



सत्यमेव जयते

REPORT OF THE  
LIBERHAN  
AYODHYA  
COMMISSION  
OF INQUIRY

CHAPTER 1  
INTRODUCTION

## 1. INTRODUCTION

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1.1. For some, the temptation of power is supreme. The usual means for acquiring power is through politics. There is always an urge and quest to use politics for acquiring power and for one's own purpose – nothing matters beyond political desirable results, however achieved. In the process of acquisition of power the consequence of the process on the institution, the nation, individuals and society as a whole does not matter. Life itself becomes politicized. Objectivity or intellectual honesty or logic is lost in the process. To acquire the political power or achieve the politically desirable results, constitution, law, written or unwritten moral ethics, epics are contemptuously ignored. Healthy or legitimate process of governance is not cared for and political neutrality is lost.

1.2. The demolition of the *Ram Janambhoomi Babri Masjid* took place on sixth of December 1992 in the presence of national and local leadership. Cadres of the *Rashtriya Swayamsevak Sangh* (RSS), Bajrang Dal (BD), Vishwa Hindu Parishad (VHP), Bharatiya Janta Party (BJP) and Shiv Sena (SS) along with their leaders who were present at the spot. They either actively or passively supported the demolition. The other protagonists of the temple construction movement including preachers, *Sadhus* and *Sants*, administrative and police officers, the media and the *Karsevaks* were also present. In the process all acts were directed for or to acquire the political power and thereby achieve the politically desirable results. It was carried out in full view of the national and

international audiences, television and other media persons. The executive, political or bureaucratic, took no effective steps to stop or prevent the demolition or even to apprehend the perpetrators of the demolition.

- 1.3. A large section of the society claimed that this demolition of the disputed structure was one of the worse catastrophes for the nation, mankind, good governance, secularism and for a society governed by the rule of law. It was a defacement of the country at the international fora, an act of violence against the very fundamental rights and against the concept of reasoned argument for political change. It was one of the worse abhorrent acts of religious intolerance in the history of nation and the Hindu religion. The aftermath of demolition provoked communal riots all over the country which were witnessed with shock and disbelief. Various commissions etc. were later appointed to go into the communal aspect of the riots.
- 1.4. Various speculations were made in the context of the frequent conflicting reports that followed the demolition. The possibility of a conspiracy, domestic or foreign or political, seized the public attention, and raised questions about its extent and otherwise. All this stimulated suspicion and fuelled rumours. With such a large number of people participating from all over the country in the construction movement, either in favour of the movement or against it, it was not possible to arrive at a complete story through the normal judicial process. The nation as such, needed to find out the facts which had resulted in the dilution of the constitutional secularism, proudly claimed on the public platform by one and all. Practically it became

increasingly more desirable to find out the truth in order to prevent a similar occurrence in the future. It is the desire of humanity, believing in peaceful coexistence, to ensure that such acts are not repeated.

## 2. The mandate of the commission

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2.1. In public interest, it was thought desirable to ascertain the truth and the facts and circumstances leading up to the events and to identify the persons responsible for demolition. The premise and conclusions of the various police or other agencies were assessed. It was considered that public interest would not be met by accepting these reports and analysis. In an affirmation of the people's right to know truthfully, the facts concerning the events, one man judicial commission consisting of a sitting Judge from Chandigarh was constituted, with its office at Lucknow in conformity with the *Commission of Enquiry Act 1952*, to enquire into the following issues:

- 2.1.1. *The sequence of events leading to, and all the facts and circumstances relating to, the occurrence in the RJBm Complex at Ayodhya on 6th December, 1992 involving the destruction of the RJBm structure;*
- 2.1.2. *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 organizations and agencies in or in connection with the destruction of the Ram Janambhoomi-Babri Masjid structure;*
- 2.1.3. *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 Janambhoomi-Babri Masjid Complex, Ayodhya town and Faizabad on 6th December, 1992;*

2.1.4. *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; and*

2.1.5. *Any other matter related to the subject of inquiry.*

### 3. Before I present my report

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3.1. Before describing and analysing the evidence and circumstances in detail in the following chapters and before setting forth the conclusions of this commission of enquiry, it may be useful to set out what are not the conclusions of this Commission.

3.2. As is evident from the questions in the terms of reference given to me, I have not been called upon, and therefore do not wish to comment upon whether the structures, as they existed in Ayodhya on the 6th of December 1992 constituted a Hindu Temple or a Muslim Mosque or any other type of structure.

3.3. I must and have declined any comment on whether or not the land in Ayodhya, a part of which witnessed the tragic events of December 6th 1992, should be converted or utilized for any particular purpose. This is strictly outside the purview of this enquiry and no part of my report ought to be used as a justification for planning the future of the land or the structures etc.

3.4. I had been charged with the responsibility of ascertaining only the events, facts and circumstances leading up to the demolition of the structures at Ayodhya and certain connected matters. Given the scope of the enquiry, the Commission was heavily dependent upon the cooperation of the State Government, the Central Government and private individuals. The state

and central intelligence agencies were both overoptimistic in their assessments and guilty of gross failure, or in the alternative they withheld crucial records and analyses from the Commission. In either case, the commission not being a detective agency, was constrained to work with the fragmented information and disinformation presented to it. The Commission as a whole has expended significant efforts on this enquiry to unravel the legal aspects of the situation. However the morality of the causes espoused by the various actors in the situation is beyond my mandate.

- 3.5. Resultantly although this report has been a long time in coming, these conclusions are presented after a meticulous enquiry into the facts and circumstances. The conclusions drawn here are fully substantiated by the evidence on the record. The collated evidence which forms part of this report is in the public domain. It would be in the fitness of things if the inevitable criticism is founded on patent evidence rather than on conjectures or hyperbole.



#### 4. An enquiry serves many purposes

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- 4.1. It is an insightful analysis of the situation emerging from the various admitted facts and undisputed circumstances. It confronts the people with reality. An enquiry is not meant to put forward sugar-coated versions, based on various theories, or multi-faceted approach to the issue.
- 4.2. Various leaders said that the issue of Ram Janambhoomi – Babri Masjid was brought on the international scene, by those leading the movement and opposing it, or those promoting it, by different parties with different philosophies and schools of thought. This enquiry is an attempt to unveil the objectives and the motivation for the demolition; to unveil the perpetrators and identify the circumstances culminating in the demolition. It is the process of establishing the facts.
- 4.3. The enquiry involves detailed analysis of what has gone wrong and why. It critically focuses upon the errant, which has been achieved by searching examinations and cross-examination.
- 4.4. The enquiry and the other related process also serves other purposes *i.e.* investigation of the causes of this public disaster and the failure of authorities to maintain proper standards of care in relation to public property, *i.e.* the disputed structure. The other object of this commission is to unveil those responsible, at the highest level of authority, for their perfidious acts

although this wider objective may or may not be wholly accomplished by setting up this commission and referring the above mentioned questions to it.

## 5. The magnitude and scope of the enquiry

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- 5.1. Never before an effort was made to bring in within the scope of single enquiry the centuries-long developments covering an entire nation, two major communities, countless individuals, religious faiths and their followers, political and social organizations and the issue of the mixing of religion with politics. This enquiry has within its scope that, which is beyond anything that has ever been attempted by the various commission of enquiries setup, nationally or internationally.
- 5.2. The enquiry was for determining the facts of constitutional working, involvements of religion in politics, ethical and moral governance by those having a history of avowed tolerance from their very birth. A people renowned for accepting and assimilating any outside settlers of any religion or region or trend and thought. The immigrant settlers were historically not only assimilated in the mainstream of the country, but allowed to participate in governance keeping in view their numbers. It provided these new inhabitants an opportunity and clothed them with rights. Immigrant settlers were treated by the nation in keeping with the highest tradition of human freedom and human rights.
- 5.3. The commission is required to gather evidence against those organizations, individuals who have vitiated that peaceable environment, and suggest ways and means to forestall or nip in the bud, those activities before they acquire a

monstrous form, resulting in a human deluge of miseries on the citizens or the common man. This enquiry therefore, is the greatest challenge of my career.

## 6. The nature of the enquiry

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- 6.1. It is not an adversarial trial. It is in the nature of an enquiry. Hearings, especially public hearings, have always commanded public support and the respect of history. These provide the facts and make a record available, for all of mankind to study and to determine the ways and means for idealistic governance, and provide guidance to how a citizen is expected to conduct himself, keeping in view the nation's interest.
- 6.2. The success of this commission depended upon the cooperation of the people involved in the movement, or the ones who knew of the facts or at least a part of the larger picture. It further depended upon the moral fibre and ability to admit the truth or their motivation to serve the society selflessly. Public or the leaders were expected to provide facts and circumstances without tainting them with a desire, either for their self or organization's promotion, or for hiding something from history.
- 6.3. The terms of reference required a much larger format, to consider especially the *circumstances relating to occurrence, roles played directly or in connection, facts and circumstances or any matter relating to subject of inquiry*.
- 6.4. The inquiry was instituted as a roaming and fact finding inquiry and with no restrictive mandate. I was expected to go into the allegations even of the Administration's communal or collusive participation in the demolition. I was thus required to institute a procedure for full representation in the enquiry which was inquisitorial rather than adversarial trial for the purpose of

finding out the facts and circumstances. Complaints were predictably made against the Commission by unscrupulous, irresponsible persons, not appreciating or believing in the wisdom of the Parliament, about unfair cross-examination or the inquiry being stage managed or sweeping allegations of the inquiry being of no gain, or that the report cannot be implemented. Claiming to be public men, they first delayed the work of the Commission and later complained about the very delay.

## 7. The participants, willing and otherwise, in the enquiry

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7.1. Politics is intrinsically about people power and that is how the most representative institutions and democracies of the world thrive and survive when they mobilize power of the people to bestow pride in their country's credentials. There is an implicit contract between the leaders, that the power of the people will be channelled for constructive causes and for the benefit of the country & its people. In this regard, they owe the nation a responsibility that politics will be an assertion of solutions which are most advantageous and not most divisive. We also need to remember that people power is also a short cut to the displacement of the government of the day, and therefore has implications for constitutional processes. People's power must only be used for consolidation of our democracy and not for its destruction. This is the ultimate morality with which politics needs to be practiced and history has to guide the conscience of the authors of people power.

7.2. The VHP, BJP, RSS, Shiv Sena, Uttar Pradesh (UP) Chief Minister Kalyan Singh, ministers, home secretary, DGP police, IG security, the District Magistrate, Senior Superintendent of Police (SSP) and other officers of the State etc. are the mainsprings of the enquiry. Initially none appeared on behalf of these persons or organizations and only after passing of a number of years of the enquiry, counsel for VHP, BJP, and RSS joined the proceedings either voluntarily or on receipt of notices under section 8B of the statute.

- 7.3. Prominent members of the Muslim community claimed on behalf of their constituents, to be adversely affected by the demolition, in their sentiments and emotions. They claimed that their religious feelings were hurt. Initially various councils representing the *Babri Masjid Action Committee*, *Wakf Board*, other Muslim organizations and individuals appeared and associated with the commission before and during the framing of the Commission's rules.
- 7.4. Thereafter, it was in the last stages i.e. almost after a decade, that the counsel for the Muslim Law Board joined the proceedings. Mushtaq Ahmed started appearing before the Commission after half a decade of its existence; before the joining or associating of the Muslim law Board before the commission. Azad Makhmal representing Shabuddin and another lawyer A. Haq showed up once or twice but made no worthwhile contribution to the inquiry. Mushtaq Ahmed did however cross examine some witnesses intermittently. After a decade of the Commission's inquiry, one Bahar-ul-Barki representing the AIMLB appeared along with senior counsel, Yusuf Muchhala representing the Muslim Personal Law Board and cross examined some key witnesses like LK Advani in part. No evidence was lead or information provided to the Commission with respect to the conspiracy or preplanning or the joint common enterprise, by any of these counsels. OP Sharma advocate who also joined almost at the fag-end of the enquiry conducted himself equally ineffectually.
- 7.5. Although some of the witnesses were cross-examined by the counsel for the Muslim Law Board, with some exceptions, there was no effective



participation on behalf of Muslims as a community or otherwise. No alternative theory or any version was put forth on behalf of the Muslims before the commission, though short submissions were addressed to the commission. Responsible educated literate citizens claiming to be the leaders of a particular community, or the ones who participated in negotiations preceding the demolition etc. never came forward to disclose any material, or facts in any form. With one or two exception, no substantial help was rendered by them. They did not help the commission in collecting of evidence or by participating in the commission's proceedings or by leading any evidence.

- 7.6. It would be impractical to try to summarize all that the witness testified before the Commission.
- 7.7. The transcripts of all the witnesses' statements are therefore appended to the report. The various documents brought in evidence have also been annexed with this report and this record runs into thousands of pages.

## 8. The background to the dispute

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- 8.1. The enquiry was not into the general relations between the Muslims and the Hindus or minority communities with Hindus, detailed examination of which would be misplaced. These echoes were in any case heard while dealing with the minorities by the politics and other official machinery and their perception that they were being improperly dealt with and communally harassed or they were inadequately regarded and pursued.
- 8.2. Umpteen numbers of newspapers, television programmes, books, and articles described the demolition of disputed structure. It has been subject of debate in innumerable forums from Parliament on ward.
- 8.3. The dispute with respect to disputed structure is proclaimed to be as ancient as history. Innumerable writings in books and research papers, Commission proceedings were placed on record of the commission. The title of the property was never settled much less finally by any civil court and which is still pending before the Hon'ble High Court till day. From time to time rulers of the times permitted the people of their faith the possession. They demolished or reconstructed the disputed structure. The seesaw of "occupation" and "re-occupation" continued, as noticed by various authors and not disputed by any persons present or represented before me.
- 8.4. The presence of graveyards nearby was not seriously disputed though the title to them was challenged. The form of occupation and reoccupation has been

well recognized by the BJP White Paper when it recorded that Hindus reoccupied the courtyard, raised platform there, named it as *Ram Chabutra*, celebrated *Ram Naomi* thereon, as well as the presence of domed structure of the disputed structure.

- 8.5. The Commission proceeded from the facts as existed and events which took place since 15th August 1947, the date of partition of India, as the base line for all facts as stood on the said date.
- 8.6. In 1857, both the communities used the place for worship respectively, yet the grill between disputed structure and the raised platform was put up. The entrance was denied from Eastern gate to Muslims, who started entering the mosque from the Northern Gate alone. The activity after installations of idols in 1949 was slow but it was an extra ordinary activity after 1986. Credentials of secularism were put at stake.
- 8.7. It is not within my purview to enquire into a dispute whether it was ever a temple or a mosque built over the temple.
- 8.8. Indian religions, culture, caste system or all other institutions be it social or economic yield to temptation of politics. They succumbed to politics to some extent or entirely in spite of its needs remaining aloof or secluded. A belief developed over a period of time by unprincipled politicians hungry for power, as said by Robert H. Bork. "*Nothing matters beyond political desirable results, however achieved.*"

- 8.9. I believe that this enquiry has provided such publicity and awareness of the problem directly and indirectly and provided an opportunity to deal the specific matters arising from the demolition and all that followed.
- 8.10. It is a time to see the clarion call to deal the general problems and the different perceptions existing between two communities and government. It is for the leadership and the government machinery to appreciate the opportunity and use it, otherwise a very purpose of enquiry will be frustrated and nothing would be achieved for future.
- 8.11. I do not say that my conclusions or recommendation would solve the problem of two communities or erase all adverse and negative perceptions between two communities. I believe that debate about policing, controlling of the bureaucrats by political executive, and communalism transformed by this enquiry and thus ignited must be carried forward constructively and with imagination into action.
- 8.12. A high priority must be given for society to purge itself of communal prejudice and violence which infected those who committed for no other reason accept that the institution belong to other communities. Emphasis and stress may be laid on one aspect of the whole issue which received virtually no attention that is the very existence of culture affected by communalism and hatred against each community. Communalism had abruptly resulted in fighting followed by the demolition of disputed structure. Demolition of the disputed structure resulted in an aftermath of contamination of institutions and also of our society. The top leadership

may not have approved the demolition however their declamations remain only suspect.

- 8.13. In the very nature of happenings in 1992 and emotions exhibited during their limited testimony, it envisages a determined effort by educationists, family, community influence, proper policing and all means available to society, to assure that the minds of present and future generations are not allowed to become violent and maliciously prejudiced. We must all see it that such crimes do not happen and cannot be allowed to happen again.
- 8.14. During enquiry, it has been rightly been impressed and patently has come on record that *casteism* and communalism exists in almost all organizations and institutions. Its infiltration in the community starts amongst the very young persons. The video record and photographs as well as the evidence which have come on record with respect to incident of December 6<sup>th</sup> 1992 shows that almost eighty percent of the personnel involved were between the age of the adolescence and early 30s. The problem is that it is deeply ingrained in radical thinking. A sustained effort is needed in order to tackle casteism; communalism or regionalism head on.
- 8.15. The evidence received of the intellectual giants of various parties, leaves no doubt in my mind that communalism and casteism is a fact of current life of India. Historians put it in the forefront on every analysis for the reasons of India's losing its freedom to foreign invaders from time immemorial. History provides lesson and we are adamant not to learn any lesson from the history.

- 8.16. There is not a judicial remedy for every political mischief under our Constitution. In democratic society like ours relief must come through an aroused popular conscience of the people's representatives. The political leadership is blessed with the challenge of educating the electorate about the fundamentals of secularism and democracy.
- 8.17. Urgent action is needed if it is not to become epidemic a radical disease threatening the very survival of the Indian society. Communal, caste disadvantage and nasty associates of discrimination has not yet been eliminated. They poison the mind and attitude. They will as long as they remain, continue to be potent reason for unrest and cause throwing our nation weakness as temptation for foreign invaders.
- 8.18. This report is concerned with problems placed on the political agenda by the leaders of political parties. It seeks to consider main points from variety of viewpoints. We have to assess lessons which can learnt from facts accomplished and the disturbances, what should be done about the problems which were highlighted by the demolition and subsequent discussions. What should be continuing debate about how violence and injustice can be eradicated. Number of explanations has been offered; stories, theories and political approaches were put forth. It needs to value at the political perspective, which can be discerned underlying reaction and responses to be demolition. This Report is an Endeavour in that direction. Appraisal of the evidence is by reason of fairness to project an objective of the facts relating to demolition.

- 8.19. A sincere endeavour has been made to lay the bare facts before the people. The CBI team and other staff of the Commission has consciously worked in ensuring the effective hearing by getting service of notices etc. effected and running the administration efficiently, meeting the need of the challenge of the situation while dealing with public throughout. The team consisting of officers drawn from the CBI made an effort to find out the facts and collecting evidence in support of the facts, though they have not come to any conclusion relating to them. I may observe that they were primarily guided by the CBI enquiry made for prosecution of some of the participants in the movement.
- 8.20. This Commission has tried to maintain careful and helpful relationship with press and media, whose help has been of great help and value during the highly publicized proceedings and the Inquiry.