

Lok Sabha reassembled at twenty two minutes past twelve of the clock.

[MR. SPEAKER *in the Chair*]

RE: RAM JANAM BHOOMI—BABRI MASJID ISSUE AND BURNING OF EFFIGIES OF JUDGES—*CONTD.*

[*Translation*]

MR. SPEAKER: Shri Nitish Kumarji, Please speak in an audible manner.

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, I am speaking in an audible manner only. Just now when the hon. Member Mahant Abedya Nath was speaking, he said that the way the minorities were being given special treatment would give rise to a new Pakistan. It is highly objectionable. That is why I would like to raise a point of order to appeal that such inflammatory remarks should not be recorded. The telecast of the proceedings will be watched tomorrow, thus conveying the message to the entire country. It will hurt the feelings of the minorities as well as secular Hindus.

Mr. Speaker, Sir, if the persons having such views consider themselves to be advocates of Hinduism, then they are under wrong impression. The people who think otherwise have faith in Hindu religion. Therefore it is extremely improper to say that a new Pakistan will be formed and the entire country will be converted into Pakistan. Hence I would submit to you that this remark should be expunged from the record so that wrong message is not sent throughout the country....(*Interruptions*)

MR. SPEAKER: One important point is that only Question Hour is telecast and not the whole proceedings.

....(*Interruptions*)

SHRI NITISH KUMAR: The complete recording of the whole proceedings of Rajya Sabha have been telecast. (*Interruptions*)

MR. SPEAKER: You please sit down.

(*Interruptions*)

MR. SPEAKER: Shri Nitish Kumarji is right and you are very well aware that if something hurt a person, he feels concerned about it. Whatever action is required in the matter, will be taken and I will look into it.

....(*Interruptions*)

[*English*]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker, Mr. Khurana unnecessarily drew me into an argument. He has mentioned my name and he has drawn a wrong parallel.

MR. SPEAKER: Let it be brief and sweet.

SHRI SYED SHAHABUDDIN: Firstly, I would like to say that I have never burnt any effigy of anybody. Secondly, I would like to say that in the Shah Bano agitation, the issue was enactment of legislation and that is the prerogative of any political party or any group of persons to demand legislation, if they feel aggrieved by an order of the court

But here today, what we are faced with, is the question of enforcement of a court order on a question of fact. Therefore, there can be no parallel at all. And then he accuses me of indulging in anti-national activity of calling for a boycott of the National Day, he is factually incorrect....(*Interruptions*)

[*Translation*]

SHRI RAJVEER SINGH (Aonia): What

does the boycott of the programme on 26th January stand for?

[*English*]

SHRI SYED SHAHABUDDIN: The records are there. At that moment we had called upon the Muslim community all over the country to boycott the official functions on the Republic Day because we considered that the Government of the day had failed to uphold the sanctity of the Constitution. And it is exactly the same position, that we are facing today. The Government of the day is failing to uphold the Constitution of the country, is failing to uphold the rule of the law. And therefore, Mr. Speaker, it is an untenable charge against us.

If you permit me, I would like to say a word or two on the larger question. The question today is not a Hindu-Muslim question. The question today is not a communal question. The question today is a purely constitutional question. It is purely a legal question and it is purely a political question. I cannot accept the view that the mandate of a party or the manifesto of a political party can supercede the Constitution of India or can go against the law of the land. It simply cannot. Any party is free to say anything in its political manifesto; but cannot say, "We shall defy the constitution and we shall defy the rule of law and we shall burn the effigies of judges and we shall not abide by the court orders." (*Interruptions*)

MR. SPEAKER: You agreed to be brief please.

SHRI SYED SHAHABUDDIN: I will simply like to say just one word more, Sir. We do not accept this argument. When we are demanding that there must be complete respect to the law, Mr. Advani merely stands up and says, "We are a law-abiding people." The greatest disrespect to the law the constitution is going on. It is not only an open

flouting of the law, but an open declaration of war against the law of the land. What is worse is that he is affirming it on the floor of the House that they shall go on defying the law. Can there be a greater disrespect to the rule of law in this country? There cannot be! Therefore, on one hand, I am aggrieved by the attitude of the BJP; but I am more aggrieved by the attitude of the Treasury Benches. They are the custodians of the law; they are the custodians of the Constitution and they are not lifting even a finger. (*Interruptions*)

[*Translation*]

Today the question upper most in the minds of the people in the country is as to what action Government proposes to take in this regard. We have grievance neither against them nor against the Government.... (*Interruptions*)—Shri Abedya Nath also pointed out that the question before the court is not to decide whether Ayodhya is the land of Lord Rama or whether Rama is a God or not, nor to find out the birth place of Lord Rama in Ayodhya. Their problem is that the court has given stay order but the State Government has not been functioning in accordance with the law. The District Magistrate told my representative this morning that he was not aware of any court order. He had not even received anything to that effect. Such is the state of affairs in the State today. We should condemn the State Government. I would like to appeal to the Central Government that they must exercise their constitutional rights to suspend the State Government in order to protect the dignity of the law and constitution. The State Government has no right to continue in power even for a single day.

SHRI VIRENDRA SINGH (Mirzapur):
Mr. Speaker, just a minute—

MR. SPEAKER: Members of your party have already spoken, but not the Members

of their party, let them speak.

SHRI VIRENDRA SINGH: Judiciary is one of the highest institutions and Indian Constitution should also be protected. But, those, who are now raising their voice should ponder whether they bothered about upholding the sanctity of the judiciary and the constitution in the past. The Members of Parliament should evaluate themselves whether they have set an example in that respect—

MR. SPEAKER: A number of Members belonging to your party have already spoken, please be seated.

[English]

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Speaker, Sir, I thank you for giving me an opportunity to speak a few words on this important issue.

MR. SPEAKER: You should be very brief.

SHRI SOBHANADREESWARA RAO VADDE: First of all we condemn this effort, of some organisations and some persons to bring pressure on judiciary. I am really surprised to hear from no less a person than the Leader of the Opposition that his party do not have faith in the ability of the court to resolve this issue. (*Interruptions*)

I would submit that, that may be his view but others have their own views. We have a rule of law. We have a Constitution which provides that the court is the ultimate institution to decide very crucial matters and lack of faith in such a judicial system itself do not subscribe to our adherence to the Constitution.

Another important thing that is being said is that their party was given a mandate in U.P. I would say that in Uttar Pradesh

because of the split of votes between Congress (I), Janata Dal and SJD you could come to power. Otherwise, you would not have been in power there. Sir, the State Government has initiated the whole exercise of opening the locks of temple and doing 'shilanyas'. But now it is keeping quiet even after the VHP, after deliberations with the hon. Prime Minister, has refused to go by the court verdict. They say that they will defend it.

We are very much astonished to see the Government's inaction towards this issue. I think, as in the past, the Government once again want to play a political game to appease a section of the community and take advantage out of it. I warn this Government that it will be the greatest danger to our country. I request that the Government should take immediate steps to prevent VHP from going ahead with the construction work. At any cost the Government should preserve the unity and integrity of the country.

[Translation]

SHRI BHOGENDRA JHA (Madhubani): Mr. Speaker, Sir, the members of CPI have made repeated requests. What have you done for them?

MR. SPEAKER: Shri P.G. Narayanan is to speak first. I will give time to you also, but do not speak for more than 2-3 minutes.

[English]

SHRI P.G. NARAYANAN (Gobichettipalayam): Sir, everybody is agitated over the recent developments.

MR. SPEAKER: We are giving representation to the parties. Members, from different parties, who have spoken may not raise their hands.

SHRI P.G. NARAYANAN: Sir, the rule

of law must be upheld at any cost. Sir, whoever it may be; whether it is a Government or any institution or individual, nobody is above law. Nobody has a right to disobey the laws of the country.

Now, the court verdict has come. It is for the U.P. Government and for VHP to obey, to honour the verdict of the court. But they say that they will not stop the construction. This is too much for them. Any disobedience, any disrespect of the court verdict will definitely lower the image of our country. So, this kind of trend should not be allowed at any cost.

The State Government of U.P. is dishonouring the court verdict. Already the State of Karnataka has dishonoured the court verdict with regard to Cauvery water issue. This kind of things should not be allowed because if this sort of situation is going on, what will be the future; what will be the sanctity of the court.

[Translation]

SHRI BHOGENDRA JHA (Madhubani): Mr. Speaker, Sir, all the Parliamentarians have been elected under the Constitution of India only, this is Parliament and you are the Speaker. All this is under the constitution. The responsibility of any conflict between the Constitution and the public mandate given to a political party lies on Shri Advani who is the leader of the BJP and the opposition. If there is any such conflict, will the constitution or the promises made in the manifesto of a political party be considered supreme? Shri Advani has made repeated submissions, and I feel that he must admit that Constitution would be considered supreme in case any such situation arises, manifesto of a political party is secondary to it; they cannot come into conflict with each other.

Mr. Speaker, Sir, though a large number of Members have expressed their opin-

ion in favour yet acting in accordance to the promises made in the manifesto would be keeping the unity and culture of the country at stake. I would not like any state to follow the footsteps of other countries and exist as a communal State. There was an unfortunate partition of our country; some people opted for Pakistan but those who are here in our country are expected to have full faith and allegiance in the Constitution of India. My submission to the Government is that there is no need to condemn them again and again. Like several others, I do not propose the dismissal of the U.P. Government. However, so far as the verdict of the Supreme Court, High Court and the Lucknow Bench of Allahabad Court are concerned, the Government of Uttar Pradesh have not been following it instead, they are violating it. Hence the Government of India should take the possession of the disputed land into their own hands with immediate effect; they should protect the land so that the Supreme Court order and High Court order are not violated. I would like to submit to you that the Government, on behalf of the whole House, should unanimously condemn the disobedience of Court verdict and also the incident of burning the effigy of the judge; they should resolve to protect the dignity of the Supreme Court and High Court. We will tackle other things ourselves; this is my only submission to the Government. Since the matter has been raised, we should express our views clearly in order to solve the problem.

[English]

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Mr. Speaker, Sir, the Government of this country, the entire House are aware of acquisition of land by the Uttar Pradesh Government. This matter was referred to the Court of Law. The Court of Law had directed them to have the land in their possession and not to have a permanent structure and also not to transfer that area. But when pucca construction started, again,

the matter went to the Court of Law. That construction was completely illegal. Then, after hearing all the arguments, from all sides, the Court had passed a unanimous judgement that the construction is illegal and therefore they are giving a Stay Order on all constructions. This is the order of the Court. This has to be honoured and implemented and the responsibility for implementing the Order of the Court is that of the State Government.

Now, the situation is that the State Government had defied the Stay Order. The Leaders of the VHP have come forward and said that they are not going to abide by the Court verdict and they are going to continue construction of temple.

So, such a situation had been created. It is a clear defiance on the part of the State Government and the Parties over there. It is the responsibility of the Central Government to immediately intervene and see that the Court verdict is implemented. If it is not possible, then, immediately, the State Government has to be dismissed. Otherwise, you cannot hold the country together. Every State will start defying the law. There will be no rule of law. There will be no Constitution. I shudder to imagine that what will be the future.

Therefore, it is very necessary that the Central Government should take steps to uphold the rule of law, the Constitution and the judicial verdict. That alone will save the unity and integrity of this country.

SHRI K. PREDDAIAH YADAV (Machilipatnam): The situation in Ayodhya has become a sensitive issue; and instead of attending to the economic problems of the people of this country, the leadership is now bent upon discussing a non-existent issue, that is an Ayodhya issue.

I was one of the Members who had gone

to Ayodhya long with the NIC. I request the hon. Members here not to go deep on this issue. I am telling you sincerely that they are ready to utilise this sensational issue for their advantage. Therefore, the legal pandits, the leaders are discussing among themselves whether we should accept the verdict of the court or not.

The Constitution has been flouted since its inception several times. It is not an issue whether the verdict of the court is to be accepted or not; the issue is how to respect the sentiments of both minorities and Hindus. This is the main issue before the Prime Minister. A via media solution should be found; the via media solution is that the Babri-Masjid should be protected at all costs; and construction of Mandir should be allowed. On these two issues, the House has to come to a consensus and save the situation; and no leader should instigate the feelings of the minorities and Hindus and thereby throw the country into the flames.

SHRI CHITTA BASU (Barasat): The question is very simple. The question is very simple. The question addressed to the House is whether there has been a violation of the judgement of the court. There are ample proofs which suggest and conclusively prove that there has been a violation of the judgement given by the Lucknow Bench of the Allahabad High Court. Therefore, it is the duty of the Government to see that the judgement is implemented.

The Leader of the Opposition, Shri Lal K Advani, on many occasions, had said clearly that the Uttar Pradesh Government and his party will abide by the judgement of the court. Now, it is a question whether they will persuade VHP and other organisations, which are continuing the construction work in violation of the judgement of the court, to persuade them to abandon the construction work as per the direction of the judgement of the court.

A question of mandate has also been raised. Again, I will have to say will the Constitution prevail or the mandate of a particular issue will prevail over the nation. Here it is not a question of construction of the temple; here it is a question of the Constitution of our country, of the secular principles of our country, which constitute the basic characters of the Constitution of the country. It concerns the majesty of the law; it concerns the majesty of the judiciary of our country. Therefore, I think, it is for the House to give its clear decision that there has been a violation of the court order by the Government of Uttar Pradesh; and it becomes the responsibility of the Government of India to take an appropriate action to see that the judgement of the court is implemented.

[*Translation*]

SHRI SURAJ MANDAL (Godda): Mr. Speaker, Sir, the matter of Ayodhya has become so serious that after every six month, it is raised here once in this way and in the last meeting of N.I.C. the Government of India was given an assurance fully by the Bhartiya Janata Party that the orders of the court will in no circumstances, be violated, but today it appears from the news-papers that the order of the court is being violated and why it is being violated because today the Ayodhya issue has spread everywhere like a disease.

Sir, as the people in villages suffer from an epileptic fit after every six months and people in this illness is cured only when the ill person is made to smell a leather shoe. Today the Bhartiya Janata party is violating the order of the court and says, on the one hand, that we are obeying the orders of the court and on the other hand, the construction work is going on there....(*Interruptions*)

Mr. Speaker, Sir, today such an atmosphere has been created in Ayodhya, which is evident from the newspapers that even the

orders of the court are not being complied with by the State Government. The State Government claims that it is not capable of enforcing or maintaining law and order. That is why saints are openly doing what they want to do, and the construction of the temple is going on there by saints. On the one hand, the Government has failed to obey the orders of the Supreme Court and on the other hand, R.S.S. and Vishwa Hindu Parishad people are interfering. Saints are openly participating in the construction work. Saints are doing all this at their instance. I recall a saying in Bengali -

"Sapar Aage Bega Nache Tathe Kiehhu Bhed Aache."

Which means in Hindi, that if a frog dances before a snake, there is certainly some hidden meaning in it. Saints are constructing the temple at their instance. The order of the court is being violated. Why is the Government of India proving to be incapable in this matter? Can it not take any appropriate decision in the N.I.C. meeting and implement that decision strictly. Unless strictness is not shown in this matter, we cannot protect our constitution and our country. That is why, for the sake of protecting our constitution and the country, it is necessary to observe strictness in this matter.

SHRI RASHEED MASOD (Saharanpur): Mr. Speaker, Sir, I have been in Parliament for the last 18 years, but I have never seen such a troublesome atmosphere in Parliament, where the members of a particular community are openly called Pakistanis and the House is tolerating it silently....(*Interruptions*) You people have raised your voice....(*Interruptions*)...

SHRI HARIN PATHAK (Ahmedabad): You should not speak anything wrong. No one has said anything....(*Interruptions*)...

SHRI RASHEED MASOOD: They have

said so. Ever since I have joined politics, I think I have fought the battle for the Hindu-Muslim unity. I have also fought against Hindu communalism and I have also fought against Muslim communalism. But a man like me is today feeling, while sitting in Parliament, whether being the Members of Parliament are we able to do anything or not, will it be advantageous to us or not. I do not perceive the future of this country to be very bright.

Vajpayeeji is sitting, I wanted to congratulate him for his interview, the interview he had given on the T.V. in "Hello Zindagi" where he said that this country was going to disintegrate but when politics is being played from temples, I was about to congratulate him for his interview and ask him to save this country, to save the unity of this country in view of what he said and what is going on in practice.

The Constitution of India is based on three pillars the Executive, the Judiciary and the Legislature. If the decorum of any of these three ends, then this country, most decidedly, cannot become what it is today. I demand from you that the orders of the court are being violated so, the Central Government should take immediate action and it should implement the orders of the court. If the Government fails in implementing it, then it should be dismissed without a minute's delay...(*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, I should be given an opportunity to give a personal clarification. I did not want to take part in this discussion. Even now, it is not my desire because we want to hear the Prime Minister's reply. But can the discussion not take place in an atmosphere of peace, I have till now, failed to understand...(*Interruptions*)

There are many serious questions before this country. These questions are such

that shall determine the future of the country. But this seriousness is not reflected in our discussion. There is a difference between heat and light...(*Interruptions*)

They are saying that you should not look ahead of you, you should look back. If we look back, it will be said that we do not look towards the future, we are not forward but backward looking. We are not only looking forward and backward and but we are looking towards left as well.

My friend just spoke. He gave a reference to my interview in Hello Zindagi but it was an incomplete reference. I had said that if the politics in this country is played from Masjid, from the Church, from the Gurudwara, then it cannot be stopped from reaching the door of the temple. There can be a discussion on it whether it is correct or wrong. But those who took politics to the Gurudwara, to the mosque, are the people who go to the mosque during elections to take orders from the Imam, we do not go...(*Interruptions*)

I have never been to any Shankaracharya till today to seek blessings during elections. During the elections, I had gone to one area. I got the opportunity to meet one Shankaracharya. The newsmen asked me as to what sort of talk and I held with him, whether I sought blessings for the party? I said, no, I asked for the blessings for the country. Parties may exist, they may not exist, but the country must exist.

Mr. Speaker Sir, if the Congress party in Mizoram seeks votes in the name of installing a Christian Government and writes so in its election manifesto, on that day Shri Arjun Singhji was saying that we had opposed it internally, but that opposition is not enough. I also keep on opposing many things at home but if they seek vote in the election in the name of installing a christian

Government in Mizoram, it will not do. You sought such votes. This matter is pending in the Supreme Court since long. I can present this manifesto. One sided action will not do, there can be no onesided battle against fundamentalism. Encouraging communalism on the one hand and fighting it on the other cannot go together.

The Congress party talked about minority communalism for the first time in the Tirupati conference. I wished to congratulate you for this, but you will say that they are in collusion with each other, that is why I am not extending my congratulations. This has been said for the first time. Was the country not partitioned because of minority communalism...*(Interruptions)* Mr. Speaker, Sir, my difficulty is that I am not able to speak when I am interrupted...*(Interruptions)* Sir, I was talking about Tirupati. In Tirupati it was said for the first time that minority communalism is existing, but even for this the majority communalism was held responsible in the proposal. There was nothing like majority communalism in this country.

Mr. Speaker Sir, my request is that if communalism is to be fought against, if the feeling of nationalism is to be created in its true sense, if communalism is to be rooted out, then there cannot be different yardsticks to measure communalism. If we want to curb narrow mindedness then we must fight it out whenever it is seen. If you compromise with communalism for the sake of securing votes then tendency to compromise with other type of communalism will grow.

SHRI RAM VILAS PASWAN: We will fight out evil with evil means...*(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE: He is advising us to be good even in such an atmosphere. They are spreading casteism throughout the country...*(Interruptions)* Mr. Speaker Sir, I do not want to start a verbal

dual with him but throughout the country he is saying that the President is Brahmin, Vice President is Brahmin and the Prime Minister is also a Brahmin.

SHRI RAM VILAS PASWAN: That is what I am saying even today.

SHRI ATAL BIHARI VAJPAYEE: He has stated that the leader of the opposition is also a Brahmin. I did not know the caste of Shri Advani. We never go into the caste. Mr. Speaker, Sir, is it not another way to spread venom. Would it not be a one sided, if we want to discuss the problems and want to solve the problems sincerely then we must go on making efforts in this direction.

As far as the verdict of court is concerned, Uttar Pradesh Government should implement it but the people, who themselves enacted a new legislation keeping aside the verdict of the Supreme Court in Shahbano case and amended the constitution, should not give sermon to us.

[English]

13.00 hrs.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Sir, I wish to inform the House that since the work of the Ram Janmabhoomi-Babri Masjid complex had continued throughout the 15th night and 16th instant, in spite of the orders of the Allahabad High Court, restraining any construction work on the land, the Home Minister wrote to the Chief Minister of Uttar Pradesh with the request to stop the construction work at the site. A reply to this letter has been received from the Chief Minister of U.P. a little while ago, in which he has conveyed that the District Magistrate and the District Superintendent of Police have been directed by the State

Government to ensure compliance of the High Court's orders.

I thought I will inform the House about this.

MR. SPEAKER: At two o'clock, there will be a reply given by the hon. Prime Minister, to the Motion of No-Confidence moved in this House. Papers will be laid afterwards please.

Now I adjourn the House to meet again at exactly 2 p.m.

13.01 hrs.

The Lok Sabha then adjourned for lunch till fourteen of the clock.

[English]

The Lok Sabha Reassembled at fourteen of the clock after lunch.

[MR. SPEAKER *in the Chair*]

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, you had promised to allot me five minutes' time from your quota.

MR. SPEAKER: You have already availed of that time.

(*Interruptions*)

SHRIGEORGE FERNANDES (Muzafarpur): Mr. Speaker, yesterday I sought your permission to lay the Progressive Construction Report on the Table of the House. If you allow me, I would now like to lay these papers on the Table of the House.

[English]

MR. SPEAKER: You have not given me

the notice, nothing of the kind.

[Translation]

SHRI GEORGE FERNANDES: I had made an announcement to the effect publicly, yesterday.

[English]

MR. SPEAKER: At the last moment you are just taking me by surprise.

[Translation]

SHRI GEORGE FERNANDES: Yesterday, I had announced it several times.

MR. SPEAKER: I have received neither any notice from you nor any report.

SHRI GEORGE FERNANDES: Sir, then what should I do?

MR. SPEAKER: Please do it afterwards.

[English]

Let us now take up papers to be laid on the table.

14.01 hrs.

PAPERS LAID ON THE TABLE

Memorandum of understanding between the Bharat Dynamics Ltd. and Department of Defence Production and Supplies Ministry of Defence for 1992-93 etc.

[English]

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): Sir, I beg to lay on the