

CHAPTER 14

CONCLUSIONS

158.2 [T]he Ayodhya campaign did not enjoy the willing and voluntary support of the common person, even of the average Hindu. The campaign did however succeed in silencing him and ensuring that he risked being labelled an atheist or an anti-Hindu, or unpatriotic, in case he tried to evaluate the situation logically or to counter the vituperative tirades of the champions of the campaign. ...

158.4 The rallies and *yatras* were aimed at the emotionally charged common man and to make him a part of the demand for the temple at Ayodhya. These measures did not succeed until the BJP joined in. ...

158.6 As is evident from the evidence, in order to support the prerequisites for such a movement, the finances required were channelled from the coffers of the various sangh parivar organisations through various banks to accounts held in the names of various organisations and individuals to carry out the innumerable acts needed for the movement.

158.7 Apart from the inflow of the cash from unidentifiable sources, cash was also transferred and transacted through banks to the recipient organisations. The RSS, VHP, BJP and also the other members of the sangh parivar raised funds for conducting the movement from time to time. The recipient organisations were mostly the Ram Janmabhoomi Nyas, Bharat Kalyan Pratishthan, Vishwa Hindu Parishad, Ram Janmabhoomi Nyas Paduka Pujan Nidhi, Shri Ram Janmabhoomi Nyas Shri Ram Shila Pujan, Jan Hiteshi, and the accounts were operated by Omkar Bhave, Mahant Paramhans Ramchandra Das, Nritya Gopal Das, Gurjan Singh and Narad Saran, Acharya Giriraj Kishore, Vishnu Hari Dalmia, Nana Bhagwat, Jaswant Rai Gupta, BP Toshniwal, Sitaram Agarwal, Ashok Singhal, Rameshwar Dyal, Prem Nath, Champat Rai, Surya Krishan, Yashwant Bhatt, Avdesh Kumar Das Shastri, etc.

158.8 In short, suffice it to say that the amounts transacted exceeded many tens of crores of rupees which were utilised for effecting the events of December 6th, 1992.

158.9 The utilisation of such huge monies is a categorical pointer to the planning and preplanning carried out for the entire process of the movement commencing with mobilisation onwards right up till the very demolition itself. Prognosis of

the evidence leads to the conclusion that the mobilisation of the *kar sevaks* and their convergence to Ayodhya and Faizabad was neither spontaneous nor voluntary. It was well orchestrated and planned. In conformity with the army-like discipline of the organisations like the RSS, the manner in which the arrangements and mobilisation was carried out does not corroborate the theory that the convergence or the mobilisation of such a large number of *kar sevaks* was for symbolic *kar seva* alone.

158.10 The theory or the claim made by the leaders of the movement or the icons from political or social organisations does not carry conviction to conclude that the demolition was carried out by the *kar sevaks* spontaneously out of sheer anger or emotions. The mode of assault, the small number of *kar sevaks* who carried out the demolition and the constraints of the space to accommodate the number of people, veiling of the identity of the *kar sevaks* entering the domes, the removal of the idols and the cash box from under the dome and the subsequent

Photojournalists became recipients of especially violent treatment at the hands of the kar sevaks. They were physically prevented from taking photographs or videotaping the demolition; their equipment was smashed and their exposed films were ripped open and ruined. Precious few photographs or recordings of the incidents thus managed to surface

reinstallation in the makeshift temple, construction of the makeshift temple, availability of instruments and material for demolition and for the swift construction of the makeshift temple, categorically leads to the conclusion and finding

that the demolition was carried out with great painstaking preparation and preplanning. The involvement of quite a number of *kar sevaks* for carrying out the demolition ordinarily could not have been kept secret from people like the chief minister who admittedly has a number of sources of information; or from KS Sudarshan who was heading the RSS while their *swayamsevaks* were detailed on the spot for each and every act required to be carried out; or local leaders like Vinay Katiyar or Ashok Singhal or the persons present at the spot prior to December 6th, 1992. ...

159. The sequence of events leading to, and all the facts and circumstances relating to, the occurrence in the Ram Janmabhoomi-Babri Masjid complex at Ayodhya on 6th December, 1992 involving the destruction of the Ram Janmabhoomi-Babri Masjid structure

159.3 The single-minded agenda of the RSS and the VHP, and the extremely patient and focused manner in which the

handful of ideologues and theologians manipulated the common masses and turned them into a frenzied mob capable of acts of the greatest depravity agenda, is unparalleled in recent times.

159.4 It is established that the events of and leading up to the 6th of December in the birthplace of the virtuous Lord Ram, considered an incarnation of god and the ideal king, were tainted by a joint conspiratorial enterprise. A handful of malevolent leaders unabashedly invoked the name of the paragon of tolerance to turn peaceful communities into intolerant hordes.

159.5 The factual matrix also yields indisputable evidence that lured by the prospect of power or wealth, a rank of leaders emerged within the BJP, RSS, VHP, Shiv Sena, Bajrang Dal, etc who were neither guided by any ideology nor imbued with any dogma nor restrained by any moral trepidation. These leaders saw the "Ayodhya Issue" as their road to success and sped down this highway mindless of the casualties they scattered about. These leaders were the executioners wielding the sword handed to them by the ideologues.

159.6 The hands that tore down the disputed structure and shredded the very fabric of society belonged to the common man. He had no reason to fear or hate the masonry structure or the neighbour with whom he and his family had lived in peace till the moment that his better sense was drowned in the cacophony of religious righteousness and the zealot's rhetoric. Mobs by their very nature are incapable of discerning right from wrong...



160. The role played by the chief minister, members of the council of ministers, officials of the government of Uttar Pradesh and by the individuals, concerned organisations and agencies in or in connection with the destruction of the Ram Janmabhoomi-Babri Masjid structure

160.1 The destruction of the Ram Janmabhoomi-Babri Masjid structure was carried out in a duplicitous and underhanded manner. It was an act not worthy of a democratically elected government of a constituent state of this great nation. ...

160.3 A government which remains faithful to its mandate need not adopt any underhanded or dishonourable methods for any purpose. As the nominee of the people, its actions carry the people's sanction and are beyond reproof. But when a government has to adopt base methods to mask and conceal its intent, it is obvious that the actions of the government are without sanction of law and without the sanction of the people. ...

160.4 The very fact that the chief minister of the state of Uttar Pradesh, its ministers and its mandarins supported the destruction with tacit, open, active and material support at every step but did not make it part of the officially stated agenda lends overwhelming credence to the fact that they were aware of the gross illegality and impropriety they were guilty of. It would be reasonable to conclude that they were conscious of their acts and conduct ensuring the achievement of their concealed intent to demolish the disputed structure.

160.5 Kalyan Singh, his ministers and his handpicked bureaucrats created man-made and cataclysmic circumstances which could result in no consequences other than the demolition of the disputed structure and broadened the cleavage between the two religious communities, resulting in massacres all over the country. They denuded the state of every legal, moral and statutory restraint and wilfully enabled and facilitated the wanton destruction and the ensuing anarchy.

160.6 While dealing with the role of the administration in detail in my report, I have dilated on the role of specific members of the de jure and the de facto government of Uttar Pradesh at the time.

The parallel government run by the RSS has also been exposed and analysed in my report. There is no manner of doubt admissible in the culpability and responsibility of the chief minister, his ministers and his cohorts who were hand-picked to occupy selected posts. P a r a m h a n s Ramchandra Das, Ashok Singhal, Vinay Katiyar, Vishnu Hari

Dalmia, Vamdev, KS Sudarshan, HV Seshadri, Lalji Tandon, Kalraj Mishra, Govindacharya and others named in my report formed this complete cartel led by Kalyan Singh and supported by the icons of the movement like LK Advani, MM Joshi, AB Vajpayee.

160.7 Chief Minister Kalyan Singh stood on guard against the possibility of any pre-emptive or preventive action by the central government or the Supreme Court of India or the other courts or any other institution. He and his trusted lieutenants spared no lie before the highest authorities of the land to befool them and to tie their hands with the niceties of our constitutional democracy.

160.8 There were few who resisted the betrayal of democracy; those who did were swiftly removed, sidelined and rendered toothless. The police, the district magistracy, the local administration and the state machinery was covetousness personified. Their personal desires and their single-minded pursuit of personal gain cast dark shadows on their

very training, professional ethos and their responsibilities. It prevented them from ensuring the majesty of law. The police and the administration were openly supporting the RSS and its agenda. The coercive forces of law were used only against those who opposed the de facto parallel government and not against those who were violating the Indian Constitution and ethos.

160.9 The central government was crippled by the failure of the intelligence agencies to provide an analysis of the situation. It stayed its hand, deferring to the hon'ble Supreme Court which had taken up the matter and was dealing with it by giving appropriate directions. The Supreme Court was in turn misled by the pretentious undertakings given to it by the Uttar Pradesh government and the leadership of the movement and the all-is-well reports by its rapporteur, Tej Shankar. Without the proverbial leg to stand on, there was little either could have done to forestall the determination of the perverted guardians of democracy who were in control in Uttar Pradesh.

160.10 The RSS, Shiv Sena, Bajrang Dal, BJP, etc and their inter se relationship have been subjected to a detailed study in my report, and their relationship with the de jure powers. These organisations are collectively an immense and awesome entity with a shrewd brain, a wide encompassing sweep and the crushing strength of a mob. The leadership provided by the RSS, BJP, VHP and the other mutating and constantly transforming organisations like the Hindu Mahasabha and the Jan Sangh, in furtherance of the suspect theories of the founders of these organisations, was consistent and unabashed. The ends are all that matter to the core group of thinkers and the destruction of the disputed structure was only one victorious battle in their ongoing campaign against secularism and the multicultural society, clothed in the garb of religion, regions, reservations, castes, etc. ...

160.12 Their infiltration of the government and of the administration of the state of Uttar Pradesh was complete. Its traces and remnants are still thriving all over the country and still pose as grave a threat as ever. It had and continues to spread in scope to encompass every pillar of the constitutional system.

160.13 I must therefore answer this question posed by the Parliament emphatically by pointing the finger at the chief minister, members of the council of ministers, the officials of the government of Uttar Pradesh who systematically eliminated all impediments, and at the RSS and the BJP and their allies which filled the void with malevolence.

161. The deficiencies in the security measures and other arrangements as prescribed or operated in practice by the government of Uttar Pradesh which might have contributed to the events that took place in the Ram Janmabhoomi-Babri Masjid complex, Ayodhya town and Faizabad, on 6th December, 1992

161.1 The security apparatus in the state of Uttar Pradesh was theoretically or on paper capable of handling any and all threats resulting from the emotional, political, communal and religious fervour which had gripped the state and the twin cities of Ayodhya and Faizabad.

161.2 The theoretical capability was however shackled, hobbled and rendered nugatory by a systemic programme of scaling down the security measures which would be deemed insufficient even in normal circumstances to regulate even a peaceful crowd, much less deal with unexpected exigencies, natural or otherwise, let alone in the extraordinary conditions which had been deliberately built up and precipitated leading up to the 6th of December 1992.

161.3 The chief minister as the de facto and de jure head of the state had unbridled powers to effect or dismantle the law and order infrastructure. These powers vested in the chief minister by the statute and by conventions were capable of being moderated or checked only by a vigilant and honest

civil and police service or the judiciary.

161.4 The chief minister, Kalyan Singh, on assuming office, embarked on a focused mission to replace the administrative and police officers who were inclined to resist a change in the status quo or who demonstrated the slightest hesitation in conniving, supporting or collaborating with the new de facto leadership which was gradually taking control in Ayodhya and Faizabad. In my report, I have quoted instances of senior officers peremptorily being posted to other parts of the state and pliant officers being nominated to fill their positions.

161.5 These postings and transfers had the singular intent, purpose and effect of smoothening the ride for the demolition which the RSS and BJP had made a part of their election campaign...

161.6 The second step after ensuring the presence of a benign police and administrative set-up was to ensure that the hands that wielded the batons and carried the guns were friendly to the *kar sevaks* and did not pose any potential threat to the *kar seva*. This gratuitous dismantling was secured by posting raw untested personnel or trainees and sympathetic provincial armed constabulary in the twin towns. The sympathy of these men who were constantly exposed to

The blame or the credit for the entire temple construction movement at Ayodhya must necessarily be attributed to the sangh parivar. The evidence before the commission does not show that the pseudo-moderates (Vajpayee, Advani, Joshi, etc) were in charge of the situation, much less capable of changing the course that the campaign was taking... These leaders cannot however be given the benefit of the doubt and exonerated of culpability. The defence of "superior orders" has historically never been available and least of all to those whom the people have trusted and voted into power

the religious fervour and harangues of the eloquent RSS and VHP preachers were with the crowds and they would probably not have acted even if they could. They had been turned into uniformed *kar sevaks* rather than protectors.

161.7 The hands of these troops were already tied by the chief minister's unequivocal orders to the rank and file that they were to desist from the use of force or resort to firing in any circumstances against the *kar sevaks* or their leaders. The well-documented orders prohibiting the use of firearms or force against the *kar sevaks* and the organisers were also allowed to be interpreted as a forbearance of use even of less deadly methods such as tear gas or the plain old lathis. Instead of using the riot shields to oppose the violent *kar sevaks*, they were actually handed over willingly to them by the police personnel and used or misused by them.

161.8 When push came to shove, the senior police officers were at hand to ensure that their men toed the line and that the demolition of the disputed structure was allowed to go ahead with military precision as orchestrated by the leaders present at the spot and carried out by their henchmen whom they refused to identify even before me.

161.9 The physical security had already been downgraded to desultory levels. The leveling of the surrounding topography made it easy for the people to congregate and rush the disputed structure...

161.10 Even with the vast resources of the most populous state of the country, the state government did not arrange even for a single video camera to record the events which were unfolding, for posterity... Even the closed-circuit television cameras, which the state government had promised the central government would be monitoring every inch of the disputed structure, were either inoperative or their footage has been hidden away from the eyes of the public and this commission...

161.11 By far the worst sin of omission of the state government was leaking into the public domain the information that the police personnel had been hobbled and would not react or retaliate under any circumstances...

161.12 The only non-manageable variable – from the sangh parivar's point of view – was the possible deployment of central forces in the state, either at the behest of the central government or sanctioned by the Supreme Court. This threat was also neutralised by senior and well-respected individuals stating blatant lies on oath before the Supreme Court, apart from protesting against even the stationing of central paramilitary forces sent for the specific purpose of

providing sufficient numbers of forces to be deployed by the state for the security of the disputed structure.

161.13 Even the forces earlier demanded by the state government, and sent by the central government, for security purposes were intentionally taken away from the scene and deployed at faraway places under the garb of meeting the threat of terrorism.

161.14 The role of the Supreme Court's observer in not alerting the court to the clearly unfolding duplicity is also something that raises concerns about the impartiality and objectivity of the officer who was hand-picked by the high court of Uttar Pradesh. Even at the moment that the domes were being pulled down he was not at the spot, having been delayed by his family members whom he had brought along to witness the spectacle.

161.15 To sum up, December 6th, 1992 saw a state of Uttar Pradesh unwilling and unable to uphold the majesty of

the law. The ennui flowed from the very office of the chief minister downwards and infected the state's minions down till the bottom. The state had become a willing ally and co-conspirator in the *joint common enterprise* to announce the revival of a rabid breed of Hindutva by demolishing the structure they had denounced as a symbol of Islam. ...

162. The sequence of events leading to, and all the facts and circumstances relating to, the assault on media persons at Ayodhya on 6th December, 1992

162.7 The authors of the entire campaign were under no illusions about the illegality and immorality of their intended actions. They were aware about the likely outrage their deeds were likely to elicit around the nation and internationally, even from sections of the Hindu community. They were alert to the possibility of the top leadership of the BJP, RSS, VHP, Shiv Sena, etc being subjected to censure on the basis of any hard evidence which might be forthcoming.

162.8 To frustrate the attempts of future investigations, including efforts by commissions like this one, the leadership at the spot had evolved a common strategy to deny the world an accurate record of the unfolding events.

162.9 The first step in this direction was to ascertain the identity of the journalists who were present at the spot. The accreditation of the media was entrusted to their own cadres who were thereby able to create and maintain accurate records of the media presence...

162.10 The media was allowed ingress into the twin cities and into the Ram Janmabhoomi complex and the disputed



site under the watchful glare of the *kar sevaks* and their leaders. Dramatic situations were precipitated to paint the foreign and domestic media with hostile colours and the stage was set to instigate the mobs of *kar sevaks* against them.

162.11 As soon as the preprogrammed assault on the structure commenced, the journalists were subjected to systematic harassment and they were not only prevented from carrying on their duties as chroniclers of the events but were also instilled with a real fear for their own safety. The reporters were confined to small rooms or molested or otherwise threatened so that their attention was less on the events they were supposed to cover and more on their very survival.

162.12 The memories and notes of the reporters could be – and were – denied later on. But photographs and video recordings could have proven damning for the leadership. Photojournalists therefore became recipients of especially violent treatment at the hands of the *kar sevaks*. They were physically prevented from taking photographs or videotaping the demolition; their equipment was smashed and their exposed films were ripped open and ruined. Precious few photographs or recordings of the incidents thus managed to surface. ...

162.16 The government of Uttar Pradesh was guilty and it had abdicated its responsibility to the media, just as they had abdicated governance and forsaken the very rule of law. By their sins of omission as well as commission, they incited, facilitated and organised the assault on the free press. ...

162.18 [T]he attack on the media is in itself an admission by the perpetrators of the events of December 6th, 1992 that they were aware of the illegality of their acts.

163. Any other matter related to the subject of inquiry

163.1 The residual question within the scope of this inquiry is capable of encompassing innumerable matters which came to my attention during the course of my efforts and which cannot be encapsulated even in this long-drawn inquiry, given limited human capacities. I must not however transgress judicial propriety by taking on some of the issues even though they have a significant bearing on the subject matter of my report.

163.2 For instance, the intransigent stance of the high court of Uttar Pradesh, the obdurate attitude of the governor, the inexplicable irresponsibility of the Supreme Court's observer and the short-sightedness of the Supreme Court itself are fascinating and complex stories, the depths of which I must not plumb.

163.3 Historians, journalists and jurists may – and should – explore these dimensions and tell these untold stories for the benefit of the current and unborn generations. But these cannot, unfortunately, be dwelt upon in this report although

I have neither suppressed nor minced words about these at the appropriate places and in appropriate contexts in my report.

164. The standards of culpability

164.1 For the purpose of quantifying the culpability, the various persons and organisations named in this report at various places have been divided into three groups.

164.2 The first group represents those who bear the primary and the greatest responsibility for the events of December 6th, 1992. They are responsible for the events which built up to that climax. These people had complete knowledge of the events as they were scripted. These individuals and organisations were a part of the decision-making process or were instrumental in the assault on the disputed structures and the other associated incidents within the purview of this inquiry. Those found guilty of primary responsibility had the means to prevent the assaults; they were the active leaders of the cadres and without their participation, none of the events of, and leading up to, December 6th, 1992 would have occurred.

164.3 The second group consists of those who bear physical, ideological and intellectual responsibility. These persons and organisations were not decision-makers and could

not change the course charted by those bearing primary responsibility. Nevertheless, without their sins of commission or omission, the situation would not have deteriorated as much as it did. These include those who por-

trayed the benign face of the Ayodhya campaign and gave false reassurances to the courts, the people and the nation as a whole.

164.4 Those who have been put in the second category in these conclusions are referred to as "pseudo-moderates" in contrast to the radicals forming part of the first group. This is not to suggest that their objectives do or do not differ from the radicals'. The term is used indicative of the modes that these people adopted rather than the ends they may have been trying to achieve.

164.5 It may be probable that the pseudo-moderate elements, while being committed to the erection of a Ram temple, were interested for political expediency in exploring the possibility of its coexistence with the disputed structure, at least for the time being. The other distinction between the radicals and the pseudo-moderates is also that the latter had the construction of the temple on its primary agenda while the former were more fanatical about the demolition of what they called a national shame.

164.6 There are also those who bear tertiary responsibility for the situation. These people may or may not have been associated with the sangh parivar or had any influence over the situation at all. However, it was their sworn and statutory duty to prevent exactly the kind of events which took

It is impossible to fight a war or to recruit warriors without the presence of an adversary. The presence of the enemy is the prerequisite for unrest and discord. The Muslim leadership wittingly or unwittingly fulfilled this requirement for the founders of the RSS and the VHP

place around the 6th of December 1992. They were either required by their statutory duties as officers of the state, or as responsible leaders of the people, to prevent or at the very least to register vociferous protests, in which they failed. Their complicity stems from their sins of omission rather than of commission.

164.7 Between these three classes of actors lies the entire spectrum of those responsible for the events at Ayodhya. This painstaking and time-consuming inquiry has made it painfully clear that but for these three concentric groups, Ayodhya was a non-issue and would not have occupied any amount of time of even a religious-minded citizen of India.

164.8 However, the core group of the primary accused, cloaked and shielded by those in the secondary group, and with the inaction and cluelessness of the tertiary group, managed to reduce one of the greatest nations and one of the oldest civilisations to a spate of stark intolerance and barbarianism – all for petty political gains.

165. The sangh parivar

165.1 The blame or the credit for the entire temple construction movement at Ayodhya must necessarily be attributed to the sangh parivar. As already discussed elsewhere in this report, the sangh parivar is an extensive and widespread organic body which encompasses organisations which address and assimilate just about every type of social, professional or other demographic grouping of individuals. ...

165.3 While the structure or the methods of the sangh parivar for aggregating a substantial public base may neither be illegal nor strictly objectionable, the use of this gargantuan whole for the purpose of the Ayodhya campaign was clearly against the letter and spirit of Indian law and ethos.

165.4 The sangh parivar had spent long years and mobilised its immense media clout to numb the sensibilities of the masses and at the very least to ensure the complete absence of resistance to its designs. The attempts by the pseudo-moderate elements even within the parivar were predictably of little significance and were destined to fail, whether by design or otherwise.

165.5 As the inner core of the parivar, the top leadership of the RSS, VHP, Shiv Sena, Bajrang Dal and the BJP bear primary responsibility.

166. The pseudo-moderate elements within the parivar

166.1 The conundrum which fixed the commission during its long hearings and extensive fact-finding efforts was to reconcile the stance of the public face of the sangh parivar with the actions which defied law, morality and political ethics.

166.2 On one hand, the leaders like AB Vajpayee, Murli Manohar Joshi and LK Advani, who are the undeniable pub-

lic face and leaders of the BJP and thus of the parivar, constantly protested their innocence and denounced the events of December 1992...

166.3 On the other hand, it stands established beyond doubt that the events of the day were neither spontaneous nor unplanned nor an unforeseen overflowing of the people's emotions nor the result of a foreign conspiracy as some overly imaginative people have tried to suggest.

166.4 In such a case, the logical questions that beg to be answered are whether the pseudo-moderates knew what was going on, whether they were in fact the prime movers of the show, whether they were in control of the parivar and finally, could they have done anything to prevent the demolition and subsequent violence?

166.5 The commission, having had the benefit of tens of thousands of pages worth of press reports, books, official records and documentation and having analysed many hours of audio and video recordings and having observed the witnesses, is unable to hold even these pseudo-moderates innocent of any wrongdoings.

166.6 It cannot be assumed even for a moment that LK



Advani, AB Vajpayee or MM Joshi did not know the designs of the sangh parivar... [T]hey were party to the decisions which had been taken.

166.7 These people, who may be called *pseudo-moderates*, could not have defied the mandate of the sangh parivar and more specifically, the diktat of the RSS, without having bowed out of public life as leaders of the BJP. They were not in control of the RSS and had absolutely no influence over the direction that they had been told to follow. The pseudo-moderate leadership of the BJP was as much a tool in the hands of the RSS as any other organisation or entity and these leaders stood to inherit the political successes engineered by the RSS.

166.8 The BJP was and remains an appendage of the RSS which had the purpose only of providing an acceptable ve-

neer to the less popular decisions and a facade for the brash members of the sangh parivar. The much repeated and much denied remarks attributed to Govindacharya, who called Vajpayee a *mukhota*, or mask, may be more appropriately applied to the BJP's top leadership at the time collectively. Without leaders like Joshi, Advani and Vajpayee, the RSS might have been able to achieve de facto clout but would not have been able to legitimise its hold on the Indian system by translating that clout into political success.

166.9 The BJP was therefore an essential ingredient in the parivar smorgasbord and essential to capture de jure power and authority in furtherance of its goals of establishing the Hindu Rashtra.

166.10 Be that as it may, the evidence that has been led before the commission does not show that the pseudo-moderates were in charge of the situation, much less capable of changing the course that the campaign was taking. It stands proved that the pseudo-moderates were charged with the task of projecting the RSS's decisions in the best possible light and to translate them into terms which would be acceptable to the general masses. The role of the BJP pseudo-moderates thereafter came to an end and beyond acting as translators, could do little more.

166.11 These leaders cannot however be given the benefit of the doubt and exonerated of culpability. The defence of "superior orders" has historically never been available and least of all to those whom the people have trusted and voted into power.

166.12 These leaders have violated the trust of the people and have allowed their actions to be dictated not by the voters but by a small group of individuals who have used them to implement agendas unsanctioned by the will of the common person. There can be no greater betrayal or crime in a democracy and this commission has no hesitation in condemning these *pseudo-moderates* for their sins of omission.

167. The Muslim organisations

167.1 Selective communal Muslim leaders, obsessed with building personal or individual influence or following for enhancing their political influence and for self-gain, were merely bystanders during this entire period and put forth a dismal performance. While the RSS, VHP, Shiv Sena, Bajrang Dal and the BJP brought the temple construction movement to the front burner and caused it to boil over, the fanatic Muslim leadership making the counterclaim were either completely complacent and had no substantial or effective leadership or were simply incompetent in projecting their own lopsided counterview to the people throughout the half century leading up to the 6th of December 1992...

167.2 The BMAC [Babri Masjid Action Committee] and later the AIBMAC [All-India Babri Masjid Action Committee] never set up or presented any claim to the disputed structure in

any negotiation with the intervention of any person or at any time and their stand was a merely simpliciter denial of the claims of the sangh parivar which too underwent changes and shifts and articulation with the passage of time. The Muslim and Hindu leadership's shrill cries echoed the divisive and mischievous sentiments which had been heard around 1947 and which continue to cast a dark shadow on the age-old ethos of this great land. ...

167.4 The Muslim leadership provided the rabid Hindu ideologues sufficient cause to instil fear into the common citizen of India. Whether the political Muslim leadership represented the views of the average Muslim citizen of India is highly doubtful...

167.5 Those who were pretending and to this day those who pretend to speak for those who are the downtrodden only highlight the differences between the people and prevent the integration of the people within the mainstream of the country. In any case, it is inexplicable why the people belonging to the same community which effectively ruled the country for centuries not too long ago should not endeavour, struggle, compete, thrive and succeed in all segments of national life like every other citizen of India and without having to rely on their religious difference to seek special privileges.

167.6 It is impossible to fight a war or to recruit warriors without the presence of an adversary. The presence of the enemy is the prerequisite for unrest and discord. The Muslim leadership wittingly or unwittingly fulfilled this requirement for the founders of the RSS and the VHP. ...

167.8 [T]he Muslim leadership, including the AIBMAC, also failed to highlight the extremely high-handed and extralegal methods adopted half a century ago to install the idols in the disputed structure or to open the locks on the gates.

167.9 The failure of the Muslim leadership could not by itself be responsible for the events of December 1992 but the sins of omission of the Muslim leadership certainly made the sangh parivar's task much easier.

167.10 This commission holds these organisations and individuals guilty at a tertiary level, for their failure to effectively champion the cause of their constituents, and of the neutrals, and for their failure as an effective democratic opposition. ...

168. The civil servants and police officers of Uttar Pradesh

168.2 The decay and erosion in the values of the civil service were all too apparent in Uttar Pradesh in the years leading up to 1992. The civil service in the state failed in its primary responsibility to provide good governance and actively abetted the demolition of every democratic safeguard provided in the Constitution. I have no hesitation in holding that they became a part and parcel of the political par-

The intransigent stance of the Allahabad high court, the obdurate attitude of the governor, the inexplicable irresponsibility of the Supreme Court's observer and the short-sightedness of the Supreme Court itself are fascinating and complex stories, the depths of which I must not plumb

ties governing at a particular point of time and actively participated in achieving the election manifesto and perpetuating the reign of the political party in power, even at the cost of their colleagues. They attempted and succeeded in achieving this objective and reaped the benefit of plum post-retirement offices and even gubernatorial appointments. ...

168.4 The civil service which was meant to act as the continual font of governance and welfare of the people has itself become caught up in the political wangling against which they were intended to insulate the common man. The police who was supposed to protect and preserve the life and property of the common man was similarly negligent of its sworn duties. ...

168.5 [T]he administrative officers, the police and selective sections of the bureaucracy was a part and parcel of the cartel of the BJP chief minister and willingly helped it achieve its election manifesto, propagate the caste and communal-oriented politics and in his attempt to perpetuate the rule of the political party in power. They failed to discharge their solemn duties as a counterbalance to the political executive in the administration. They could have at least attempted to stem the tide of communalism and the rape of democracy. But they chose to remain deaf, dumb and blind throughout and instead became a willing part of the cartel.

168.6 The police and the bureaucrats of the state not just turned a blind eye to the misadventures of the polity but actively connived and curried favour with the chief minister and the sangh parivar by systematically paralysing the state machinery. Their sins are highlighted by their being rewarded with

plum postings after the demolition as well as tickets for contesting elections.

168.7 It is an open secret that unprecedented mass transfers were carried out by Kalyan Singh on taking office of the chief minister. Those police officers and civil servants who could have stopped the pillage of democracy had already been transferred out by the BJP government when it came to power in the state, on a large scale, even against the advice of the heads of departments. Replacement officers were posted on the advice of the local leadership or political leadership because of their pliability. Those who were in charge of the state executive thereafter aided and abetted the dismantling of the security apparatus.

168.8 The police and the administrators were the executors of the designs of the RSS, VHP, BJP, Bajrang Dal, Shiv Sena, etc.

169. The government, chief minister and the cabinet of Uttar Pradesh

169.1 Immediately after entering into office, the government of Uttar Pradesh headed by Kalyan Singh embarked on the [programme] leading up to the events of December 6th, 1992.

169.2 The Kalyan Singh government systematically and in a preplanned manner removed inconvenient bureaucrats from positions of power, dismantled and diluted the security apparatus and infrastructure, lied consistently to the high court and the Supreme Court of India and to the people of India to evade constitutional governance and thus betrayed the confidence of the electorate.

169.3 Even at the height of the crisis in December 1992, Kalyan Singh maintained a studied silence and refused to allow even a single measure which might impede the Ayodhya campaign or prevent the assault on the disputed structures, the journalists or the innocent public.

169.4 The chief minister and his cabinet disarmed the security forces, neutralised the defensive barricades around the site, embargoed the use of any meaningful force even against the highly unruly mobs which had gathered and subverted every possible measure which could have saved the day.

169.5 Before, during and even after the demolition of the disputed structure had been accomplished, Kalyan Singh and his henchmen proudly owned up to and proclaimed the demolition to be their great success. Even in his post-demolition speeches, Kalyan Singh claimed all credit for the demolition and in fact sought to glorify their role by equating themselves with the heroes of the 1857 first war of independence. In the aftermath of the demolition when the possibility of an inquiry or prosecution was still not a certainty, these leaders did not mince words in claiming all credit. They claimed to be martyrs in the great cause of Lord Ram.

169.6 The chief minister of Uttar Pradesh and his cabinet members consciously allowed the writ of the extra-constitutional authority i.e. the RSS to run in the state. All the steps taken by the state or the sangh parivar, BJP, VHP, Bajrang Dal, Shiv Sena or the Dharam Sansad, Kendriya Marg Darshak Mandal, had the implied consent of the RSS or those RSS members who had been "lent" to the BJP. Rather, it was the *swayamsevaks* of the RSS who carried out the programmes or execution at the spot. The chief minister and his cabinet were the proverbial insiders who caused the collapse of the entire system. Kalyan Singh resisted every attempt at persuading him to act in a responsible manner and to notice



the ground realities. Even when it was brought to his notice that the disputed structure had been demolished and mobs were attacking the Muslim populace of Ayodhya, he did not direct the police to use force or resort to firing to chase away the miscreants or to save the lives of those wretched innocents whose only crime was that they lived in the twin city area and belonged to the Muslim community. The wanton violence against human life and property continued unabated and even at that late stage the chief minister did not use the central forces which could have been swiftly deployed.

169.7 Without the BJP's chief minister, Kalyan Singh, and his cabinet colleagues or the icons of the movement or of the BJP, the Ayodhya campaign could not have succeeded at all. A similar situation in the past had been handled by an earlier chief minister denying the miscreants the opportunity to wreak havoc as they later did in 1992.

169.8 Kalyan Singh's government was the essential component needed by the sangh parivar for its purposes. Kalyan Singh lived up to the expectations of the parivar. ...

170. The attacks on the press

170.1 The press is as much a moderating influence as it is a catalyst for change. The media can influence the minds of the people like no other pillar of modern society; wars can be fought and won or lost without a single shot being fired just by effectively using the media.

170.2 The media was a protagonist in the build-up to the events of December 6th, 1992. It was also a victim of the events of the day.

170.3 The sangh parivar used the media masterfully in its campaign. It has been suggested that the broadcast of television serials of a religious theme was part of the campaign to sensitise the masses and to make religion a burning topic in the Hindu psyche. That may or may not be the case and it would be unwarranted to comment on these far-fetched fantastic theories.

170.4 A part of the media lent itself willingly to being used throughout the Ayodhya campaign. The inflammatory speeches of the more vocal elements were gleefully reported and sensationalised. The liberalised and newly launched mass media organisations at the time, including private satellite channels, stoked the need for ferreting out newsy items which could be reported. These were ideal conditions for a media-savvy parivar to get maximum public exposure and to canvass its agenda – or at least the BJP-sanitised version of its agenda – to the entire country. The journalists were equally happy at having access to material which was capable of weaning the masses off the staid government-run television networks or the old-school print media.

170.5 The media reports of the time, as well as the subsequent political careers of those journalists, reveal a clear bias in the press in either direction. The media was polarised and was perceived to be friendly and inimical to the interests of the parivar. The media managers of the parivar were conscious of the fact that while their actions would be projected in a positive light by one section of the media, the other sections were going to be far more critical.

170.6 On the 6th of December 1992 the parivar had made arrangements ostensibly for facilitating access to the disputed site for the media representatives. It is clear from the evidence available with the commission that all the media representatives had been issued passes which were to enable ingress into the disputed area and access to the leaders who had assembled there. This was an obvious and irresistible bait for the media personnel, who registered themselves to avail of the access and facilities promised.

170.7 This issuance of passes admittedly by the sangh parivar rather than the state government also enabled the leadership to have an exact idea of the presence and movement of the media personnel.

170.8 It is also established by the evidence on record that *kar sevaks* attacked the media personnel at the same

time as the commencement of the assault on the disputed structure. There was no provocation offered by the media, which was sought to be stated as the cause of these attacks. There were some suggestions

The threat from communal violence needs to be dealt with firmly. Specialised investigating squads need to be formed under the state criminal investigation agencies and communal offences or crimes committed during communal riots ought to be vigorously investigated. Governments should not be able to withdraw charges relating to communal riots

that the media, in particular a German TV crew, had earlier offended the *kar sevaks* by staging humiliating scenes, etc. There is little substance in these allegations and none that can form the basis for justifying the subsequent attacks on December the 6th. Even the top leadership like KS Sudarshan went to the other extreme by propounding the imaginative theory about the alleged provocation of *kar sevaks* by a German television crew. It was brought to his attention specifically by a reputed journalist like Mark Tully that journalists were being beaten up and he gave an assurance that he would bring it to the notice of Ashok Singhal. I cannot conclude other than that he was one of the main authors of the demolition.

170.9 The evidence also shows that the attacks were targeted primarily against journalists who were carrying recording equipment. The cameras, video recorders and the audio recorders were smashed up and even the exposed films and used tapes were systematically destroyed. The intent and effect of these attacks thus become crystal-clear.

170.10 The attacks were meant to prevent any video or audio evidence of the participants in the assault and subsequent attacks. It must also be borne in mind that the state government has not admitted to being in possession of any

independent video or audio recordings either. There are extremely few recordings which have surfaced and which have been entered into evidence.

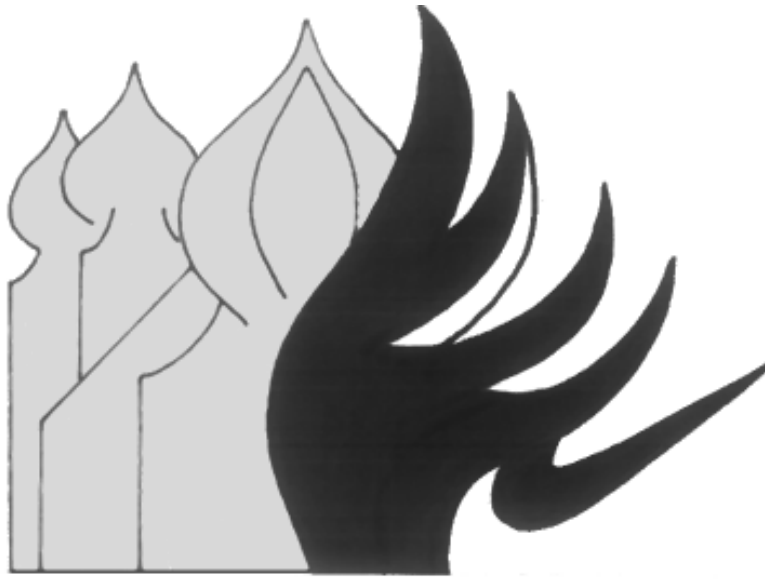
170.11 The attacks were clearly synchronised to prevent the media from being able to authoritatively pinpoint the instigators and the perpetrators and to foreclose the possibility of using their footage to identify the modus operandi of the miscreants.

170.12 It would be unsatisfactory to attribute these attacks to the average *kar sevak*. These were preplanned attacks and had been demonstrably assigned to a specialised team of RSS cadre and was coordinated and guided by the effective leadership at the spot.

171. Individual culpability

171.1 For leading the country to the brink of communal discord, this commission finds the following persons culpable:

- 171.1.1 Acharya Dharmendra Dev (Member, Dharam Sansad)
- 171.1.2 Acharya Giriraj Kishore (Leader, VHP)
- 171.1.3 AK Sharan (Inspector-General of Police, Lucknow zone)
- 171.1.4 Akhilesh Mehrotra (Additional Superintendent of Police, Faizabad)
- 171.1.5 Ashok Singhal (Leader, VHP)
- 171.1.6 Alok Sinha (Secretary, Tourism)
- 171.1.7 AB Vajpayee (Leader, BJP)
- 171.1.8 Badri Prasad Toshniwal (Leader, VHP)
- 171.1.9 Baikunth Lal Sharma (Leader, VHP)
- 171.1.10 Balasaheb Thackeray (Leader, Shiv Sena)
- 171.1.11 BP Singhal (Leader, VHP)
- 171.1.12 Brahm Dutt Dwivedi (Revenue Minister, Uttar Pradesh)
- 171.1.13 Champat Rai (Local Construction Manager)
- 171.1.14 Dau Dayal Khanna (Leader, BJP)
- 171.1.15 DB Rai (Senior Superintendent of Police, Faizabad district)
- 171.1.16 Devraha Baba (Leader, Sant Samaj)
- 171.1.17 Gurjan Singh (VHP, RSS)
- 171.1.18 GM Lodha (Leader, BJP)
- 171.1.19 Govindacharya (Leader, RSS)
- 171.1.20 HV Seshadri (Leader, RSS)
- 171.1.21 Jai Bhagwan Goyal (Leader, Shiv Sena)
- 171.1.22 Jai Bhan Singh Pawaria (Leader, Bajrang Dal, Ayodhya)
- 171.1.23 KS Sudarshan (Leader, RSS)
- 171.1.24 Kalraj Mishra (President, Uttar Pradesh unit of BJP)
- 171.1.25 Kalyan Singh (Chief Minister, Uttar Pradesh)
- 171.1.26 Kushabhau Thakre (Leader, RSS)



- 171.1.27 Lalji Tandon (Energy Minister, Uttar Pradesh)
- 171.1.28 Lallu Singh Chauhan (MLA, BJP, Ayodhya)
- 171.1.29 Lal Krishna Advani (Leader, BJP)
- 171.1.30 Mahant Avidyanath (Leader, Hindu Mahasabha)
- 171.1.31 Mahant Nritya Gopal Das (Leader, Ram Janmabhoomi Nyas)
- 171.1.32 Mahant Paramhans Ramchandra Das (Leader, VHP)
- 171.1.33 Moreshwar Dinanath Save (Leader, Shiv Sena)
- 171.1.34 Morpanth Pingale (Shiv Sena)
- 171.1.35 Murli Manohar

- Joshi (Leader, BJP)
- 171.1.36 Om Pratap Singh
- 171.1.37 Omkar Bhawe (Leader, VHP)
- 171.1.38 Pramod Mahajan (Leader, BJP)
- 171.1.39 Praveen Togadia (Leader, VHP)
- 171.1.40 Prabhat Kumar (Principal Secretary, Home)
- 171.1.41 Purushottam Narain Singh (Secretary, VHP)
- 171.1.42 Rajendra Gupta (Minister, Uttar Pradesh)
- 171.1.43 Rajendra Singh, Professor alias Rajju Bhaiya (Leader, RSS)
- 171.1.44 Ram Shankar Agnihotri (BJP, VHP Leader)
- 171.1.45 Ram Vilas Vedanti (Leader, Sant Samaj)
- 171.1.46 RK Gupta (Finance Minister, Uttar Pradesh)
- 171.1.47 RN Srivastava (District Magistrate, Faizabad)
- 171.1.48 Sadhvi Ritambhara (Leader, Sant Samaj)
- 171.1.49 Shankersinh Vaghela (President, Gujarat BJP, Leader, BJP)
- 171.1.50 Satish Pradhan (Leader, Shiv Sena)
- 171.1.51 Shrish Chandra Dikshit (Leader, BJP)
- 171.1.52 Sitaram Agarwal
- 171.1.53 SP Gaur (Commissioner, Faizabad division)
- 171.1.54 Sunder Singh Bhandari (Leader, BJP)
- 171.1.55 Surya Pratap Shahi (State Minister, Uttar Pradesh)
- 171.1.56 Swami Chinmayanand (Leader, VHP)
- 171.1.57 Swami Sachidanand Sakshi alias Sakshiji Maharaj (Leader, BJP)
- 171.1.58 SVM Tripathi (Director General of Police, Uttar Pradesh)
- 171.1.59 Swami Satmit Ramji (Leader, Sant Samaj)
- 171.1.60 Swami Satyanandji (Leader, Sant Samaj)
- 171.1.61 Swami Vamdevji (Leader, Sant Samaj)
- 171.1.62 Uma Bharti (Leader, VHP)
- 171.1.63 US Bajpai (Deputy Inspector-General of Police, Faizabad)
- 171.1.64 Vijaya Raje Scindia (Leader, BJP)
- 171.1.65 VK Saxena (Chief Secretary, Uttar Pradesh)
- 171.1.66 Vinay Katiyar (Leader, RSS)
- 171.1.67 Vishnu Hari Dalmia (Leader, VHP)
- 171.1.68 Youdh Nath Pandey (Leader, Shiv Sena)