**RESEARCH PAPER ON**

**AYODHYA VERDICT**

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**AYODHYA VERDICT[[1]](#footnote-1)**

**ABSTRACT:**

This Research Paper focuses on the dispute arise between Hindus and Muslims regarded the land in Ayodhya which was the hot topic and needs the urgent resolution because it is a very sensitive matter in regard with the religions and that too between Hindus and Muslim. The judgement was very calm in context with both the religions but if this was not according to what happened then there were high chances of riots in the Country between the religions and which directly affects the Political parties and their support system.

At that time the assertion and counter-arguments were around the original possession of the site and are entrenched in the Supreme Court’s judgement, the governing that where the Babri Mosque stood until 1992, now Hindus may build the temple there, which was clear to meets the objective expressed in the BJP’s Election Manifesto before the elections. The Supreme Court’s judgement, however, was beyond dispute, if we see with the view of justice and eyes of judges, governed as it is by the Indian Constitution.

In analysing the solution of the biggest and largest dispute at Ayodhya regarding the site in the state of Uttar Pradesh, in which Hindu claim that a Ram Temple had been there on the site before the Mughal building of the Babri Masjid Mosque in the sixteenth century, any examination related to the matter is governed by the right of the Indian Supreme Court to create and dictate a finding supported by the authority under Article 142 of the Indian Constitution.

Later in the paper every aspect related to the case with analysis will be discussed.

**KEY WORDS**

* Entrenched – firmly established or ingrained
* Demolish – to destroy or pull down
* Circumambulation – to walk around
* Agitation – anxiety or nervous excitement.
* Revered – to admire or feel deep and respectful.

**INTRODUCTION:**

 In the city of Uttar Pradesh in North India the place Ayodhya is located. In the many early ages old Vedas it was mentioned by travellers to the country from ancient times that it is a historical city. Ayodhya is known as the birth place of Sri Ram; hence many millions of people believe it as a place of historical and religious significance. It has been extensively recorded throughout the history of Islam and whatever Islamic invaders went they attempted to convert and suppress the local religion and population. Many temples were ruined and transformed into mosques.

It is also known as a political and religious dispute because many politicians were involved and with that it was the dispute between Hindus and Muslims that’s why religious dispute.

**HISTORICAL BACKGROUND**

Hindu people’s sayings were different so as the Muslims, apart from this the story being was like that, in 1528 the commander of Babar, Mir Baqi built Babri Masjid. One of the largest Mosques in Uttar Pradesh was the Babri Mosque, in the State of India which is considerable Muslim Population. The belief of local people of that place was that the Masjid is built after demolishing Ram Mandir over there and because of this the first riots happened between Hindus and Muslims between 1853 to 1859.

To stop these riots, British Government comes around and said that, we will divide this area into two parts, the inside part of the area will be used by Muslims and the outside portion will be used by Hindus after saying all this they put fence around the areas.

The first Mughal emperor of India and the founder of the Mughal Empire was Babur. It is believed that one of his generals, Mir Baqi built the Babri Masjid in 1528 on his orders. This came into existence or in the notice of the people since 1813-14 when the East India Company surveyor Francis Buchanan has mentioned in a report that he has founded and inscription on the mosque which attested to this fact. He also recorded the local tradition, which believed that Emperor Aurangzeb built the most after demolishing a temple dedicated to Rama.

There was no text which mentioned the presence of a Mosque at the site between 1528 and 1668. Jai Singh II, a Rajput Nobel in the Mughal court brings historical record of a Mosque, because he has purchased the land of the Mosque and the surrounding area in 1717. The documents owed by him show the three-domed structure resembling the Mosque, which was however labelled the ‘birthplace’. Hindu devotees are circumambulation and worshipping in the Courtyard. All the details have been corroborated by Jesuit Joseph Tieffenthaler half a century later.

First time when the matter approaches the Court is in 1885. When demands for building the roof on the outer side for Puja and Worship was put forward by Mahant Raghubir Das.

**CASE BACKGROUND**

AFTER INDEPENDENCE:

The first very important date is 23 December, 1949, when on the main area of Masjid Lord Ram’s statue was placed. So now Hindus started worshiping on that part of the land also, which again make the situation more tensed. But for controlling this situation Government of India closes that whole area, put complete ban over there. Now neither Hindus nor Muslims can enter, so for removal of this ban many civil suits have been field in the Court.

* Like in 1950- A case was filed for right to worship for Hindus by Mahant Ram Chandra Das.
* In 1959- Nirmohi Akhara files a case saying the possession of that area should be handed to them.
* And after two years of this, in 1961 one more case was filed by Sunni Waqf Board saying that the ownership of that place (Babri Masjid) should be given to them. These all discussion was taking place outside the Court.

**DIFFERENT RELIGIOUS GROUPS WERE ALSO THERE AND PREPARING**

* Vishwa Hindu Parishad formed a committee for building a Ram Mandir.
* With that the results were also coming out of the removal of Government ban from the entry. One such result came in 1986, when Faizabad Court allows Hindus to worship on that place but there was a rise in anger due to the decision so Muslim formed a committee for them- Babri Masjid Action Committee.
* After that again in 1989 another case was filed name “Ram Lalla Virajman” in same way they also wanted the possession of that land.

Day by day the manner of situation in creating more and more tension in the environment

A Rath Yatra from Somnath of Gujarat to Uttar Pradesh was started by Minister Lal Krishna Advani in 1990. The result of this act was very dramatic, situation got more tensed, riots begin all over and Mr. Advani got arrested in Bihar, but he was the senior leader of BJP so opposing the arrest of Advani, BJP took back their support from the VP Singh Government.

After that in 1991, looking at the tensed situation and to stop the riots, like the British Government, Kalyan Singh Government of Uttar Pradesh comes around means into the picture and takes that land under their control.

Next most relevant date was 6th December, 1992: when Kar Sevak in number of thousands moved to Ayodhya and demolished Babri Masjid.

**WHY IT ALL STARTED?**

To invade India in 1525 The Mughal Emperor Babur came from Kabul, Ibrahim Lodi was defeated in the battle of Panipat and with that the Rajput King of Chittorgarh, Rana Sangram Singh was also defeated by Babur. One of his generals, Mir Baqi Khan visited Ayodhya in 1528 and in fact after destroying a pre-existing temple of Rama at the site, built the “ Janmsthan” that is the “birthplace” Mosque. The General Mir Baqi Khan names it the “Babri Mosque”. It was situated in North India with around the population of 31 million Muslims.

**FACTS OF THE CASE**

BEGINNING OF THE CASE

Religious violence in Ayodhya was the first recorded incident to be occurred in 1850s around a nearby mosque of Hanuman Garhi. Hindus in the process attacked The Babri Mosque. From that time only, occasional demands were made by the local Hindu groups that they should also have the possession of the site and with that they should also be allowed to build a temple on site, all of which were denied by the colonial government. A Mahasabha called Akhil Bhartiya Ramayan Mahasabha (ABRM) by Hindus in 1946 started an agitation for the possession of the site in 1949, and a nine-day continuous recitation of Ramcharitmanas was organised in jointly with Sant Digvijay Nath of Gorakhnath Math and the ABRM , the Hindu activists broke into the mosque and placed idols of Rama Sita inside at the end of this recitation. People were forced to trust that the idols had wonderfully appeared inside the mosque. 22nd December 1949 was the date of the event.

THIS CASE HISTORY IS NEARLY 500 YEARS OLD WHICH STARTS FROM 1528.

* Lord Ram was born in Ayodhya and he was one of the most revered Gods in Hinduism and later on he ruled over his kingdom from here only. A temple is said to be built in the early medieval ages to commemorate his birth place also known as janmbhoomi.
* 1528- Mosque was built known as Babri Masjid, purportedly at the same site by destroying the janmbhoomi temple, by Mir Baqi- a general of Babur. This exists till 1992.
* 1880-85, first recorded incident of violence in Ayodhya. In Faizabad District Court a plea was filed by Mahant Raghubir Das seeking for permission to build a canopy outside the disputed structure.
* December 1948: idols of Rama, Sita were placed inside the temple by unknown persons.
* 1950: Gopal Singh Visharad files suit in court for right to worship the idols; Parmahansa Ramchandra Das files suit seeking to continue worship.
* 1959: Nirmohi Akhara files suit in regard to the possession of the site and seek direction to hand over the charge of the disputed site.
* 1961: A suit for possession and removal of idols from the mosque was filed by UP Sunni Central Waqf Board.
* 1986: Local Court allows opening of gates and allow Hindus to offer prayers and worship
* August 1989 the titled suits were shifted to Allahabad High Court. Court order status quo.
* September 1990 BJP’s LK Advani begins Rath Yatra from Somnath in Gujarat to gather support for Ram temple at the disputed site.
* December 6, 1992: Babri Masjid structure was demolished by kar sevaks.
* In 1993 Narshima Rao led Government acquired over 67 acres of land including disputed sites and adjoining area.
* September 30, 2010: Allahabad High Court ordered a three- way decision of disputed area between Ram Lalla, Nirmohi Akhara and Sunni Central Waqf Board.
* January 2019: CJI Gogoi sets up a five-judge bench to hear the case.

**LEGAL ISSUES**

Whether three judges who were hearing this matter should continue to hear this matter or should be referred to the larger bench?

As per the request made by senior Advocate Rajeev Dhawan to refer the case to the larger bench than earlier or either a five- judge bench which was accepted. To be able to decide the case and issues there is a need of larger bench.

Supreme Court used its power of the Constitution’s Article 142 – whichever mistakes has been made, it corrects that and gives a final decision and said that the land of Babri Masjid means 2.77 acre of land will go to Ram Lalla Virajman and from Central Government or State Government Sunni Waqf Board will be given 5acres of land. Both the parties will get their allotted land on the same day only.

**CONTENTIONS**

Hindus

* Lord Ram born under central dome of Babri, so Ram Janmabhoomi (birthplace) place of religious significance.
* Babur demolished temple to build Mosque.

Muslims

* Exclusive title over land was there and Hindus given only prescriptive rights to pray at Ram chabutra (courtyard).
* Sought for restoration of demolition property in 1993.
* No direct evidence to show place of birth of Ram.
* Hindus secretly placed idols in 1949.

**COURT JUDGEMENT**

It was the unanimous decision of 5 Judges which was a good thing and claim by Nirmohi Akhara and Shia Waqf Board was dismissed. 5 judge bench consists of CJI Ranjan Gogoi, Justice S A Bobde, Justice DY Chandrachud, Justice Ashok Bhushan and Justice Abdul Nazeer.

In 2011 none of the parties to the dispute were satisfied by the verdict and all of them appealed in the Supreme Court.

In 2019 September, Basically the hearing of Ayodhya case took place for 40 days continuously in 2019 September and concluded on October 16, 2019 in the Supreme Court.

Court paved way for construction of a Ram Temple at Ayodhya with that Supreme Court also ordered allocation of 5 acres of alternate land at a prominent location in Ayodhya. For the Muslims they can use for the construction of a Mosque[[2]](#footnote-2).

**OBSERVATION OF COURT**

* ASI excavation proves that Babri Masjid not constructed on vacant land.
* There was for sure a structure underlying the disputed structure.
* The underlying structure was not Islamic. The characteristic of Islam was not found in that structure.
* Hindus had been offering prayers just outside the structure and was using that as their religious place for a long time.
* Hindus since earlier time has always believed that the inner courtyard of Mosque was the birthplace of Lord Ram.
* Muslims offered prayers inside the courtyard which was also clearly evident and in same manner Hindus offered prayers in outer courtyard.

**IMPORTANT POINTS**

The title or possession of the land will be given to deity Ram Lalla which means God was made the owner of the land and if talk about our Indian Constitution then it is not a wrong thing instead a right thing that God can be made owner of the land. Because God is not here then why they made a custodian called the trust, so it was said to the Government that the custodian of Ram Lalla land will be protected and taken care on behalf of Ram Lalla by the trust which is the duty of Government to appoint within three months so that the as soon as possible the establishment of temple can be taken place.

Claims by the Nirmohi Akhara were clearly dismissed because they were saying that they had the possession of land which was dismissed by the Court. But the good thing is that one member from Nirmohi Akhara can be the member of the trust to take care of the Ram Lalla’s land.

It was decided that it is the duty of the Government to provide the 5 acre of land to the Muslims so that they can built the Masjid, the whole area is of 67 acre. Out of which 5acre will be given by Central Government to the Shia Waqf Board.

Supreme Court said that the Judgement of Allahabad Court was wrong, after this Supreme Court said that, majority of this case is based on historical facts and figures and by calculating on the possibility of chances of something happening, so it is clear that from 1857 Hindus were worshipping in the outer place of that area by which their control being establishes

Court also said that the stay on the Muslim for doing Namaz over there was from 23rd December 1949, means from that date when Murti was placed in the Masjid by which their 400 year old Masjid Muslims right to worship got deprived.

**ANALYSIS**

The Supreme Court after all has finally given its judgement on the Ayodhya issue after ages. The dispute related to Babri Masjid and Ram Mandir had been going for ages. In 2010 the High Court announced its verdict by saying that the land should be divided into three parts, but no one agreed. This case then went to Supreme Court which has given its judgement almost 10 years later that both the Mandir and Masjid will be constructed. The disputed area of 2.77 acres. The Supreme Court said a Mandir should be constructed there then they have handed over this land to the Central Government. A trust can be appointed by The Central Government which will then look into the construction related to the Mandir. With that Supreme Court has also said that the Sunni Waqf Board should be provided a 5 acre land somewhere by the Central Government for the Masjid through which they can construct a Masjid there. It is because they wanted that both should equally be satisfied and allow them to construct both a Mandir and a Masjid in a fair manner.

It was then decided that at the disputed site Mandir is to be constructed site and the Masjid can be made elsewhere. Hence the Masjid will then be allotted with a bigger space. The Supreme Court has also said that the demolition of Babri Masjid in 1992 was the serious violation of the law, but the Supreme Court has not pronounced any judgement opposing them and on account, this judgement was of the civil dispute and not that of a criminal case. It is very probable that separate criminal proceedings will be followed against them.

WAS THE VERDICT BY SUPREME COURT WAS RIGHT OR WRONG?

In my opinion this was an ideal verdict means in a case where decision making is extremely difficult. If we think from the perspective of the judge of the Supreme Court then the decision making in this case was next to impossible because in normal Court cases we have to mainly focus and think what is right or what is wrong legally. But in this case, what we have to keep in mind is the beliefs of people belonging to different religion, with that we have to also keep in mind what is right factually and historically because the Supreme Court has written in its judgement that historically, there was indeed an un-Islamic structure beneath the Babri Masjid but it was actually a Mandir could not be proved. We also have to keep in mind the impact of your decision upon the people.

What I think is more important than these factually, morally, ethically, historically, are the consequences of what our decision will be. It might be so that we take a factually correct decision here but if our decision leads to riots in the Country, then would it actually be a right decision? Basically we have to find that correct decision which would maintain peace in the Country, that boosts communal harmony among the people of the Country and fosters unity and at the same time it should also be legally and factually right.

So we can clearly see that how difficult it is to keep things balance here. Therefore I have a lot of respect for the judges of the Supreme Court who took such a huge decision in such a calculated manage and Law also.

But some people would surely allege that this was a majoritarian decision. This basically tries to imposes the views upon the minority, that of the majority. But what I believe is not this; my belief is that the majority of the population was not even interested in the issue. Maximum number of the people in our Country is uninterested with the fact that whether a Mandir or Masjid is constructed. They are more affected by the fact whether they are getting job or not, is the air is clean, proper roads are constructed and etc, they are not aware of any of the facts related to the case but what they want was their religion to win and nothing else.

No matter what the media shows to us but the people are more affected by actual and real issues. Basically the majority of the population at that time was indeed affected by the side effects of the Ayodhya Verdict. It may not matter whether a Mandir or a Masjid is constructed but if the verdict was pronounced in the Ayodhya issue that would lead to riots in the Country, then majority of people start to get affected and that should indeed be so it should then indeed have effect on them, hence to take decision that takes it consequences into account which would be the most peaceful decision and with that it should also secures India’s unity and secularism for its future, that was the utmost importance here.

This comes to be a good news for our country that most of the people have peacefully accepted this decision irrespective of whether they were Hindus or Muslims and I believe this decision is lesson for our young generation, which shows us how much money, how much time and how much energy was wasted collectively by our Country regarding this one single issue.

Sometimes, it is so seemed that this Ram Mandir issue was the most important issue in our Country. Lacs and crores of hours were wasted by our TV channels on discussion on this issue and conducting debates on this issue daily. In real so much time of the people was not wasted. The Supreme Court conducted its hearing for 40 days. This was the second longest hearing the history of the Supreme Court. It is a 1000 pages judgement. This issue can endlessly be continues for more ages by filing review petition or criticising the judgement but it is up to us to end it right here. The people should say that ‘it is enough’ after this judgement.

History have always witness that, in any Court case both the parties never been satisfied with Courts decision while coming out that’s why Atal Bihari Vajpayee, Justice Kehar, Supreme Court Bench and all other people wanted that this dispute should be solved by mediation or mutual understanding but because of all other try’s were not successful that’s why Supreme Court has to interfere in this case.

**CONCLUSION**

Ayodhya issue cannot be confined to geographical limits of Ayodhya. This issue has cast a shadow and has had consequences on the National life of India as a whole. Among the Muslim community on 6 December 1992- the day is regarded as “The Black Day”, which further deteriorated the relationship between Hindus and Muslims in India, the day which drive to communal attacks and creates pressure across India. The main reason why this point was started is to economically exploit the mental state of common man for electoral support the gain of votes selected fragments for history, somehow connected with certain events and put forth a new issue “Demolition of Babri Masjid” was a very smart move made by the Political Parties. But if we talk about the particular verdict given by the Court it was fully satisfied as if the judge gives decision in favour of one party then there are chances of riots because this was a very sensitive matter between Hindus and Muslim and consequences can be dangerous so Court while giving the judgement have kept in mind this thing which was the reason we should respect judges, courts and laws as they are the one through which we can seek and attain justice in fair and reasonable manner.

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1. M. Ismail Faruqui (Dr) v. Union of India 1994 6 SCC 360 [↑](#footnote-ref-1)
2. Gist of Judgment: Justice Sudhir Agarwal, http:// ibnlive.in.com/news/gist-of-judgment-justice-sudhir-agarwal/132064-3.html [↑](#footnote-ref-2)