

[18 December, 2000] RAJYA SABHA

does the Government prepare itself to face that situation? How will it really create a situation of communal harmony, as Mr. Siva claims? I would like to categorically find it out.

THE DEPUTY CHAIRMAN: Okay. Thank you.

*interruptions)*

SHRI NILOTPAL BASU: But he will face the electorate.

THE DEPUTY CHAIRMAN: Mr. Basu, your time is over. Now, before I call the other speakers, there is a message from the Lok Sabha.

### **MESSAGE FROM THE LOK SABHA**

#### **The Juvenile Justice (Care and Protection of Children) Bill, 2000**

SECRETARY-GENERAL: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Juvenile Justice (Care and Protection of Children) Bill, 2000, as passed by Lok Sabha at its sitting held on the 18th December, 2000".

Sir, I lay a copy of the Bill on the Table,

#### **MOTION EXPRESSING DISAGREEMENT WITH REPORTED STATEMENT OF THE PRIME MINISTER IN REGARD TO THREE MINISTERS OF THE UNION CABINET AGAINST WHOM C.B.I. HAS COMPLETED INVESTIGATIONS AND FILED CHARGESHEETS-Contd.**

THE DEPUTY CHAIRMAN: I have a request from Mr. Samadani. He was on fast and he has taken only a glass of water. If the hon. Members -- Shrimati Jayanthi Natarajan and Mr. C. Ramachandraiah, whose names are before him -- agree, can I ask him to speak?

SHRIMATI JAYANTHI NATARAJAN: Yes, Madam.

SHRI C. RAMACHANDRAIAH: Yes, Madam.

THE DEPUTY CHAIRMAN: Mr. Samadani, seven to eight minutes. please. आप पांच मिनट बोलिएगा बस ।

SHRI MP. ABDUSSAMAD SAMADANI (Kerala): Madam, I am here to strongly support the Motion moved by hon. Pranabji. Madam, the reported statement which is under discussion says about the national sentiments. But, it is very much clear that there is a sentiment of justice. I don't want to go into the details of the subject. We have to emphasise in this august House that the statement of the Prime Minister does not represent the sentiments of justice, As the head of the biggest democratic and secular country in the world, the Prime Minister has a duty to protect the secular credentials of the country.- Madam, the so-called statement of the hon. Prime Minister does not even represent the sentiments of the National Democratic Alliance because even after the discussion in Lok Sabha, even after the voting in Lok Sabha, one by one, each and every one of the alliance parties is expressing its dissatisfaction and discontentment with the statement of the Prime Minister. Madam, it has only contributed to the unmasking of the so-called liberalist personalities of this country, I am reminded of a couplet in Urdu.

"रेशमी लिबास मे छिपी हुई थी हमारी मुफलिसी  
एक आवारा हवा ने हमको नंगा कर दिया।"

This is what has happened after the statement of the Prime Minister. So many such things are nowadays revealed. Madam, it does not represent the sentiments of the Hindus, the majority community, does not at all represent the sentiments of the minorities. Madam, the Hindu philosophy always teaches of universal brotherhood. It does not teach destroying or demolishing a place of worship which belongs to another community. Madam, I am reminded of a sloka from the Vedas.

"अयं निजः परिवेति गणना लघुचेत्साम  
उदारचरितानां तु वसुधैव कुटुम्बकम्।"

This is the great teaching taught by the Hindu philosophy. It attacks narrow mindedness and it teaches of the whole world being one. Madam, to call such a sentiment as national sentiment is an insult not only to the nation but even to the sentiments of justice.

Madam, I am reminded of an episode from history. When Khalifa Umar was walking through the courtyard of a church, the time for his prayer came. The Christian Pope who was there to receive Khalifa Umar told him to pray in the courtyard of the church, but Khalifa Umar refused. He told the Pope, "Your invitation is good, but if I make my prayer in the church, in the future course of history, sometimes any section of the Muslim community

may claim that it is the place prayed by our Khalifa Umar. So, I pray to God that I may not become a reason for the two communities to fight with each other." This is the teaching of every community and respect for the place of worship is the very basic credential of a civilised society.

THE DEPUTY CHAIRMAN: The name of the church where Jesus was crucified is the Church of Holy Sepulchre.

SHRI M.P. ABDUSSAMAD SAMADANI: Yes, it is in Jerusalem. Madam, what is now going on is a distortion of history. The distortion of history will definitely go against the very existence of the contemporary society. So, to use the past against the interest of the present breed is really a crime. Not only that; those people who have tried to distort history, they are now trying even to make so many lies about the demolition. So many theses after theses are appearing about the demolition. Even today, when Mr. Venkaiah Naidu was speaking, he was referring to a letter written by Arjun Singhji. I would like to know from the Members, who belong to the ruling alliance, whether they say that it was not the kar sevaks who led the demolition. Then, I may remind them of a statement which has appeared in today's newspapers mentioning an eminent leader of the Sangh Parivar as saying that if anybody says that the demolition was by a bomb explosion, it is an insult to the sacrifice done by the kar sevaks, "It goes against the very spirit, the very contribution made by the kar sevaks." These are the contradictory statements. They are speaking against those people who distorted these facts; they are speaking against their own people.

Madam, it was not by the explosion a bomb. If it were by an explosion, I may add that it was an explosion of the philosophy of hatred and violence. Madam, there are volumes of proof, audio tapes, video tapes, documents, paper reports and so many things. There are so many things. It is as clear as sunlight to show how the demolition was done and who the responsible were.

Madam, my only emphasis is on a point that this is not the time to repeat all these things. This is the time to make a correction. So, instead of speaking of the national sentiment, try for a national correction of the mistakes done by anybody, by any section which believes in the philosophy of violence.

Madam, I belong to Muslim League, which always argues for the rights of the minorities. I say this with pride. In this august House, I may say that if anything happens against any temple in this country, I will be the first person to go and struggle to make any kind of sacrifice for the protection of that temple, because it is the philosophy and teaching of Islam. It is not

only in islam, but in all religions you will find this kind of teachings, of fraternity and brotherhood. Not only that, in Quran, it says clearly, if you speak a word against any religion, against any other place of worship, against any other thing that is worshipped by your brothers, then, you speak against the principles of your own religion.

Madam, I only add that the Babri Masjid issue is not an issue of a mosque; it is not an issue of a place of worship; it is an issue related with the rule of the law; also, it is an issue related with justice. More importantly, it is an issue related with the religious freedom of the minority community.

The Prime Minister has a duty to protect the rights of the minorities. We hear of people saying that he is a champion of this section of society or that section of society, of this party or that party. Actually, the Prime Minister has a right and duty to protect the rights of the minorities. It is the very symbol of the democratic and secular society. The other day, we came to know about a statement which is already referred to by our hon. Chitharanjanji that even the Muslim League, in the Lok Sabha, was not asking for the reconstruction of the Babri Masjid. There was a statement made by Bangaru Laxman. They have always reiterated that, *interruptions*)

[THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) in the Chair]

We need not repeat it. From day one, we were arguing for the reconstruction of the mosque at the same site. That was not only our demand, that is the demand of all the minority communities. That is the demand of the spirit of justice in the country. Sir, I am only reminding the hon. Members, who sit on the other side, not to spoil the atmosphere, the tranquillity of the country. A great, eminent, thinker has said: Nations are born in the hearts of poets and they are spoiled in the hands of politicians. We may not become that sort of politicians and spoil the tranquillity of the country. This is not the time to preach the philosophy of hatred or violence. This is the time to bring the various sections of our society, of our country, together. Unity in diversity has always been the symbol of this country, I conclude with a couplet of Iqbal:

बिछड़ो को फिर मिला दे, नकसे द्वि मिटा दे ।

एक नया शिवाला इस देश में बना दें ।

**डा. सी. नारायण रेड्डी** (नाम निर्देशित): उपसभाध्यक्ष महोदय, माननीय प्रधानमंत्री जी के वक्तव्य पर अपने चंद विचार व्यक्त करने का अवसर मुझे दिया गया है...(व्यवधान)...

THE VICE CHAIRMAN (SHRI SANTOSH BAGRODIA) : You have four minutes.

**डा. सी. नीरायण रेड्डी:** मैं इसीलिए स्पेशल मेशन की पद्धति में पढ़ रहा हूँ। दोनों सदनों में जो चर्चाएं हो रही हैं, जो टिप्पणियां जारी की जा रही हैं उनका मौलिक मुद्दा है धर्म या मज़हब, मंदिर या मस्जिद। धर्म या मज़हब क्या है? सभी ज्ञानी-ध्यानी जानते हैं कि धर्म कोई भगवान नहीं है, मज़हब कोई खुदा नहीं है बल्कि भगवान तक, खुदा तक पहुंचने की एक वाहिका है, एक जरिया है। हर किसी मज़हब का अंतिम लक्ष्य भगवान है, खुदा है। इसी संदर्भ में एक श्लोक प्रस्तुत करना चाहता हूँ:

भगवान उवाच:

सर्वधर्माण परित्यज्य भामेकम् शरणम् ब्रजः

(सभी धर्मों को छोड़कर मेरी शरण लो)

शायरे आजम अल्लामा इकबाल ने कहा था कि “मज़हब नहीं सिखाता आपस में बैर रखना, हिंदी हैं हम बतन हैं हिंदुस्तान हमारा” लेकिन यही बातें सुनाने के लिए ट्विस्ट कुछ अलग है। मैं भी एक मौलिक कवि हूँ...(व्यवधान)... सुनिए साहब, सुनिए...जरा सब्र रखिए। सहन की कमी से ही ये तमाम चीजें हैं। मज़हब नहीं सिखाता आपस में बैर रखना- इकबाल ने कहा था लेकिन आज के बदलते हालात में मुझे यह कहना पड़ रहा है कि मज़हब ही अब सिखाता है आपस में बैर रखना, मैं उसी बन्ध में कह रहा हूँ। मैं भी शायर हूँ और कह रहा हूँ कि मज़हब ही अब सिखाता है आपस में बैर रखना। उपसभाध्यक्ष जी, इन दिनों मंजिल की नहीं राही की अहमियत बढ़ गई है। मंजिल चाहिए हमें, भगवान की उपेक्षा हो रही है। आज धर्म के नाम से चारों तरफ वाद-विवाद, शोरगुल मच रहा है। यह कब तक चलता रहेगा? मेरे जैसे स्वतंत्र सांसद को, एक कवि को दुख है, खेद है। मज़हब वह है जो दिलों को तोड़ने वाला नहीं जोड़ने वाला है। विवेकानंद जी ने एक सौ दस साल पहले कहा था, I quote : "Break not, pull not down anything, but build" : किसी को तोड़ो मत, किसी को गिराओ मत बल्कि निर्माण करो। इससे ज्यादा मेरा बोलना उचित नहीं है। मैं इस महान् देश के हर एक नागरिक से इस सदन के माध्यम से विनती करता हूँ कि मज़हब या धर्म के नाम से तोड़-फोड़ के माजरे को खत्म करो। मंदिर-मस्जिद निर्माण का निर्णय व्यवस्थापित अदालतों पर छोड़ दो, यह मेरा मत है। अंत में एक कविता पंक्ति या शेर कहिए, अर्ज करना चाहता हूँ...(व्यवधान)... मित्रों जरा सुनिए

**श्री रमा शंकर कौशिक** (उत्तर प्रदेश): मार्गबंधु जी...(व्यवधान)...

**डा. सी. नारायण रेड्डी:** मार्गबंधु जी, यह मार्ग भी देखिए।

पूरब-पश्चिम, मंदिर-मस्जिद सिमतो मकाम का जिक्र क्यों,

पूरब-पश्चिम, मंदिर-मस्जिद सिमतो मकाम का जिक्र क्यों,

पाक दिलों पर पाओगे अनजान खुदा के दस्तख्त

पाक दिलों पर पाओगे अनजान खुदा के दस्तख्त

ये हस्ताक्षर ही युग-युग अनश्वर हैं।

SHRIMATI JAYANTHI NATARAJAN: Thank you, Mr. Vice-chairman, Sir. We have all listened with rapt attention, and I have read the Motion also carefully. Sir, the issue about resignation that the Opposition has demanded of the three Ministers against whom chargesheet has been filed, the fact that the Prime Minister has given a clean chit to these three

SHRIMATI JAYANTHI NATARAJAN: Sir, if you will kindly listen to me for a minute, I was saying, and I am saying it with utmost seriousness, that it is up to Mr. Advani, if he is chargesheeted, whether he wants to resign or not. I leave it as a matter to his conscience, i do not think it is unparliamentary. I do not think it merits intervention from my hon. friend, i seek your protection, but allow me to kindly finish my intervention. Therefore, I seek your protection.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA) : I think you are fully protected.

SHRIMATI JAYANTHI NATARAJAN: Therefore, Sir, the issue over here is up to them to decide whether they are going to leave or whether they are going to stay there. The issue before the House is what the Prime Minister said, it is up to the Prime Minister to defend his Ministers. After all, that is what we expect the Prime Minister to do. Naturally, he is not going to get up and say that my Ministers are wrong, as Sushmaji pointed out. He has been defending them from the beginning. The Prime Minister is a part of the BJP, we all know what the agenda of the BJP is, and we all know what the manifesto of the BJP is. The BJP, at least has never hid its colours. They have never put it on the back-burner. The BJP has never said that this is not our agenda. Therefore, the Prime Minister defends his Ministers. The Prime Minister gives his Minister a clean chit. I am disappointed with the Prime Minister because I would not have expected the Prime Minister to say something which might influence the course of action of the CBI which is something which comes under the Prime Minister's office. I would not have expected the Prime Minister to say that. But If the Prime Minister believes that his Ministers are innocent, that is up to him. However, what is disturbing and agitating the people of this country is the latter part of the Prime Minister's statement that building the temple is a national aspiration. This is something that has induced tremendous agitation in the minds of all right-thinking people. Until this day, at least, the people of Tamil Nadu - I know that my friends in the DMK Party and I know that the hon. Chief Minister of Tamil Nadu are all secular people - have been saying that we believe in Mr. Vajpayee. Mr. Vajpayee is a good man. Mr. Vajpayee will not let us down and this entire coalition edifice has been built upon the integrity of Mr. Vajpayee, upon the faith that the people of my State, at least, had in Mr. Vajpayee, and with one sentence he has destroyed that faith. With one sentence he has destroyed the faith that the people of India had in him. When the right thinking people were beginning to believe that, maybe, it is possible for the BJP to change its colours, may

be, it is possible for the BJP to be truly liberal; when the BJP President calls out to the Muslims, you begin to think that, maybe, the BJP, having now come to power, will change its colours, will reach out to all sorts of people. With one word the Prime Minister has destroyed the faith that the people have in him and this is a matter of tremendous regret for all right thinking people, for every single one of us, because he has divorced the people of India. It is not possible any longer to call him as 'my Prime Minister.' Till the day he made that statement, he was the Prime Minister of India and from the day he made that statement, he reduced himself to become the Prime Minister of the BJP, the Prime Minister of the RSS, the Prime Minister of not even the NDA because its allies are also against him on this issue, as any right-thinking ally would do. And, therefore, this is a matter of tremendous regret that a man of the stature and vision of Mr. Vajpayee should reduce himself to become a narrow mouthpiece of communal sentiments that hurts the feelings of crores of minority brethren who live in this country. Therefore, it is this part of the statement of the Prime Minister that has agitated us, and it is this part of the statement of the hon. Prime Minister that I would like to condemn on behalf of my party, on behalf of thousands and thousands of Indians who cannot be here today.

The second issue I wish to raise is this. Who are these Hindus? I have been hearing the speeches that have been delivered here by my friends. They have been talking about Hindus. They have been talking about Rama. They have been saying that you are against the Hindus if you do this and what is wrong in the statement of the hon. Prime Minister? Who are these Hindus that they represent? Who are they? Where are these people? Sir, I am proud to belong to this country. I would like to quote what Swami Vivekananda had said. He said, "I am proud to belong to a religion which has taught the world both tolerance and universal acceptance. We believe not only in universal toleration but we also accept all religions as true. I am proud to belong to a nation which has sheltered the persecuted and the refugees of all religions and all nations of the earth." Who are the Hindus? Who want to pull down the mosque? Who are these Hindus who want to destroy every Christian and every Muslim brother? Who are these Hindus who say that no Muslim should have a vote? Which leader of which political party says in today's newspapers that the Muslim should no longer have the right to vote? It is the President of the Indian Council for Historical Research, who says, "Give the Babri Masjid back to the Hindus. This is the site on which the temple had stood for so many

years." Who are the Hindus you claim that you represent?. Do you represent the Dalits? Do you represent the Hindutva which talks about construction of this temple at any cost? Do you represent the Dalits? Do you represent millions of the downtrodden? Above all, and, all of us come from South India. Do you represent the multi cultural identity of India? Do you represent the Dravidian sentiment? About the allies. And I know when Mr. Saifulla spoke, he made a very aggressive political speech. He said, "We know about the BJP. We prefer in the enemy." By all means, who are we to dictate as to what you are to believe in? But, I want to read out to you what the BJP believes in. I want to read out to you what Mr. Golwalkar had said. He said, "in order to achieve the goal, the most important and effective step would be to bury for god's sake all the elements of the federal structure of our Constitution. All autonomous and semi-autonomous States have to be abolished. We must declare one nation, one State, one Legislature and one Executive..." - and In, 'We Our Nationhood Defined' -- he says, "...In Hindustan exists and must need exist, the ancient Hindu nation and none else but the Hindu nation. All those not belonging to the national, this Hindu race, Hindu religion, culture and language, naturally, fall out of the pale of national life." Is this what you are defending? One nation, one language, one people! Do you want to reduce the 950 ethnic groups that are in this country, hundreds and hundreds of dialects and languages to one homogenous entity? (*Time-Bellings*) Sir, just give me one more minute. Is this what you are subscribing to? Nations are not defined by mere geographical borders. These people talk about patriotism. The most dangerous issue that I would like to raise and place before this House is the fact that my friends in the Treasury Benches are attempting to hijack nationalism to serve their narrow partisan ends. From Kargil to Kandahar, you were wrong. You sold out Kargil to Pakistan, and as we sit here and say what you did in Kargil was wrong, and five hundred jawans were killed because of a mistake made by this Government, you call us unpatriotic. You take militants from Kashmir, and our External Affairs Minister escorts them to Kandhar. When we criticise that, you say that we are not patriotic! We say, "Do not insult our Muslim brethren; do not allow communal riots to spread; do not allow this communalism to raise its ugly head in the country", and you call us unpatriotic! Please do not hijack the nationalist agenda. Those of us who have a view that is different from you, are as nationalist as the rest of you. Your nationalism is parochial. Your nationalism is sectarian. Your patriotism is totally parochial. You have carved out your narrow domain of loyalty and affinity of one particular kind.



Let me warn -- I don't expect you to listen — the allies of the NDA that this is something that is going to destroy our multi-cultural diversity. This is something that is going to destroy the rights of the people who live in the South of India, the language, the beautiful cultural mosaic that is India. Because of your narrow electoral compulsions, because of your affinity to power, if you intend to stay and allow this kind of hijacking of nationalist agenda to take place, you will be doing tremendous disservice to the people of our State, to the people of India. Sir, I conclude with a quotation. This is not something which I am saying, but this is an editorial from a respected newspaper, *The Hindu*, it says, "Against this unambiguous signal of acquiescence, if not support by the Prime Minister, supposedly a moderate liberal leader, to the revanchist designs of the Sangh Parivar, the fact that the non-BJP allies, such as, the Trinamul Congress and the TDP, could "extract from Shri Vajpayee and his Government a commitment to abide by the court's verdict in the Ayodhya land ownership dispute is poor consolation". "Nothing can be more farcical in getting the BJP leadership and the Government to commit itself formally to stick to the NDA agenda. After all, the BJP has built itself up as a political force by whipping up a frenzied campaign on the Ram Janambhoomi issue, which targeted the Babri Masjid. The party left no one in any doubt that the NDA is nothing more than a tactical coalition intended to end its splendid isolation. " Sir, let the allies not fool themselves or the people of India. If you want to declare yourself on the side of the BJP, on the side of the narrow sectarian communal agenda, let it be so; but please don't say that you are here to protect the people of India. Finally, Sir, when Mr. Venkaiah Naidu was speaking, he said that this was a tension-free administration; that there had been no communal strife. I have a documented evidence — 157 cases, since this Government took over, date by date, churches attacked, Bibles burnt, mosques attacked, people killed, Graham Staines killed, etc. I can read it out if you give me time. Just in these six months, that is, from January to July, 2000, there have been more than 38 documented cases of attacks on minorities. Therefore, Sir, let us not fool ourselves that the Prime Minister's statement was innocent. It was deliberate, calculated and a ploy. Let us not fool ourselves. Let us not fool this country, I would like to appeal to the conscience of the NDA allies to save this country from the designs of the *Sangh Parivar*.

THE VICE-CHAIRMAN (SHRI SANTOSH  
BAGRODIA): Shri Jethmalani.

**8.00 P.M.**

DR. ALLADI P. RAJKUMAR: The Deputy Chairman said that after Shrimati Jayanthi Natarajan, Shri Ramachandriah will speak. What is this going on? The list has been changed. I don't understand.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I am going by the list which I have.

SHRI C. RAMACHANDRAIAH: Sir, please do not dispense with the procedure.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): I am sorry. I made a mistake. The Minister of Parliamentary Affairs has to make one announcement. You will be happy to listen to that announcement. Mr. Ram Jethmalani, you will speak after that announcement.

SHRI 'O. RAJAGOPAL: As we have to sit late, the Government has made arrangements for a dinner from 8.30 onwards. It will be available in Room No. 70.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Thank you, Mr. Minister. Now, Shri Ram Jethmalani.

SHRI RAM JETHMALANI : Mr, Vice-Chairman, Sir, after many, many months, I am speaking as an independent Member, uninhibited by ministerial inhibitions, party ideologies and manifestos. I do wish to assure this House that whatever I am going to say has nothing to do with any promotion of party interests. I speak only from my conscience and with my limited intelligence. I have no difficulty in accepting Pranab babu's first assertion that this House has the unqualified right to discuss a Resolution of this kind. It is perfectly legitimate and in the fitness of things that this House should express its opinion on matters of vital importance which the Resolution raises. I am also one with Pranab babu that this House can make a tremendous, intellectual, moral and spiritual contribution to the solution of the problem which this unfortunate nation is faced with. But, Sir, that contribution can only be made if we eschew from our speeches anger, some amount of hatred, some amount of accusations and trading of charges. I believe that the greatest contribution that this House can make is what Lord Buddha had done, by applying a soothing honey on the smarting wounds which that bird had suffered from the arrow of his brother and which, today, one brother continues to cause to other brother. Before I deal with the important issue that the Resolution raises, I have a suggestion

to make for the respectful consideration of this House, it is, nobody has pointed out to this House that the Ayodhya case — I am talking of the case in the trial court - is fixed for final hearing on 18th of January, 2000; not very far off. exactly a month from today. It is true that there is some stay order from the High Court. But I suggest that all these technicalities and technical objections to the courts jurisdiction and so on must be forthwith dropped. Our Law Officers should be instructed to go to the High court, get an order that the case should be tried from day to day, and all the points which are being currently raised in the High Court can be raised here in the event of a possible conviction, which, I believe, is a very improbable event. Sir, those who are proud of the act of demolition— and there are some who express their pride-- will be well advised to go before the court and plead guilty to the offence. Gandhiji did breach laws, but he had the moral courage to plead guilty and suffer punishment. That is the spirit which, I think, these brave men who talk about the demolition with great pride, should adopt. Those who are embarrassed by this demolition and publically state that they are embarrassed, that they did not want it to happen, I believe that that itself is enough punishment. I believe that public interest and the cause of national integration requires that the nation must accept that as enough, and these cases that are pending in the court must be withdrawn. There are others who believe that they must have the verdict of the court to establish their innocence. They are entitled to have the verdict of the court, but they must be prepared to go to the court and cooperate in the day-to-day trial being held so that the whole trial can be finished within the next three months, maybe a little more. But, Sir, this will become academic that these Ministers should have resigned. Sir, if this issue had been raised in 1997, and had been raised with the passion and vigour with which it is raised today, I believe there would have been some sense in it. But no wonder that the very rule under which we are having this Motion discussed prohibits the discussion of a state matter. I suggest that this matter is stale, and though we have waived that irregularity by consenting to the admission of this motion, I think statesmanship requires, and the responsibility of healing the wounds requires, that we must bring the two communities together, and we must be prepared to speak the truth to both.

Sir, a very spirited attack was mounted on my Prime Minister by a very dear, dear friend of mine, who claimed that he is a Nehruite. Sir, I am not a Nehruite. I am an Ambedkarite. I am the disciple of Dr. Ambedkar. I believe in the Constitution which he gave to us. I believe in the values of

that Constitution, and I believe in the philosophy and attitude to history which Dr. Ambedkar had. Sir, Nehru was a great man, a very great man, a very, very great man, but I am one of those who is humble, but, nevertheless\* whose intellect tells that his blunders were greater than his greatness, blunders under the blow of which the country is still reeling, and has not been able to recover, Nehru had one fault; that he overlooked the inconvenient facts of history. Dr. Ambedkar understood history and was not prepared to forgive and forget the wounds which one section of humanity had caused to another section of humanity. For thousands of years, the high castes treated the Scheduled Castes and the Backwards in such a way that they humiliated them; they almost impoverished them and caused them genetic damage, a genetic damage which makes it impossible for them to run the battle of life on a footing of equality. Ambedkar believed that the present generation must pay compensation for the historical wrongs of the past. But, Sir, this cannot be applied merely to high caste Hindus. It applies to all communities in this country. I am one with Kapil, I am one with everybody in this House that the demolition of the Babri Masjid was an offence. It was undoubtedly an offence, and a person, who has lived on the law and had been true to the law, can never say that it was not an offence. It was an offence. I would go further and say that, in a sense, it was a heinous offence. But, Sir, let us not forget -- and my being a shishya of Dr. Ambedkar will not allow me to forget -- that if one demolition of Babri Masjid was a heinous crime, between the 10th and 16th centuries, thousands and thousands of such offences occurred in India, which were more heinous. Sir, the hapless population of this country has always believed in non-violence and in building temples for Gods and Goddesses, and in their worship.

They were humiliated. They were massacred. Their Gods were destroyed. Their temples were desecrated. I am not saying that they were Muslim conquerors. They were not. Just as the Supreme Court says that those who demolished the Babri Masjid were not Hindus, they had no religion; equally, those who destroyed Hindu temples, Gods and Goddesses, were not Muslims. I don't want to call them as Muslims at all because I have much, much greater respect for Islam, of which I am equally a student. I claim that I understand Islam and its duties more than the so many so-called Muslims do. The gentle faith of the Prophet of Islam was forgotten by those conquerors. They had their own brand of Islam. They went on destroying temples, Gods and Goddesses of other faiths. My own friend, who spoke very rightly, quoted the essence of the Koran. The

essence of the Koran was the same as the essence of Hinduism. — respect for faiths, other than Islam. But its later interpolation and later on the conduct of those so-called conquerors adopted a different version altogether.

Sir, this morning, my friend. Pranabbabu said, "Is there a difference between one offence and another?" Yes; there is. Under the same Indian Penal Code, killing by rash driving is an offence, which is punishable with fine. But, equally, intentional murder is a crime which is punishable with death. You can steal a loaf of bread to allay your hunger. But you can get kickbacks in arms deals to enrich yourself, to enrich your progeny Both ways, the offence is of theft. But they are different offences, Obviously, they are. Sir, I think my Muslim friends present in this House will at least concede this much to me that I am their friend; and know my secularism. If, today, the elder brother has a sentiment that out of thousand temples which were destroyed during those irrational centuries, if only one temple is allowed to be built at a particular place, if Muslim leadership were only to advise the Muslim masses, I think, there will be friendship, there will be an integration of the two communities. But nobody is willing to do that. Nobody is willing to give correct advice because everybody wants to maintain his leadership; and the leadership of the minorities depends on creating this fear psychosis in the minds of the minorities that the majority is out to destroy them.

Sir, today all that has happened is, if some people, in a fit of passion, in a fit of recklessness which arises out of the presence of large crowds where the emotional balance of people is disturbed. It is still a heinous crime. But if the elder brother wants to build one temple, at least, make an effort in that direction. But I am one with you that the temple shall not be constructed. I say this as a Ram *bhakt*. I say it as one person who believes that the Ram *bhaktas* should proliferate and their number should increase. But I don't believe that expanding the number of Rem *bhaktas* can be accomplished by demolishing a mosque and building a temple. I am quite sure that the Prophet of Islam and Ram are enjoying themselves there in the other world; and they are overlooking the foolishness of their followers that they keep fighting over this. Let us sit together as representatives of two communities. Lock up these people who want to lead these communities and tell them that until and unless you arrive at some settlement of this problem, you shall not come out of the confinement. The problem will be solved. My friend, Obaidulla, was right when he said,

"Everybody is beating his breast about Muslims. Nobody is concerned with Muslims. Everybody is concerned with the Muslim votes." Let us be honest about it.

Sir, the Resolution raises three vital issues — should the three Ministers resign and should the Prime Minister ask them to resign; should the Ram Mandir in Ayodhya be constructed at the site where the Babri Masjid once stood; was the Prime Minister justified in stating after that Iftaar party that the temple be built at the Masjid site and the Masjid be built somewhere else. I have explained my personal philosophy that the temple will be built, if at all, when Muslims, Christians and other non-Hindus, lovingly and reverentially come and participate in the construction of that temple. That will be the glory of Hinduism, and that will be the recognition of Rama as the best Imam of India, and that will be the day when I can proudly claim that the Ram *bhaktas* have really increased in their number. The temple shall not be built without the concurrence of the Muslims, the Christians and all other non-Hindus. But let us make a serious effort, because I can tell you that the Muslim leaders are not the representatives of the Muslims. I also move amongst the Muslim masses. Some of them are totally indifferent.

DR. BIPLAB DASGUPTA (West Bengal): Who represents the Hindus?

SHRI RAM JETHMALANI: Nobody. Not I. I represent myself. Sir, most of the Muslims today do tell me that it will be in the interest of both Hindus and Muslims, particularly the Muslims, if the elder brother's one sentiment is satisfied, and that there should be camaraderie, fellow- feeling, and a feeling of cooperation. Remember today that the minorities are economically suffering because there is no collaboration between the somewhat advanced communities and the backward Muslim community of today. It will be in the interest of all, particularly, the minority community, if, on some points, you yield to the elder brother's sentiments-call it whim or call it caprice. I am one of those who, perhaps, does not even believe that Rama was a historical figure. But he is the most important figure which has been created by the fertile Hindu imagination, and his creation, to my mind, is a source of ethical wealth, and it is a live example which gives us character, which gives us a solution to every ethical problem that faces us from day-to-day. Sir, being conscious of the time limit and the time constraint today, let me only say this to you. My friend, Shri Kapil Sibal, is not here. I do not know whether he has gone away or not. He is a

practising lawyer. I have given up the practice more or less, and my knowledge of law is a little rusty these days. But he asked with great fanfare that the Prime Minister had said that this was a political offence. There are no political offences, he said, and he waived the Indian Penal Code and said: "Look at the Penal Code. Does it contain anything about political offences?" I wish my friend were here. Anyway, I will just remind him because, I do not believe he is ignorant of the law. He must have forgotten it. It is a well-known concept in International Law that you do not allow extradition of a person from one country to another for offences of a political character, and Sir, I have Indian text books here, I have foreign text books here, which have a whole chapter on offences of a political character. I do not want to waste the time of the House. But I am only saying that even some of the good things which are being said, are being said in a partisan spirit and with such a passion that we forget the true position, and then the moral impact of even the good things is really lost. What did the Prime Minister say? He did not announce a governmental decision. He did not say that the Government has arrived at this conclusion. He did not even say that I have intellectually arrived at that conclusion. What he was saying in the mood of an iftaar party was that this is one of the solutions to which we should apply our mind. Perhaps, the sentiment of the Hindus that the temple should be built where they, rightly or wrongly, believe that Rama was born and the grand mosque should be constructed a few yards away. To them, it is not a holy site at all. To others, it is a holy site. Build the temple there and relocate the mosque a few yards away. After all, mosques have been relocated .... (*Interruptions*) If you ask me, I will say that you should build a hospital for the use of both. But we are talking about the sentiments of people, sentiments which arise out of the perception of a historical wrong.

DR. BIPLAB DASGUPTA: Who represents the Hindus?

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): Mr. Biplab Dasgupta, if you interrupt like this, you are going to delay your food.

SHRI RAM JETHMALANI : Sir, about my friend Jayanthi's remark that he resigned when the Hawala case was made against him. ...(*Time-bell rings*)... Sir, I won't take more than two minutes; I am aware of your kindness. Sir, you know, and every lawyer knows, that the police, when they send up a charge-sheet, do not decide the truth or the falsehood. If there are two counter-cases filed by two groups, both the cases are sent up to the Court when it is absolutely sure that one must be a false case and only one is a true case, because the police do not decide the truth or

the falsehood, and if they have some evidence in support of a particular version, they leave it to the judiciary. These are the Departmental instructions issued by various State Governments, and under the Criminal Circulars, which are binding, charges are framed by courts on the same material, accepting what is said in the material to be true, and some courts have now said that a charge can be made even if there is a suspicion that somebody has committed an offence, but the suspicion should be a reasonable suspicion. Sir, after that charges had been framed, the people had been found not only to be not guilty in the sense that the guilt had not been proved beyond doubt, but it had been established in some cases that the cases were false. May I take only one minute of the House to give one example? Balbir Singh was convicted by the Sessions Court; he was sentenced to death. Three Judges of the High Court of Delhi confirmed the sentence of death and said, "He is guilty." The Supreme Court came to the conclusion that the whole case was false. He was acquitted! What about Mr. Advani himself? The police filed a charge-sheet. The Magistrate, the Sessions Judge, the Special Judge, heard long arguments of Mr. Arun Jaitley for almost three days, and after that, he framed a charge and supported the charge by 252-pages of type-written Judgment. The High Court held that there was no evidence at all, because they do not quash even if there is a little bit of evidence. They said, "It is a case of no evidence," The proceedings were quashed, and the quashing decision was sustained by the Supreme Court of India! Therefore, framing of a charge or sending a charge-sheet by the police is not yet a conclusive presumption of any guilt. On the contrary, up to the last, until the last appeal has been heard and disposed of, there is the presumption of innocence, which prevails at least in the trial court. Until the trial court finds you guilty, there is a presumption of innocence. And when you people said all the time, "Please resign. Why don't you resign?", were you not really acting upon the assumption that they are guilty? Even some of the speeches that were made in this House did insinuate that these two, three persons are guilty. But, Sir, they are entitled to maintain that 'I am innocent'. When Bal Gangadhar Tilak was sentenced by a jury in a charge of forgery, he maintained, outside the Court-and that is the plaque which is still outside the High Court of Bombay—in spite of the verdict of the judiciary, he maintained that 'I am innocent'. And he was innocent! ...*(Interruptions)*... It is ultimately a matter for the Prime Minister to decide, and I thought, Sir, that this issue was decided by this House when the question of my resignation came in. The Prime Minister came to this House and made a



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Ministers, is something that has been reiterated by Sushmaji, something about the chargesheet that Sushmaji was at pains to elaborate before the House. The issues that were raised by the other side were by eminent lawyers like Shri Kapil Sibal. Sir, I would not like to waste the time of the House by going into the legal issues and the status of the chargesheet because the time available to me is extremely limited. I would only like to reiterate one sentiment, as Pranab Da said, the sentiments of the common people. . The entire country actually holds both the Prime Minister and Mr. Advani in high esteem. During the Hawala issue, when Mr. Advani resigned and said that he would not contest election, the entire country looked up to him with respect because we respect people who take a principled stand on Important issues. Therefore, i would say that this is a matter that is really up to the conscience of Mr. Advani, up to the conscience of the ruling party, if it has any, on whether he is going to resign or not. We know that the Members are against us; we know that the vote has gone against us In the Lok Sabha. As Opposition, it is our duty to point out these facts before the people and the nation, as we see it, and it is up to those against whom the chargesheet has been filed, to decide whether they follow the dictates of their conscience or whether they follow the compulsions of narrow electoral agenda. Therefore, my endeavour, Mr. Vice-Chairman, Sir, Is to concentrate on an issue, which has disturbed me far more greatly because Ministers may come and Ministers may go, Ministers resign and Ministers stay. Even this Government has seen many Ministers come and go. Governments have fallen and elections have been won and lost on this and many other Issues. But the statement made by the Prime Minister, the last part of the statement made by the Prime Minister Is something that has filled me and the people of this country, right-thinking people of this country, with tremendous dismay. Mr. Vice-Chairman, Sir, I can understand, when the Opposition raised the issue of the resignation of the chargesheeted ministers, the Prime Minister felt compelled to defend them. It is his job to defend them. (*Interruptions*) I will sit down," You can speak If you want. When did you become the Prime Minister? *interruptions*)

SHRI C. P, THIRUNAVUKKARASU: Persons who were chargesheeted should not have an alliance, but you are having an alliance.

SHRIMATI JAYANTHI NATARAJAN: Mr. Vice-Chairman, Sir, I Seek your protection.

THE VICE-CHAIRMAN (SHRI SANTOSH BAGRODIA): You are fully protected, go ahead.

statement, "This is my prerogative to decide whose company I shall keep"—and this House clapped-and said, "Yes." And I ceased to be a Minister! I had already ceased to be a Minister. You accepted the prerogative of the Prime Minister. At that time, the Prime Minister was exercising his prerogative to part company which he did not like. But, Sir, the power to divorce includes the power to embrace! When he has decided that he wants these three Ministers, that he shall have nothing to do with their resignation, he believes in their innocence!

Sir, one last word. Somebody has said, "Why should the Prime Minister make a public statement?" According to me, the Prime Minister owes it to the people of India to make a statement. If the Opposition shouts and shouts that he has kept tainted Ministers in his Cabinet, does he not owe a duty to the people of India to tell them that 'I am not such a wicked Prime Minister that I keep tainted Ministers?'<sup>1</sup> Does he not owe an explanation to the people who have made him the Prime Minister of this country? He must tell them, "I believe in the innocence of my Ministers and I know that no court is, ultimately, going to convict them". I would not express an opinion on the facts of a case which is *sub judice*. This *sub judice* doctrine is a little... *interruptions*... Sir, one more sentence and I finish. This *sub judice* doctrine that you should not make comments upon a pending case has now been completely revolutionised. The European Court of Human Rights has reversed the law of the British House of Lords. Now, the law is that even if a matter is *sub judice*, you can make comments upon it, if it is a matter of great public importance. And, surely, whether a Prime Minister should continue to have three Ministers in his Cabinet is a matter, in a democracy, of the greatest importance and, particularly, a Prime Minister who did not make this statement until he was provoked by the Opposition, by an angry Opposition, where the anger was wholly unjustified. Thank you.

### MESSAGE FROM THE LOK SABHA

The National Bank for Agriculture and Rural Development  
(Amendment) Bill, 2000.

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha: