



ISSN 2582 - 211X

LEX RESEARCH HUB JOURNAL

On Law & Multidisciplinary Issues

Email - journal@lexresearchhub.com

VOLUME I, ISSUE III
JUNE, 2020

<https://journal.lexresearchhub.com>

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Publications**

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OVERVIEW OF THE AYODHYA VERDICT

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ABSTRACT

India is the embodiment of religious diversity. It is a well-known fact that India is recognised as a secular state, but however it strictly does not follow the separation between religion and state, deciding to obtrude in the realm of religion by treating religions equally.

A controversial and contumelious issue of the Ayodhya Dispute which is ironically one of the longest open cases in the history of the Judiciary of India that drew the attention of many religious groups as well as various political parties and numerous community groups, where not only people, even the Gods battled over the disputed land to claim their rightful ownership. This landmark case came to an end after 134 years of long struggle.

During these 134 years, it not only caused a rift between the religious groups of the country but also became one of the main reasons for the differences between Hindus and Muslims.

This article contains a brief history about the origin of the Ayodhya dispute. Furthermore, it discusses the brief facts and judgement pronounced by the honourable Supreme Court of India on 9th November 2019. This article contains a chronological order of all the developments around the country pertaining to the Ayodhya dispute so as to a secure clear thought of actions practiced by the Honourable Supreme Court for the minds of individuals who seek information and some light on one of the most sensitive issues of all times dealt by the Supreme Court in its undeterred judgement.

INTRODUCTION

The Ayodhya dispute which was filed almost 134 years ago, is one of the longest cases in the history of Indian judiciary. The primary dispute was for the 1500 square yard plot of land which is located in Faizabad in the state of Uttar Pradesh in north India in which the Muslims demanded for the construction of Babri masjid, while the Hindus demanded for the construction of Ram Mandir which dates back to 1853.

According to the Hindu mythologies, the disputed land is considered as the birthplace of the ruler Rama. The Hindu community requested for the development of Ram mandir as it is meant as the origination of Lord Rama. They additionally challenged that the specific area of ruler Ram's origin

is the place where Babri masjid was built by the Mughals in the late 1500's albeit which a few Muslim groups contradicted it, as it was not clarified and no hard evidence was found with respect to the birth of Lord Rama on that specific piece of disputed land.

The things changed when the Mughals came during the thirteenth century in light of which the Islamic Dynasty expanded. The principle dispute emerged between the Hindus and Muslims, the first and the preminent reason was that the Hindus guaranteed that the place belonged to Lord Rama and they contradicted that no Masjid ought to be developed though Muslims said that Masjid ought to be there and nobody has the option to prevent them from performing their rights and rituals.

The Ayodhya dispute or the Babri Masjid dispute created a lot of differences between the Hindu and the Muslim community creating outrage affecting the peace of the country.

THE CHRONOLOGICAL HISTORY OF THE AGE OLD AYODHYA DISPUTE.

The Ayodhya dispute not only marks the dispute for the land but also of the communal distress that loomed large on the foundation of the secular concept of the Constitution, which took almost 134 years to get resolved. Certain important event took place during this period which created an unforgettable series of events including numerous riots between Hindu and Muslim community. The first recorded legal history in Ayodhya dispute dates back to 1858. An FIR was filed on November 30, 1858, by one Mohd Salim against a group of Nihang Sikhs who had installed their nishan and written “Ram” inside the Babri mosque. This became the first documentary evidence that Hindus were present not only in the outer courtyard but also inside the inner courtyard. This act not only incited the argument regarding the birth place of lord Rama but confronted construction of masjid on the pretext of the land belonging to the Hindus. On this basis of the argument the Hindu kar sevaks demolished the Babri mosque on December 6, 1992, in Ayodhya, further inciting and bringing about a major communal imbalance primarily between Hindu and Muslim community in India.

Listing of the Landmark Dates in History of Ayodhya Dispute-:

The following events led to the rise of the unforgettable Ayodhya Dispute involving Mughals, Britishers, Communities thus it can be clearly said that the event significantly dates from Post to Pre-Independence period and thereby a truly acclaimed as the most Sensitive Landmark case in the History of Indian Judiciary.

1524: In this year marked the invasion of Mughal emperor Babur in India on the invitation given by Daulat Khan Lodi and through him he turned into the first Mughal sovereign of India and brought forth Mughal Dynasty.

1528: As per the sources, the development of Babri mosque isn't characterized and it is evaluated from the engravings made in the premises of Babri masjid which expresses that the Mughal Commander Mir Baqi fabricated the mosque in 935 AH (1528-29).

1853: During this year the first communal violence occurred over the Ayodhya issue under the rule of Nawab Wajid Ali Shah of Awadh. For the first time the Hindu community members asserted that the mosque was built after the demolition of the Hindu temple.

1859: At this point, it prompted increasing communal violence. Both the gatherings the Hindus and Muslims began praying at the site. To limit the mutual viciousness, the Britishers constructed a fence which isolated the compound in two sections. The internal court was utilized by the Muslims and the external court was utilized by the Hindus.

1885: Mahant Raghbir Das filed a petition in Faizabad district court for the first time pleaded to build a canopy of ram 'chabootra' on the site of lord ram's birth place which however the plea got rejected by the court. This was for the first time when the judiciary was involved in the following case.

1949: The Hindu activist for the first time placed the idol of lord Rama inside the temple which led to significant controversy. There was a dissent done by the Muslims against this demonstration. Both the networks recorded a civil suit against each other. After the huge dissent the legislature pronounced the zone as Disputed.

1950: Gopal Visharad and Ramachandra Das moved Faizabad court for permission to worship the idols in the premises however the court held back the decision.

1959: Nirmohi Akhara came into frame and filed a plea seeking possession of the disputed land. Whereas in 1962 the Sunni Waqf Board asked for the possession of the Mosque.

1986: During this year it was instructed by the district court to open the gates of the temple for ‘darshan’, which was later protested by the Muslim to form Babri masjid action committee. Ultimately the gates which were opened had to get closed within one hour.

1989: A while later Deoki Nandan Agarwal who was the VP of VHP (Vishwa Hindu Parishad) documented a suit in the Allahabad high court for the ownership of the land and on that year the debate got talked about in the Lucknow bench of Allahabad high court. Later in 1990 a portion of the dissident of VHP attempted to harm the mosque.

1992: During this year the uproars began and several committees were framing up. On December 6 in excess of 2000 lives were lost. Following scarcely any days a liberhan commission was arrangement to explore the destruction of disputed structure.

1993: An act was passed by the acquisition of land by the centre in the disputed area ‘Acquisition of Certain Area at Ayodhya act’. Different writ petitions were recorded and one of them was spoken to by Ismail Faruqi testing different parts of the Act. In 1994 the Supreme Court said that on account of Ismail Faruqi that the mosque isn't a fundamental piece of Islam.

2002: the Archaeological Survey of India (ASI) were instructed by the Allahabad high court to find out where there are any traces of a Hindu temple beneath the mosque structure. In the same year the court also started tracing out the real owner of the disputed land.

2003: The Archaeological Survey of India (ASI) discovered evidence identifying the presence of a temple underneath the mosque. The ancient rarities and Sculptures had a place with that time and it was unmistakably expressed that it existed before the development of the mosque. The report of ASI was tested by the All India Muslim personal law board.

2009: A report was submitted by Liberhan Commission, in which the Chief Minister of Uttar Pradesh Mr. Kalyan Singh was harshly criticised because of his act of appointing those police officers and bureaucrats who remained silent during the demolition of the mosque in Ayodhya.

2010: Later, the order was reserved by the Lucknow bench of Allahabad high court, suggesting the parties to resolve the issues through discussion but least interest was shown. Later the High

Court gave a historic judgment with respect to the Ayodhya case and it separated the disputed land into three divisions – Ram Lalla. The second went to Islamic Waqf Board and the third to Nirmohi Akhara. Anyway neither the Hindu Mahasabha nor the Sunni Waqf Board were satisfied with the decision of the Allahabad High Court and subsequently they chose to challenge it under the steady gaze of the Supreme Court.

2011: Allahabad High Court judgement was backed by the Supreme Court and said, to keep the things the way they presently are.

2015: After this judgement the Communal tension increased because some of the supporters of VHP who protested by throwing stones to stop the construction of ram mandir and to reduce this the action was taken by the chief minister of up Akhilesh Yadav who took the necessary steps to decrease it.

2017: As the case turned out to be so Controversial the Supreme Court expressed that the Babri masjid case currently is a sensitive issue and spoke to all the stakeholders to locate an appropriate solution for the case. It comprised a three-judge seat hearing the requests which likewise challenged the 2010 decision of Allahabad high court. The last hearings of the Ayodhya case began before the Chief Justice of India (presently retired) Mr Dipak Mishra, Justice Ashok Bhushan and S. Abdul Nazeer.

2018: The Supreme Court said that the Ayodhya dispute case will be indexed before an appropriate bench in January 2019.

2019: This year marked the end of the long-run of the disputed Ayodhya Case. A five judge constitution bench was setup by the Supreme Court to hear about the land dispute. The bench heard both the sides as well as tried to resolve the matter through third party mediation, but however it failed several times but afterwards final judgement came giving the disputed land to Hindus to build the temple and giving another land of area 5 acres to Muslims to build the mosque.

THE FINAL VERDICT OF THE HONOURABLE SUPREME COURT OF INDIA

It is easy but difficult to pessimistically excuse the magnificent thousand-page consistent judgment of the Supreme Court on the Ram Mandir - Babri Masjid case by saying that the Supreme Court must be correct in light of the fact that it is conclusive. However, any discerning analysis of this Judgment must re-establish one's trust in the academic quality and refinement according to history and prehistoric studies, duty to constitutional values, sensitivity to issues of faith and conviction among religious communities in India or even more an adherence to the standard of law and evidence as showed by the Court in settling one of the most vexed issues of enormous public significance that has posed a potential threat for over a 150 years in India.

The Allahabad High Court subsumed these different suits unto itself and passed an order of Status Quo on 14th August, 1989 till the issue was finally decided. The order of Status Quo as usual request was violated by an enormous group bringing about the destruction of the Mosque. Rival Claims by the two communities were made, every one asserting selective right of worship and ownership of this disputed site. The Muslims initially said that the structure was a Mosque built during Emperor Babur's rule over an empty land, while the Hindus attested that Lord Ram's Temple pre-existed the Mosque and was defiled to clear a path for that place of worship. An abundance of evidence was illustrated by both the communities in the nature of archaeological overview reports, history books and travel logs, annals of government authorities kept up during sovereign regimes like the Mughals and the British, documents of grants by sovereign authorities and accounts of usage and custom prevalent centuries ago.

In a Nutshell, the Court found the following to be established on a preponderance of probability, which is a salutary rule of evidence applicable to civil proceedings, to be specific: i) that the Mosque was not based on empty land

ii) that the Mosque was built on a fundamental structure of non-Islamic origin

iii) no evidence was provided by Muslims to show that they were in exclusive ownership of the internal structure prior to 1857

- iv) there was adequate evidence to show that Hindus worshipped at the inward structure before 1857
- v) clear proof that Hindus uninterruptedly had consistently worshipped in the external portion
- vi) the destruction of Mosque was illicit being infringing upon Status Quo order
- vii) faith and belief of the Hindus that the site was the origination of Lord Ram was authentic and this finding was supported by evidence.

In coming to conclusion, the Court has interestingly invoked standards of law, both mundane and esoteric, and has woven together an intriguing texture of history, sentiment, faith, archaic exploration and proof which envelopes and settles the entire controversy and dispute between the two largest religious communities.

The Court in order to reach the conclusion and resolve the much outstanding dispute considered certain facts that eventually declared the right of possession of the Disputed land by the Hindu Community.

The Foremost fact being that the mosque was constructed well over 450 years ago, besides that there was sufficient proof that Muslims worshipped there from 1857 till 1949, when they were illegally ousted “through an act which was calculated to deprive them of their place of worship”; But the fact being as taken up in the Honourable Supreme Court because “they have offered no evidence to indicate that they were in exclusive possession of the inner structure prior to 1857 since the date of the construction in the sixteenth century... on a balance of probabilities, the evidence in respect of the possessory claim of the Hindus to the composite whole of the disputed property stands on a better footing than the evidence adduced by the Muslims.” Such lack of evidence proved a backhand for the Muslim Community in attaining possession of the land.¹

What the court leaves unaddressed is the reason the mosque served between 1528, when it was built, and 1857. On the off chance that a dispute emerged in 1856 between nearby Hindus and Muslims over the way in which the inward and external yards were being utilized, it makes sense it being on the grounds that Muslims and Hindus had both been praying there previously.

¹ <https://www.indiatoday.in/india/story/ayodhya-verdict-retired-sc-judge-slams-final-verdict-1617561-2019-11-10>

In any event, when the court categorically asserts, “The Muslims have been wrongly deprived of a mosque which had been constructed well over 450 years ago,” it accepts that it was a mosque throughout its lifetime and thus, by definition, would have belonged to Ayodhya’s Muslim residents.

However, in light of the fact that the Muslim plaintiffs were able to provide no evidence to prove their rightful possession or even that namaz was offered for over 300 years, the court handed the site over to the Hindu plaintiffs.

Incidentally, nowhere have the Hindu plaintiffs, other than the Nirmohi Akhara which the court ousted, been asked to demonstrate exclusive possession of the site. However, the Supreme Court dismissed the plea of Nirmohi Akhara, which was seeking control of the entire disputed land, saying they are the custodian of the land. The court has asked Centre to consider granting some kind of representation to Nirmohi Akhara in setting up of trust. Nirmohi Akhara was the third party in the Ayodhya dispute.

The verdict of the court was in favor of the construction of the Ram temple as the Muslim community failed to prove that particular place was not the birth place of Lord Ram and there was no temple before the construction of the Masjid. Certain artefacts were found in the year 1992, which was basically statue of deities which belonged to the era before Masjid was constructed, the archaeologists were called from outside the country to discover which year or time those artefacts existed and was it before the construction of the Babri Masjid. From the archaeological examination it was found out that those artefacts existed before the construction of Babri Masjid. The judgment was fair enough to order that the temple should be constructed and the Muslim are given certain acre of land for the construction of Masjid, which ensures that no one is hampering their right to practice and follow their religion.

The Supreme Court has granted the entire 2.77 acre of disputed land in Ayodhya to deity Ram Lalla and at the same time it had directed the Centre and Uttar Pradesh government to allot an alternative 5-acre land to the Muslims at a prominent place to build a mosque. While reading out its judgment, The Bench, headed by Chief Justice of India Ranjan Gogoi and comprising of Justice S.A Bobde, D.Y Chandrachud, Ashok Bhushan and S. Abdul Nazeer said the Hindu litigants were able to establish their case that they were in possession of the outer courtyard. It added that the

Muslim side was unable to prove their exclusive possession of the inner courtyard of the disputed land.

The judgement is based on evidence, facts and findings of the Archaeological Survey of India (ASI). The Hindu petitioners had established their case that they were in possession of outer courtyard at the site and the Sunni Waqf Board had failed to establish its case, the judges stated in their landmark judgement.

"Justice would not prevail if the Court were to overlook the entitlement of the Muslims who have been deprived of the structure of the mosque through means which should not have been employed in a secular nation committed to the rule of law. The Constitution postulates the equality of all faiths," the 1045-page judgment read.

CONCLUSION

The judgment rises above the dispute that it set out to resolve and by pegging its reasons and conclusions on time-honoured and helpful principles of law, which portrays an uncommon savvy that religious communities partitioned by faith can discover common grounds to live together in harmony. The consistent declaration is just this, that ultimate religion for co-existence in a pluralistic culture like our own is the Rule of Law. The verdict of the Honourable Supreme Court for the time being seems to have satisfied the demands of both religious groups, but at the same time it sparked scepticism among several Muslim Leaders as well as few retired judges of repute, with regards to the judgement pronounced by the court. Post the Ayodhya Verdict, Retired Supreme Court Judge AK Ganguly expressed his discontent with the apex court's decision of giving the land to the Centre for the construction of Ram temple and said that the minorities have been "wronged". "I am perplexed and disturbed. The Constitution gives the right to everyone and justice has to be given to everyone but in this case the justice has not been done to minorities," Retd. Justice AK Ganguly said.²

² <https://www.indiatoday.in/india/story/ayodhya-verdict-retired-sc-judge-slams-final-verdict-1617561-2019-11-10>

In that scenario the question is that who has been wronged. It is the minorities that have been wronged," AK Ganguly added.³

Muslim Waqf Board, one of the respondents in the Ayodhya title suit, has called the verdict "unjust". "We think it is unjust... We can't consider this justice. We are not criticising all parts of judgement," said Zafaryab Jilani, the lawyer for the Muslim group.

In the End of it all, the only question which still lingers in the innocent minds is that till when will the peace due to this verdict last and how long before another peace threatening issue pertaining the Ayodhya verdict arises again.

³ <https://www.indiatoday.in/india/story/ayodhya-verdict-retired-sc-judge-slams-final-verdict-1617561-2019-11-10>