking up Muslims and Christians alternately, according to its own calculus. Significantly, the likes of Pravin Togadia have of late turned their attention to the Christians and the BJP leadership too, in pursuance of the party's declared intent to hark back to the hard Hindutva line, has been vigorously canvassing for an anti-conversion law (and for a Central legislation to ban cow slaughter). Against this backdrop, the explanation proffered by the Modi Government for undertaking the survey carries little conviction.

14 MAR 2003

THE HINDU

Modi's surveys!

516 Gujarat again harassing minorities (D)

The Narendra Modi government is at it again! Continuing its Hindutva agenda it is attacking minorities once more to justify bringing in a Bill banning conversions. The police are instructed to carry out a 'discreet' survey of Christians, their family size; when they were converted; if any conversions have taken place since 1998; if there have been intercaste marriages; how NGOs get their funding and how they spend it — these are some of the intrusive questions asked. First the Director General of Police denies such a survey altogether. Caught out by the press, the state home minister says it is an exercise to formulate an answer to a question raised in Parliament. This is no explanation, it is an afterthought. In 1998 after the attacks on Christians in the Dangs, the state intelligence had ordered a similar survey for both Muslim and Christian communities. But it was abandoned when a petition was filed in the Gujarat High Court. During the anti-Muslim pogrom last year, Muslim homes and businesses were more easily targeted thanks to a survey by city corporations in the guise of census collection. BJP/VHP leaders were seen carrying around corporation records as they incited mobs to arson. It is not surprising that Christians are frightened when Modi opts for another survey.

Modi has also set up a task force to conduct a survey of madrasas — another election promise. The ostensible purpose is to see that madrasas provide modern education; the real motive is to harass the minority community citing security reasons! The government's priorities are skewed. The first priority should be to ensure a sense of security for those hit by last year's violence, a roof over the heads of the homeless and two square meals a day ahead of surveys for their education. Gulbarg Society in Ahmedabad where 68 people were killed, including the former MP Ehsan Jaffri, still lies empty, its residents too frightened to return. Naroda Patia, the worst affected colony where over 1,000 homes were burnt, is only a shadow of its former self. Even those who have dared to return to their broken homes, leave for safer refuge every time something as inconsequential as an India-Pakistan cricket match takes place, frightened that they will be targeted again. This is the extent of the sense of insecurity that the minorities of Gujarat live with everyday. Modi can shout from the rooftop that the surveys are just routine; we will believe him when he falls off it!

13 MAR 2003

THE STATESMAN

Excavation begins amid tight security

By J.P. Shukla

FAIZABAD, MARCH 12. Excavation work began a little after noon today near the disputed Ramjanmabhoomit-Babri Masjid site in Ayodhya as directed by the Lucknow Bench of the Allahabad High Court to see whether or not a temple had existed where the mosque was built by Mughal King Babar later.

A team of the Archaeological Survey of India, which has been asked to conduct the excavation, first marked the spots to be dug up in the presence of representatives of the litigants and the local administration. An area measuring four by four metre has been selected for digging four trenches. The area lies in the vicinity of Ram Chabutara in front of the makeshift temple constructed after the demolition of the Babri Masjid on December 6, 1992. The entire area where excavation started has



Labourers on their way for excavation work at the disputed site in Ayodhya on Wednesday. — PTI

been covered by specially erected tents so that nothing is visible from outside.

According to the court directive, the media is not allowed to watch the digging. Also, there

would be no press briefing on the progress of excavations.

Representatives of some of the litigant parties have reached Ayodhya. Those who have already come to witness the exca-

vation include lawyers Madan Mohan Pandey and Vireshwar Dwivedi and archaeologists Swaraj Pal and Sudha Malaviya, all representing the Vishwa Hindu Parishad, and Jafaryab Jeelani and Abdul Mannan, advocates representing the Central Sunni Waqf Board.

A historian from Delhi has also come to represent the Waqf Board while another from Aligarh is to arrive soon. Also there is Ranjit Lal Verma representing the Nirmohi Akhara.

A large number of journalists and photographers has descended on Ayodhya but they have little to do except collect bits of information from whatever sources they could tap. They can watch the goings-on only from the outskirts of the acquired land.

There is no ban on "darshan" of Ram Lala in the makeshift temple.

13 MAR 2003

THE HINDU

Ayodhya excavation an in-camera affair

Stateman News Service

LUCKNOW, March 11. — Following objections by the contesting parties, the High Court today ordered for re-doing of the general survey of the site and the layout of the trenches where the Archaeological Survey of India had planned to excavate in the disputed Ram Janambhoomi-Babri Masjid in Ayodhya. It would be done again tomorrow in the presence of nominees and representatives of the contesting parties.

The excavation by the ASI on the High Court orders would virtually be an in-camera affair. There would no presence of common people or the media during their exercise. There would be no further official briefing on the exercise as well.

Following today's order of the High Court, the excavation by the ASI that was to start tomorrow morning at 8 a.m. would be delayed. It would be taken up only after the Court's orders were complied with. The administration, however, has tentatively planned to start it by 10 a.m.. A Joint Director-General of the ASI, Mr RS Bist, also reached Ayodhya today. The ASI has now asked for a crane from the administration.

The High Court last week had ordered for excavations at the site to ascertain if a temple existed at the spot where the Babri Masjid stood before it was demolished in

1992. The ASI team headed by Dr BR Mani had carried out the survey yesterday in the south of the makeshift temple of Ram Lala and even marked the places for digging in four square metre blocks. This was done without the representatives of the contesting parties being present.

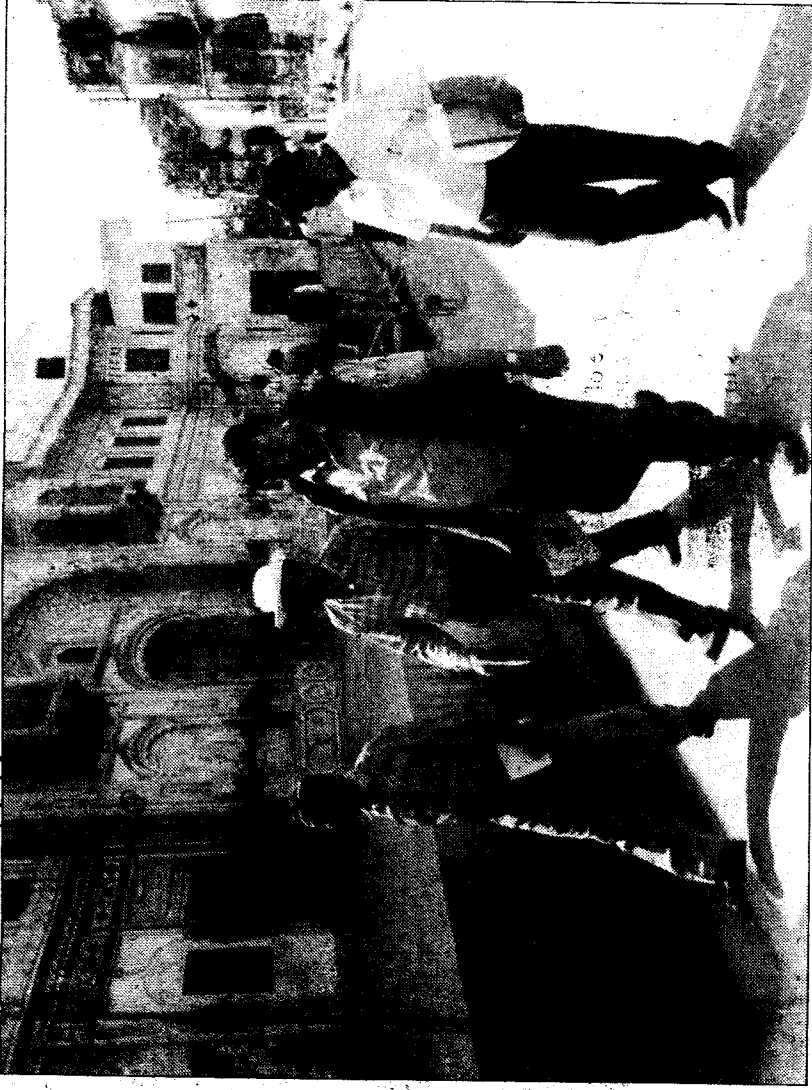
Today, the Faizabad divisional commissioner Mr RM Srivastava issued passes to twenty people representing various contesting parties to go inside the complex so that they could be overseeing the work done by ASI. The commissioner was the receiver of the property acquired by the Central government. It appears that the court wants to conduct all the excavation work in camera. The ASI has to report to the court regularly about the progress of the excavation work and no information would be given to the media or the public. The press will not be allowed inside and there will be no official briefing either, Mr Srivastava said.

The area near the make-shift temple where the digging was likely to take place had already been covered. One portion of the temple had also been covered. This would keep the area to be excavated even out of sight to the common visitors and devotees, who would be allowed inside to offer puja during the designated hours. The Court has specifically asked that during the excavation work the pujas by the devotees should not be disrupted.

The Court has asked for all information about the human force involved in the excavation. Apart from the fourteen-member ASI team, fifty-one labourers who would be involved in the actual digging operation had been issued photo identity cards. The Court order also says that anything found during the excavation has to be sealed and kept in a room. Today's order of the High Court comes in the wake of objections over the manner in which the ASI team was working in Ayodhya. The All-India Sunni Central Wakf Board and others had alleged that the team was carrying out the work on their own, without even properly informing the court and the parties. By denying them an opportunity to watch the work at the disputed site the court directives had been violated, it petitioned.

The applicants prayed that suitable directions may be issued to the ASI to not do any work on the spot enabling plaintiffs to watch the same in an effective manner and no work should be started before 12 March, 10.00 a.m., till they reach Ayodhya.

Mr Zafaryab Jilani, counsel for Sunni Board, alleged that the survey of the layout of the trenches as well as digging of trenches are part of the same transaction and nothing of the sort should be allowed to be done in the absence of the applicants or their counsels and nominees. Mr Jilani was going to Ayodhya tomorrow.



Mr Mani (second from left) takes a stroll with colleagues in Ayodhya on Tuesday, a day before excavation is set to begin at the disputed site. — PTI

Minority report

H 6 1293

DISQUIETING REPORTS are surfacing once again to suggest that a survey of Christians is being carried out in Gujarat. Similar surveys had first been noticed a few years ago when Sangh parivar outfits targeted Christian tribals in the Dangs area. Responding to the growing climate of unease, the home minister of the State has brushed aside suggestions that his government had ordered any cataloguing. But he has not been altogether convincing since he agrees that some "inquiries" were probably being made at local levels in the context of a reference from the Lok Sabha secretariat on the issue of conversions.

This is much too facile. Given last year's notorious Gujarat pogrom carried out virtually at the instigation of those in authority, the state government will have to do a lot more than this to dispel fears. The government should explain who has been authorised to make inquiries and under what specific brief. The situation deserves to be monitored

closely since the minister has brought up the question of 'conversions', an issue routinely exploited by Hindutva vigilante squads. Given the record of the Narendra Modi government when Gujarat burnt last year, Parliament too must pay attention to these developments since the name of the Lok Sabha secretariat has been invoked.

In fact, conducting surveys of homes and addresses of people on a communal basis is a dangerous idea as it is typically a prelude to focused violence against minority communities. The Jews were targeted thus in Nazi Germany and non-Muslim communities in Afghanistan in the Taliban years and, more recently, in Bangladesh. Indeed, Gujarat itself went through a similar experience not long ago. Since the instigators of last year's riots are virtually being assisted by the Modi government in getting away scot free through the dilution of FIRs, any suspicious activity in Gujarat is bound to attract wide attention.

12 MAR 2003

THE HINDUSTAN TIMES

Will digging resolve the problem?

By Harbans Mukhia

10
11/3

LET ME at the outset state that I for one welcome the directive of the Allahabad High Court for archaeological excavation at the site of the Babri Masjid-Ram Janmabhoomi dispute. The welcome is not in expectation of any definitive resolution of the highly contentious issue, but in the court's implied refusal to accept the validity of the claims of the Sangh Parivar and the Muslim leaders about the existence of a Ram temple underneath the mosque. Even as the denial appears neutral between the two sides, it seems more weighted against the Sangh Parivar if only because it has been the more vociferous of the two in making the claim.

The historical evidence available for a Ram temple having been demolished to build the mosque is extremely slender. The fact that Babar himself records his visit to Ayodhya twice in his Babarnama but does not mention either the Ram temple or the construction of a mosque in his name is the first source of doubt about it. The verses carved on the entrance to the prayer hall of the mosque and the inner wall announcing the construction of the mosque, when it was intact, made no mention of the temple either. The fact that silence on the issue reigns among numerous medieval historians who have left behind a long series of court chronicles, reinforces the doubt significantly.

Some of these historians were dogmatic Muslims, such as Mulla Abdul Qadir Badauni, Akbar's courtier, who would have revelled in recording the incident with great hyperbole. Even Aurangzeb, himself responsible for the demolition of many temples and the construction of mosques on their sites, never mentions the act of his predecessor; this adds significantly to the silence. The several Hindu historians of the period make no reference to it either. But the most deafening silence is that of Goswami Tulsi Das, epitome of devotion to Ram, a resident of Ayodhya, and writing within 50 years of the construction of the mosque, i.e. within living memory of the incident. Nor do the many Eu-

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A month's digging barely touches the fringe of the site (at Ayodhya). It is unlikely that such a small amount of digging could yield anything worthwhile... In the end, it will call for a political solution.

ropean travellers, given to a great degree of dramatisation of their narrative, state it with any clarity.

The first clear, unambiguous statement that "the Jama Masjid constructed by Emperor Babar at the site of the birth of Ram, son of Raja Dasarath (is) adjacent to the building of the rasoi (kitchen) of Sita, wife of the above-mentioned Ram" occurs in a Persian language document submitted to the Faizabad law court by its superintendent, Hafizullah, in 1822. Yet, even this document does not mention a temple at the site, demolished for the construction. As the 19th century progressed, gradually an association between the Ramjanmabhoomi and the existence of a Ram temple grew and several disputes began to arise, some of them violent. However, a cardinal principle in the historian's craft is that the value of any piece of textual evidence for testifying the occurrence of an event diminishes with growing distance in time. Evidence of the 19th century will thus be a poor basis to testify an event of the 16th century. Richard M Eaton, a respected U.S. historian of medieval India, is aware of the Sangh Parivar's ever inflating figures of temples demolished in medieval India and mosques built on their sites, first pegged at 300 some 15 years ago but by now having grown to 30,000. He has meticulously documented the desecration of each and every temple between 1192 and 1760 and arrives at the figure of 80. For details, his paper 'Temple Desecration and Indo-Muslim States' in his book, *Essays on Islam and Indian History*, Oxford University Press, Delhi, 2000, may be consulted. His list does not include the temple at Ayodhya.

If the silences of history leave ambiguous traces on this count, archaeological evidence by its very nature is

slightly less open to varying interpretation, if only relatively. Therefore, the court's directive has the potential of opening the door to a little more substantive evidence on the issue. What are the prospects of this happening?

Some archaeological excavation has already been undertaken around the site by B. B. Lal under the project "The Archaeology of the Ramayana" in the late 1960s and early 1970s. The fact that he had proposed to extend the excavations further and the non-submission of a final report of his undertaking points to the inconclusive nature of his findings. The court's injunction that further excavations should be carried out in a month's time implies its unfamiliarity with archaeological procedures which are extremely painstaking and time-consuming; a month's digging barely touches the fringe of the site. It is unlikely that such a small amount of digging could yield anything worthwhile.

But even prolonged and extensive digging could yield any of the following scenarios: conclusive evidence that a Ram temple did exist which was demolished to build the temple. It is extremely unlikely that this will happen; but if it does, the Muslim leaders have already announced that they would accept the evidence without further ado and honour it.

Evidence of layers of construction at the site demonstrating buildings of several kinds on top of one another. Very likely at any ancient site. This will seriously puncture the claim that this was the site of Ram's birth and cast doubts on the Sangh Parivar's lifeline campaign. If, on top of it, it also shows that the demolition of an earlier place of worship of a different denomination had preceded the construction of a temple before the

9. M. V. V. V.

mosque — not an unlikely happening in view of the fact that demolition of places of worship of one's political rivals was quite common in history around the world and so too in India and was not specific to the Muslims — the claim would be damaged even further. No conclusive evidence of the existence of a Ram temple, or any temple, even in the top layers; instead, digging throws up remains of a palace, or a mansion, for example. Not unlikely. This too will seriously strain the Sangh Parivar's claim.

Thus, if the digging bears out the first scenario, the solution will be clear-cut. If not, the matter will no longer be subject to judicial resolution. In the end, it will call for a political solution.

The unearthing of even a slight bit of evidence of a place of worship in the digging might mean a whirlwind campaign unleashed by the likes of Praveen Togadia and Ashok Singhal which will undermine the authority of the Judiciary and seek a forcible solution, helped by the Vajpayee Government's masterly inactivity. We can hardly overlook the fact that the momentum to this agitation was lent by L. K. Advani. The damage to the nation will be incalculable.

The other political solution, ideally to have been attempted in the 1980s, requires a grandeur of vision that the Muslim leadership seems so incapable of: the offer of the site to the Hindus and joining hands with them to build a Ram temple, even if symbolically. At one stroke, the Sangh Parivar balloon would have burst and the very Indian-ness of Indian Islam would have been established beyond the innuendoes cast on it by Narendra Modi, Mr. Togadia and the like. No one had heard of the Modis and the Togadias then; no one would have heard of them now either. And this one grand gesture would have insured all other medieval mosques against further predatory claims of the Sangh Parivar, some of them with much stronger basis of fact than Ayodhya. Is it too late?

(The writer is Professor, Centre for Historical Studies, School of Social Sciences, JNU.)

11 MAR 2003

THE HINDU

Ayodhya excavation: VHP won't give commitment

By Our Special Correspondent

NEW DELHI, MARCH 10. The Vishwa Hindu Parishad leader, Pravin Togadia, today refused to commit his organisation to giving up the claim on the disputed Babri masjid site in the event of archaeological excavations failing to establish the existence of a Hindu temple or religious structure at the place before the Babri masjid was built in 1528 A.D.

"We will cross the bridge when we come to it (*jab nadi ke kinare pahunchenge tab sochenge kaise paar karna hai*)," he said in response to a question.

He admitted that the VHP had, in fact, opposed excavation at the site as earlier it had been suggested that the makeshift temple at the place along with the Ramlala idol would have to be shifted. But now that the excavation has been ordered by the High Court without disturbing the temporary temple, the VHP had welcomed it, he added.

Addressing a press conference, he made two demands: one, the Government should hand over to (the VHP-controlled) Ram Janmabhoomi Nyas all of the undisputed and Government acquired land with full rights (of ownership); and two, legislation should be adopted by Parliament declaring Ayodhya to be the place of Ram's birth and hand over by law the disputed site to the Nyas (for building of a temple).

The VHP made it clear that it wanted Muslims

to handover to the Hindus "at least three of the 30,000 shrines — Ayodhya, Kashi and Mathura," as the VHP was "very liberal." He warned that if this was not done voluntarily but only after agitation, the "VHP does not know what will happen." (on earlier occasions he has said it would lead to a "civil war.")

Simultaneously, he announced the start of a major agitation from March 27 when lakhs of 'Ram sevak satyagrahis' would gather each day for a week in Delhi and would be led by a 'jagat-guru' or a 'sant.' 'Yatras' of 'sants' had also begun in several places as part of the effort to mobilise public opinion for this 'jan jagran' people's awareness programme, he said.

Separately, the Bharatiya Janata Party spokesperson, Vijay Kumar Malhotra, described the eminent historians Irfan Habib, Bipan Chandra and some others as a "gang of perverted historians" who were determined to rake up issues related to Ayodhya even when most of the Muslim organisations were quiet — the court ordering of the excavation of the Ayodhya site by the High Court was a case in point, he said.

But while Mr. Malhotra was at pains to point out that during "negotiations" several years ago between the VHP and the Babri Masjid Action Committee, the BMAC had agreed to give up the claim on the disputed site if the existence of a temple on the site was proved, he refused to say whether the VHP or the BJP would give up claim if this was not established through excavation.

SC adjourns hearing in Babri case

By J. Venkatesan

NEW DELHI, MARCH 10. The Supreme Court today adjourned by a week hearing on a petition seeking review of its November 2002 order, upholding a notification of the Mayawati-led Government in Uttar Pradesh that a special court at Rae Bareilly would try the Ayodhya Babri Masjid demolition case against the Union Ministers, L. K. Advani and Murli Manohar Joshi, the former Union Minister, Uma Bharti, and five leaders of the Vishwa Hindu Parishad.

Taking exception to the in-temperate language used in the petition, a three-judge Bench comprising Justice S. Rajendra Babu, Justice K.G. Balakrishnan and Justice Arun Kumar told O.P. Sharma, senior counsel for the petitioner, Mohammed Aslam Bhure, that he should amend the petition.

"Moderate your language. We do not approve of the manner in which you have put it. Make it appropriate and then we will consider the matter," the Bench said and granted a week's time to counsel.

In his review petition, Mr. Bhure alleged that the November 2002 order was discriminatory and had been passed to give benefit to the eight VVIPs. Submitting that the apex court had committed a palpable error overlooking his submission that there could not be two venues for the trial of the same offence committed by the same accused, he said that there was a clear miscarriage of justice in passing the impugned order relying upon "a fraudulent, misleading, baseless and dishonest notification" issued by the U.P. Government on September 28, 2002.

THE HINDU

1 1 MAR 2003

ASI team in Ayodhya, excavation begins today

AYODHYA, MARCH 9. A 12-member team of the Archaeological Survey of India arrived here today to excavate the disputed Ramjanmabhoomi-Babri Masjid site following a High Court order, amid tight security arrangements.

Two additional companies of the Central Reserve Police Force and three companies of the Provincial Armed Constabulary have been deployed at the site where the team, led by B. R. Mani, will start excavation work tomorrow, the Inspector-General of Police, Lucknow, A.K. Jain, told reporters here.

Foolproof arrangements were in place in and around the acquired land, and the excavation area would be cordoned off. A human wall would be formed between the makeshift Ram temple and the excavation site and no visitor would be allowed inside the area, Mr. Jain said. Pilgrims, however, would be allowed to offer prayers at the temple.

Members of the ASI team and labourers engaged in excavation would be given identity cards. And the tools used in the exercise would be listed and kept in safe custody after the day's work. Adequate security

would be provided to the team and the relics, artefacts and other articles found during the excavation would be kept in safe custody.

The Lucknow Bench of the Allahabad High Court on Wednesday directed the ASI to start excavation at the disputed site, without disturbing the 10 sq ft area where the idol of Ram Lalla is placed, to ascertain whether or not a temple existed in the area before the Babri Masjid was built. The ASI was given a week's time to begin the work and a month's time to finish it.

Jain forum stakes claim

A Jain forum, meanwhile, staked claim to the disputed site today, saying the demolished structure was built on the remnants of an ancient Jain temple, a report from Jodhpur said. "The only structure that would be found during excavation would be a sixth century Jain temple," Jain Samata Vahini, a social organisation of the Jains, said in a statement. "We want the site to be handed over to us in case a Jain temple is found," the organisation's general secretary, Sohan Mehta, said. — PTI

10 MAR 2003

THE HINDU

5/1
9/13

The Story so far!

9-11-11

The Lucknow Bench of Allahabad High Court (coram Narain, Alam and Singh, JJ) begin their Order of 5th March 2003 directing excavations around the Babari Masjid site with the words — *One of the important issues in the suit is whether there was any*

temple/structure which was demolished and mosque was constructed on the disputed site. With the utmost respect, this was not the issue. Indeed, in (1994) 6 SCC 360, a full bench of the Supreme Court led by His Lordship Chief Justice JS Verma had returned the Presidential Reference, which

included this question, unanswered on 24th October 1994.

Their Lordships Narain, Alam and Singh note that *the parties themselves have led archaeological evidence; this is not enough to make it the litmus test — or any other test — to determine the title. The question can have no bearing on title and it is only title to the land that is before the court. There is no proposition in law or practice, which holds that in determining title, consideration be given to what may lie underneath. The only exception one has noticed is if it can be shown that oil or gold or minerals lie there; ownership thereupon vests in the state and the owner is entitled to compensation for the land. In an order dated 1st August 2002 a*

proposal to excavate was indeed made by their Lordships, *inviting suggestions from the parties. Objections filed were brushed aside on 23rd October 2002 and the Archaeological Survey of India placed orders with Tojo-Vikas*

International Private Ltd to carry out a Ground Penetrating Radar test, whose report was before the Court. The Report concludes:

The GPR survey reflects in general a variety of anomalies ranging from 0.5 to 5.5 metres in depth that could be associated with ancient and con-

temporaneous structures such as pillars, foundations, walls, slab floorings, extending over a large portion of the site. However, the exact nature of these anomalies has to be confirmed by systematic ground truthing, such as provided by archaeological trenching.

The test would, at best, have shown blips on computers as on radar screens at airports, which help air traffic controllers guide aircraft; it is in no sense evidence that helps the VHP. Ashok Singhal had claimed on 21st February 2003 that he had *clinching evidence*. It bears recall that Ayodhya has some six thousand temples and given the directions of their Lordships to carry out excavations *in the vicinity* of the Masjid site so as not to disturb the

exact spot on which *faith* dictates that Ram was born and on which an unauthorised makeshift temple stands, some obstructions to radar beams are bound to exist. That no land anywhere is virgin down to the centre of the earth is axiomatic, perhaps less so in Ayodhya than anywhere else.

In 1991 Ashok Singhal had called a press conference in Ayodhya to display at ground level, fragments of carved stones and other artifacts, which he claimed proved that the Masjid was built on the site of the temple. He was laughed out of most newsrooms. At that time, Ramchandra Das, Singhal and other VHP bigwigs strenuously resisted any excavation because they had already concluded that the Masjid must be demolished. There were two earlier attempts to destroy it, led by Singhal and SC Dixit, one

on 30th October 1990 and the other on 2nd November 1990 as noted by Allahabad High Court. Why this sudden enthusiasm for the Order to excavate around the spot?

The history of the litigation goes back to 1885; the number of suits and the issues raised are indeed mind-boggling.

What stands out like a sore thumb is the perfidy of the then chief minister Kalyan Singh. He first tried to acquire the land on

which the Masjid stood; when rebuffed he issued another Notification to acquire land surrounding the Masjid, heralding mischief. This paved the way for vesting the whole area in the Union Government pending determination of titles by due process. This stay Order irks the Government now and they are in the Supreme Court urging that they be allowed to hand over the land to the Nyas so that the temple can be built. As an exercise in begging the question this takes the cake. By the way, no one now questions the action of Kalyan Singh in having used public funds to acquire land for utterly religious purposes; something expressly forbidden by the Constitution. To declare that the acquisition was for encouraging tourism was outrageous deception; it is also on a par with the hypothesis that because tourists also seek pleasures of the flesh, brothels be set up by the state to encourage them. Kalyan Singh was also the chief minister who undertook in court to ensure that no harm came to the Masjid; where is he now?

The RSS announce on 7th March that they are going back to the Ayodhya issue. It is not difficult to keep going round in circles, if you put your mind to it, now is it?

In 1991 Ashok Singhal had called a press conference in Ayodhya to display at ground level, fragments of carved stones and other artifacts... He was laughed out of most newsrooms

At that time, Ramchandra Das, Singhal and other VHP bigwigs strenuously resisted any excavation... Why this sudden enthusiasm for the Order to excavate around the spot?

Modi keeps secret tabs on Christians

Rathin Das
Ahmedabad, March 8

THE GUJARAT Police have reportedly started a discreet survey of Christians in parts of the state, seeking information on family sizes, job profiles and their sources of foreign funds, if any.

The All-India Christian Council, which submitted a memorandum to the state police chief on Friday, plans to move high court on the issue next week.

State Director-General of Police K. Chakravarthy told *Hindustan Times* that no statewide survey had been ordered. But he conceded that some information might have been sought from some people on the orders of district police chiefs.

A senior home department official, too, said no survey of Christians had been ordered. "It may be a survey of the flow of foreign funds and its use, but that applies to institutions of all communities," he said.

But community leaders alleged that policemen came calling at several Christian homes in Ahmedabad, Sabarkantha, Banaskantha and Kutch dis-

Amnesty flak

AMNESTY INTERNATIONAL on Saturday charged the Gujarat government with following a "grossly defective rehabilitation" policy for women victims of last year's riots. Amnesty has demanded immediate steps to arrest and prosecute the rioters and provide proper rehabilitation to victims.

PTI, New Delhi

tricts over the past few days and asked the families about their antecedents and assets.

The leaders said that at least 25 Christian institutions and families had been questioned. Police personnel who visited Christian institutions, they said, demanded information on the number of Christians in the area and details of the sources of their funds.

Bishop Gregory of Rajkot said: "I was asked (by the police on Friday) about the number of Christians and institutions here." He was told to contact the

nearest police station if he needed help, he said.

The police have asked some Christians whether they had converted voluntarily or under pressure, and whether they were first-generation Christians.

"This survey may be a build-up to the anti-conversion Bill the state government plans to introduce this session," said Father Cedric Prakash of the United Christian Forum for Human Rights.

A Church leader in Saurashtra was asked whether Christians would hold demonstrations if the anti-conversion Bill is introduced, sources said.

Individual Christians are scared to speak to the media as many of them are government employees.

After the attacks on Christians and the burning of churches in Dangs around Christmas in 1998, state intelligence had ordered a similar survey, but abandoned it after a petition was filed in the Gujarat High Court.

India has narrowly escaped being blacklisted by the US for religious intolerance following last year's communal riots in Gujarat.

✓ 'COUNTRY TILTING TO HINDUTVA'

RSS takes to Ayodhya again

873 571 Pehusin

Statesman News Service

NEW DELHI, March 7. — The RSS today declared that it would focus again on the Ayodhya temple movement. "It appears that the time is fast approaching for us to once again become active in the Mandir movement," RSS general secretary Mr Mohan Bhagwat told the organisation's Pratinidhi Sabha (annual general meeting) in Nagpur. A copy of his speech was released here as well.

While presenting the organisation's annual report, Mr Bhagwat stressed that the Ayodhya issue could not be allowed to remain in uncertainty — "a solution should be found soon keeping the sentiments of the Hindus in mind".

He appreciated the government's efforts, but slammed the forces trying "to create hurdles to the movement flaunting... arguments rejected by the people long back".

Citing the Gujarat polls, he said the results had made it clear that the people were no longer "ready to tol-

erate the tendency of ignoring the sentiments of Hindus." The country's intellectuals, he said, were "tilting towards the Hindu ideology".

The RSS noted with "satisfaction" that the Muslims of Gunj Bawsoda tehsil in Madhya Pradesh had organised a march, joined by about 500 people, demanding that cow be declared the National Animal. This, Mr Bhagwat said, was an example of "the change in the attitude..."

Mr Bhagwat charged the J&K government with "moving towards the old secessionist policies", instead of "ending its anti-Jammu attitude". On Mufti Mohammad Sayeed's "healing touch" policy, he said the section that needed the touch the most was Kashmiri Pandits.

The Sangh called for social consolidation in an atmosphere which Mr Bhagawat described as conducive. The organisation, he said, should be expanded to the village level. RSS chief Mr KS Sudarshan, BJP chief Mr M Venkaiah Naidu, and VHP leaders Mr Ashok Singhal and Mr Praveen Togadia were present at the meeting.

8 MAR 2003

THE STATESMAN

SC reserves verdict on Ayodhya

Our Legal Correspondent

NEW DELHI, March 6. — A five-member Constitution Bench of the Supreme Court (coram, Babu, Quadri, Shah, Hegde, Raju, JJ) today reserved its verdict on the issue of the undisputed land in Ayodhya.

The government had filed an application seeking to lift an earlier stay imposed by the court on all religious activities on the undisputed land, near the disputed site, acquired in 1993.

“Judgment is reserved. We will consider the matter,” Mr Justice S Rajendra Babu, who presided over the Bench, said after hearing arguments for over four hours

from solicitor-general Mr Kirit Raval and counsel — Mr Kapil

Sibal, Mr RK Dhawan and Mr Sidhartha Shankar Ray — representing Muslim organisations.

The thrust of the solicitor-general’s argument was that the government was not required to wait for the disposal of the title suit in Allahabad High Court before utilising the acquired land. He, however, stressed that at this point there were “no candidates” for that land — he was only making out a legal case.

Counsel for the VHP said the organisation was not demanding a portion of the land for itself, it could go to any organisation which would facilitate regular conduct of rites and rituals at that “holy place”. That

prompted their Lordships to ask if he had been “authorised” to make such a statement.

The counter-argument by counsel representing Muslim organisations was that the 1993 Act specified the purpose for which the land had been acquired — building a temple, mosque, library, museum, park — and until such plans were prepared and accepted, the status quo had to be maintained. Could any such plans be formulated till the basic issue of the disputed land had been settled, counsel asked.

Arguing the government’s case, Mr Raval urged the court to vacate the interim order issued by the Supreme Court on 13 March 2002 that

had upheld the 1993 acquisition of 67.73 acres of undisputed land and 2.77 acres of disputed land in Ayodhya and had ordered maintenance of status quo as on 7 January, 1993.

This order, he pleaded, went beyond the scope of the 1994 judgment, which restricted the maintenance of status quo only to the disputed site. Further, a three-member Bench cannot override an order of the five-member Bench that delivered the 1994 judgment, he argued.

Since then the situation in Ayodhya has changed rendering the petition of M Aslam (alias Bhure) infructuous, Mr Raval said. There’s no reason now for maintenance of

Editorial: Is this due process?
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Turn to page 2

HC order on Ayodhya is an academic exercise: experts

By Akshaya Mukul
TIMES NEWS NETWORK

New Delhi: Instead of settling the land title dispute, the Allahabad high court's order to excavate the disputed site in Ayodhya is likely to add to the academic claims made by archaeologists representing the mandir and masjid viewpoints.

The last time noted archaeologist B.B. Lal published the findings of his 1970s excavations carried out as part of the 'Archaeology of the Ramayana sites', they were not only debunked but credible loopholes were pointed out by historian R.S. Sharma.

Though Mr Lal could not be contacted, Mr Sharma, now in Patna, maintains that the court's excavation order should have included the site on which Ram's idol—installed there in 1949—is situated. He also wants the Archaeological Survey of India (ASI) to videograph the excavation which could be shown to his-

torians and others later. "Limited excavation would not help," he says.

Meanwhile, the Union culture ministry—the nodal ministry for the ASI—is gearing itself to implement the court's order immediately. Though culture minister Jagmohan is out of the country, a senior official said, "The ASI would definitely be able to undertake the task in the stipulated period." Privately, however, officials maintain the excavation would only add to the academic squabble.

Mr Lal's position and claims are well exemplified in his detailed essay on the 'Destruction and Conservation of Cultural Property', edited by Robert Layton, Peter G. Stone and Julian Thomas. Mr Lal had chosen 14 areas, including Hanuman Garhi, Kaushilya Ghat, Sugriva Tila and the Janmabhoomi area. At the Janmabhoomi area, a trench was laid out on the southern side of the Babri complex, at a distance of about four metres from the bound-

ary wall. Mr Lal wrote, "Like all other trenches at Ayodhya, this too revealed that the earliest occupation dated back to the 7th century BC. For whatever reason, the spot was abandoned." Mr Lal also found parallel rows of pillars in the trench, which he contended were remnants of occupation after it was abandoned. Mr Lal wrote, "While some pillars fell well within the excavated trench, a few lay underneath its edge towards the boundary wall of the mandir-masjid complex."

In the same book, Mr Sharma found Mr Lal's contentions wanting on various counts. One, though Mr Lal published two reports on his Ayodhya diggings, in 1976-77 and 1979-80, he first referred to the discovery of the pillared structure only in 1990, after the Ayodhya dispute rose to national fame. Mr Sharma also felt that the alleged pillar-bases show no structural remains associated with the pillar-bases.

FRIDAY, MARCH 7, 2003

9 minutes

DIGGING UP THE PAST

no-1 2/3

THE ORDER OF the Allahabad High Court's Lucknow bench directing the Archaeological Survey of India to undertake excavation at the disputed site in Ayodhya has given a new momentum to the issue but cannot obviously be dismissed as totally irrelevant for the simple reason that one of the several issues framed in the bunch of title suits pending before it relates to the question whether a temple had existed before the Babri mosque (since demolished) was built. In deciding to go for such a physical verification, the Court would appear to be following up the findings or recommendations of the Canadian company that had conducted an elaborate radar-based survey of the site in dispute and this explains its decision to associate that firm in the excavation work by way of "assisting" the ASI. Interestingly, only recently, the Prime Minister, Atal Behari Vajpayee, spoke of "historical evidence" being available to prove that a temple had existed prior to the mosque. But the point is that what emerges from the proposed excavation, a process the ASI has been asked to complete within a month, can only be of partial relevance to the determination of the pending title suits and cannot by any reckoning be the clinching factor. Also, it is more than likely that expert opinion on whatever archaeological evidence is thrown up by the excavation is sharply divided — as it often happens — precluding any definitive conclusion on the basic issue in contention.

More fundamentally, there is the larger question whether prior existence or antiquity can be invoked as a legitimate and legally sustainable ground for reversing what are essentially historical events. Even assuming that the proposed excavation in Ayodhya establishes beyond doubt that a temple had in fact existed at the disputed site centuries ago, it cannot by itself be a sufficient ground for the case to be decided in favour of the Ramjanmabhoomi Nyas or other outfits of the majority community for them to build the

Ram temple there. In any event, to the extent that this concept has been given a place by the High Court in its scheme for deciding the title suits, its excavation order, even if unintended, is bound to be seen by the Sangh Parivar, which makes no bones about its revanchist designs, as giving credence and support to its campaign for "liberating" the thousands of Hindu shrines in various parts of the country from the "hold" of the minority community, its high-profile priorities being those in Varanasi and Mathura. True, in the wake of the Ayodhya dispute, a special law was enacted to freeze the religious denominational status of all places of worship across the country, but the likes of the Vishwa Hindu Parishad have never concealed their utter contempt for the law of the land or for basic democratic values. If anything, they have become more brazen in their defiance of the law and provocative in their ways of pursuing their majoritarian agenda after the "successful" Gujarat experiment.

In the Ayodhya context, given the terrible injustice done to the Muslim community by an act of national outrage that brought down the Babri Masjid — even as the state stood exposed for its grave dereliction of Constitutional obligations — norms of fairness would require, ideally, the restoration of status quo ante, namely rebuilding the mosque at the same site. As of now and for various reasons, a political consensus has evolved nationwide that the adjudication route is the best bet and the judicial verdict (in the pending suits) must be taken as the final word. It is against this backdrop that the Vajpayee regime's recent pro-temple initiatives and not-so-subtle attempts to plead the VHP's cause in the Supreme Court by seeking to facilitate the transfer of the 'undisputed land', even while the proceedings in the Allahabad High Court in the title suits are heading for the decisive stage, stand out as blatantly partisan. With the apex court reserving its orders on its pleas in this regard, it remains to be seen whether the Centre will have its way.

OF HINDU

7 MAR 2003

NO MOVE TO HAND OVER UNDISPUTED LAND TO VHP: CENTRE

SC reserves verdict in Ayodhya case

By J. Venkatesan

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NEW DELHI, MARCH 6. Even as the Supreme Court today reserved its verdict on the Central Government's plea for vacating the "status quo" order in the Ayodhya case, the Government categorically stated that it had no intention of handing over the 67.703 acres of "undisputed land" to the Vishwa Hindu Parishad for construction of a Ram temple.

A five-judge Constitution Bench comprising Justice S. Rajendra Babu, Justice S.S.M. Quadri, Justice M.B. Shah, Justice Santosh N. Hegde and Justice Doraiswamy Raju, reserved judgment at the conclusion of the day-long arguments by the Solicitor-General, Kirit Raval, for the Centre and counsel for other parties.

Mr. Raval maintained that the status quo order passed by a three-judge Bench last year banning any type of religious activities on the undisputed land ran counter to the 1994 judgment and hence it should be vacated.

Reading the relevant portions of the 1994 judgment, Mr. Raval said, while upholding the acquisition of 2.77 acres of the disputed Ram Janambhoomi-Babri Masjid area and the 67.703 acres of undisputed land, the court had ordered the status quo only in respect of the disputed area.

Mr. Raval asserted that the Government was committed to obeying the 1994 judgment and maintaining the status quo at the disputed area till the adjudication of the title suits in the Allahabad High Court.

Even as Mr. Raval gave the assurance, the Bench observed: "Similar status quo assurances were given to the court, but what happened to them?"

When Mr. Raval submitted a map to the

court, the Bench asked in a lighter vein: "Why has the Centre chosen yellow colour to highlight the disputed area?" Mr. Raval responded by saying, "I have marked the disputed area in yellow and the undisputed area in saffron colour."

He said the Government was committed to preserving secularism but, at the same time, it could not ignore the repeated requests of a particular community for utilisation of the undisputed land for religious purposes as Ayodhya was their religious hub. "We have to give due weightage to their demand if it is within the four corners of law", he said, adding, "to say that we should not consider such a demand is too extremist a view".

He said that as per the 1994 judgment, it was permissible for the Government to give back the acquired undisputed land once it determined the area required for the purpose of giving access to the disputed site. As per the provisions of the 1993 Acquisition Act, the Government, as the absolute owner of the undisputed land, could transfer its management to a trust at any stage till the adjudication of the title suits by the High Court and there was no embargo on this.

The Solicitor-General also clarified that there was no party before the Government to whom a portion of the land could be given. "The other community should not take a rigid stand and ask for the continuance of the status quo on the undisputed land," he said and pleaded for vacating the status quo order.

Pointing out that the interim order was passed last year on a particular situation, Mr. Raval said the petition filed by Mohd. Aslam Bhure had become infructuous and should be dismissed.

The Additional Solicitor-General, R.N. Trivedi, appearing for the Uttar Pradesh Government, supported the Centre's plea for vacation of the status-quo order.

Appearing for the All-India Muslim Personal Law Board, senior counsel Kapil Sibal said the status quo had been maintained both on the disputed as well as the undisputed land for 10 years. And to alter the status quo, there had to be some substantial change in circumstance, but nothing had been said or any plan of action put forward by the Government.

Reading through the 1994 judgment, Mr. Sibal asserted that both the disputed and undisputed land were acquired in 1993 to facilitate a proper access to the disputed site which should be handed over to the rightful owners only after the adjudication of the title suits by the High Court.

Senior counsel Siddharth Shankar Ray, appearing for the Uttar Pradesh Sunni Wakf Board, senior counsel Rajeev Dhavan for the Babri Masjid Action Committee and senior counsel O.P. Sharma for the petitioner, said the status quo order should continue till the disposal of the title suits pending before the High Court. They said the object of the acquisition would be frustrated if the order was vacated.

Appearing for the VHP, senior counsel P.S. Misra said the VHP wanted the Government to hand over the undisputed area to a trust or any authority as it would facilitate carrying out of rituals, which were being conducted now with great difficulty. He said a roof over the idols could be built and "even Muslims could come forward and build it and we will welcome it."

More reports on Page 11

RE FILED

7 MAR 2003

Court orders excavation in Ayodhya

Govt to seek undisputed land transfer

Statesman News Service

NEW DELHI, March 5. — The government will urge the Supreme Court tomorrow to hand over the undisputed land acquired in Ayodhya in 1993 to the "rightful owners" after making provisions for access to the disputed site through it, officials said today.

"We would urge the court to return the undisputed land to its rightful owners after making all provisions for access to the disputed area through it," an official said. This would take care of the issue of access to the disputed site if the title suit pending before the Allahabad High Court goes in favour of the mosque authorities. Officials cited a clause in the 1994 judgement to bolster their argument for handover of the undisputed area.

It reads: "At a later stage, when the exact area acquired which is needed for achieving the professed purpose of acquisition, can be determined, it would not merely be permissible but also desirable that the superfluous excess area is released from acquisition and reverted back to its original owner."

Of the 67 acres of undisputed land acquired by the government by the Acquisition of Certain Area at Ayodhya Act, 1993, 43 acres belong to the Ramjanmabhoomi Nyas. Handover of this 43 acres to the Nyas for temple construction work has been a key demand of the VHP.

An SC five-member Bench, headed by Mr Justice S Rajendra Babu, is likely to dispose several pleas on the issue tomorrow and also a government application urging vacation of a stay on religious activities — actual or symbolic — on the undisputed land. The stay was passed on 13 March 2001. The home ministry, in its application, had urged the court to vacate the stay saying: "...the continuing state of uncertainty was not in public interest."

Press Trust of India

LUCKNOW, March 5. — Allahabad High Court today directed the Archaeological Survey of India to carry out excavation at the disputed site within a week and complete the process in a month to ascertain whether a temple existed at the place where the Babari Masjid stood.

A three-judge Bench of the Lucknow Bench of the High Court, which is hearing the Ramjanmabhoomi-Babari Masjid title suit, asked ASI to start excavation work within a week from today and apprise it of the progress on 24 March.

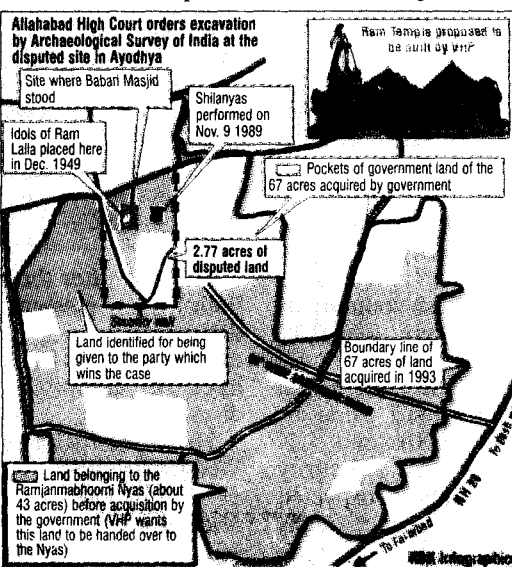
The court order comes a day before the hearing in the Supreme Court on whether

the undisputed land should be handed back to its "rightful owners" after making provisions for access to the disputed area.

The Bench comprising Mr Justice Bhanwar Singh, Mr Justice SR Alam and Mr Sudhir Narain directed ASI to submit the report to the court within a week of the completion of the excavation.

The court said the site should be excavated without disturbing the make-shift Ram Temple where the idol of Ram Lalla has been installed and that it should spare the

10-foot area of the *chabutra* (platform), on which the idol is placed. Devotees should be allowed to have *darshan* of the idol and status quo should be maintained during the excavation. The court directed the ASI to employ experts for the job. If ASI doesn't have enough experts, the Centre could hire experts from outside, it said.



The Bench asked New Delhi-based Canadian company Tojo India Vikas International (PVT) Ltd, which had carried out a survey of the site using radars, to help ASI.

Demolition case: A special court here allowed the CBI's plea for sending papers on the FIR registered against the eight accused, including Mr LK Advani and Dr MM Joshi, in connection with

the Babari Masjid demolition case to the special court in Rae Bareli.

Special judge Seth Shailendra Nath Tandon passed the order on CBI's plea seeking transfer of papers relating to crime number 198/92 in which Mr Advani, Mr Joshi and six others were named as accused, to the Rae Bareli court so that prosecution against them could begin there.

Parivar, BJP hail excavation order, page 4

6 MAR 2003

THE STATESMAN

MAKESHIFT TEMPLE SHOULD NOT BE DISTURBED: HIGH COURT

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J. M. Wintu

ASI ordered to take up excavation at disputed site

LUCKNOW, MARCH 5. In a major development in the Ayodhya case, the Lucknow Bench of the Allahabad High Court today ordered the Archaeological Survey of India to undertake excavation at the disputed site within a week and complete the process within a month to ascertain whether a temple existed at the place where the Babri Masjid was built.

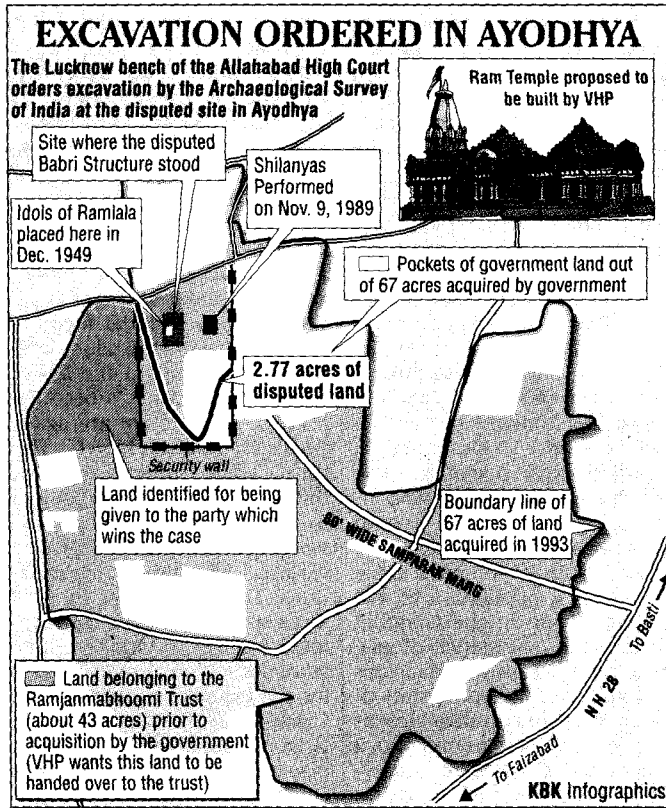
A three-judge bench hearing the Ram Janmabhoomi-Babri Masjid title suit, asked the ASI to start the excavation work within a week from today and apprise it of the progress on March 24.

The court order came a day before the crucial hearing in the Supreme Court on whether the undisputed land should be handed back to its "rightful owners" after making provision for access to the disputed area.

The Bench, comprising Justice Bhanwar Singh, Justice S.R. Alam and Justice Sudhir Narain, also directed the ASI to submit the report to the court within a week of completion of the excavation process.

The court said the excavation should be carried out without disturbing the makeshift Ram temple where the idol of Ram Lalla has been installed.

The excavation should spare



the area measuring about 10 feet of the 'chabutra' (platform) where the idol of Ram Lalla is placed, the order said.

The court also said the devotees' right to have darshan at

the makeshift temple should not be disturbed and the status quo should be maintained.

It directed the ASI to employ experts for the job on top-most priority and, if need be, shift

them for the purpose if they are engaged in some other work. The Union Government should hire other experts if there was a dearth of the same in the ASI, the court ruled.

It asked New Delhi-based Canadian company Tojo India Vikas International, which had carried out a detailed study of the site using radars, to assist the ASI in excavation.

In a related development, a special court here allowed the CBI's plea for sending papers relating to the FIR registered against eight accused persons, including the Deputy Prime Minister, L.K. Advani, and the Union Human Resource Development Minister, Murli Manohar Joshi, in connection with the Babri mosque demolition case, to the special court in Raebareilly, paving the way for their trial there.

The Special Judge, Seth Shailendra Nath Tandon, passed the order on the CBI's plea seeking transfer of papers relating to crime number 198/92 in which Mr. Advani, Dr. Joshi and six others were named as accused in the demolition case so that the prosecution proceedings against them could begin in the Raebareilly court. — PTI

Reactions on Page 11

THE HINDU

6 MAR 2003

'VIOLATION OF LAW WILL BE DEALT WITH'

Move on Ayodhya has no political motive: PM

By K.V. Prasad

9. Min...
NEW DELHI, MARCH 4. The Prime Minister, Atal Behari Vajpayee, today asserted in the Rajya Sabha that the Government's decision to approach the Supreme Court on the Ayodhya issue was not guided by any political consideration.

Explaining the rationale behind the move while replying to the debate on the motion of thanks to the President's address, Mr. Vajpayee said that the Government wanted the court to take a decision on the undisputed land. His statement drew an immediate protest from the Opposition. The House later adopted the motion through a voice vote, after some amendments moved by the Opposition were negatived.

Mr. Vajpayee said the Government stand that the tangle be sorted out either by mutual agreement between the two sides or through a court verdict remained unchanged. Since the judicial process took time, he had sought the suggestion of eminent jurists in the House on how it could be hastened. There was no reason to fear that the Government's move could lead to a flare-up. Now that the Supreme Court had fixed a date, the parties concerned could present their views there.

With the Opposition members expressing concern over the "lack of action" with regard to the Vishwa Hindu Parishad leader, Praveen Togadia's "hate campaign," the Prime Minister said if any person violated the law or crossed limits, the law was there to attend to it. Such was the agitated Opposition's onslaught that at one point of time, Mr. Vajpayee sought "protection" from the Chair to enable him to continue his speech.

Mr. Vajpayee's reply came a day after a similar exercise in the Lok Sabha. Today, he preferred to take up issues as diverse as the Government's commitment to Jammu and Kashmir, more pow-

ers for the panchayats, the Women's Reservation Bill, the need to address the unrest among tribals, economic growth and the relevance of the Non-Aligned Movement.

Referring to the scepticism over achieving an 8 per cent growth rate, Mr. Vajpayee admitted that while the task was difficult, it was not impossible provided all the parties kept aside their differences and resolved to work towards it.

On the Government's Vision-2020 and its emphasis on four areas of connectivity, he said it was necessary to find a way to generate funds. Progress in building the national corridor of roads reflected the Government's resolve to generate resources for infrastructure development.

Similarly, Mr. Vajpayee said there should be an informed debate on how to find funds to strike a balance in the field of education with the twin objective of spreading literacy and keeping standards in higher education.

Stressing on the need for granting financial and administrative powers to the panchayats, Mr. Vajpayee suggested that a joint session of Parliament be called to amend the Constitution, if all the parties agreed with it. He also acknowledged the former Prime Minister, Rajiv Gandhi's vision for empowering the people.

Turning to Jammu and Kashmir, Mr. Vajpayee said that the Assembly elections had ushered in a new chapter and that his Government was committed to addressing all questions.

The appointment of N.N. Vohra as the Centre's interlocutor was a step in this direction. On the Non-Aligned Movement, he said it was still relevant and useful. Cooperation, not confrontation, was needed among the North-South countries. A mechanism was also required to allow NAM member-countries to share and benefit from experience in tackling poverty and rural backwardness.

THE HINDU

5 MAR 2003

Togadia seeks Sonia's support for temple

9 min
VIDISHA, MARCH 3. The Vishwa Hindu Parishad (VHP) general secretary, Praveen Togadia, today urged the Congress president, Sonia Gandhi, to give support for construction of the Ram temple at Ayodhya.

Addressing a public meeting here, Mr. Togadia said that in a way the Congress had launched a movement for construction of the temple when Rajiv Gandhi as Prime Minister had got opened its locks in 1984.

"So now Sonia, as wife of Rajiv Gandhi, must help in the construction of the temple. He said Muslims should not have any problem in handing over land near the temple.

The India Union Muslim League (IUML), meanwhile, said that the VHP or the Ram Janmabhoomi Nyas (RJN) were not entitled to get even the so-called "undisputed" part of the acquired land under the Ayodhya Act of 1993.

The Act stipulates that after adjudication of the main dispute, the Government can finally transfer the land to a trust or a body formed only after commencement of the Act, and both the VHP and the Nyas were formed much before that, the IUML president, G.M. Banatwalla, said in a statement in New Delhi.

The "undisputed" chunk includes the land belonging to eight temples and other trusts which do not admit the VHP claim, and one of them have filed a suit against them, he said.

Besides, there is a Waqf land with four mosques (other than the Babri Masjid), 13 nazul plots of Muslim graveyard and a famous 'dargah' and other Waqf properties, Mr. Banatwalla added.

The IUML president said the demand for legislation to enable construction of the temple even on the disputed land is subversion of the Constitution, as Parliament cannot decide a property dispute pending be-

fore the judiciary.

Petition dismissed

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A/3
The Delhi High Court dismissed a petition challenging Z-plus security accorded by the Vajpayee Government to Mr. Togadia.

A Division Bench, comprising Justices Usha Mehra and Pradeep Nandrajog, dismissed the petition filed by NGO 'Real Cause' after recording the statement of the Additional Solicitor-General, K.K. Sud, that security to Mr. Togadia had been provided in accordance with the Central Government (security) guidelines.

The petition, filed by the NGO through its president, Kamran Siddiqui, alleged that Mr. Togadia was being provided police cover in violation of the VIP security guidelines. Besides, he should be booked under PO-TA and NSA, it said.

While about Rs. 1 lakh a day was spent on his security though he was neither an MP nor a VIP, Mr. Togadia went around making inflammatory speeches.

Mr. Siddiqui said he had written a letter to the President, A.P.J. Abdul Kalam, requesting that he order the arrest of Mr. Togadia and Mr. Ashok Singhal for making provocative speeches leading to communal tension, and for saying that they were not ready to accept the Supreme Court's decision on the Babri Masjid-Ram Janmabhoomi dispute.

'Sangharsh samiti'

In Ayodhya, the Vishwa Hindu Parishad has constituted a "Ram Janmabhoomi nirman sangharsh samiti" as part of the build-up for a Ram temple movement. The "sangharsh samiti" (struggle committee) was set up after the recent decision of the "dharam sansad" to launch a people's movement for construction of a Ram temple.

— PTI, UNI

Bloodspill after 'bloodless' war

Gr. 6 293

OUR CORRESPONDENT

Ahmedabad, March 2: Passions ignited by the India-Pakistan World Cup match — billed by many as a "bloodless war" — provided the spark to the charged communal atmosphere in Ahmedabad and Vadodara, triggering violence and shattering the fragile peace holding in the twin cities since the post-Godhra riots.

An 18-year-old youth was killed in police firing and half a dozen people were injured in stone-pelting last night as celebrations after India's six-wicket triumph turned nasty.

The Rapid Action Force and the police were rushed to control the flare-up in the walled city and the situation was normal this morning. No fresh incidents have been reported from the places where violence broke out last night.

Zuber Ismaili Shaikh, a bystander, was killed when the police fired five rounds at Shahpur around 10.30 pm yesterday to disperse clashing mobs. He was rushed to VS hospital, but succumbed to the injury.

Shaikh was struck when he came out of his house on hearing commotion as members of two communities threw crackers and stones at each other. Fire brigade sources said a scooter was also set ablaze.

As in the other cities across India, thousands poured out of their houses here moments after Rahul Dravid hit the winning boundary and erupted in joyous celebration, dancing, screaming and shouting anti-Pakistan slogans.

While the western parts of the city remained peaceful, clashes broke out in the walled city. In Rakhial, Bahai centre and Delhi Darwaja areas, the police had to lob teargas shells to disperse rioting groups. An electronic goods shop at Rakhial was vandalised.

Clashes began in Vadodara when miscreants hurled stones at a procession celebrating India's win at Wadi Mughalwada. The marchers retaliated, sparking a clash. Four two-wheelers and a shop were torched.

Within half-an-hour, the violence spread to nearby Fatehpura and Yakupura. Here, too, the police lobbed teargas shells to disperse the stone-pelting mobs.

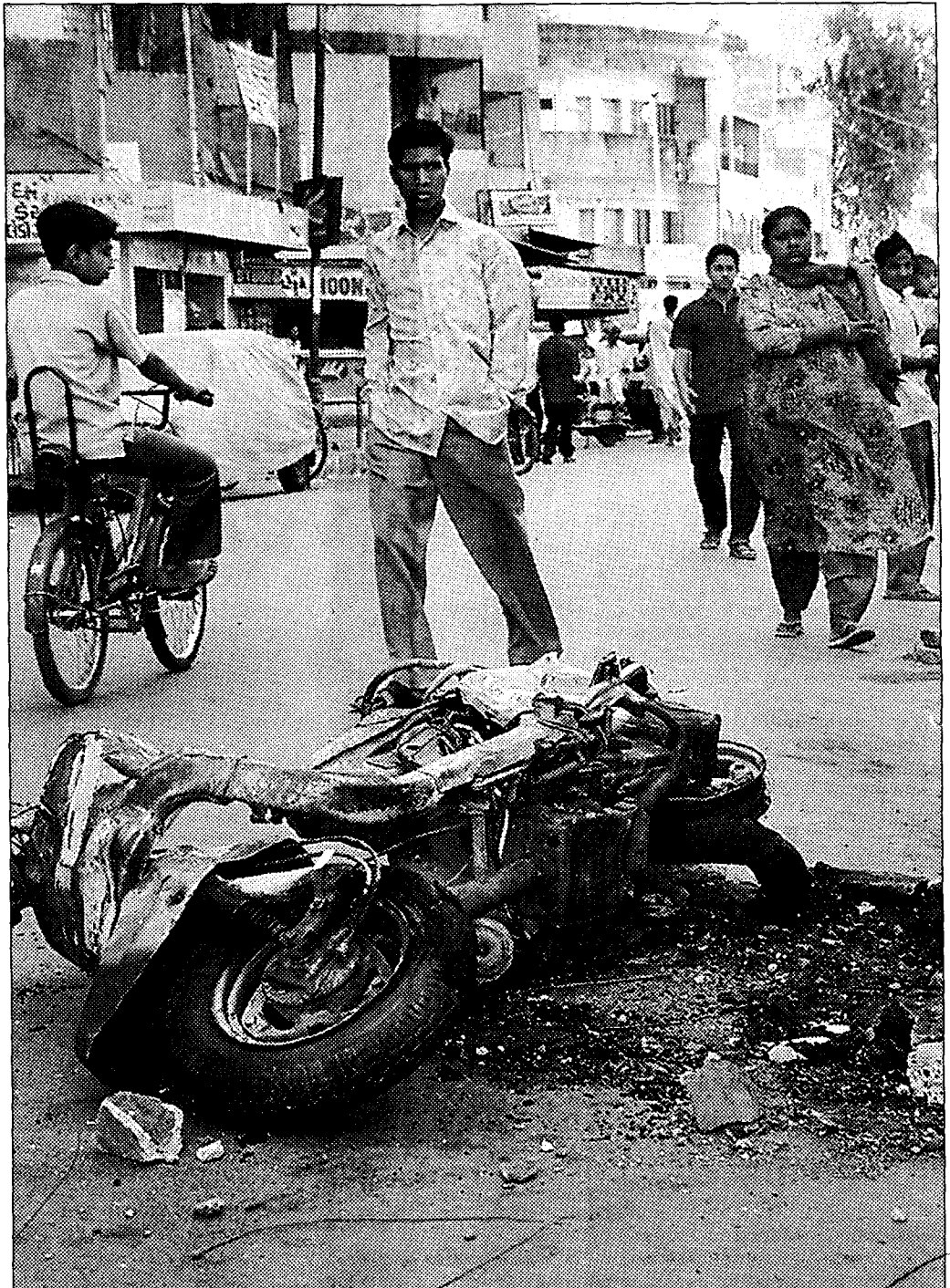
At least four policemen were injured in the incidents. Assistant commissioner I.C. Raj was struck by a stone on his head. A police inspector and other officials, including an SRP constable in Vadodara, were also hurt.

Revellers killed

Three revellers died in separate incidents in Karnataka after India's win last night, reports PTI.

Two persons died at Bugathahalli village in Mandya district when the revellers' autorickshaw collided with a lorry. Five persons were injured.

In another incident, a dairy worker was killed when a boiler exploded in Bangalore. The police said the workers, keen to watch the Indo-Pak match, had increased the boiler's heating level to hasten production, resulting in the mishap.



A scooter burnt by clashing revellers in Ahmedabad after India thrashed Pakistan. (AFP)

3 MAR 2000

3 MAR 2000

THE TELEGRAPH

PM briefed on Ayodhya

By Our Special Correspondent

NEW DELHI, MARCH 2. Ahead of the Supreme Court hearing on the Central Government's plea on the Ayodhya matter, a high-level meeting was convened today by the Prime Minister, Atal Behari Vajpayee, at his residence. Apparently, a detailed brief on where the Government stood was presented to the Prime Minister, the Deputy Prime Minister, L.K. Advani, and the Cabinet Minister, Murli Manohar Joshi, who were present.

Among the others who attended were the Union Law Minister, Arun Jaitley, and the Solicitor-General, Kirit Rawal. The Attorney-General, Soli Sorabjee, did not attend the meeting as he is not appearing in the matter.

Official sources were tight-lipped about the confabulations that lasted for about an hour. After the mess that was created last year at the time of the Vishwa Hindu Parishad's 'shila poojan' event in Ayodhya, the Government wants to exercise maximum caution this time although it is the Government which has approached the Supreme Court for an early hearing.

Last year, in an interim judgment, the court disallowed the 'shila poojan' or any other religious activity or any other activity on all of the 67 acres of Government acquired land in and around the disputed site. Now, the Government would like the court to lift the stay on these activities, at least on what it describes as the "undisputed" portion of the acquired land.

The BJP leaders have virtually announced their not-so-hidden agenda of handing over of a large part of the land to the VHP-led Ram Janmabhoomi Nyas to allow them to start construction of a Ram temple even though the verdict in the main title suit is yet to come.

The Supreme Court is expected to begin hearing the Government's plea on March 6 and during the course of its judgment it could give a final view on the status of the acquired land.

"Centre's move unwarranted"

MUNGER (BIHAR), MARCH 2. The All India Muslim Personal Law Board today termed as "unwarranted" the Vajpayee Government moving the Supreme Court seeking vacation of religious activities in 67 acres around the disputed site in Ayodhya but decided to abide by the court's verdict.

A resolution adopted at the two-day convention of the AIMPLB here said the Government should have exercised restraint as the matter was already pending with the Apex Court.

"When the matter is pending with the Supreme Court, why did the Government move the court seeking vacation of any kind of religious activity in the 67 acres acquired land around the disputed site?" it asked.

The convention decided to abide by the decision of the Supreme Court on the Ayodhya issue, the board's national general secretary, Hazrat Maulana Nizamuddin, told reporters here.

Mr. Nizamuddin said his talks with the Kanchi Sankaracharya, Swami Jayendra Saraswati, on the Ayodhya issue had not failed. He had asked for some papers from the Sankaracharya on the issue and because of this the talks had not progressed, he said.

Over 600 delegates from different parts of the country, including MP, Gulam Mahmood Bannarwala, former MPs, Syed Sahabuddin and Ibrahim Suleman Seti, participated.

The AIMPLB chairman, Sayed Rabe Naqbi, announced that Muslims in India would oppose any attempt to ban cow slaughter through legislation.

Addressing newsmen after the convention, Mr. Naqbi described the latest move to ban cow slaughter as yet another attempt at fuelling hatred among different communities with an "ulterior motive" to fulfil the narrow political interests of some people.

He recalled that the British rulers once utilised the issue to drive a wedge between Hindus and Muslims for meeting their own objectives. — PTL, UNI

Godhra, a year later

By Jyoti Punwani

Jyoti Punwani

119-10
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ONE YEAR after the Sabarmati Express was burnt outside Godhra railway station, the town has come full circle — almost. At that time, Hindus and Muslims would not even enter each other's areas. Today, the physical barrier no longer exists, but emotionally, the two communities are back to square one.

The arrest of Godhra's chief maulvi has nullified months of peace efforts in the ultra-sensitive town. The allegation that Maulana Hussein Umerji was the "mastermind" behind the burning of the Sabarmati Express on February 27, 2002 and his alleged admissions during police interrogation appear to have convinced most Hindus in Godhra that the BJP's portrayal of Muslims as "jehadi terrorists financed by Pakistan and other Islamic countries" is absolutely correct. Everyday, leading Gujarati newspapers carry banner headlines about the Maulvi's "confessions", including the one regarding his 'links' with "the world's most wanted terrorist", Afghanistan's Mullah Omar. These "admissions" are seen as reason enough to apply PO-TA to the Maulvi and the other accused.

The fact that the town's chief maulvi was named by one of his own community has made the case against him foolproof for the town's Hindus. That the man who named him is a criminal, that not one of the 75-odd others arrested for burning the train, including those labelled by the police as part of the "core group", had named the maulvi in the past 12 months, has not dented the credibility of the accusations against Maulana Umerji. And neither the Gujarati newspapers, nor their Hindu readers, question the value of the statements made during police interrogation.

Anywhere else, civil rights activists would be raising these questions. But in Godhra, Hindus and Muslims who have been in the forefront of peace and communal harmony efforts over the last one year — ironically, Maulana Umerji was foremost among them — do not want to risk being branded by probing too much. As for Godhra's

larger Muslim community, the arrest of the man who had kept them in check over the last 12 months, conveyed their grievances to the highest authorities, including the Prime Minister, and controlled relief efforts in the town, has crushed them.

After a five-day bandh restricted to their own areas, they are at a loss at what to do, and there's no one to guide them. Despite being the flash-

both sides. A powerful force is needed which can, by its very presence, send the message to wrongdoers that their mischief won't be tolerated. Once they mend their ways, they will realise that the other community has no problem with them. Then their fear too will vanish. Narendra Modi represents this force in Gujarat, concluded Mr. Bhatt. In Godhra, many Hindus feel Mr. Bhatt does so. That

ed. But they knew some among them had done their own share of targeting. Indeed, the attitude of some of the town's most educated Muslims was one of sorrow at what had happened in Godhra. Maulana Umerji had even apologised on behalf of his community at the Collector's peace meetings.

Today, the ambiguity on both sides is gone. The Hindus are gloating. The allegations against the Maulana have confirmed to them that all the talk about a girl being molested or a tea vendor not being paid at Godhra railway station were just concoctions of the Muslims lapped up by the English media. The burning of the train was indeed the jehadi plot they had always suspected it to be. During the Mumbai riots of 1992-93, the Shiv Sena had coined the slogan: "In the Shiv Sena's terror alone, lies the Hindus' guarantee of security." Mr. Harish Bhatt is a living example of this attitude. And Godhra's Hindus are cheering him on.

On the other hand, Godhra's Muslims are demoralised. The sight of their most revered leader being treated like a common criminal and reviled in the Gujarati press has been the last straw.

Residents of Signal Falia, who even in those days boasted about outwitting the police raids every night, could actually talk about packing their bags on February 27. At the height of the violence in Gujarat, Godhra's relief camp had become the focus of international attention. Today, Godhra's Muslims have been left to themselves.

Far away from all this are the victims of the train burning incident. For some, the loss of a son, or a wife, has meant a steady descent into gloom, emotionally and materially. Barring the first few weeks, the VHP or the BJP, for whom the burning train became an election symbol, have not been around to share this gloom, let alone arrest it. Others have realised the VHP's political ambitions, and have been quickly dumped by the latter. One year after Godhra, there's no good news to report.

The arrest of Godhra's chief maulvi has nullified months of peace efforts in the ultra-sensitive town.

point of the violence in Gujarat last year, Godhra itself saw no "retaliation". Within six weeks of the burning of the Sabarmati Express, peace marches were being taken out through the town under the leadership of the then Collector. Before her promotion in August, Jayanthi Ravi, had given the peace and communal harmony initiative in Godhra and the surrounding villages a momentum, which enabled it to be carried forward by citizens even after she left the town.

But the first setback to these efforts came with the one-point Hindu v Muslim election campaign in November. Even those influential Hindus who had kept their 'boys' on a leash, and gone so far as to invite their Muslim counterparts back to their areas to set up shop once again, campaigned enthusiastically for the BJP.

On the other side, Maulana Umerji was in the forefront of the campaign for the Congress. Significantly, the Congress has not said a word against his arrest, and in private too, there are no indications that it will help get him out.

Today the town stands polarised, but a revival of the communal harmony initiative is nowhere on the agenda of its new MLA and Bajrang Dal leader, Harish Bhatt. His theory, as expounded to this writer, is this: the two estranged communities will automatically start living together in harmony, once fear is removed from

really is the crux of the change in mood in Godhra a year after the Sabarmati Express was burnt. At that time, Hindus were seething that those who actually burnt the train, their town's Muslims, hadn't been punished. Neither had the police fired on them on the spot, nor had the VHP 'taken revenge'. The details of the barbaric violence all over Gujarat against other Muslims reached them only through a section of the media which was discredited as being 'anti-Hindu'.

At any rate, they argued, there was bound to be some reaction to the ghastly train incident. At the same time, there was a certain uneasiness about confronting the increasing reports of misbehaviour by the VHP activists with the Muslims at Godhra station.

Most of Godhra's Muslims were also seething. Their fellow Muslims were then pouring into the town's relief camps, bringing stories of horrific atrocities inflicted on them by the adivasis — who had till then been dependant on them — incited by local BJP leaders.

But somewhere in the majority of Godhra's Muslims, the consciousness that members of their own community had burnt alive 58 persons in the Sabarmati Express came through. Most of Godhra's Muslims did not have the defeated and hunted look of riot victims who have been targeted for no fault of their own. Of course, they had not themselves been target-

1 1 MAR 2003

THE HINDUS

One year on

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Gujarat's unanswered questions

It is a year since that fateful day on which 58 people were burnt alive in a train carriage of the Sabarmati Express at Godhra station. The flames of that fire were the excuse for unleashing a pogrom in which thousands of people were killed in the most brutal communal frenzy ever witnessed. It left lakhs homeless and helpless. It also changed people's perception of Gujarat and Gujaratis. The state is no longer just a name; it has acquired a connotation that does no credit to what was once a model of social and economic advance in the country; it now signifies a pre-planned pogrom against minorities. This new meaning covers both those who abhorred the violence and its fallout and those who perpetrated it and rejoiced in it. So much so that they are now threatening to repeat 'the Gujarat experiment' all over the country. Acharya Dharmendra, one of the stalwarts of the Bajrang Dal announced this at the recently concluded Dharam Sansad in New Delhi. Either the Acharya is planning another burning of another railway coach as at Godhra to provide the justification or he is abandoning the argument that Godhra was the cause of what followed, an argument that this newspaper has never accepted. His threat to repeat Gujarat also blows sky-high the argument strenuously advanced by the BJP and its affiliated organisations that 'had Godhra not happened, Gujarat would not have happened.' It follows that the Acharya and his ilk are well-versed with how Godhra happened and know how to repeat it.

The Forensic Science Laboratory Report has thrown up many discrepancies in the theory espoused by the Gujarat government and Sangh Parivar. But that report has been conveniently pushed aside. A week after the Gujarat government claimed they had wrapped up the case against 123 accused and the 'chief conspirator' of the train carnage, the public prosecutor openly resigned and returned the brief. Our tribute to his courage. Why? The government claims they have enough evidence against the accused to invoke Pota, while the additional DGP says they found nothing in the raid on the home of the main accused.

On the other hand the rioters belatedly arrested for unleashing the pogrom are out on bail. Of all the hundreds of cases of violence, trial has begun in only one. Of all the bigwigs of the Sangh and the BJP who were named by eyewitnesses as leading the marauding mobs, not one has been booked. Police say there is no evidence against them. The reason for the lack of evidence lies in the composition of the police. The same police had refused to accept FIRs, and when they were forced to accept a few, the names of leaders were forcibly omitted. Is this justice? At Gulbarg Society where 68 people were killed, including former Congress MP Ehsan Jaffrey, all the houses lie empty. None of the residents have the courage to return to their homes. This is also true of most places which suffered last year. The minorities are gripped with fear, not knowing who or what is going to hit them next. Some have left their homes, their businesses and even the state — but the newly elected chief minister Narendra Modi says Gujarat has returned to normalcy. His definition of normalcy is all his own!

28 FEB 2003

THE STATESMAN

The Ayodhya debate rambles on...

Statesman News Service

NEW DELHI, Feb. 27. — The debate on Ayodhya generated more fury than substance in the Lok Sabha today as member after member who participated in the short duration discussion under Rule 193 had little to offer to resolve the dispute.

The Opposition's ire was directed at Mr Atal Behari Vajpayee for his reported statement in Hirmachal Pradesh on the temple issue. The other target of the Opposition was the government for having gone to the Supreme Court with a plea to release the undisputed portion of land in Ayodhya now under the Centre's acquisition to the VHP.

At the two ends of the spectrum were Swami Chimmavanand (BJP) and Mr S Jaipal Reddy (Congress).

Chimmavanand, unlike the other BJP members, maintained his cool despite being provoked. He said the political element should be taken out of the dispute, then it would be resolved.

He posed a simple question: "Did not Mr PR Das Munshi on the Congress side say sometime back that Parliament has failed to exercise its political wisdom to find a solution to the dispute?"

He said: "I wonder when and where the debate on the issue will stop." He told his critics on the Opposition benches that "nobody is interested to see the country or the society disintegrate." The BJP member assured the House that India is the last hope for any religion on verge of extinction to survive and it was wrong to say that BJP was

working for a Hindu *rashtra*. There were few takers for the arguments.

In contrast, Mr S Jaipal Reddy's submission was laced with fury. His target was the Prime Minister for his speech on the temple anticipating a favourable verdict from the Supreme Court.

Mr Reddy accused Mr Atal Behari Vajpayee of violating the oath of office he took while being sworn in as Prime Minister. "Mr Vajpayee cannot be affectionate to some people and carry ill will for others," the Congress member said.

Mr Reddy described it as an act of 'perfidy' which drew the attention of petroleum minister Mr Ram Naik, who intervened to say that the word according to the Oxford Dictionary means 'treachery' which is listed as 'unparliamentary'. Mr Naik

demanding an apology from Mr Reddy and asked him to withdraw the word. Mr Reddy left it to the Chair to decide. Mr Reddy did not spare the Telugu Desam Party for its support to the BJP government which was going back to its pre-1996 agenda of communalism.

When Mr Yerran Naidu protested, Mr Reddy said, "If Mr Yerran Naidu lives in a fool's paradise he has the right to be so as his sense of stupidity is immense".

Mr Somnath Chatterjee (CPI-M) described the BJP allies as "bonded labourers". When some one from the Treasury benches asked him for concrete suggestions, he said he was in agreement with Mr Vajpayee that the only solution to the dispute is to settle the matter through talks or wait for the court verdict.

Authorities On Alert As VHP Observes Balidan Day

Peace prevails on first anniversary of Godhra

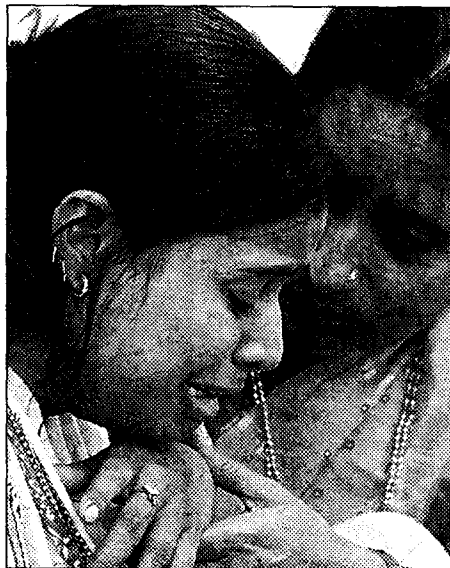
R R Goswami

AHMEDABAD 27 FEBRUARY

THE Gujarat administration heaved a sigh of relief as the first anniversary of the Godhra carnage passed off peacefully on Friday with no untoward incidents reported from any part of the state. In Godhra, where the S-6 coach the Sabarmati Express was set on fire exactly one year ago, prayer meetings were held under the auspices of the Vishwa Hindu Parishad (VHP).

However, a Shiv Sena-sponsored programme scheduled to be held in Gadhira railway yard, was not permitted by the authorities. Muslim leaders had appealed to members of their community to maintain peace at any cost. Shops belonging to minority community remained opened in the most sensitive areas of Ahmedabad like Chamanpura, Asarwa, Bapunagar, Saraspur, Dariapur and other parts of the state. Mr Salim Shaikh, president of Rakhial Shops Association, told ET that traders and businessmen had resumed their normal operations forgetting all the differences. Even the major festivals like Diwali, Dussera, Uttarayan, Ramzan and Bakra Idd were celebrated in a peaceful atmosphere. Only communal harmony and peace could bring prosperity to the state and the people, said Kalubhai Rangrej, chairman of the Chhipa Association of Chamanpura.

Meanwhile the authorities remained vigilant and on high level of alert all over the state in the light of VHP's announcement to observe the day as



WOUNDS RESURFACE: A young woman who lost family members in last year's Godhra train attack is consoled by a relative at a memorial service in Ahmedabad on Thursday.— AFP

Balidan Divas ("Sacrifice Day"). Moreover, with the Mahashivratri on Saturday coinciding with Pakistan-India match in the World Cup series, authorities are taking no chance.

Bhojshala: Centre agrees to Hindu prayers

By Our Special Correspondent

NEW DELHI, FEB. 27. Charting a course that does not deviate too much from the Madhya Pradesh Government's recommendation while keeping in mind the BJP demand, the Union Culture Ministry has decided to allow Hindus to offer prayers at the Bhojshala in Dhar from dawn to dusk on Tuesdays.

A suggestion to this effect was sent to the Madhya Pradesh Chief Minister, Digvijay Singh, by the Union Culture Minister, Jagmohan, on Wednesday in response to a formal request re-

ceived over the weekend, suggesting that Hindus be allowed to offer prayers on the premises for two hours every Tuesday.

However, with the BJP and the Hindu Jagran Manch insisting that Hindus be allowed to offer prayers on all days, the Culture Ministry decided to give in to this demand partially by expanding the scope of the State Government's suggestion. The president of the BJP's Madhya Pradesh unit, Uma Bharti, met Mr. Jagmohan in this connection on Wednesday.

Should the Culture Ministry's

proposal get the approval of the State Government, Hindus would now be allowed to offer prayers from sunrise to sunset on Tuesdays while the monument would be open for sight-seeing on all days as per the rules of the Archaeological Survey of India (ASI).

And, Muslims would be allowed to continue with the practice of offering namaz on Fridays.

Disclosing this here today, Mr. Jagmohan said Hindus would also be allowed to make small offerings to the presiding deity, Wagdevi.

As of now, Hindus are allowed to offer prayers on the premises on Basant Panchami, and Muslims, namaz in a mosque alongside, every Friday.

Muslims boycott meet

UNI reports:

Muslim representatives boycotted this evening's all-party meeting convened here to elicit opinions on the Centre's proposal to allow more time to Hindus to worship at the disputed monument on Tuesdays. As a result of the boycott, the gathering could not arrive at a consensus.

No mention of temple in site report

Singhal claim sinks in survey

YOGESH VAJPEYI

Lucknow, Feb. 25: The survey at the disputed Ayodhya site does not report finding the "remains of a temple", as claimed by Vishwa Hindu Parishad leader Ashok Singhal.

Excavation alone can give an idea of the nature of structures that could exist — the report hints at such a possibility — and of the era to which they belong, sources quoted the survey as saying. They were categorical that the word "temple" does not figure anywhere in the survey report.

First, Prime Minister Atal Bihari Vajpayee suggested last week that historical evidence exists indicating that there was a temple at the site. If that was only a hint, Singhal followed it up with the VHP's customary thunder: "Mandir remains were found. The Centre and the Uttar Pradesh government said the report was embargoed but we decided to talk about it."

"Talking about" the ground penetrating radar survey conducted by a Canadian company with a presence in New Delhi might now lead to Singhal being taken to court by the Babri Masjid Action Committee for contempt. But of more interest will be the VHP's stand if Allahabad High Court, which had ordered the survey, directs excavation.

The VHP and Ramjanmabhoomi Nyas leader Ramchan-

dradas Paramhans had stoutly opposed excavation, a suggestion on which the court had sought the opinion of the parties concerned last year.

They had said that excavation would undermine the sanctity of the Ram temple and threatened agitation. Their attitude had irked the court so much that it had hauled up Paramhans

Savarkar row

New Delhi, Feb. 25: A day before the President is scheduled to unveil a statue of controversial 'Hindu rashtra' ideologue Veer Savarkar in Parliament, the Opposition has urged him to block it.

In a letter to A.P.J. Abdul Kalam, Opposition leaders said Savarkar was accused in the Mahatma Gandhi assassination and had also backed M.A. Jinnah's two-nation theory. The President will, however, go ahead with the unveiling as scheduled.

■ See Page 6

and other VHP leaders for contempt and told them to keep their mouths shut on any issue pending before the court in the future.

Singhal has chosen to do just what the court said the VHP leaders should not. A contempt petition is planned to be moved at the court's next hearing on March 4, which is expected to be followed

by Singhal being summoned.

"The survey was ordered by the court to find out if actual excavation was required, and we have submitted its report to the court. It is now for the court to decide if it should go ahead with its plan to get the site excavated," an official of the Archaeological Survey of India (ASI) said.

Tojo Vikas International was engaged by the ASI to do the survey. "The Canadian firm started surveying the site from December 30 last year and completed the work by January 17 this year. Its report was submitted to the court before January 25," the ASI official said, refusing to divulge its contents.

A 3,900-square-metre area around the site was surveyed and Claud Robillard, a pioneer in such surveys, had flown in from China to supervise the work.

"Ground penetrating radar systems or geo-radiology can only tell us about shapes or the presence of structures at a certain depth. They cannot locate anything if there is a lot of material between the ground surface and the deeper layers as is the case in Ayodhya," said a former ASI official familiar with the technique.

Legal experts are waiting for the court's response to the report. "Apart from the question of contempt by Singhal, it may also have to decide whether it should go ahead with its excavation plan," an advocate engaged in the Ayodhya cases said.

26 FEB 2003

THE TELEGRAPH

HANDING OVER OF ACQUIRED LAND IN AYODHYA

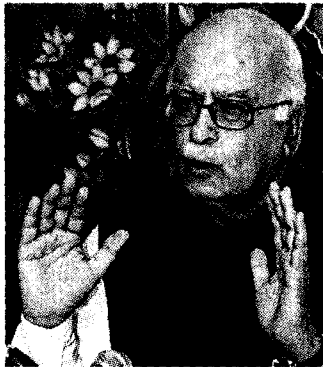
Ready for legislation if Cong. backs us: Advani

By Neena Vyas

*9:20 AM
minutes
HP 1*

NEW DELHI, FEB. 25. The Deputy Prime Minister, L.K. Advani, today signalled that the Vajpayee Government was willing to dump the National Democratic Alliance agenda for governance and was "ready to bring in legislation" to enable handing over of the entire 67 acres of land acquired in Ayodhya, including the disputed plot, to the Vishwa Hindu Parishad-controlled trust.

In fact, he is reported to have said that the Government could also bring in legislation on a uniform civil code and on a ban on religious conversions and it would legislate to ban cow slaughter throughout the country.



Strangely, though, he added the rider that the Government could legislate "provided" the Congress clarified its stand on these issues and supported the Government although everyone knows that the NDA Government has a comfortable major-

ity of its own. On the Prevention Of Terrorism Act, it had shown it could even negate a Rajya Sabha defeat through the joint session of Parliament route.

The stance of Mr. Advani, who addressed the BJP parliamentary party this morning from the chair — in the absence of the Prime Minister — was seen as a response to the stinging criticism of the Prime Minister and himself at the two-day Dharam Sansad this weekend. Several 'sadhus' and 'sants' and VHP leaders had attacked the big two in the BJP for using emotive issues to grab power, living in comfort and forgetting their commitments.

Later, the party spokesperson, Vijay Kumar Malhotra, made it clear that the BJP lead-

ership in the Government would talk to its coalition partners to evolve a consensus on these issues only if and when the Congress signalled its support.

The NDA agenda for governance had given a solemn assurance that "all contentious issues" would be put on the backburner and that the final verdict of the court in the Ayodhya case would be respected. Now, Mr. Advani has talked about legislation (which would bypass the courts) ahead of a Supreme Court decision on the Government's plea on vacation of an earlier stay on any activities on the acquired land even as the main Ayodhya title suit is reported to be progressing fast in the Allahabad High Court.

Some years ago in Chennai, Mr. Advani had declared that the NDA agenda was the BJP's agenda and the BJP had no separate agenda of its own, but now, it seems, under intense pressure from the RSS and the VHP, he wants to assert the BJP's commitment to all the contentious issues.

The fact that the BJP has been stung by the Dharam Sansad criticism of its leaders was evident when several MPs and Mr. Malhotra expressed their disappointment and anger at the harsh words used by the 'sants'.

Mr. Malhotra later briefed reporters quoting Mr. Advani as having said: "For the Congress which opened the locks on Ram Janmabhoomi and got the Shah Bano judgment overturned, it has been a matter of vote bank politics, but for us it is a question of commitment."

BJP wants land gifted: Page 11

2 FEB 2003

HINDU

MONDAY, FEBRUARY 24, 2003

9 minutes 10-10 ✓
A SYSTEM UNDER SIEGE 2A/2 ✓

AGAINST THE BACKDROP of the shrill campaign the Vishwa Hindu Parishad has been drumming up over the past few months about its resolve to go ahead with the Ram temple construction in Ayodhya, legal injunctions notwithstanding, the fact that the VHP-sponsored Dharam Sansad (a congregation of sadhus and sants) has desisted — for now, that is — from setting a firm date for the start of the work would appear to be a change of strategy on its part. In practical terms, this means there will be no immediate prospect of an open confrontation between the VHP elements and the administration on the Ayodhya front of the type witnessed last year, now that the Sansad has, for the moment, shifted its focus away from the contentious site. As such, the development should come as a relief.

But then, the day the Atal Behari Vajpayee regime, after confabulations with some pro-temple interlocutors such as the Kanchi Sankaracharya, moved the Supreme Court for the lifting of its interim order prohibiting any “religious activity, either symbolic or actual” on the acquired land, it became obvious that the VHP would scrupulously avoid forcing a showdown with the Centre. After all, in seeking an “early” decision by the apex court on a pending petition that critically hinges on the ‘status’ of the so-called undisputed land, the Government is only trying to plead the VHP’s cause and facilitate the release of such land for the temple construction to commence even while the court’s verdict on the original title suits is awaited. That the VHP and the sant sammelan should not precipitate matters at this stage would appear to be a part of the understanding the BJP-led regime had reached tacitly with them when it chose to make the palpably partisan move towards retransferring the ‘undisputed’ land. All the harsh words the VHP leaders and the Sansad have said against the Centre are clearly intended to sustain the pressure, and in full public view, on the BJP leadership in power so that it would feel compelled and be better able to push the temple

agenda vigorously, overcoming its coalition-linked constraints.

The threat of an imminent showdown on the soil of Ayodhya may have now receded. But the action plan the Sansad has unfolded for stepping up the temple campaign in the coming months is typical of the Sangh Parivar’s mobilisation strategy as it evolved from the pre-Babri Masjid demolition days. To start with, it is proposed to organise ‘dharnas’ and demonstrations from February 27 (the day on which the horrendous Godhra carnage occurred last year) and this is to be followed by religious marches and meetings countrywide from March 5 to 24, the stated objective being to highlight the sacrifice made by the ‘Ram sevaks’ who perished in Godhra and to express “anguish” and “disappointment” over the Government’s “slackness” vis-a-vis the temple construction project. For all their democratic correctness, these programmes are potentially explosive, what with the highly provocative ways of the VHP (and its cousins such as the Bajrang Dal) and the characteristically divisive nature of the Sangh Parivar’s majoritarian agenda. An added incendiary element is the injection of ‘Godhra’ — a gruesome act of terror which the saffron forces exploited in an utterly cynical fashion to polarise Gujarat on communal lines and run a hate campaign against the Islamic community — into the Ayodhya temple movement. What this deadly combination portends for the country’s long cherished values and traditions of secularism and communal harmony is not difficult to visualise. If the Vajpayee Government is true to its professed commitment to abiding by whatever verdict the court gives in the pending title suits in the Ayodhya dispute, it has to send the message, loud and clear, that all kinds of high voltage pro-temple campaigns, mobilising people and whipping up communal passions, must stop forthwith, as they vitiate the socio-religious atmosphere and threaten public peace. The VHP’s motive clearly is to build up the pressure and besiege the political and even the judicial system.

24 FEB 2003

"VAJPAYEE USED 'RAM NAAM' TO GRAB POWER"

J. Minku

Dharam Sansad plans agitation for Ram temple

By Neena Vyas

NEW DELHI, FEB. 22. A nationwide agitation through 'dharnas' and 'satyagrahas' in support of the demand for the construction of a Ram temple at Ayodhya was announced at the Vishwa Hindu Parishad-led Dharam Sansad here today where several 'sadhus' and 'sants' directly attacked the Prime Minister, Atal Behari Vajpayee, and his Government for using "Ram naam" (the name of Ram) to the hilt for grabbing power but doing nothing to help construct the temple.

On Friday, the VHP leader, Ashok Singhal, had suggested at a press conference that something "dramatic" would be announced, which could include a programme of "self-immolation" by 'sadhus'. Instead, the resolution on Ram Janmabhoomi adopted today was a damp squib with the earlier suggestion of a "march on Parliament" also censored out.

'Sadhu' after 'sadhu' insisted that the Ram temple issue would not be discussed again at any Dharam Sansad.

Their ire was clearly aimed at the Prime Minister, Atal Behari Vajpayee, and the Deputy Prime Minister, L.K. Advani. As one speaker, Parmanand, who moved the resolution said: "Those who won the elections on Hindutva now feel ashamed to talk about the Ram temple and a Hindu rashtra. They should drown themselves and die (*unke chullu bhar pani main doob marna chahiye*).

Others said that if they still



Participants at the "Dharam Sansad" organised by the Vishwa Hindu Parishad at the Ramilla grounds in New Delhi on Saturday. — Photo: S. Subramaniam

wanted a Ram temple — the reference was perhaps to the Prime Minister's recent statement during the Himachal election campaign — they should resign their seats in Parliament, give up power, and "join us" in the agitation for the temple. Other MPs who talked of the

temple should do the same.

The one-page resolution demanded that the Government-acquired land in Ayodhya be handed over to allow temple construction. It criticised the Government for not doing this in the last one year despite a firm assurance to them. This

Government "slackness" would cost it dear, it warned while regretting that legislators had been unable to resolve the Ayodhya issue.

The 'sadhus' will take to the people the message of the sacrifice of Ram sevaks (including those who died in the Godhra carnage) through 'dharnas' and demonstrations and rallies in towns and cities from Feb. 27. And then from March 5 to 24, small 'yatras' by 'sadhus' would focus on the disappointment with the Government's handling of this issue.

Several thousand 'sadhus' sat through the day as 'jawans' of the Rapid Action Force stood guard and men in cheap theatrical costumes with paper bows and arrows decorated the dais over which saffron flags with 'om' fluttered.

Addressing the Sansad earlier, the VHP leader, Pravin Togadia, lamented that the Government subsidised 'Haj' and Amarnath 'yatris' faced bullets, many Hindu temples were administered by the Government but mosques were not touched. In short, the situation could be remedied only by "amending the Constitution" and re-naming India as Hindustan and declaring it a Hindu rashtra. Godhra, he said, would not have happened had the Ayodhya land been handed over peacefully.

Mr. Togadia's final warning: a second Mahabharat will be fought in which Hindus will be pitted against communists, socialists and "beggars of Muslim votes".

23 FEB 2003

Temple battle Round 1 goes to govt

g. ni witei 9.6 2002

R.VENKATARAMAN

New Delhi, Feb. 21: A day before the VHP's *dharma sansad* meets on the Ayodhya issue, the Supreme Court today ruled that a five-member Constitution bench would hear the Centre's petition on the "undisputed land" on March 6.

A division bench of Chief Justice V.N. Khare and Justice A. Lakshmanan said that if the larger bench could not hear the matter fully on that day "for any other reason", it would decide on the "first prayer" of the Union government.

The plea is for vacation of the court's March 2002 order banning "any kind of religious" activity on the "undisputed" 67.703 acres acquired by the Centre. This land is around the disputed 2.77 acres, where the Babri Masjid stood.

With the court setting an early date for the hearing and deciding to address the question of the undisputed land first, Round I of the renewed legal battle has gone to the Centre.

The apex court also took on records an interlocutory application by the Raja Rajeshwari Sitaram Trust, to be heard along with the rest on March 6. The trust claims to represent the original owners of various pieces of the acquired 67.703 acres. Several plots of varying sizes were pieced together and acquired as a single unit by the Centre under the Ayodhya (Land Acquisition) Act.

An hour of arguments and drama, straight out of a film courtroom scene, preceded the order. After a verbal duel between solicitor-general Kirit Rawal and senior counsel for the Babri Masjid Action Committee Kapil Sibal, lawyers of the two Hindu organisations — Vishwa Hindu Parishad (VHP) and Raja Rajeshwari Sitaram Trust — almost came to blows.

From another front, Muslim Personal Law Board counsel Rajeev Dhavan attacked the BJP, alleging that the head of the ruling

coalition at the Centre had passed on the "political pressure" mounted by organisations like the VHP to the judges. At this, Chief Justice Khare said: "We are never under pressure... rest assured."

Sibal mocked Rawal, contending that it had taken the Centre "eight months" to move "this urgent application for early hearing" though the March 2002 order had said the matter would be heard within 10 weeks.

Rawal countered that he was "shocked" at such accusations when everyone agreed that an order should come from the court.

Sibal: "Oh, we know your urgency... Your parivar organisations are convening a *dharma sansad*...."

Rawal: "My Lords..., this is the kind of allegation made here as argument...."

Sibal: "Your lordships, then my learned friend does not know what is happening (at the ground level)...."

Rawal: "We want early hearing and your shoe pinches."

Sibal: "Whose shoe pinches? It is yours...."

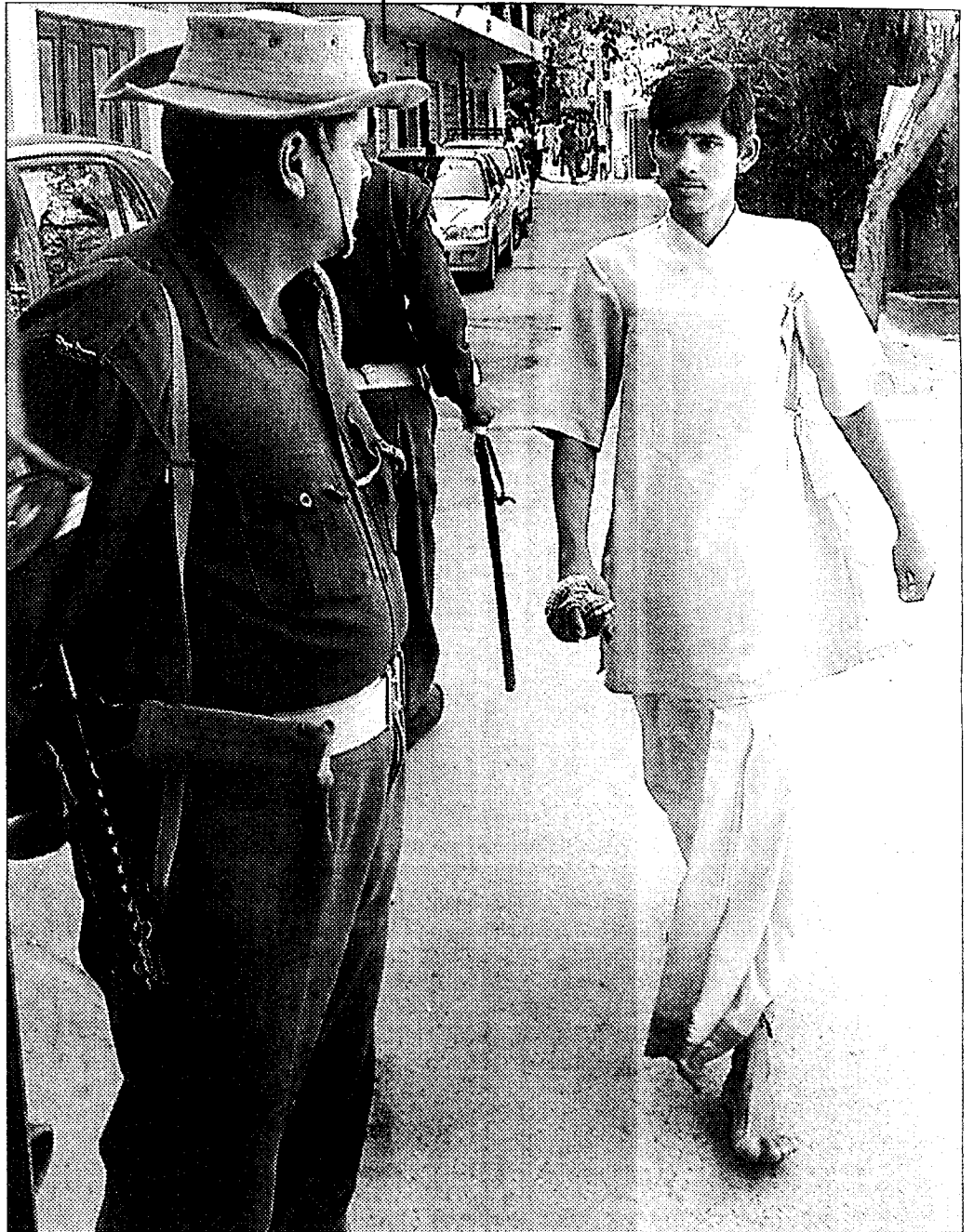
The chief justice brought order with a little difficulty. The moment order was restored, counsel for the Raja Rajeshwari Sitaram Trust rose to accuse the VHP of having no locus standi in the issue. "They don't own even an inch of land at the site... they unnecessarily foment violence," he said.

VHP counsel Mishra countered that there were statements made in the courtroom for which "it is not the time to answer".

Even as the chief justice started dictating the order, O.P. Sharma, senior counsel for the petitioner Mohammad Aslam, alias Bhure, rose.

At this, the judge said: "Mr Sharma, you come here and dictate the order."

Earlier, senior counsel and former West Bengal chief minister Siddhartha Shankar Ray told the court that the Sunni Wakf Board had given an undertaking



Securitymen at the VHP office in Delhi before the organisation's three-day *dharma sansad*. (PTI)

that it would abide by the court's verdict. He wanted a similar undertaking by the VHP.

Ray said he was appearing for a section of the parties in the title suits in the Lucknow bench

of Allahabad High Court and wanted to give the background to the apex court. He said it might take a few more months for the judge to arrive at a judgment.

"Let the Lucknow court give its verdict by this year-end or maybe early next year... till then what's the urgency for the portion of the undisputed land?" Ray asked.

Bhojshala gates open for Hindus ✓

HT Correspondent
Bhopal/Jabalpur,
February 21

HINDUS WILL be allowed to enter the Bhojshala structure between 9 a.m. and 11 a.m. on Tuesdays. They will not, however, be allowed to carry puja material or pictures, conduct *hawan*s or chant slogans.

Chief Minister Digvijay Singh on Friday told the Vidhan Sabha that the state government was forwarding to the Centre a recommendation conveying the unanimous view of an all-party meeting held in Dhar on Wednesday. It had wanted the structure to be opened to Hindus.

Since Union Tourism and Culture Minister Jagmohan has already said he wants Hindus to be allowed entry, the formalisation of

the proposal is all but thorough. The Archaeological Survey of India (ASI), which controls Bhojshala, is under the Tourism and Culture Ministry.

According to the recommendation, the ASI should deploy adequate personnel to ensure the structure remains undamaged. Central forces will also be pressed into service. Singh said though he had earlier wanted a fortnight's time to seek the views of the district administration and forward them to the Centre, he was sending the recommendation now because the situation was serious.

Meanwhile, Swami Akhileshwaranand, a member of the VHP's Shri Ram Janmabhoomi Mandir Nirman Samiti, said in Jabalpur that an idol of the goddess Saraswati that was

taken out of Bhojshala and transported to London in the 19th Century should be brought back. This demand will be discussed at Friday's Dharam Sansad in New Delhi.

Akhileshwaranand also said both the Madhya Pradesh and Union governments must take the initiative to bring back the idol and install it in the Bhojshala structure.

In Delhi, the High Court, disposed of a PIL demanding a ban on the three-day VHP's Dharam Sansad after the police assured security. The PIL, filed by Mohammad Navad Yar Khan, had expressed apprehension that holding the Dharam Sansad in Delhi from Saturday might result in communal disturbances as the leaders were making provocative speeches.

SATURDAY, FEBRUARY 22, 2003

9-
Nirankar

DANGEROUSLY PARTISAN

HO-10272

THE PRIME MINISTER, Atal Behari Vajpayee's emphatic "we are for a (Ram) temple at Ayodhya", which in one sense is a manifestation of the inner 'swayamsevak' core of his persona, assumes enormous significance when viewed in the context of the Vishwa Hindu Parishad's current and highly provocative campaign with the objective of starting the temple construction forthwith, whatever be the legal injunctions. Add to it, the Centre's recent application to the Supreme Court — since adjourned to March 6 for hearing — seeking vacation of its interim order (passed last year) banning any "religious activity, either symbolic or actual" on the acquired land and pleading for an "early" disposal by a larger bench of the pending petition so that the 'status' of the so-called 'undisputed' parts of the acquired area is judicially determined. What emerges is a sinister and partisan design by the Vajpayee Government to make way for the VHP and other pro-temple forces to execute their plan of having a mandir built at the very site where the Babri Masjid had stood before December 6, 1992 — their demand for immediate access to the 'undisputed' land to enable the beginning of temple construction is nothing but the proverbial thin end of the wedge. The situation as is evolving on the Ayodhya front, right from the time the VHP gave an ultimatum to the Centre to clear the legal decks for the restoration of the 'undisputed' land, and the Vajpayee regime's responses to it are strikingly similar to what the nation witnessed this time last year as to suggest a game plan under which the VHP and the BJP (as head of the ruling coalition) are only playing out the roles scripted for them as part of the Sangh Parivar's majoritarian agenda.

What is even more dangerous about Mr. Vajpayee's remarks on Ayodhya — at an election meeting in Himachal Pradesh — is that he had harked back to the Hindutva forces' all-too-familiar claim of "historical evidence" to establish that a temple pre-existed the demolished

mosque, although he did leave the final decision to the Judiciary. Irrespective of whether the legal claim itself is sustainable, the very proposition that prior existence or antiquity could be a legitimate and over-riding determinant in resolving an Ayodhya-like dispute is outrageous and unacceptable. In a larger sense, not only would it mean in the case of Ayodhya rewarding the very forces of Hindu chauvinism that vandalised the mosque in a brazen defiance of law and the Constitution, it would also open the floodgates of revenge of medieval vintage, an urge to avenge and undo perceived or imagined historic wrongs committed centuries ago. The VHP has been quite emphatic about its resolve to "liberate" a few thousands of Hindu shrines, big and small, from the hold of the minority community, the more famed among them being those in Varanasi and Mathura. In fact, the special law (passed in the wake of the Ayodhya dispute) for the protection of places of worship all over the country was intended specifically to save them from the sort of fate that befell the Babri mosque at the hands of revanchist elements. But then, the 1991 enactment has made little impact on the likes of the VHP and the Bajrang Dal which have always been contemptuous of the law of the land and basic democratic values, an attitude that has acquired a strong element of abrasiveness under the partisan rule of the BJP-led coalition at the Centre. For its part, the BJP, as a party, has of course been distancing itself, for the record, from the VHP and its aggressive campaign, while at the Government level, its leadership has sought to maintain, unconvincingly, that it continued to be committed to the coalition's agenda of governance. Now, by harking back to the dangerous 'prior existence' theory in relation to Ayodhya, Mr. Vajpayee has, apart from betraying his majoritarian mindset, in fact sought to rationalise and lend support to the revanchist designs of the VHP and the Bajrang Dal.

Relaxation of curbs at Bhojshala recommended

By Our Staff Correspondent

BHOPAL, FEB. 21. After two days of disturbances and violent protests by Hindu activist groups across many districts of western Madhya Pradesh, the Chief Minister, Digvijay Singh, today announced that the State Government had decided to forward to the Centre the Dhar district administration's recommendations to relax the restrictions for entering the Bhojshala at Dhar, near Indore.

His announcement in the State Assembly comes after many districts, including Dhar, Indore, Jhabua and Dewas, were rocked by clashes between police and Hindu activists. The situation had reached such a pass that police opened fire at several places and at least three persons were reported killed in the last two days.

While reacting to the Chief Minister's announcement about lifting of restrictions on entry into the Bhojshala, the Leader of the Opposition in the Assembly, Babulal Gaur, congratulated the Hindu Jagran Manch, the RSS and particularly the Vishwa Hindu Parishad leader, Pravin Togadia, for raising the Bhojshala issue. He said in the Assembly that the Chief Minister has been "forced to bend" on the Bhojshala issue.

The Chief Minister had earlier told the House that the Dhar district administration had recommended that Muslims be permitted to offer prayers at the Bhojshala, also known as the Kamal Maulana Masjid, every Friday between 1 p.m. and 1.30 p.m. while Hindus be allowed to participate in the traditional programmes organised on Basant Panchami Day every year. The district administration has also recommended that Hindus be allowed to enter the Bhojshala every Tuesday between 9 a.m. and 11 a.m.

However, this entry was supposed to be restricted as there would be a ban on carrying of "havan" and other "puja" items.

22 FEB 2003

THE HINDU

'NOT UNDER PRESSURE TO RESOLVE ISSUE'

SC fixes March 6 for hearing on Ayodhya

By J. Venkatesan

NEW DELHI, FEB. 21. Brushing aside opposition from various parties, the Supreme Court today agreed with the Centre on the need to resolve the Ayodhya dispute expeditiously and posted for March 6 the Centre's plea for early hearing and vacation of the stay on religious activity of any kind in the 67.703 acres of undisputed land.

A Bench, comprising the Chief Justice V.N. Khare and Justice A.R. Lakshmanan, posted the matter for hearing by a five-Judge Constitution Bench after the Solicitor-General, Kirit N. Raval, and counsel for the petitioner and others made their submissions.

The five-Judge Bench will also take up for hearing the main petition filed by Mohd. Aslam Bhure to place the 67.703 acres of "undisputed" land in Ayodhya under the control of the Army and seeking "status quo" till the dispute on the title suit was decided by the Allahabad High court.

The Chief Justice rejected the argument that the court was being pressured into resolving the dispute. He said: "We are never pressured. Be sure about it."

The Bench, while fixing the date, made it clear that if for some reason the main petition was adjourned on March 6 then the five-Judge Bench would consider the Centre's application for vacation of the interim

order passed on March 13/14 last year.

The Solicitor-General submitted that the matter brooked no delay as the uncertainty prevailing on the acquired land was not in the public interest.

Opposing the Centre's application, senior counsel Kapil Sibal, appearing for the Muslim Personal Law Board, said the Government was not stating the actual reason behind the hurry. He said the VHP had threatened to enter the site forcibly if the Government did not resolve the contentious issue and "that is why they have rushed to the court". But Mr. Raval intervened to say that the Government had nothing to do with any of the organisations and it only wanted that the matter be heard in an atmosphere of cordiality.

Appearing for the All-India Babri Masjid Action Committee senior counsel Rajeev Dhavar said the VHP was imposing its views on the Government and the Government, in turn, was dragging the court into it. He said that by various kinds of statements issued in public, the court was being pressured into deciding the issue early.

Senior counsel for the VHP P.S. Misra, said the Parishad had been the most maligned organisation. "We have to give answer to the millions who are devotees of Lord Ram," he added and pleaded for an early resolution of the dispute.

Senior counsel Siddharth Shankar Ray, appearing for the All-India Wakf Board, said, "We are making the statement at the Bar that we will abide by the court verdict. Let the VHP also give a similar statement. They have come to the court without any promise that they will abide by the court verdict."

Mr. Ray, who had also appeared for the original petitioner in the title suit, Hashim Ansari, said: "Let the title suits be decided first by the Allahabad High Court and the petition filed by Mohd. Aslam Bhure could be taken up thereafter".

**VHP's warning: Page 11
Singhal's claim: Page 13**

BJP allies join Opposition

By Our Special Correspondent

NEW DELHI, FEB. 21. Fissures reappeared in the NDA ranks in the Lok Sabha today as an unscheduled discussion on Ayodhya over the Prime Minister, Atal Behari Vajpayee's remarks in an election rally in Himachal Pradesh saw the Opposition and ruling benches trade charges.

While the heated exchange went along expected lines, the ruling benches had to face considerable embarrassment with two of its allies — Devendra Prasad Yadav of the JD(U) and S. S. Palanimanickam of the DMK — entering into an argument with another ally, Chandrakant Khaire, of the Shiv Sena, over the temple issue.

Among the last to speak, Mr. Yadav attracted the ire of the ruling benches when he echoed the sentiments aired by the Opposition. With Mr. Khaire protesting that "we will not tolerate any criticism of Hindutva", the two entered into a brief altercation, with Mr. Palanimanickam rushing to Mr. Yadav's defence much to the delight of the Opposition which egged them on till the Speaker stepped in.

Earlier, the issue was raised by Samajwadi Party's Ramji Lal Suman, who accused the Prime Minister of trying to vitiate the atmosphere and influence the Supreme Court on the eve of a crucial hearing by claiming that there was historic evidence to prove that a Ram temple existed in Ayodhya. "If such proof exists, why is it not being submitted to the Court?"

Even as the Congress echoed these sentiments, Prabhunath Singh of the Samata Party accused the Opposition of vitiating the atmosphere by raising the issue on a regular basis. "If Ram temple is not made in Ayodhya, will it be made in Pakistan," he asked.

Asked by the Speaker to clarify the Government stance on the Prime Minister's statement, the Parliamentary Affairs Minister, Sushma Swaraj, charged the Opposition with reading Mr. Vajpayee's observations selectively. "It was a categorical statement that we will accept the Supreme Court verdict. Do not go by the headlines. What greater assurance do you need that the Government is willing to abide by the Court's verdict than to have the Prime Minister say so at an election rally despite the evidence."

Bhojsala: BJP now goes after Digvijay Singh

HT Correspondent
New Delhi, February 20

THE BJP has criticised Chief Minister Digvijay Singh for his reported remarks that there was no temple in Bhojshala. BJP Parliamentary Party spokesperson V.K. Malhotra said, "Prayers are offered on the occasion of Basant Panchami as there is a Saraswati temple in the Bhojshala. It is condemnable that people who had gone to offer prayers were fired upon."

He said Tourism Minister Jagmohan had allowed Bhojsalas to be used for prayers, but the Chief Minister was delaying opening the place for Hindu prayers to take credit. Malhotra said Digvijay Singh had in 1997 banned prayers saying the Centre had done so. But now, even the Archaeo-



AP PHOTO
BJP leader Uma Bharti addresses a news conference in Bhopal on Thursday.

logical Survey of India had allowed prayers at the Bhojshala, he said.

He also criticised the Congress for opposing the Bill to allow proxy voting for the personnel of the armed forces, which was passed by the Lok Sabha. He said the measure would benefit two

million Service personnel, who could not exercise their franchise because of the elaborate procedure involved in sending postal ballot.

Meanwhile, the Congress on Thursday accused the BJP of frantically trying to "re-enact" a Gujarat-like scenario in Madhya Pradesh by whipping up the Bhojshala temple issue, since it was not confident of its performance in the coming Assembly polls in the state.

Although the BJP has yet to adopt the issue as its own, its workers were supporting the Hindu Jagran Manch's campaign at the local level, the party said. "This was similar to what had happened in Ayodhya when the VHP's issue was taken over by L.K. Advani", according to party spokesperson Jaipal Reddy.

21 FEB 2003

THE HINDUSTAN TIMES

SC hearing in Ayodhya case today

By J. Venkatesan

NEW DELHI, FEB. 20. The Supreme Court, which is to hear tomorrow the Centre's application for vacating the interim stay imposed last year in the 'Ayodhya case', today allowed the Babri Masjid Movement Coordination Committee (BMMCC) to intervene in the matter.

A three-judge Bench comprising the Chief Justice V.N. Khare, Justice S.B. Sinha and Justice A.R. Lakshmanan permitted counsel for the BMMCC, Anis Suhrawardy, to intervene after the 'mentioned' hearing of the petition.

In its application, the Centre had said the earlier order that "no religious activity of any kind by anyone, either symbolic or actual, including bhoomi puja or shila puja, shall be permitted or allowed to take place," either in the disputed or the 67.703 acres of undisputed land, needed to be resolved at the earliest.

Opposing this application, Syed Shahabuddin, convenor of the Committee and Member of the All India Muslim Personal

Law Board said the Centre had failed to make out any case for early hearing or urgent disposal of the matter or for vacating the interim stay.

The committee said the legal position remained unchanged since March 2002 and that there was no change in the ground situation in the acquired areas and therefore there appeared to be no justification for the prayers made by the Centre.

The petition said the apex court in its 1994 judgment in the 'Ismail Farooqui case' had made it clear that the objective of the acquisition of the land could be fulfilled only in the light of the judicial decision on the title of the disputed land.

Further, the Special Bench of the Allahabad High Court was hearing the case on a day-to-day basis and the early hearing of the matter in the apex court would not affect or speed up the disposal of the title suit. Therefore, the Centre had failed to appreciate any urgent necessity for the present application.

The petitioner said "irresponsible and incendiary" public statements were being

made by VHP leaders, demanding that the Government remove the legal hurdles and facilitate the construction of the proposed Ram Janmabhoomi Mandir.

This had led to an irresistible conclusion that the Union Government was acting under the ideological and political pressure for meeting the unlawful demands of the VHP and the Sangh Parivar.

The revival of a non-issue was nothing but a political exercise motivated by electoral considerations in view of the ensuring elections in four States and therefore the Centre's application was mala fide and constituted gross misuse of the judicial process, the committee said and sought dismissal of the application.

The petition filed by Mohd. Aslam Bhure opposing the Centre's plea for vacating the interim order will also be heard tomorrow.

Mr. Bhure had refuted the Centre's stand that the present situation was different from what it was in March last and said the situation this time had become more and more grave due to the statement of the VHP leader, Pravin Togadia.

'WOULD DIE RATHER THAN EAT BEEF' ✓

We are for temple, says PM

MANDI(HIMACHAL PRADESH), FEB. 20. The Prime Minister, Atal Behari Vajpayee, today advocated the cause of Ram temple in Ayodhya and said he would prefer to die than eat beef.

"We want to build the Ram Temple at Ayodhya . We are confident that it will be proved by historical evidence that there existed a temple," he said addressing his first election rally in Himachal Pradesh.

"However if it is not then let the courts decide and we will abide by it. Let the Congress say whether it will accept the verdict if the existence of Ram temple is proved," he said. He dared the Congress to clarify its position on Ayodhya and cow slaughter.

Stung by the reported allegation of the Congress in Madhya Pradesh that he ate beef, Mr. Vajpayee said: "I prefer to die rather than eat beef. Though cow slaughter in most of the country is banned, we will enact legislation to fill the loophole". In an apparent reference to the sex scandals allegedly involving Punjab Ministers, Mr. Vajpayee said: "Women are being humiliated. It should not happen. Women should be respected."

Mr. Vajpayee asked the Congress to get used to sitting in the opposition for at least 20 years more as the BJP has remained there for almost 45 years. — PTI

"Smear campaign": Page 11

THE HINDU

THE HINDU

21 FEB 2003

Auctioning Ayodhya

By Rajeev Dhavan

What we are faced with is a game of legal cowardice, communal complicity and breach of trust by the Union Government.

10-1-192

THE VAJPAYEE regime's intervention in Ayodhya constitutes a grievous breach of trust of the legal confidence reposed in the Union Government by both the Supreme Court and Parliament. Following the destruction of the Babri Masjid on December 6, 1992, an unequal status quo in favour of the Hindus was imposed on the disputed site and surrounding areas by permitting prayers at the makeshift temple constructed on the ruins of the mosque. By section 3 of the Acquisition of Certain Area at Ayodhya Act 1993, all these lands were transferred to and vested in the Union Government. Without distinguishing between the 'disputed and undisputed' areas, the statute preserved the status quo on both.

But once this land was acquired, what was the Union Government to do with it? The answer to this lay in section 6, which empowered the Government to vest the land in some other authority or trust subject to such conditions which the Government might lay down. Taken to its logical conclusion, this was an awesome provision. I distinctly remember when I was arguing the Babri Masjid case in 1994, Chief Justice Venkatchaliah — then presiding over the Constitution Bench hearing the case — asked me what I thought of this massive empowerment in the Central Government to do what it liked. I replied: "If this power is taken literally, it empowers the Government to conduct a political auction to give the land to the highest political purchaser whom the Government wanted to favour". Could the Union Government convert its trusteeship over the acquired land into a political auction? The Chief Justice's response to me is now firmly in the judgment.

The position of the Union Government was that of a statutory receiver. No political auctions were countenanced. The Union as 'receiver' could not play to the political gallery. As far as the disputed site was concerned, the Government had simply to wait for the decision of the legal dispute. For the rest of the area the Government's ownership was abso-

lute. To use the Court's own words, "The status of the Central Government as a result of the vesting... is, therefore, that of a statutory receiver in relation to the disputed area, coupled with a duty to manage it and administer the disputed area maintaining status quo therein till the final outcome of adjudication of the long standing dispute relating to the disputed structure at Ayodhya. Vesting in the Central Government of the area in excess of the disputed area is, however, absolute". The words are clear. The Government's ownership of the disputed area is transitional and subject to the final determination. However, contrary to what is being argued now, the Government's ownership of undisputed area is — and I repeat — absolute.

An impression has gained ground that the undisputed area can be returned any time on the basis of the kind of political auction that the Vajpayee Government wants to be free to conduct. In actual fact, the 'Hindu' owners of the undisputed areas failed in their argument that the acquisition of their lands was not necessary. Justifying the acquisition of the undisputed land that belonged to the Hindus, the Court accepted that this was "...to ensure that the final outcome of the adjudication should not be rendered meaningless by the existence of properties belonging to Hindus in the vicinity of the disputed structure in the case Muslims are found entitled to the disputed site. This obviously means that in the event of the Muslims succeeding... their success should not be thwarted by denial of proper access to, and enjoyment of rights in, the disputed areas by exercise of rights of ownership of Hindu owners of the adjacent properties". Nothing could be clearer. The acquisition of the undisputed properties was necessary and had to wait the

resolution of the legal dispute. In fact, the Court made it even clearer still that even the acquisition of the 'Manas Bhawan' and the 'Sita ki rasoi' was legal and proper. Any other course of action would be unfair to the trust reposed in the Union Government.

The idea that the undisputed land could somehow be released in advance of the legal dispute being resolved is a complete misnomer. In fact, the Court clearly indicated that the Hindu owners of the undisputed land could stake a claim for its return only after it had been found to be superfluous and, therefore, "unrelated to the purpose of the acquisition". That stage can only be reached once the legal dispute is resolved. On March 13-14, 2002, it was argued that a premature transfer of the undisputed 'Hindu' owned lands could be made. Never was an interpretation so hopelessly misplaced. In fact, in the very sentence that was relied upon, the Court reiterated that the acquisition of these excess lands was absolute "subject to the duty to restore it to the owner if its retention is found to be unnecessary, as indicated". And, what had been indicated is clear. No land can be returned until the dispute is resolved so that the victory of either party is not thwarted by pre-emptive action.

What remains a matter for concern is not the letter and spirit of a judgment that leaves little room for mischief. On his retirement from the National Human Rights Commission (NHRC), Chief Justice Verma not only made it clear that his 'Hindutva' judgment was misused but also that his Babri Masjid judgment did not permit the undisputed lands to be transferred to the Hindus prematurely. No doubt, this clarification has no authoritative value. But, at the same time, it cannot be ignored.

Both the Ayodhya Act of 1993 and

the Babri Masjid judgment expect the Union Government to act in a fair and just manner. From 1994 to 2002, there was no dispute whatsoever on the meaning of the Supreme Court's verdict. It was at the Kumbh Mela at Allahabad in January 2001 that the Sants and VHP made an unequivocal threat to build by March 2002 on the site itself. As a neutral 'trustee', Mr. Vajpayee's Government should simply have declared that no question arose at all of either returning any of the acquired land or building on any or all of it. Instead, the Union Government played with the issue and let it develop into a full-blown crisis in March 2002. In the hearings of March 13-14, 2002, the Attorney-General, Soli Sorabji, battled for the Government while supposedly acting as the *amicus curiae* of the Court in his own right. Having allowed the crisis to be created, the Union Government dragged the Court into resolving it. The Court stepped into the fray to once again impose the unequivocal status quo intended by both Parliament and the Supreme Court. A year later, the Government has allowed — even encouraged — another crisis. Now, it is acting in an even more obscure manner. It has not filed an application which states its own views. It wishes to exploit a pending case and pass on the problem once again to the Court. In its application, the Government says: "...(T)he continuing state of uncertainty is not in the public interest". But, there is no uncertainty other than that created by the Government itself, the VHP and other members of the Sangh Parivar. Nothing prevents the Government from saying that there is no uncertainty and solemnly promising to preserve the status quo.

The Government has simply caved in to its fundamentalist political support. What we are faced with is a game of legal cowardice, communal complicity and breach of trust by the Union Government. It seems to have forgotten that the trust reposed in the Union Government over Ayodhya is not a political toy to incite communalism but a sacral duty to be fair to all.

THURSDAY, FEBRUARY 20, 2003

9-Minutes
119-10

UPHOLDING THE RULE OF LAW

2/20

BY ENSURING THAT the storm troopers mobilised by the Hindu Jagran Manch (yet another outfit floated by the Sangh Parivar to whip up passions in the name of religion) in Madhya Pradesh's Dhar district were not allowed to go ahead with their provocative plans, the Chief Minister, Digvijay Singh, has displayed his commitment to the canons of the rule of law. The Vishwa Hindu Parishad (VHP) had left no one in doubt about its intentions when Pravin Togadia was despatched to Dhar a couple of months ago. Mr. Togadia's brief in this instance was to lay the ground for yet another campaign, on revanchist lines, over the Bhojshala-Kamal Moula mosque and use this to vitiate the political atmosphere in Madhya Pradesh on communal lines as was done by the VHP, the Bajrang Dal and other associates of the Sangh Parivar during the mid-1980s over the Ayodhya issue. The time chosen by the VHP too was significant. Coming as it did when parties have begun their preparations for the State Assembly elections, there are valid grounds to conclude that the VHP's campaign has more to do with forcing a communal polarisation in Madhya Pradesh and thus enabling the BJP to register substantial gains. The game plan is to achieve a sharp divide as was done in Gujarat post-Godhra. The measures taken by the State Government in Dhar and the fact that the crowd which gathered there was prevented from causing any damage to the disputed structure indicates that despite the disturbing indications of some wavering, the Digvijay Singh dispensation remains at the core committed to the principle of the rule of law.

The fact that the Archaeological Survey of India (ASI) had declared the structure a protected monument would mean that the duty to protect it (not just from stray acts by vandals but also from outfits wedded to revanchist ideas, such as the VHP in this case) is vested in not just the

State Government. The Union Ministry for Human Resource Development under Muli Manohar Joshi (of which the ASI is a part) is as much responsible for protecting the structure and in this sense the Central Government too is bound to ensure its safety. Mr. Digvijay Singh has done the right thing by publicising all the records, including those to establish that the ASI itself had stated before the Indore Bench of the Madhya Pradesh High Court that "the factual identity of the present structure (Bhojshala) was not definitely known, nor could it be ascertained from a study of the structure itself". It was, after all, on this basis that the ASI had sought before the courts to restrict entry into the structure in such fashion that Muslims were allowed only to offer prayers on Fridays and the Hindus on the day of Basant Panchami. Hence, there was no way that the State Government could have let the crowd mobilised by the VHP and its associates enter the premises on any day other than Basant Panchami. This was the rule laid down by the courts based on a case presented by the ASI, a body consisting of professional archaeologists, in order to save the monument from wanton destruction.

The VHP's designs, in this case, are not too different from its Ayodhya campaign where the Sangh Parivar's approach was one of rendering the principle of the rule of law subservient to what its leaders would describe as "popular sentiments" and facilitate the BJP to convert this into electoral gains. Sinister games such as these cannot be allowed in a democratic set-up and this is where the measures taken by the State Government in Madhya Pradesh warrant appreciation.

It must be recognised that in the ultimate analysis, it is a strict adherence to the rule of law and the Constitution that is the best protection against disintegrative and dangerous phenomena such as communalism.

THE HINDU

20 FEB 2003

Pota net for Godhra accused

Statesman News Service

GANDHINAGAR, Feb. 19. — All the 131 accused in the Godhra train carnage were charged under Pota today, a week ahead of the first anniversary of the incident in which 58 kar sevaks were burnt to death. Of 131, 78 are in the police net.

The Vishwa Hindu Parishad is all set to observe "balidan diwas" on the first anniversary of the Godhra tragedy on 27 February. The train attack had triggered month-long riots across Gujarat that led to the deaths of more than 1,000 people and displacement of millions.

Immediately after the attack

511
on coach S-6 of Sabarmati Express last year, home minister Mr LK Advani and the chief minister, Mr Narendra Modi, had condemned it as "a pre-planned terrorist attack". But later the word "terrorist" was deleted from the references. Now with the application of Pota, the "terrorist act" reference has been revived.

Earlier this month, the Special Investigation Team set up by the Centre arrested a prominent Muslim leader from Godhra, Maulana Hussein Imarji, based on the testimony of another accused. Police claimed the maulana had "masterminded" the entire operations, and said raids had yielded docu-

9. Minutes
ments which strengthen the case against the accused.

According to Gujarat's MoS for home Mr Amit Shah, Pota was slapped on the accused after the confession in front of the Godhra CMM under Section 16 of the Evidence Act by accused Jabir Binyamin Behera. "After he accused the maulana — a prominent leader of the Deobandi-Tableegh Jamat movement — of masterminding the conspiracy, the entire contours of the episode changed," Mr Shah said.

The minister said the maulana was involved in hawala transactions and utilised this money to fund various activities, inclu-

Turn to page 2

VHP mosque offer with rider

RADHIKARAMASESHAN

New Delhi, Feb. 19: Two days ahead of the *dharma sansad*, VHP veteran Acharya Giriraj Kishore has climbed down a bit and indicated that the organisation was ready to talk to the Centre if it came up with a "proposal" on the Ayodhya dispute.

Kishore said the VHP was ready to build a mosque outside the government-acquired land if Muslims withdrew their claim on the "disputed" site.

However, the Centre has decided that it would not initiate talks with any group - neither the VHP nor the All India Muslim Personal Law Board - pending a decision from the Supreme Court on its stay on religious activity on the "undisputed" and "disputed" land.

The court will begin hearing on February 21 the Centre's ap-

plication seeking removal of the stay.

The decision against reopening a dialogue right now was taken at a meeting between deputy Prime Minister L.K. Advani and human resources development minister Murli Manohar Joshi this evening.

"They decided that the government's one-point agenda would be to wait for the court's decision. Nothing should be done which could have a negative bearing on it and give the impression that the government is looking for solutions outside the legal ambit," a source close to Advani said.

Advani and Joshi conveyed their view to Prime Minister Atal Bihari Vajpayee shortly before the Cabinet held its routine weekly meeting. It was, however, decided that Advani and Joshi would continue speaking "infor-

mally" to VHP working president Ashok Singhal and general secretary Praveen Togadia to try and "convince" them to allow the legal option to exhaust itself before they embarked on a political confrontation.

However, BJP sources conceded that the Centre had its task cut out because the VHP leadership has slammed the Prime Minister almost everyday in public. At the World Hindu Council held in Gorakhpur last week, Singhal had accused Vajpayee of "betraying" the country by "dragging his feet" on the temple issue. Today, Kishore trashed the Centre's initiative on the legal front as an "eyewash" and advised Kanchi Sankaracharya Jayendra Saraswati not to "enter the arena each time".

Referring to the move to get the stay order vacated, Kishore said: "The step comes too late.

Nothing can be done before our *dharma sansad* on February 22."

He added: "Had the government wanted to resolve the issue before this date, it should have approached the Supreme Court two or three months earlier."

Alleging that the Vajpayee-led government was "under the pressure of vote-bank politics", Kishore said: "A political party becomes a beggar of votes and a worshipper of *kursi* (chair)."

VHP sources warned that the *dharma sansad* would sustain the "high pitch" in its resolution and would not spare the government or the BJP leaders. "The Ayodhya resolution will, however, state it clearly that if the court fails to give a verdict in favour of Hindus soon, we will have no option but to go to people's court. In simple language, that means begin construction,"

a source said.

Ayodhya can wait, decides Opposition

Statesman News Service

NEW DELHI, Feb. 18. — The Opposition today agreed to put off discussion on the Ayodhya issue in Parliament till 26 February, the day Himachal Pradesh goes to the polls and well after the 21 February Supreme Court hearing of the government plea on the dispute.

The decision came barely 2 hours after vociferous Opposition demands for immediate discussion on the issue in the Lok Sabha. At the meeting of the business advisory committee, Opposition parties agreed to let their notices for an adjournment motion on Ayodhya be taken up on 26 February. The Speaker ruled that the issue will be discussed under a general motion, most likely without formal voting.

Soon after the Lok Sabha proceedings began this morning, Mr Shivraj Patil, deputy leader of the Congress in the Lok Sabha, in the presence of Ms Sonia Gandhi, pressed for immediate admission of the adjournment motion on Ayodhya. He said: "In the past, Question Hour has been suspended to take up the subject under adjournment motion if it is of utmost public importance". Ayodhya, being an important issue, the Question Hour should be sus-

5-4 9-Munshi
pendent today, he said. But at 1 p.m. the Congress did a volte-face and agreed to the general consensus of the BAC to let the subject come up on 26 February. The Speaker said he had no objection in allowing the motion to be taken up today itself at 2 p.m. if the Opposition wanted to. The government, he said, had agreed to a discussion on Ayodhya.

Samajwadi Party backed out first. Later, the Congress said its leaders would be away campaigning in Himachal Pradesh and hence the date should be fixed for 26 February.

The Opposition allowed the government to conduct legislative business. BJP leaders interpreted it as a Congress apprehension that a debate on Ayodhya would not favour them in Himachal Pradesh. Unlike the Left, SP and other Opposition members, the Congress notices were for a general discussion under rule 193. "Our other Opposition colleagues had given notice for adjournment motion, but we had anticipated the Speaker will not admit them precisely because the Ayodhya issue is to be heard by the Supreme Court. So, as a back-up strategy, we opted for a general motion," said Mr Priya Ranjan Das Munshi, while denying a soft approach by his party.

1 9 FEB 2003

THE STATESMAN

Sonia for status quo in Ayodhya

9 November
HD-11

19/2

By Our Special Correspondent

NEW DELHI, FEB. 18. The Congress president, Sonia Gandhi, today spoke out in favour of maintaining the status quo at Ayodhya. She said all concerned should wait for, and respect, the Supreme Court verdict.

Addressing a general body meeting of the Congress Parliamentary Party, Ms. Gandhi referred to the Supreme Court judgment delivered in 1994, which had forbidden the handing over of any part of the 67 acres of acquired land to any party before the settlement of the title deed.

She expressed the hope that "all attempts to misinterpret the judgment will eventually be frustrated".

Ms. Gandhi once again drew a distinction between the Congress definition of Hinduism and the manner in which it was being misused by some people to spread hate. The Congress

opposed fundamentalism, obscurantism and bigotry of all kinds.

"Our adversaries, on the other hand, distort the basic value of religion," she said.

She cautioned her party MPs about the "designs" of the BJP and the need to combat it. "Let us be under no illusion, the BJP and its allied organisations will stoop to any level, spread any falsehood to achieve their goals," she claimed.

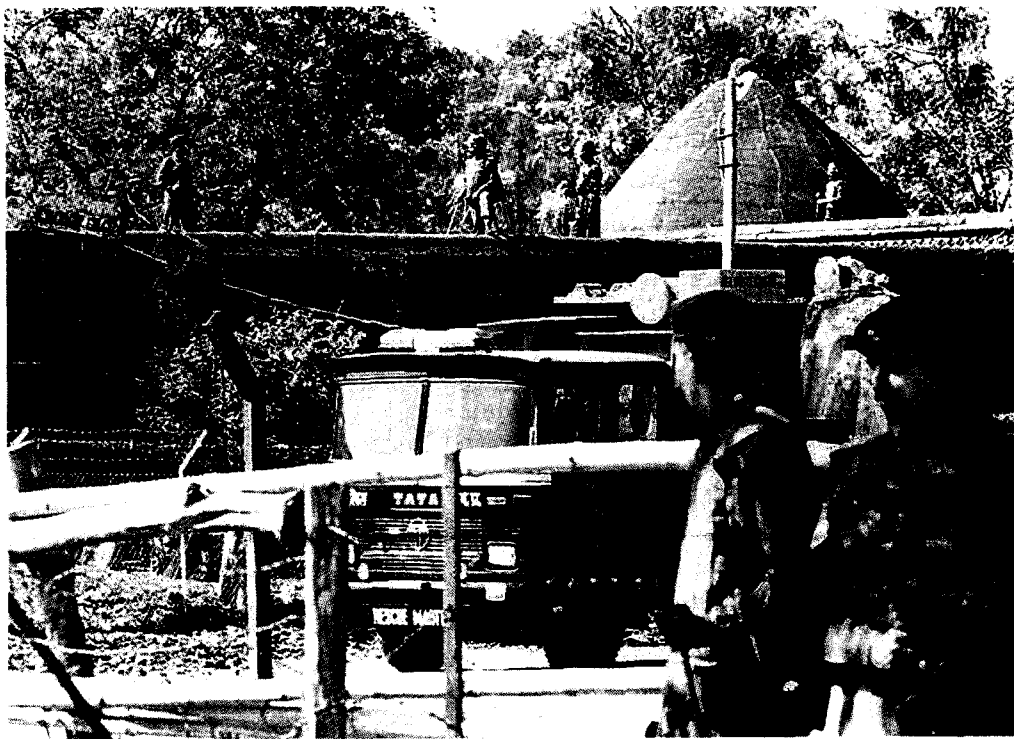
Ms. Gandhi dwelt on a variety of issues ranging from the economy, the expectations from the budget, the JPC report on the UTI and stock market scams as well as the grave situation in Iraq and the escalating tension between India and Pakistan. She blamed the UTI and the share market scams on the Centre. "The scams occurred because the NDA Government was intent on creating a 'bogus feel-good factor' in the stock market to compensate for its

poor performance." The Government "deliberately looked the other way as brokers, banks, corporate entities and the UTI took advantage of the loopholes".

"It is poor governance that is the root cause of both the scams and all through the 18 months that the scams were played out, that is from the last quarter of 1999 to the first quarter of 2001, the NDA was in office," she said.

She expressed the hope that the budget would help revive the economy and the investment momentum. The Government should expand the rural infrastructure.

She also spoke out against a war on Iraq and urged the Government to take an active part in the diplomatic efforts to defuse the current situation. Deploping attempts to weaken the United Nations, she said: "Whatever action has to be taken must flow out of a explicit and clear U.N. mandate."



Armed policemen stand guard at Bhojshala, the disputed structure in Dhar, Madhya Pradesh, where activists of the Hindu Jagran Manch tried to enter forcibly on Tuesday. — AP

(Another photo on Page 12)

9-min

HD-1 19/2

Bid to enter Bhojshala

DHAR (MADHYA PRADESH) FEB. 18. Clamping tight security, police today foiled an attempt by Hindu Jagran Manch activists to force their way into the disputed Bhojshala-Kamal Moula mosque premises here and arrested over 150 people.

As a large crowd of HJM activists gathered at the barricades near the disputed site, police fired teargas shells to disperse the demonstrators, the Inspector-General, V.M. Kanwar, said.

In the stone-pelting that followed, five policemen were injured. Incidents of torching of government vehicles and stone-throwing were also reported from different parts of the town where the district administration clamped ban orders. The HJM has, meanwhile, given a call for a Dhar district bandh tomorrow to protest the "excesses" of the administration. — PTI

'Cannot repeat Gujarat'

Our Staff Correspondent reports from Bhopal:

The Madhya Pradesh Chief Minister, Digvijay Singh, has asserted that those trying to vitiate the prevailing atmosphere of communal harmony in the State would be firmly dealt with and warned the Bharatiya Janata Party that it would not be allowed to repeat "another Gujarat" in Madhya Pradesh.

The Chief Minister was replying to an Assemb-

ly debate on the Governor's address after members from the BJP, led by the Leader of the Opposition, Babulal Gaur, staged a walkout today.

On the issue of Dhar's Bhojshala, the Chief Minister tabled documents to substantiate what had been stated before the Indore Bench of the Madhya Pradesh High Court on January 27, 1998, by the Government's advocates, including J.B. Mahajan and Sumitra Mahajan, on behalf of the Archaeological Survey of India (ASI).

Through the advocates, the High Court had been informed that the factual identity of the present structure (Bhojshala) was not definitely known, nor could it be ascertained from a study of the structure itself.

It had also been submitted before the court that the actual location of the original Bhojshala was a mystery. Further, the court was told by the ASI that the structure under dispute had been declared protected. Hence, it was at the initiative of the ASI that the entry into the Bhojshala had been restricted with Muslims being allowed to offer prayers on Fridays and the Hindus on Basant Panchami Day.

The Chief Minister also tabled an agreement signed by those representing the Hindus as well as Muslims at Dhar on April 23, 1995, to continue the restrictions.

THE HINDU

19 FEB 2003

PRESIDENT'S ADDRESS TOUGH ON PAK.

H.D. 1872 **Court urged to expedite Ayodhya case** J. Minnion

By Harish Khare

NEW DELHI, FEB. 17. The Vajpayee Government today used the President's address to the joint session of Parliament to call upon the judiciary to "expedite its work and give an early verdict" in the Ayodhya dispute. The reference in the traditional address at the beginning of the budget session comes in the context of the Centre's recent application before the Supreme Court, asking the apex court to vacate the March 2002 order, which had decreed status quo in Ayodhya.

In a short, 72-word paragraph, the President, A. P. J. Abdul Kalam, reiterated the known NDA agenda in the matter: "the Ayodhya dispute can be resolved either through negotiations between the two communities or through a verdict of the judiciary, which has to be accepted by all concerned." This clinical rendition of the familiar position does not give any indication of the pressure the Vajpayee Government finds itself subjected to from the Vishwa Hindu Parishad.

Significantly, the President exhorted that "it is also necessary for political parties, religious leaders, and eminent social personalities to promote an atmosphere of mutual understanding, goodwill, and accommodation." This caveat can be seen to be directed as much against the VHP hard-liners as against those who have reason to doubt the Vajpayee Government's neutrality.

'Committed to secularism'

In the preceding paragraph, Dr. Kalam said "the Assembly elections in Gujarat have strengthened democracy and ended a sad chapter in the State's history. We must resolve to ensure that communal violence is never repeated in any part of our country. The Government remains committed to secularism."

Today's was the first President's address delivered by Dr. Kalam, since becoming President last year. (President's address is a statement of the Government's policies and priorities, and there are no independent inputs from the Rashtrapati Bhavan). The longish address turned out to be a compendium of various development schemes undertaken by the Government.

However, the address revealed a stance of undiluted tough stand against Pakistan. While arguing that "India has always striven for peaceful, friendly and cooperative relations with all its neighbours," it insisted that "Pakistan has consistently responded to our efforts with hatred and violence, sponsoring and actively supporting a sustained campaign of cross-border terrorism." The address further added that "our position remains unchanged that we are willing to resume a bilateral dialogue with Pakistan, as soon as cross-

border terrorism ends."

Otherwise, the address catalogued the Vajpayee Government's known formulations on national security.

Noting that the "national security is a matter of highest priority," Dr. Kalam took satisfaction from last year's deployment and subsequent redeployment of the armed forces against Pakistan along the International Border. He said that India "achieved its purpose by showing both our firmness and our self-restraint in dealing with our hostile neighbour." Dr. Kalam also assured the parliamentarians that the redeployment of forces had taken place "without compromising on their capacity to respond decisively to any emergency, and without lowering their vigil in Jammu and Kashmir."

And, the President also underscored that "the chief threat to our internal security is external." The address pointedly mentioned "reports that the Democratic People's Republic of Korea resumed its nuclear weapons programme with the help of technology from Pakistan" and that these reports were cause for concern, both for the security implications and for the double standards the world applied on the "question of treaty obligations as well as proliferation issues."

In the President's address, the Vajpayee Government committed itself "to working closely with the newly-elected Government in Jammu and Kashmir in its efforts to bring peace, normalcy and economic development of the State." Similarly, the address took credit for the Government's "concerted efforts to rebuild peace in the northeast (which) are bearing fruit." At the same time, the President made it clear that the Government was determined "to take all necessary steps to check" the problem of "illegal migration from Bangladesh (which) has assumed serious proportions and affects many States."

The address conspicuously lowered its voice when it came to Iraq and refrained from critical reference to the United States. It simply noted: "We share the concern of the entire world on the unhappy situation relating to Iraq. We have deep interest in peace, stability, and security in that region. We hope that the wisdom of the international community, expressed through the U.N. Security Council, will result in a peaceful resolution of this matter in a manner, which would benefit humanity."

Curiously enough, the address refrained from making any mention of the Government's much-talked about resolve to institute some kind of a "national judicial commission." Perhaps, the Vajpayee Government did not want to give any offence to the judiciary, especially in view of the pending application on the Ayodhya dispute.

18 Feb 2003

THE HINDU

Temple: BJP rallies allies

■ BUDGET SESSION | NDA to raise law and order in Opp states

AASHA KHOSA
NEW DELHI, FEBRUARY 16

HOURS before the National Democratic Alliance Government faces an Opposition onslaught on its latest move on the Ayodhya issue in the budget session of Parliament beginning tomorrow, it underlined to its political allies that a "concerted effort was needed to end this imbroglio at the earliest."

Deputy Prime Minister L K Advani explained the Centre's stand on the issue during a meeting of the NDA allies chaired by Prime Minister Atal Behari Vajpayee. A common strategy was chalked out for the session.

The allies raised the issue of the Government's move to seek vacation of the stay granted by the Supreme Court on the handing over of the undisputed land at Ayo-

dhya to the Ram Janambhoomi Nyas.

Advani told the allies "we all must work harder to end this stalemate either through negotiations or the Court's intervention." George Fernandes, convenor of the NDA, told reporters that the issue was raised by C Krishnan of the MDMK during the meeting.

Advani pointed out that the Government's moves were in sync with the last all-party meeting on the issue where the leaders had wanted the Ayodhya issue to be settled through the court at the earliest. He added that mediation efforts by the Shankaracharya of Kanchi were also part of the Government's initiative to resolve the issue.

Sources said many other members too raised questions about the Government's moves. A senior NDA leader told *The Indian*



At 10 Janpath, Sonia's dinner to chart out the Opposition's strategy for the coming session drew even Sharad Pawar and Mulayam Singh Yadav. Ravi Batra

Express: "We wanted to be sure that the Government is not deviating from the NDA's policy on the matter."

The NDA meeting decided to take the sting out of the Congress-led Opposi-

tion's Ayodhya plank during the session by asking its constituents to raise issues about lawlessness in the Opposition-ruled states like Bihar, Punjab and West Bengal.

CONTINUED ON PAGE 2

'Move on Ayodhya in line with all-party consensus'

By K.V. Prasad

NEW DELHI, FEB. 16. The Vajpayee Government today told its partners in the National Democratic Alliance that its move to approach the Supreme Court in the Ayodhya case was in line with the opinion arrived at in an all-party meeting. The meeting had wanted the issue to be resolved through courts at the earliest.

The Government also indicated that it was prepared to discuss the issue in the budget session of Parliament starting tomorrow, and said its approach would be reflected in the President's address to the joint session of Parliament.

At a meeting of the NDA leaders ahead of the session, the Prime Minister, Atal Behari Vajpayee, expressed the hope that the Opposition would continue to extend "constructive cooperation" which helped in the smooth conduct of the last winter session.

The Ayodhya tangle and the Government's thinking on it was articulated by the Deputy Prime Minister, L. K. Advani, in response to the opposition expressed by the MDMK leader, C. Krishnan. The MDMK saw in the move a deviation from the NDA agenda. The party is understood to have suggested that the Government withdraw its appeal in the Supreme Court.

Briefing correspondents after the meeting, the NDA convener and Defence Minister, George Fernandes, said that Mr. Advani had told the coalition partners that contrary to the Opposition campaign, the Government move was guided by the opinion that the matter be resolved through courts at the earliest and that the Government take steps in this regard. Mr. Advani's remarks bore apparent reference to the charge that the BJP was moving away from the NDA agenda.

Mr. Advani also said that the Ayodhya imbroglio could not be allowed to continue for long and a solution, either through courts or by negotiations, should be found. Urging that all concerned work hard towards this end, he said if the problem continued it would not be in the interest of the country or any community.

Unity within and outside Parliament, says Opposition

By Javed M. Ansari

NEW DELHI, FEB. 16. The Opposition parties today took the first step towards closing ranks, in a bid to take on the Government. Leaders of all the major Opposition parties met over dinner at the residence of the Leader of the Opposition in Lok Sabha, Sonia Gandhi, to chalk out a strategy to consolidate their efforts in Parliament.

The Opposition shortlisted many issues on which it plans to put the Government on the mat during the budget session beginning tomorrow. Of greater significance was the fact that the meeting held out hopes of cooperation outside Parliament as well. "The biggest achievement is the Opposition unity — we will cooperate on everything... just wait and see what happens" said the Samajwadi Party president, Mulayam Singh Yadav.

The Congress spokesperson, Jaipal Reddy, said the parties had identified a series of issues, including the situation arising out of the Government's appeal on Ayodhya, the Uttar Pradesh situation, lack of response to

the JPC report, the Government's "silence" on the Iraq situation and its "discriminatory" attitude towards some drought-hit States.

The floor leaders will meet again tomorrow after ascertaining the Government's attitude before deciding on the nature of their attack. Though all the options, including an adjournment motion on Ayodhya, are being considered, it is likely that the first salvo will be on Uttar Pradesh.

The significance of today's meeting lies not only in the fact that the fractious Opposition is beginning to realise the importance of joint action in taking on the Government, but also reflects an appreciation of the ground realities, and its willingness to put aside the angularities and work towards the larger goal of defeating the Bharatiya Janata Party-led coalition.

The former Prime Minister, Deve Gowda, and senior leaders such as Sharad Pawar, Laloo Prasad Yadav and Ram Vilas Paswan stressed the need for greater synergy and joint action among the Opposition parties outside Parliament.

THE HINDU

17 FEB 2003

THE HINDU

10-1 AYODHYA CASE 14/2

SC rejects Centre's plea for hearing before Feb. 21 ^{9- minutes}

By J. Venkatesan

NEW DELHI, FEB. 13. The Supreme Court today rejected the Central Government's plea for hearing before February 21, its application for vacating the "interim order" passed in the Ayodhya case in March last year.

A three-Judge Bench, comprising the Chief Justice, V. N. Khare, Justice S. B. Sinha and Justice A.R. Lakshmanan, declined to consider the request after the Solicitor-General, Kirit Raval, "mentioned" this morning the plea for an early listing of the case. The judges told Mr. Raval that since the petition was to come up for hearing on February 21, there was no need for an early hearing.

In its application, the Centre said that there was need to resolve the controversy over the 67.703 acres of "undisputed land." And that "the continuing state of uncertainty is not in the public interest."

Referring to the interim order that "no religious activity of any kind by anyone, either symbolic or actual, including bhoomipuja or shila puja, shall be permitted or allowed to take place" either in the disputed or the undisputed land, the application said this needed to be resolved. "The state of uncertainty with regard to approximately 67 acres of land is likely to generate problems even in future and it is, therefore, necessary that

the position becomes clear by a final decision of this court." The necessity of continuing the order did not survive and hence it should be vacated and the matter listed for hearing as pleadings by all the parties had been completed, the application said.

The petitioner, Md. Aslam Bhure, meanwhile, filed his counter today opposing the Centre's plea for vacating the interim order. The application will also be heard on February 21. The counter said that it was clear from the 1994 apex court judgment in the Farooqui case that the acquired land could not be used for any anti-secular purposes. It refuted the Centre's stand that the present situation was different from that of March last and said the situation this time had become more grave due to the statement of the Vishwa Hindu Parishad leader, Pravin Togadia.

Mr. Togadia had hardened his stand and rejected any solution through judicial verdict. He had also asked the Government to hand over the land acquired by it or face a "people's agitation."

Emboldened by the Centre's move to vacate the stay on religious activities in the "undisputed" land, the VHP had been rushing fresh stocks of building materials to its workshops in Ayodhya, Mr. Bhure said, and prayed for the dismissal of the Centre's application.

Hearing on review plea against Advani: Page 13

14 FEB 2003

Rift surfaces in Sangh Parivar over Ayodhya

18/2
By Smita Gupta
TIMES NEWS NETWORK

J. Nishit

New Delhi: Concerned that the Prime Minister's current initiative on Ayodhya may get derailed by an impatient VHP, the PM's pointsman on the issue, HRD minister Murlis Manohar Joshi, on Wednesday spoke to top VHP leaders, including Ashok Singhal, to "narrow down issues of conflict", especially as "the Central government is sincerely trying to amicably resolve the issue of the undisputed land".

The objective was to seek a clarification on whether the VHP agreed with its international general secretary Pravin Togadia who had threatened that if both the disputed and 'undisputed' land in Ayodhya were not handed over to the Ram Janmabhoomi Nyas before the Dharam Sansad concludes here on February 23, the government should be prepared to face the consequences of a long-drawn out agitation.

Mr Singhal's reply to Mr Joshi was that the VHP would be satisfied with the handing over of the 'undisputed' land for the moment. As a consequence, senior VHP functionary Giriraj Kishore, contradicting what Mr Togadia had said on Tuesday, "clarified" that the VHP would be content with the 'undisputed' land for the time being and that the Dharam Sansad would take the final decision. However, if the 'undisputed' land was not handed over by then, they might consider asking for the disputed land as well.

On Iraq, Mr Kishore said the VHP did not speak on issues that did not concern either the national or Hindu interests and, therefore, Mr Togadia urging the government to back the US-led war on Iraq was his "personal" view. In his (Mr Kishore's) personal opinion, the US was only interested in the oil and its

At loggerheads



M.M. Joshi P. Togadia

The issue

Does the VHP agree with Pravin Togadia's demand for both disputed and undisputed land?

saying that it would go ahead (with attacking Iraq) even if there was no UN resolution, was wrong. Asked to explain Mr Togadia's statement, VHP sources said that perhaps he had raised his demands to a pitch to ensure that at least the 'undisputed' land would be handed over. "Tope mangenge to tamancha milega. (If we ask for a cannon, we'll at least get a pistol)," and that the difference between Mr Kishore's and Mr Togadia's statement was the difference between "old age and youth".

But Mr Togadia speaking out of turn twice in one fortnight, Sangh sources said, appeared to indicate a power struggle. A senior BJP leader admitted it would be difficult to "sideline" Mr Togadia as he was a "young, dynamic leader" whose straight talking and aggressive posturing would go down well with the "Hindu" constituency, though, sources said, efforts were on to "isolate" him.

With the RSS backing the PM's Ayodhya initiative, Mr Togadia's outbursts are beginning to embarrass the top Sangh/BJP/VHP leadership, not necessarily because he is taking a different position as much as the fact that his uninhibited style is not in sync with the discipline and belief in the hierarchy of the Sangh. Indeed, Sangh sources said that he could be told to toe the line when the RSS meets in Nagpur next month.

13 FEB 2003

THE TIMES OF INDIA

'AREA OF AYODHYA CONFLICT SHOULD NOT BE WIDENED'

VHP backtracks after Govt. expresses annoyance

By Neena Vyas

NEW DELHI, FEB. 12. The Vishwa Hindu Parishad today backtracked on support for a United States-led war on Iraq and on its demand that the entire piece of acquired land in Ayodhya, including the disputed area, be handed over to the VHP-controlled Ram Janmabhoomi Nyas after the Government expressed its annoyance.

The Government let the VHP know that it did not appreciate the latter's statement on a foreign policy issue. Nor did it welcome statements that could only widen the Ayodhya dispute, instead of creating a climate in which the stay on religious and other activities in most of the acquired land could be vacated by the Supreme Court.

The Human Resource Development Minister, Murli Manohar Joshi, today spoke to the VHP leaders, including Ashok Singhal and Giriraj Kishore. "I told the VHP leaders that we must make all possible effort to narrow down issues of conflict (on Ayodhya). The Central Government is sincerely trying to amicably resolve the issue of undisputed land," he said later.

In the context of a statement by the VHP international general secretary, Pravin Togadia,

on Tuesday, demanding that the Government hand over to the VHP trust all the 67 acres of acquired land in Ayodhya, Dr. Joshi said that the present effort through an application in the Supreme Court was to get the stay vacated so that the "surplus" land, outside the disputed 2.3 acres, could be given back to the trust. "Statements which are not in the interest of the present initiative should be avoided and the area of conflict should not be widened."

The general view was that hard and harsh statements by

the VHP at this juncture certainly did not help create the atmosphere in which it will be possible for the court to vacate the stay. But then, Mr. Togadia gave the impression yesterday that he was not interested in a resolution of the conflict but wanted a head-on confrontation with the Government and Muslim organisations so that the VHP could go on to launch its "peoples' agitation" to demand that Muslims return to the Hindus 30,000 sites where mosques stand today.

On Iraq, Dr. Joshi said that

the Government's stand was clear, it had been endorsed by the entire country and the "VHP leaders have informed me that they have not taken any stand on the issue."

Earlier, Mr. Kishore addressed a press conference to say that the VHP did not take a stand on foreign policy matters which are the concern of the Government and that what Mr. Togadia said were "his own views as an individual." And Acharya Kishore said that his "own personal view" was that "the United States is not interested in fighting terrorism, it wants to capture Iraq's oil wealth using terrorism as an excuse."

"The United States is telling other nations to respect and implement resolutions of the United Nations or face action, and at the same time it is openly stating that even if the U.N. were to oppose an attack against Iraq, it would go ahead on its own. That is a contradictory stand," he said.

On the Ram temple issue, the "final decision" would be taken by the 'sants' at the 'dhararam sansad' on February 23. "Of course, the 'sants' could demand that all of the 67 acres in Ayodhya be handed over to the Nyas."

Ayodhya hearing on Feb. 21?

By Our Special Correspondent

NEW DELHI, FEB. 12. Senior Bharatiya Janata Party leaders are hopeful that the Supreme Court will hear their application for vacating of stay on the acquired land in Ayodhya on February 21.

Apparently, as a routine, the application has been listed for hearing on that date, but the exact date is expected to be decided early next week. The Chief Justice has to constitute a Constitution Bench for the hearing and "normally" such Benches sit only on Tuesdays, Wednesdays and Thursdays — February 21 is a Friday.

The working committee or the Marg Darshak Mandal Samiti of the 'dharam sansad' of the Vishwa Hindu Parishad is meeting on February 21 to finalise the resolutions that are expected to be adopted at the 'sansad' during its three-day meet from February 22. The VHP leaders have already announced that 'sants' at the sansad will announce an agitational action plan if a large part of the land acquired by the Centre in Ayodhya is not handed over to its trust by the evening of February 23.

13 FEB 2003

Muslim board to oppose Govt. plea in Ayodhya case

By Neena Vyas

NEW DELHI, FEB. 9. The All-India Muslim Personal Law Board (AIMPLB) has decided to oppose the Government's plea before the Supreme Court for vacation of stay on religious and other activities on the 67 acres of Central Government acquired land in Ayodhya, but it is in favour of early hearing of the case.

"The board had intervened in the Aslam Bhure case in which the apex court gave an interim order last March. This time again our senior counsel, Rajiv Dhawan, will plead the case before the Supreme Court bench when it is set up," the convenor of the Babri Masjid Committee of the AIMPLB, S.Q.R. Ilyas, told *The Hindu* today. "We will certainly oppose the Government plea for vacation of stay, but we have no objection to an expeditious hearing," he added.

The decision to oppose the

appeal for vacation of stay was taken by the legal committee of the AIMPLB after a meeting here this morning. Five members and two special invitees attended the meeting, including Syed Shahabuddin, former MP.

"The Government had actually filed an affidavit before the Supreme Court in October last year. That went unnoticed. We will formally intervene in the case and file a rejoinder to the affidavit and the Government's recent application for vacation of stay," Mr. Shahabuddin said.

The members attending the meeting were of the view that the board must oppose the Government plea given the Vishwa Hindu Parishad's continuing aggressive posture, opposition to a judicial verdict and its stand that it will build a temple with a sanctum sanctorum at the disputed site.

The committee also disagreed with the Government's

view that the situation was no longer tense and therefore there was no need for a stay on activities on the 67-acre plot. Some of those who attended the meeting pointed out that the VHP had already announced that it would once again go in for an agitation on the issue.

The committee also disagreed with the Government's interpretation of the 1994 Supreme Court judgment upholding the acquisition of the 67 acres. "Even at that time the Supreme Court had clearly stated that all the acquired land must remain in Government possession till the final judicial decision on the main title suit in the Ayodhya case, which is before the Lucknow bench of the Allahabad High Court," Syed Shahabuddin said.

He also pointed out that the case before the Lucknow bench was progressing fast and a verdict may be available "within a year".

10 FEB 2003

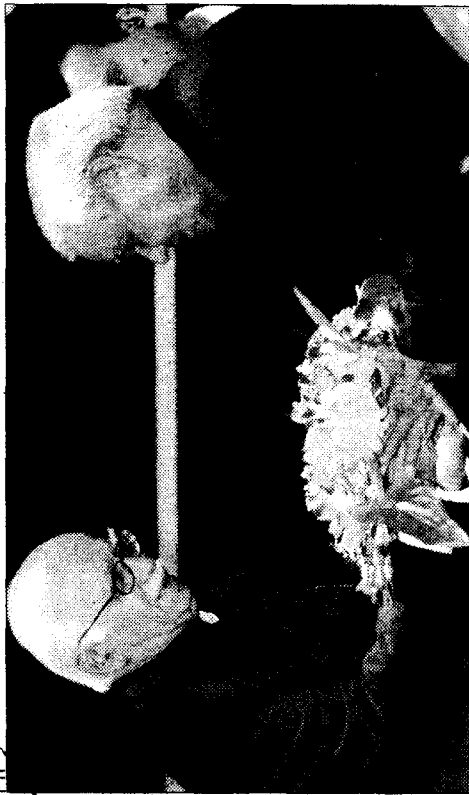
PM defends Ayodhya move

EXPRESS NEWS SERVICE
NEW DELHI | FEBRUARY 8

ONCE sure that no ally would rock the boat following his recent Ayodhya initiative, it was time for Prime Minister A.B. Vajpayee to stick his neck out today and defend his action.

Speaking at the conference of Chief Ministers on national security here, Vajpayee said: "When a dispute cannot be resolved through negotiations, the verdict of the judiciary has to be accepted." He pointed out that the nation has learnt at great cost that sensitive issues should not be allowed to linger for long. "When circumstances bring such matters to court, people expect the judiciary to give its verdict expeditiously," he added.

Turning to obviously the hardliners within Parivar, Vajpayee said: "No is-



sue can justify confrontation and communal violence. Law and national interests are supreme."

Andhra Pradesh Chief Minister and TDP chief N. Chandrababu Naidu today positioned himself close to the BJP, contrary to the hard line

taken by his parliamentary group leader Yerran Naidu earlier. The latter had vowed to oppose the BJP move in Parliament.

Though the Chief Minister has mastered the art of trading his support at every crucial juncture for a

g. wibemites
PM Vajpayee with Dy PM Advani at the conference of Chief Ministers in New Delhi on Saturday

major concession from Vajpayee in cash or kind, it was not clear whether the latest climb-down by the TDP is without any strings attached to it.

When asked whether the BJP would try to encash the issue in the current Assembly polls, Naidu said: "These issues will not help. It is only the performance of the government that will help."

Ramjannabhoomi Nyas chairman Mahant Ramchandradas Paramhans declared at Jalgaon last night that the "Ram temple would be built at any cost within 18 months." He did not foresee any problem in the Nyas getting the undisputed land as senior ministers at the Centre were sympathetic to the cause.

Govt. hand in glove with VHP: Muslim Board

NEW DELHI, FEB. 7. Expressing anguish over the Centre's move to get the stay on Ayodhya case vacated, the All-India Muslim Personal Law Board today charged the BJP-led Government with being "hand in glove" with the Vishwa Hindu Parishad and "befooling the public for its own political ends".

Categorically ruling out the possibility of any talks with the "culprits responsible for the demolition" of the Babri Masjid, the Board said it was still open for a discussion with the Government on the issue.

"The Central Government and the VHP are hand in glove in befooling the general public in this respect...By raking up the issue time and again, the Government wants to divert people's attention from the real issues and, thereby, reap the harvest of the communally-charged atmosphere of hatred and distrust for its own political ends," S.Q.R. Illyas, convener and spokesman of the Board's Committee on Babri Masjid, said here.

In a statement on the eve of the Board's crucial meeting here tomorrow, he said: "The Supreme Court had explicitly given its verdict in 1994 in the Ismail Farooqi case that the whole of 67 acres of the acquired land shall remain in the Government's possession till the final decision on the pending title suit". — PTI

8 FEB 2003

Modi rebuffed at CII meet

By P.K. Bhardwaj

NEW DELHI, FEB. 6. Godhra continues to dog the Gujarat Chief Minister, Narendra Modi, wherever he goes. The issue was raised again today during an interactive session hosted by the Confederation of Indian Industries (CII). And as was to be expected, Mr. Modi hit out at his critics.

Mr. Modi reacted aggressively in the face of subtle and indirect references by industrialists, Jamshed Godrej and Rahul Bajaj, about the communal carnage in Gujarat. Without directly mentioning Godhra and the subsequent communal riots, both voiced concerns about the security and law and order situation in the 'State of Mahatma Gandhi'.

'Unfounded charges'

Dismissing charges of communal bias and asserting that fears about the law and order situation were unfounded, Mr. Modi went on to accuse the CII of doing injustice to Gujarat. Referring to an earlier meeting held in Mumbai, he said these charges by industrialists were not being made for the first time.

Wondering at which platform he should an-

swer these charges, Mr. Modi said he would wait for an opportunity to do so and went on to even challenge his hosts to "bring your pseudo-secularists" for a debate. "If necessary, I will organise one such debate and speak. Everything would be cleared". Gujarat was very safe and "even a girl could move about on a scooter anytime".

He claimed that a 'Congress Chief Minister' had given him a clean chit for effectively handling the situation. The 'Congress CM' had visited Ahmedabad in May with the party president, Sonia Gandhi, to seek Mr. Modi's resignation. When he invited the CM over for tea, she told him that the kind of fears about the situation entertained by her earlier had turned out to be 'exaggerated' and that 'great injustice was being done to him'.

Mr. Modi said the Planning Commission was expecting a growth rate of 10.2 per cent from Gujarat as against eight per cent for the entire nation. Last year, no bank had remained closed in Gujarat for even a day. The State was number one in excise collections, which meant that there was no law and order problem and factories functioned normally. He then turned to the industrialists and asked them if they still needed further elaboration.

7 FEB 2003

Govt moves SC on Ayodhya

Press Trust of India

NEW DELHI, Feb. 5. — The government has filed an application in the Supreme Court seeking lifting of the stay order prohibiting any religious activity in the 77 acres of land acquired by the government after the demolition of Babari Masjid.

The government, in its application filed in the Supreme Court yesterday, sought lifting of the 13 March order last given on the eve of the proposed *shiladaan* ceremony prohibiting "any kind of religious activity" in the acquired land.

The government said in the application that in the interim order of 13 March, the court had directed listing of the main petition filed by Mohd Aslam alias Bhure after 10 weeks. The government said since the 10-week

period has elapsed, the petition should be listed for early hearing.

Mohd Aslam, in his petition, has alleged that the proposed *shilanyas* ceremony was nothing but an attempt by the VHP and other religious groups to disturb the peace prevailing in the area.

He had also expressed apprehension that there were attempts by VHP activists to bring in construction material as well as gather a large number of volunteers to start construction activities on the acquired land.

The government move to file an application before the Supreme Court seeking lifting of the stay was taken immediately after the meeting of the Prime Minister with the Kanchi Shankaracharya yesterday.

The move was reportedly also discussed between the law minister, Mr Arun Jaitley, and the Shankaracharya.

Joshi is mediator

NEW DELHI, Feb. 5. — The HRD minister, Mr Murli Manohar Joshi, has been informally made the government's mediator to talk to the VHP and other Hindu organisations and attempt a peaceful resolution of the Ayodhya stand-off due to the VHP's insistence that the "undisputed land" be handed over to it.

Mr Joshi's main task along with the Kanchi Shankaracharya is to persuade senior VHP leaders and *sadhus* not to take any stand at the *dharam sansad* (gathering of religious leaders) that could embarrass the government.

In Hyderabad, Mr M Venkaiah Naidu upped the ante on the Ram Temple and asked the Centre to explore all possibilities in order to remove the legal hurdles to handing over the undisputed land at Ayodhya to facilitate temple construction. "At some point the temple has to be built... the people are getting restive," he said. — SNS

Ayodhya: Centre moves Supreme Court

By J. Venkatesan

NEW DELHI, FEB. 5. The Centre today filed an application in the Supreme Court seeking an early hearing of the case relating to the 'Ayodhya dispute' and for vacating the interim order passed on March 13 last, directing that "no religious activity of any kind by anyone, either symbolic or actual, including 'bhoomi puja' or 'shila puja,' shall be permitted or allowed to take place on the 67.703 acres of land" in Ayodhya.

In its application filed by the Solicitor-General, Kirit Raval, the Centre submitted that the court, while ordering the status quo in the entire piece of land (including the undisputed site), had referred the matter for posting it before a larger Bench after 10 weeks. As the 10 week period has already elapsed, the petition filed by Mohd. Aslam Bhure should be listed for early hearing before a larger Bench

and the interim order should be vacated.

The Centre's application assumes significance in the context of the Kanchi Sankaracharya reportedly urging the Prime Minister during his meeting on Tuesday that legal hurdles should be removed to enable the handing over of the undisputed site in Ayodhya

to the Ram Janmabhoomi Nyas.

In his petition last year, Mr. Aslam had sought a direction to prevent 'kar sevaks' from proceeding to Ayodhya and to hand over the entire land to the Army.

The court had then ordered that "no part of the land shall be handed over by the Government to anyone and the same retained by the Government till

the disposal of this writ petition. Nor shall any part of this land be permitted to be occupied or used for any religious purpose or in connection therewith".

The court, however, had clarified that the ruling was subject to further orders, which might be passed in this case. In the light of this order, the Centre has now filed the application for early hearing of the matter.

RSS welcomes
move: Page 11

BJP's plea to Centre

By Our Special Correspondent

HYDERABAD, FEB. 5. The BJP, today welcomed the efforts of the Kanchi Acharya, Jayendra Saraswati, in resolving the Ayodhya tangle, and called upon the Centre to remove all legal hurdles in handing over the undisputed land in Ayodhya for building a Ram temple.

At a press conference here, the BJP president, M. Venkaiah Naidu, said as far as the 'disputed land' was concerned, all those concerned should abide by the Court verdict or a mutually acceptable solution. "I urge the Opposition, the Congress, in particular, to take a positive and constructive approach to resolve the issue without allowing politics to come in the way", he said.

Togadia warns of agitation

By Neena Vyas

NEW DELHI, FEB. 5. The Vishwa Hindu Parishad today hardened its stance against the courts, totally rejecting any solution through a judicial verdict while warning the Government to "hand over" the land acquired by it or "face people's agitation". The final goal was the declaration that India is a "Hindu rashtra".

The VHP leader, Praveen Togadia, made it clear that the intention of the trust controlled by it, Ram Janmabhoomi Nyas, was to build a temple with a sanctum sanctorum "at the very place where the Ram lala idol stands today". Even if part of the undisputed acquired land was given to it and construction of temple began "there will be no change in the temple plan". The 'garbh griha' (sanctum sanctorum) would be at the very place where the makeshift temple replaced the demolished Babri masjid, Mr. Togadia said.

The Government has been given time till 6 p.m. on February 23, after which about 10,000 'sants' gathered for the 'dharam sansad' scheduled here would decide the next course of action, and there was no doubt that they would take a "harsh decision (*kathor nirmaye*)".

Scoffing at the BJP leadership which talked of "a fight to the finish (*aar paar ki ladayi*) with Pakistan", he said that "if construction of a Ram temple was disallowed, the VHP would show what *aar paar ki ladayi* meant".

THE HINDU

FEB 5 1990

MUSLIM BOARD FOR PMO'S DIRECT ROLE

PM, Kanchi Acharya discuss Ayodhya issue

By Neena Vyas

NEW DELHI, FEB. 4. The one-on-one meeting of the Shankaracharya of Kanchi, Jayendra Saraswati, with the Prime Minister, Atal Behari Vajpayee, this evening has once again brought Ayodhya to the centre-stage of politics.

Although officially the meeting was described as a "courtesy call", the Ayodhya issue was discussed at length. The Kanchi Acharya himself said that the Prime Minister had planned to visit him but because of security problems he had decided to call on Mr. Vajpayee.

The "preparation" for the discussion was made in the morning when Sudhendra Kulkarni in the Prime Minister's Office called on the Kanchi Acharya at the Kamakshi temple where he was staying. Later, the Union Law Minister, Arun Jaitley, also called on him. Both Mr. Kulkarni and Mr. Jaitley preferred to describe the visit as a "personal darshan".

The Ayodhya issue has once again emerged as an urgent problem for the Vajpayee Government and the question was reportedly discussed against the backdrop of the Vishwa Hindu Parishad's ultimatum that about 40 of the 67 acres acquired by the Centre in 1994 be returned to the Ram Janmabhoomi Nyas controlled by it "before

February 22" when a "dharam sansad" is scheduled to meet here.

In the morning itself, the Kanchi Acharya clarified that he had brought "no proposals (for a solution to the Ayodhya tangle)" as "nothing can be done" without the specific permission of the Supreme Court. But it seems that the Government is trying to work out a way in which the Kanchi Acharya's immense influence and prestige can be used to help get the Supreme Court revise its last year order that no "puja", no construction, no activity by the VHP or anyone else was to be allowed on any part of the 67 acres.

At a function of "anganwadi" workers this morning, Mr. Vajpayee said the Ayodhya issue could be resolved only through a court order or through talks and negotiations. Later this evening, a representative of the All-India Muslim Personal Law Board said that if any mediation was attempted, the "Prime Minister's Office should get involved directly in a transparent manner instead of through individuals claiming to be working in their own capacity when in fact the PMO is very much involved".

The Kanchi Acharya's aides disclosed that several VIPs, including the Union Ministers, Anantha Kumar and I.D. Swamy, would be visiting him. It was pointed out that he had not come here with any specific

Ayodhya-related mission in mind.

Ahead of the meeting between the Kanchi Acharya and Mr. Vajpayee, the senior VHP leader, Ashok Singhal, along with a VHP delegation that included the RSS leader, Onkar Bhave, and the VHP propaganda in-charge, Vireshwar Dwivedi, met the Kanchi Acharya for about an hour.

Mr. Singhal did not mince words when he came out. "The sants are angry with the Vajpayee Government and they could take a hard decision if the Government does not take steps to hand over the undisputed land to the Nyas (*santon ko akrosh hai, weh koi bhi kathor nirnaye le sakte hain agar sarkar ne phaisla nahin kiya*)," Mr. Singhal said.

He is believed to have discussed not only Ayodhya but also the question of cow protection and the rising pollution of the Ganga, which had recently led some "sadhus" to register their protest by not taking the traditional dip in the river on "amavasya".

Naturally, the VHP would like the Kanchi Acharya to persuade the Prime Minister "to do something" tangible on Ayodhya to enable the VHP to tell the "sants" that there was forward movement on the task of building a Ram temple. The VHP is afraid that the anger of the "sants" against the Government could turn against it for making "false promises".

THE HINDU

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28/1

DISTURBING SIGNALS

IF THE VISHWA Hindu Parishad's latest ultimatum to the Centre to hand over the so-called undisputed (acquired) land in Ayodhya and its accompanying threat to begin construction of the Ram temple in any event on a date to be set by a sant sammelan later this month portend a replay of what the nation witnessed around this time last year, there are already disturbing signals that the Atal Behari Vajpayee regime is in search of ways to help the VHP realise its patently illegal objective. Remember, even last year, the Government sought to play the same game, what with the then Law Minister, Arun Jaitley, finding nothing illegal or unconstitutional about restoring the 'undisputed' portions of the acquired land to their original owners and the Attorney-General, in a subsequent context, contending that allowing a 'shila pooja' or 'shila daan' in that area would not amount to altering the status quo. That it was the Supreme Court's order — ruling out "any religious activity, either symbolic or actual" — which ultimately saved the day for justice and the rule of law is history. Now, Mr. Jaitley is back in the Cabinet after a seven-month stint as BJP general secretary; the timing of his re-induction, the sense of urgency attached to it and the assignment of the Law portfolio are circumstances too significant to be ignored in the evolving Ayodhya context.

Any transfer of the 'undisputed' land, pending settlement of the title suit, as demanded by the VHP and the Ram Janmabhoomi Nyas it controls, will be a contravention of the 1993 Act under which the land was taken over. The rationale and justification for the acquisition by the Government of lands adjacent to the disputed site where the Babri Masjid had stood before demolition lay in the imperative of ensuring that the final outcome of adjudication is

not rendered meaningless or infructuous by the existence of any structures that could create new issues. And the VHP and the RJN want possession of the undisputed area only to start construction of the Ram temple, their declared goal. Nothing could be a more brazen or audacious attempt at defying the law, a bent of mind that is equally manifest in the two outfits' unconcealed contempt for the judicial system. Considering that the Government, in whom the acquired land is vested, has the status of a trustee and has been charged with the responsibility of ensuring that the objectives of the 1993 enactment are achieved and not thwarted in any manner, it is clearly not for the Vajpayee regime to facilitate, either directly or indirectly, the land transfer at this stage as demanded by the VHP-RJN combine since that would mean furthering a calculated attempt by vested interests to defeat the very purposes it is statutorily enjoined to serve.

Viewed in this perspective, the option the Union Government is reported to be seriously considering, namely moving the apex court for an early decision on petitions relating to the transfer of the 'undisputed' land, is open to serious question suggesting, as it does, collusion with the very parties that the 1993 Act is meant to hold in check pending a final resolution of the dispute. The bottomline that needs to be recognised is that the 1993 Act is meant to underline the state's commitment to secular governance by way of correcting a terrible wrong perpetrated on December 6, 1992, and, as such, it would be grossly offensive to any sense of justice to hand over the acquired land (adjacent to the disputed site) to the very majoritarian forces responsible for the destruction so that they are enabled to gain from the demolition and accomplish their goal of constructing a Ram temple at the disputed site.

RECEIVED

11/11/93

9 minutes

3 injured in Gujarat clash

By Our Special Correspondent

AHMEDABAD, FEB. 1. Three persons were injured and five kiosks set afire in a communal clash in the Jamalpur locality here this afternoon. Trouble started over an altercation in a barber's shop in the Fulwali Galli area. One person was allegedly attacked with a sharp weapon outside the shop. His condition is reportedly critical.

The incident attracted the attention of the people belonging to the victim's community, who came out in large numbers and indulged in stone-throwing. People from the rival community also gathered on the spot and attacked each other. Five kiosks were set on fire. The mob, however, dispersed as soon as police reached the spot.

Police claimed that the attack was due to personal rivalry but it assumed a communal tone later.

Council plea to NHRC

The All-India Christian Council, meanwhile, has drawn the attention of the National Human Rights Commission to the alleged failure of the Ahmedabad police to take action against a restaurant owner who allegedly beat up a Christian boy, causing serious injuries.

The joint secretary of the council, Samson Christian, said the boy had carried out electrical works during Diwali at the restaurant.

The owner owed him Rs. 2,400. On January 19, the boy went to collect his payment but the owner and another person beat him up. His head hit the road and the doctors at the V. S.



Firefighters extinguishing a fire in hawker stalls after a communal clash in Ahmedabad on Saturday. — AFP

hospital declared that he had suffered a haemorrhage in the brain, paralysing one side of his body. A case was registered with the Navrangpura police by the boy's father but police had failed to take any action in the last 12 days.

Mr. Christian said a delega-

tion of the council had also called on the Police Commissioner, K. R. Kaushik, demanding action against the police inspector in-charge. Though Mr. Kaushik had transferred the case to the Gulbai Tekra police station, the perpetrators were yet to be booked.

THE HINDU

- 2 FEB 2003

AYODHYA ISSUE ASSUMES URGENCY

Govt. for early hearing on acquired land

By Neena Vyas

NEW DELHI, JAN. 30. The Government would like to see an early sitting of a Supreme Court Bench to take a considered view on the question of handing over part of the Central Government-acquired land in Ayodhya back to the Vishwa Hindu Parishad-controlled Ram Janmabhoomi Nyas.

Government sources confirmed this today even as the general secretary of the VHP, Pravin Togadia, was reported to have warned in Ahmedabad that a "serious crisis" would overcome the Vajpayee Government if certain steps were not taken on the Ayodhya issue. The warning came with just three weeks left for the 'dharam sansad' to be held here to once again announce a "last and final date" for the start of construction of a Ram temple on the disputed site in Ayodhya.

Last year, the VHP enacted a similar drama after a meeting of the 'dharam sansad' leading to the 'shila daan' fiasco and the Court decision was not to allow any part of the acquired land in Ayodhya to be handed over to any party pending the settlement of the main title suit in the case. But that "stay" was for six weeks, and now it is more than 40 weeks.

It is not yet certain whether the Centre will itself ask for an early constitution of the Bench and a hearing but the position is that "any party" can make the request, even the Uttar Pradesh Government. Given the fact that the VHP has already publicly stated that it would not approach the court as it did not recognise the court's "jurisdiction" on any matter in relation to the Ayodhya dispute, it has been left to the Vajpayee Government to find a way out to satisfy the VHP and the larger Sangh Parivar.

Sources in the BJP have confirmed that the Ayodhya issue

was being treated as urgent and was an important factor in the decision to bring Arun Jaitley back as Law Minister in the Union Cabinet. Some movement on the Ram temple construction could also prove useful to the BJP in reasserting its love for the Hindutva 'mantra'.

It is also being said in BJP circles that having consistently practised law, Mr. Jaitley was able to give "sound legal advice" to the Government on a number of tricky issues.

The former Union Law Minister, Jana Krishnamurthi, made it clear today that at no point had he insisted on retaining the Law portfolio.

While confirming that the Prime Minister was "gracious enough" to have offered him other portfolios which he had declined, he refused to divulge the reasons for this but indicated that Mr. Vajpayee knew them "which were the same" as when he had declined a ministerial berth last June. Health was not an issue, in fact too much had been made of his health.

Mahajan given two key party positions

By Our Special Correspondent

NEW DELHI, JAN 30. Two key positions in the BJP — secretary of the Parliamentary Board, the top decision-making body, and secretary of the central election committee, which finalises party candidates for all elections and takes decisions on election strategy — were today given to the former Parliamentary Affairs Minister, Pramod Mahajan.

The party president, Venkaiah Naidu, made the announcement after formally appointing Mr. Mahajan as general secretary and chief party spokesperson.

As Mr. Mahajan himself stated later: he was exactly where he was in 1998 when the BJP made its first bid for power at the Centre. And this time his job would be to ensure that his party stays in power after 2004.

The party's goal, as stated by Mr. Naidu, was cornering 300 Lok Sabha seats in 2004 and getting a "two-thirds majority" along with the BJP's allies. Later, a senior party leader hinted that the Lok Sabha elections "could be held a few months before they are due in October 2004."

Mr. Mahajan's appointment is no doubt a major change in the party, but today he made it quite clear that he had always been willing to accept whatever responsibility the party gave him and would have no problem working with Mr. Naidu.

"Politics is not governed by the rules of bureaucracy. When I was appointed general secretary of the BJP way back in 1985, I received the cooperation of so many leaders who were my seniors," he said. "In politics the issue of someone being two batches senior or junior does not arise."

While formally announcing Mr. Mahajan's appointment, Mr. Naidu claimed that the willingness with which senior ministers had given up their positions to take up party work was proof that the BJP was a "party with a difference". He hinted that some more changes would be made as part of the "mid-term appraisal of the government" and a "mid-course corrective" to chalk out the "road map" for the party.

He would soon re-allocate work among the office-bearers keeping in mind the coming elections. Mr. Arun Jaitley, who has gone back to the Government as Law Minister, would continue to help with the Himachal Pradesh elections as he had been involved in that, Mr. Naidu said.

Recipe for discord

5/18/21/1 RSS attack on US missionary

By justifying the gruesome attack on an American missionary and his Indian hosts near Thiruvananthapuram, R. Santosh, the RSS district functionary, has indirectly confirmed his organisation's hand in the heinous crime. Based on eye-witness accounts, police have arrested four RSS activists. While denying RSS involvement, Santosh has said the speeches of Joseph Cooper and his Indian counterparts were insulting to followers of the Hindu faith. Even before the Sangh Parivar launched the Ayodhya campaign, the RSS in Kerala has been involved in violent clashes with the minority communities. Unearthing of a 1900-year-old cross of St. Thomas period at Nilackal in Pathanamthitta district in the early 1980's led the RSS to launch a campaign of calumny against Christians. Cooper and his associates, while returning from a gospel meeting at the Koppam Harijan colony on Monday night, were waylaid by a 10-member armed gang of suspected RSS activists. Exploding a giant cracker, the assailants created panic. Cooper was pulled out of the car and stabbed. Benson, his host, Benson's wife and four children all aged below 10, were also not spared.

The RSS should realise that Christianity is not the religion of the colonial rulers imposed on unwilling Hindu subjects. Long before Christianity spread to England and Europe, Kerala had a flourishing Christian community. St. Thomas the Apostle brought Christianity to Kerala in the year 52 A.D. Similarly, Islam entered Kerala not through the conquering Moghuls, but by Cheraman Perumal, a local ruler. Being the only state to have achieved total literacy, the Sangh Parivar has not been able to sell its brand of Hindutva to the pluralistic Kerala electorate which explains why the BJP has not been able to open its account in the state Assembly or send a representative to the Lok Sabha so far. Secularism is India's heritage practiced even in the time of Asoka and Akbar. It is about time the RSS gave up *Hindurashtra* for *Rajdharma* in which the ruler protects all citizens irrespective of caste or creed.

THE STATESMAN

21 JAN 2003

Quit notice to U.S. missionary

By Our Staff Reporter

THIRUVANANTHAPURAM, JAN. 20. The Rural SP, T.K. Vinod Kumar, today issued a notice to the American Missionary, Joseph Cooper, who was attacked by suspected RSS workers at Kili-manoor on Friday last, to leave the country within a week.

Mr. Kumar, exercising his powers as a Foreigners Registration Officer, told *The Hindu* that Mr. Cooper, who was travelling

on a tourist visa, was found to have violated visa norms by taking part in religious activities. Mr. Kumar said the notice was served immediately after Mr. Cooper was discharged from a private hospital in the city.

Meanwhile, the police are learned to be collecting intelligence on the activities of certain 'gospel groups' suspected of upsetting communal peace by conducting conversion campaigns among Dalits and tribal

communities in the rural parts of the State. The police are attempting to find out whether the groups are getting any foreign funding and what their activities are.

Police sources said Mr. Cooper has been travelling on a multiple entry tourist visa issued by the Ministry of External Affairs in 2000. The sources said a foreigner travelling on tourist, visit or student visa is not permitted to speak at religious meetings.

THE HINDU

Three more held for attack on missionary

Press Trust of India

THIRUVANANTHAPURAM, Jan. 16. — Police today arrested three more persons, all RSS functionaries and under interrogation since Tuesday evening, in connection with the attack on American missionary Mr Joseph Cooper and a local team of evangelists at Kilimanur, near here, last Monday.

According to the police, the arrest of Shaji, seva pramukh of the local RSS unit, Shaiju and Shan, brother of Shaji, were "recorded" this morning and they were expected to be produced before the judicial magistrate in the evening. Raju was arrested and remanded yesterday. Shaji was alleged to have asked Mr Cooper to stop preaching to the religious gathering at Puliyaam, near Kilimanur on 13 January. Meanwhile, RSS and VHP alleged that their workers were being "hunted" by police.

US condemns attack: The USA has condemned the attack on Mr Cooper and expressed its approval of the action taken by the police in apprehending the perpetrators, adds AFP from Washington.

17 JAN 2003

THE STATESMAN

FRIDAY, JANUARY 17, 2003

9- minutes
A HEINOUS CRIME 10-10 17/1

THE ATTACK ON a missionary at Thiruvananthapuram is yet another pointer to the extent to which religious propaganda and hate have permeated the body politic. While it is still not clear as to whether associates of the RSS were directly involved in the criminal act, the manner in which the local leaders of the Sangh Parivar have reacted to the incident — charging the missionary, Joseph Cooper, and others with him with having made “communally inflammatory” speeches that were “insulting to the practitioners of the Hindu faith” even while denying involvement of any of their men in the attack as such — is indeed disturbing. This refrain from the RSS *saha karyavah* in the district, R. Santosh, amounts to holding a brief for those guilty of the heinous crime as it was when some Sangh Parivar functionaries had sought to explain away the grisly murder of five young men belonging to the Dalit community in Jhajhar (in Haryana) recently that the lynching of the hapless youth was a manifestation of the Hindu sentiments that were hurt after rumours were spread that they had slaughtered a cow. The Sangh’s associates had taken a similar line in the aftermath of the killing of an Australian missionary, Graham Staines, and his two sons in Manoharpur in Orissa a few years ago. This pattern of blaming the victim and justifying the crime in the name of hurt sentiments is repeating itself with a disturbing frequency.

The attack on Mr. Cooper and his associates is a cause for concern for yet another reason. True that such violence and murderous assaults in which the Sangh associates were allegedly involved have been witnessed across Kerala several times in the past two decades. The high voltage campaign by the RSS and its other associates after a cross was “discovered” in Nilackal in Pathanamthitta district (in the early 1980s) led to several instances of violence across the State then. In this sense, the Sangh’s strategy of indulging in campaigns intended to conjure up

images of the Hindu faith being in danger and thus whipping up communal passions was carried out in Kerala even before the campaign centred on Ayodhya. It is also a fact that the BJP as a party had managed to build up its organisation in several parts of Kerala (and it is the strongest in Pathanamthitta district) primarily on the basis of the RSS campaign around the Nilackal issue and on spreading a sense of hatred against the Christian missionaries and their institutions, as in the Dangs district of Gujarat and the various other places where the missionaries were active. Hence, the violent attack against Mr. Cooper and those who went with him for the convention cannot but be seen as the fallout of a vicious campaign carried out by the Sangh over the years. The State Government will have to ensure that police officials move fast and apprehend the culprits and also ensure that such incidents are effectively averted.

Despite giant strides in the field of literacy and a strong tradition of social reforms, the social fabric in Kerala is indeed fragmented on the basis of religious and other denominational factors. Among the several factors that could be identified for this state of affairs, the most important is the reluctance of the parties, both within the CPI(M)-led Left Democratic Front and in the Congress-led United Democratic Front, to spend their energy on consolidating the democratic edifice and addressing the task of governance. Having caught up with the task of managing the conflicts within their own folds, the political leadership of both the Fronts in Kerala seem to have been left with very little time and energy to indulge in any meaningful efforts to arrest the sense of alienation that has afflicted the youth across the State. This, indeed, is a fertile ground for fundamentalists of all religions to spread their hate campaigns. The attack on Mr. Cooper is indeed a warning signal that the political establishment in Kerala should take note of.

THE HINDU

Communal thorn in Cong 'model state'

RASHEED KIDWAI

Bhopal, Jan. 15: All is not well in Sonia Gandhi's "model state" — Madhya Pradesh.

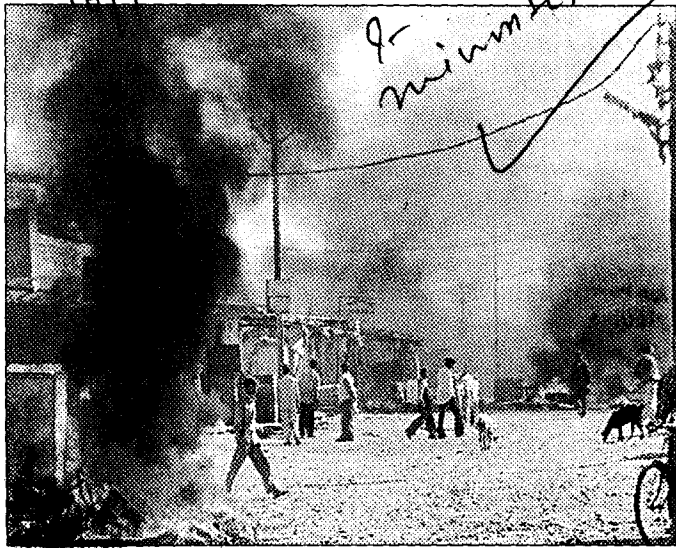
The battle-ready Congress chief may have signalled Maharashtra chief minister Vilasrao Deshmukh's exit and "disciplined" Rajasthan's Ashok Gehlot, but in Digvijay Singh's domain, the communal situation is proving to be a worry. Things are not smooth either in the sphere of governance and empowerment of Dalits and weaker sections.

The communal flare-up in Ganjbasoda, a town in Vidisha district, yesterday was not an isolated incident. In the past fortnight, there have been sporadic bursts of communal violence in several districts where even simple property disputes between Hindus and Muslims have taken a political colour.

The chief minister's bid to take on belligerent Hindutva forces is proving to be a twin-edged sword. While Singh may have succeeded in glossing over the acute shortage of power, water and motorable roads, his agenda of keeping the BJP and the Sangh parivar engaged on emotive issues could boomerang.

In Ganjbasoda, a beleaguered police force has made 30 arrests, including Saleem, said to be responsible for cow slaughter. Police officials confirmed that a cow, a slaughtered calf and a dozen cow hides were recovered from Saleem's house.

There was no fresh violence but the curfew in the town remained in force through the day, except for a two-hour relaxation.



Debris set alight by rioters in Ganjbasoda. (AFP)

Madhya Pradesh director-general of police Dinesh Gujran has sounded a statewide alert even as a sense of unease persists among minorities in Bhopal, Indore and elsewhere in the state.

The Ganjbasoda incident has come barely a fortnight after Singh "cautioned" voters in the state that the BJP was bent upon repeating a Godhra-like incident. But then, providing security should be his top priority.

A closer look at yesterday's incident reveals that the local administration had full knowledge of allegations of cow slaughter but failed to act upon complaints formally lodged with the district collector. More glaring was the fact that for a few hours, there was a complete free for all till more forces reached from Bhopal and Vidisha. The 95-km road

from Bhopal to Ganjbasoda via Vidisha is so bad that it took the police almost four hours to reach the spot.

The chief minister's camp is unfazed by yesterday's incident and claims that desperate elements are raising the communal bogey to nullify the Singh regime's "good work". They said even the BJP was rattled by Singh's Rs 250-crore sop to Dalits and tribals announced two days ago.

Some of the key features of the bonanza include an unprecedented directive to all ministries and departments to purchase 30 per cent of their requirement from Dalit and tribal entrepreneurs. The other big sops are lavish disbursement of land for landless Dalits and tribals and allotment of 10,000 shops in urban areas for these sections.

16 JAN 2003

U.S. missionary attacked

By Our Staff Reporter

THIRUVANANTHAPURAM, JAN. 14. A 60-year-old American national and Protestant missionary, Joseph Cooper, was grievously injured when he was attacked by a 10-member armed gang of suspected RSS activists near a gospel convention venue at the Koppam Harijan colony in the Kilimanoor police station limits near here, late on Monday night.

Police said that seven other persons, including a preacher and his family accompanying Mr. Cooper, were also injured in the attack. Mr. Cooper, hailing from New Castle in the U.S., sustained a deep cut on his right palm. He is under treatment at a private hospital here.

Mr. Cooper had come to Kilimanoor to speak at the Koppam Protestant Convention organised by the Puliyaam Friends Bible Church.

He and his fellow church members were waylaid by the armed gang while they were being escorted back to their vehicles from the convention venue around 9.45 p.m., police said.

The assailants first exploded a cracker to create panic. They detained the missionary and other preachers for a few minutes before attacking them with short sticks, swords and crowbars.

Among those injured are the preacher Benson (37), his wife, Sali Benson, children Joy and Judith, Jayakumar and Mercy



The Protestant missionary, Joseph Cooper, who was attacked by suspected RSS workers, being brought to a private hospital in Thiruvananthapuram on Tuesday.

Christudas. Police said the attackers fled when other church members rushed to the rescue of Mr. Cooper. The injured were rushed to the Medical College Hospital.

In a statement to police, Mr. Benson alleged that the attack was carried out by local RSS workers led by an autorickshaw driver.

Police have arrested Raju (34), a former Kilimanoor RSS functionary.

The Circle-Inspector (Kilimanoor), D. Rajagopal, said there was no history of communal discord at the Koppam Harijan colony where about 60 families lived. Some of the families prac-

tised both the Christian and the Hindu faiths.

When contacted, the SP (Rural), T.K. Vinod Kumar, said that police raids were on to arrest the rest of the accused. RSS and BJP workers, meanwhile, took out a march to the Kilimanoor police station demanding the release of those arrested.

When contacted, the RSS Jilla saha karyavah, R. Santhosh, said that his organisation had nothing to do with the attack. He alleged that the speeches made by the U.S. missionary and other preachers at the convention were "communally inflammatory" and "insulting to practitioners of the Hindu faith".

40-10

Minority rights and education

By N. R. Madhava Menon

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AMONG THE many landmark decisions rendered by the Supreme Court in 2002, the minority educational institution judgment (T. M. A. Pai Foundation & Others v. State of Karnataka & Others 2002 (8) Scale 1) stands out as the most significant in terms of its reach, complexity and potential for shaping the future of education in the country. The case which was pending in the apex court for nearly 10 years got transferred from a Bench of five judges to one of seven judges and finally to a 11-judge Bench as it involved a fundamental issue of determining who constituted a "minority" for availing the special right of minorities under Article 30(1) of the Constitution "to establish and administer educational institutions of their choice."

Minority implies "numerically less" and both linguistic and religious minorities are covered by this expression under Article 30. Since the States have been formed by grouping people on linguistic lines, the unit for determining a minority is not the whole of India, but the State in question. On this simple logic the court attempted to resolve the issue. It did not answer whether the followers of a sect or denomination of a particular religion can claim minority status even if the followers of that religion are in a majority in that State. Nor did it find it necessary to spell out the indicia for determining whether an educational institution is a "minority educational institution". These issues are now to be resolved by the State and/or by a regular Supreme Court Bench. There was unanimity among the 11 judges that the right given to religious and linguistic minorities under Article 30 (1) "to establish and administer educational institutions of their choice" includes professional educational institutions as well. The differences are in respect of the nature and scope of Government control over minority education institutions in the context of the non-discrimination principle under Article 29 (2) and the earlier law of right to education laid down in the Unnikrishnan Judgment (1993).

The Supreme Court seems to be in favour of freeing minority educational institutions from Government control excepting to maintain academic standards through prescribing qualifications for teachers and minimum

eligibility for students. The court is emphatic in declaring that admission of students to unaided minority educational institutions cannot be regulated at all by a State or University if the procedure is transparent and merit-based. The right to admit students is part of the right to administer educational institutions.

An aided minority educational institution, however, would be required to admit a reasonable extent of non-minority students so that the rights under Article 30 (1) are substantially maintained while the citizens' rights

consideration to be given to the weaker sections of society in the admission process.

The minority right to establish and administer educational institutions was so far governed by the law laid down in the famous St. Stephen's College case (1992), the principle of which the court found difficult to set aside. That judgment allowed full freedom to minority institutions provided 50 per cent seats were given to non-minority students. Now the Supreme Court found that keeping a rigid percentage is not desirable in law or

their right to be free from governmental interference in disciplining employees through imposition of penalties for proven misconduct.

In a recent seminar, the principal of a reputed minority educational institution characterised the judgment to be potentially subversive of minority rights. He felt that the court in effect converted a constitutional guarantee into the domain of discretionary control of the Government of the day. He feared that the service element in education would be lost if every citizen had the right to establish and administer educational institutions with minimal or no regulation. When the court declared that non-minority students in aided minority educational institutions should be admitted on competitive merit through a State Government-conducted entrance test, the effect would be denial of access to weaker sections of society, according to him. Government bureaucracy being what it is, there is fear and frustration among managements of aided minority educational institutions.

It is difficult to agree completely with such an assessment of the judgment when looked at in the country as a whole. Yes, there are excellent minority educational institutions which have been rendering quality education at moderate costs before the capitation fee menace began warranting judicial intervention. The situation is different today because of the policy of liberalisation, politics of conversion, and the compulsions of democratic governance. Minority institutions which continue to administer educational institutions in the spirit of service (and not profiteering) have nothing to lose or fear from the judgment. If they are not seeking aid from the Government they are totally free from any control excepting the demands of natural justice and transparency. If they receive Government aid, the judgment asks the Government/University to exercise only the minimum regulations necessary to maintain standards and to provide some representation for non-minority students. One would argue that the educational scheme envisaged by the judgment deserves a fair trial before it can be condemned as elitist and anti-minority in character.

(The writer is Vice-Chancellor, WB National University of Juridical Sciences, Kolkata.)

The Supreme Court seems to be in favour of freeing minority educational institutions from government control excepting to maintain academic standards through prescribing qualifications for teachers and minimum eligibility for students.

under Article 29 (2) are not infringed. What would be a reasonable extent would vary depending upon the types of institutions, the courses of education for which admission is being sought, the educational needs of the minorities and similar factors. This (percentage of non-minority students) is for the State Government concerned to determine and notify. In the case of aided professional institutions it can also be stipulated that passing of the common entrance test held by the State agency is necessary to seek admission unless specifically exempted otherwise.

There is a certain amount of ambiguity in the law laid down in regard to the application of Article 29 (2) against aided minority educational institutions. On the one hand, the court does not want to water down the guarantees given by the Constitution to minorities; and on the other hand, it is reluctant to give up the non-discrimination doctrine of Article 29(2) whenever public funds are utilised to support educational institutions. Regarding the procedure and method of admission of students, are minority educational institutions totally free of Government/University control? Yes, provided the method employed is fair, transparent and merit-based. In the case of aided institutions the Government or the University can even ask for due

in practice. The non-minority component should be reasonable having regard to the type of institution, population size and educational needs of the minorities. Again, there is scope for States to limit the exercise of minority rights which, judged by past experience, can be a constant source of irritation and conflict.

While the court recognises the charitable nature and service goals of education, it allows the authorities full freedom to collect fees and charges they find appropriate in unaided educational institutions, the only caveat being that they should not appear to be charging capitation fee for profiteering. Realising that education is increasingly being run as a business and that the cost of running it is escalating, the court conceded the need to have surplus income generated to meet the cost of expansion and augmentation of facilities. In the court's view this surplus will not be deemed "profiteering". This freedom from regulation in the matter of fees in the case of unaided educational institutions is what many critics of the judgment find as being violative of the spirit of equality, equity and excellence.

Apart from the freedom from regulation on the question of fees, private managements have reason to cheer insofar as the court has conceded

WEDNESDAY, JANUARY 8, 2003

Amintan

UNCONCEALED AGGRESSION

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THE VISHWA HINDU Parishad appears determined to sustain, despite the painful social and political costs, the pursuit of its Ram temple agenda. Added to this is a greater display of aggressiveness and defiance. Having choreographed the return of the BJP under Narendra Modi to power by using the Godhra carnage to set off a campaign of hate against the Muslims and create a deep communal polarisation, the VHP obviously now feels emboldened to push ahead with the temple construction "at any cost". Its leadership, which has been cavilling at the Prime Minister for having "retracted" from a "promise" on facilitating the inauguration of temple construction last year, has made known its intention, loud and clear, to start the work at a time appointed by the Sant Sammelan to be held next month and has virtually served notice on the Vajpayee Government to see that the "undisputed" portion of the land surrounding the disputed site and acquired by the Centre is handed over to the VHP-controlled Ram Janmabhoomi Nyas by then. While the demand itself is by no means new, a clever attempt to force the issue by getting a 'bhoomi puja' performed on the so-called undisputed (acquired) land — a ruse with which the Vajpayee regime went along covertly — was frustrated this time last year, thanks to the Supreme Court's order firmly ruling out "any religious activity, either symbolic or actual". Now, in the context of the perceived success of the strident Hindutva strategy in the Gujarat Assembly elections, the VHP evidently sees itself as better placed to up the ante. On the one hand, its leadership speaks of going ahead with the temple construction "even if a hundred governments fall" and on the other wants a law to be passed by Parliament to enable the transfer of the "undisputed" land immediately, without waiting for the court decision on the pending title suit. Pravin Togadia's appeal to the Congress, the main Opposition in Parliament, to facilitate the enactment of such legislation is only a part of this game.

Although the timetable for the commencement of temple construction is to be set only in the third week of February by the sants' congregation, the mobilisation plans the VHP has outlined for the big event are ominous indeed, disturbingly reminiscent as they are of the traumatic run-up to the 'bhoomi puja' (which finally turned out to be a 'shila daan' ceremony) of March 15, 2002. For instance, in Gujarat — the State that is yet to recover from the horrendous consequences of last year's provocative temple campaign which in a way provided the context for the Godhra episode and the revengeful killings that followed it — it has planned to hold district-wise congregations and raise youth battalions (at least 100 strong in each district) armed with tridents ('trishul diksha'). Given the Sangh Parivar's hype following the 'success' of its divisive campaign and the consequent sense of insecurity among the minority community in the State, one dreads to visualise what these brazenly provocative and patently unlawful 'trishul diksha' mobilisation campaigns will lead to. Add to these the BJP central leadership's vigorous reiteration of its commitment to Hindutva ("we need not be apologetic about it") — an essentially majoritarian concept as propounded and evolved by successive Sangh ideologues and practised by their camp followers — and its unabashed declaration of its intention to replicate the 'Gujarat experiment' elsewhere, the spectre becomes all the more haunting. Surely, the VHP's renewed campaign for going ahead with the construction of the Ram temple in Ayodhya, come what may, is a frontal challenge to governmental authority, the Constitution and the rule of law, even as it holds a real threat to national unity and secular values. Considering that its moves seek in effect to defeat the very objective of the 1993 Act under which the land surrounding the disputed site was taken over by the Government, there can be no question of the Vajpayee regime yielding to its bullying tactics or letting it have its way in brazen violation of the law of the land.

THE HINDU

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Atal takes on Hindutva hawks

Sangh fumes at Vajpayee's Goa musings

Jay Raina & Shekhar Iyer
New Delhi, December 31

PRIME MINISTER Atal Bihari Vajpayee on Tuesday sought to rescue Hinduism from the clutches of saffron hawks, stirring up a hornet's nest in the Sangh Parivar.

Two years after his lofty Kumarakom musings, the PM, holidaying now in Goa, described Hinduism as an all-encompassing concept completely distinct and divorced from the "extremist, narrow, rigid and obscurantist way of life" projected by some elements in the Parivar.

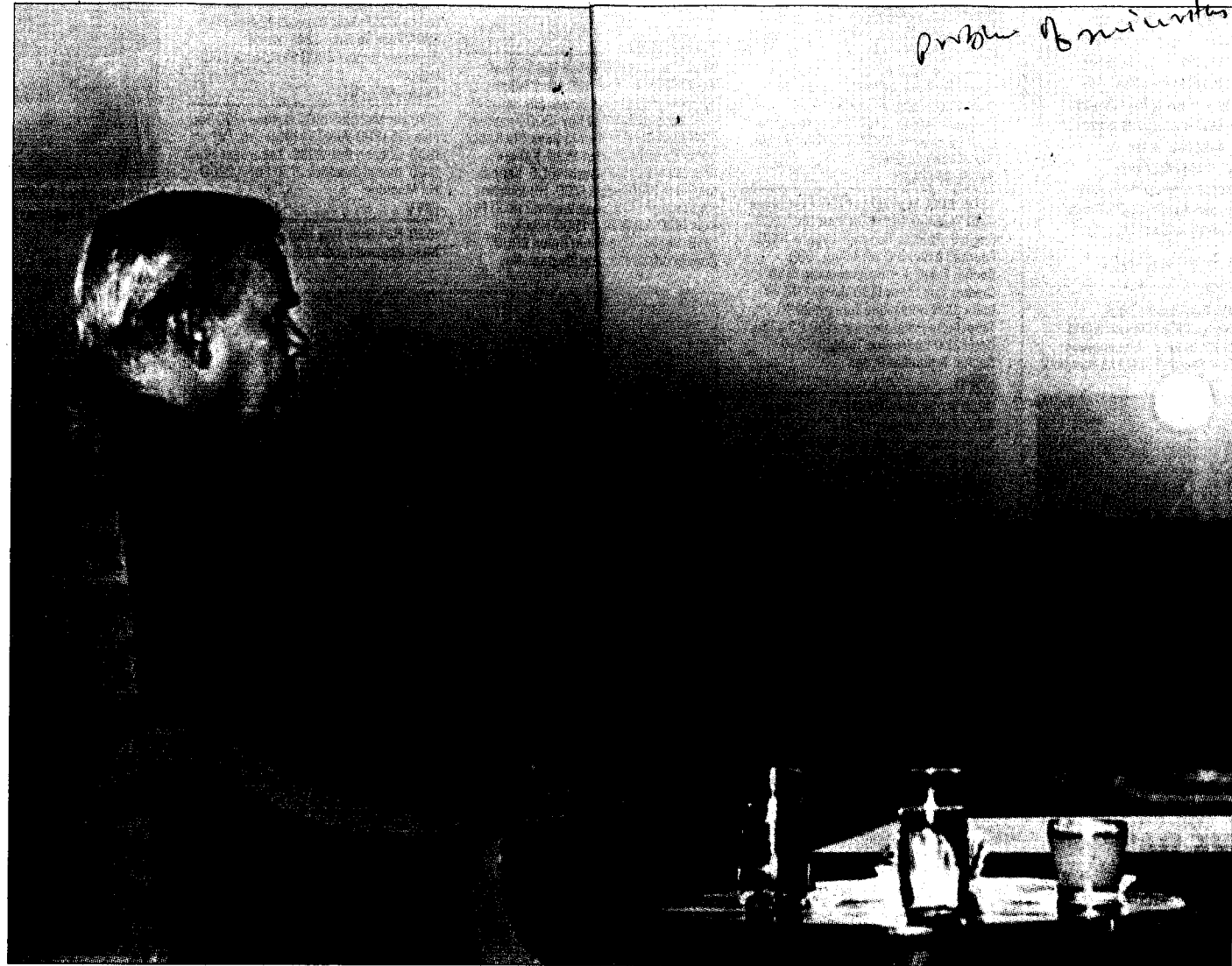
"The extremist projection of Hindutva is an unfortunate and unacceptable interpretation that runs totally contrary to its true spirit," he said in his first post-Gujarat observations.

Drawing heavily on Vivekananda, Tagore and Aurobindo's teachings, Vajpayee implied in his four-page Goa musings that Hindutva's true spirit had been lost in the heat and dust of electoral battles.

"Hinduism's acceptance of India's diversity is the central feature of Indian secularism," he stressed. During the Gujarat polls, some people had pitted secularism against Hindutva in the belief that the two concepts were antithetical to each other. But this was incorrect and untenable, he said.

In a sharp and sarcastic rebuttal, the RSS and the VHP went about picking holes in the PM's Goa musings. The RSS reminded the one-time *pracharak* of his own poetic description of a true Hindu as one who would wage a relentless war against evil. The VHP maintained that no Hindu could be "narrow, rigid and extremist".

RSS joint spokesman Ram Madhav said, "It may not be out of place to remind Vajpayee of his own poem *Hindu Tan Man, Hindu Jeevan* which described



LOOKING AHEAD: Atal Bihari Vajpayee spends a quiet moment on Goa's Benaulim beach on Tuesday.

the real Hindu as one who wages relentless war against evil.

"Those who are being wrongly portrayed as proponents of extreme Hindutva are really followers of the spirit which was enunciated in that poem," he said.

But softening the blow, he added that Vajpayee's views on Hindutva had always been "thought-provoking and inward-looking". "Most of the thoughts in his musings are completely in line with the thinking of a *swayamsevak*, which Vajpayee is. Hindutva on the one hand is liberal and all

encompassing, but on the other, it represents the strength of the noble," he stressed.

Speaking in Pune, senior VHP vice-president Acharya Giriraj Kishore said, "No Hindu can ever be narrow, rigid and extremist. Hindutva is the main current of the country and the country is fast realising its strength. Those who say Hindutva can't be the basis of progress are mistaken."

While Vajpayee left no one in doubt that he felt secularism enjoined upon the State the duty to respect all faiths and practise no discrimination among citizens

on the basis of their beliefs, the VHP vice-president defended the VHP's aggressive brand of Hindutva. "We believe every action has a reaction," he said.

Vajpayee's interpretation that Hindutva in its *virrat darshan* was "liberal, liberating and brooks no ill will, hatred or violence among communities on any ground" and his view that "Hinduism's acceptance of the diversity of India is the central feature of Indian secularism" cut no ice with the VHP.

The Parishad's only solace was that the PM had not forgotten to bash Pakistan. Vajpayee

said, "Even after five-and-a-half decades of failed attempts, (Pakistan) seems unready to face the truth that Jammu & Kashmir is an integral part of India and will always remain so."

His renewed warning to Islamabad that it must stop cross-border terrorism and abandon its insistence on the "centrality" of the Kashmir question, must have pleased the VHP, which had warned the Gujarat electorate before the recent polls that voting for the Congress would amount to voting for *Mian Musharraf*.

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